July 15, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallante and the Copyright Office Staff:

Thank you for the opportunity to comment on this issue. I am a freelance artist and I make 100% of my income form the creation of illustrations, fine art, graphic design and photography. This issue is extremely important to me, for obvious reasons. I will keep this as brief as I can.

The ability to keep and hold copyright on my images is an extremely important part of my revenue stream. Much of my work is for the imprinted apparel industry, which is composed primarily of small businesses. These businesses cannot always pay premium rates for artwork, therefore it becomes necessary to negotiate the sale of works based on copyright, or offer less expensive alternatives such as the re-selling of my previously created works. By my retaining the ability to re-use my art, my clients can afford to pay for single-use rights while I retain the rights to sell the images as stock images in perpetuity, either as licensed stock images or limited edition art prints.

This is only possible because of the Copyright Law of 1976 as it is written. Changing this law to allow third parties to exploit my work would release control of the art I create, using my time and talents, and hand it over to entities that had nothing to do with its creation. To put it simply, it would be a legalized theft of my time and talents. This Orphan Rights Act is a threat to small businesses such as mine, those of my clients, and to the free market as we know it.

I have already seen a significant decrease in the amount of control I have for my work that I create for large businesses who can afford teams of lawyers to write contacts that eliminate my control of my work. I think there should be increased protections in place that favor the artist in situations where work-for-hire arrangements are the only option, not fewer.

In this age of digital media, which creates an environment of easy copyright violation, it is important for the artist to maintain legal standing in cases where the malicious or simply ill-informed can easily steal works digitally. Theft of artwork using digital media is becoming rampant, and the current Copyright Law is the only protection artists have for securing our work form thieves who would exploit our time and talents.

Going forward, I implore you and your staff to consider the impacts of future changes to Copyright Law on the small businesses, sole proprietors and independent contractors that are the backbone of the visual arts industry. Please do whatever is in your power to not only preserve our copyright protections, but to enhance them in ways that will ensure we remain in control of our works in this age of rapidly changing technology.

Thank you for your taking the time to consider my point of view.

Respectfully submitted,

Scott Seibel
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