From:

Timothy Rock – Marine Images
President

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To:

U.S. Copyright Office

101 Independence Ave. S.E.

Washington, D.C. 20559-6000

To Whom It May Concern,

I am writing to you as an award winning professional photojournalist and publisher of over 40 years whose work regularly appears in many major publications, books and advertisements, both nationally and internationally. My specialty is marine conservation and underwater and travel photography.

I am a member of the Ocean Artists Society (OAS founded by Wyland), a former NPPA member and I sit on the board of Shark Allies.

I write this letter with regards to a proposed law that would replace all existing copyright law; a law cleverly concocted by large internet firms and their legal advisors. Their business models are designed to supply the

general public with access to other people's copyrighted work with the clear intention of making it legally possible to use intellectual property without paying the copyright holder. This proposed law comes under the guise of a "reform" though the real intent is very clear.

These "reforms" as they wish to call them, would allow the internet companies to stock their databases with our images, by either forcing the artist to hand over the work as 'registered' works or having unregistered work treated as orphans and copyrighting them as "derivative works". For some reason, while acknowledging that this will cause special problems for visual artists, the Copyright Office has concluded that the artists should still be subject to orphan work laws.

This newly proposed copyright act would press for a mass digitization of our intellectual property by corporate interests, an extended collective licensing with the intent of replacing voluntary business agreements between artists and their clients, and a nightmarish scenario of a Copyright Small Claims Court to handle the guaranteed flood of lawsuits resulting from orphan works infringements.

Lobbyists and corporate attorneys have "testified" that once an artist's work is published it has virtually no further commercial value and should be available for use by the general public. This is an astonishing

and callous absurdity that reflects more on the mindset of corporations and their legal advisors than on the actual value of the artist and what he/she does.

I make my living by creating unique images and selling and reselling my work. Publishing my work over and over again in various venues is how I eat.

Essentially the case made by these corporations is for a gross infringement of our intellectual property that is no different than robbery. For professional artists whose livelihoods depend on what we create and the agreements we make to determine how the art is used, this is most definitely not an abstract legal issue. Our work does not lose value upon publication. If anything our published work becomes part of our business inventories, and these inventories are now even more valuable to us in the digital age.

The current “reforms” in the newly proposed law would in effect waive the responsibility of a potential user to find the copyright owner and redefine an orphaned work as any work by any artist that anyone finds ‘sufficiently’ hard to find. It’s a convenient setup to exempt the responsibility of the potential user from proper searching and void every right holder’s exclusive right to his/her own property, a right stated in Article 1, Section 8 of the U.S. Constitution.

Freelance, independent photographers, photojournalists and artists are finding it challenging

enough these days to earn a decent living without suffering further erosion of their earnings and potential earnings as imagined in these outrageous, morally and ethically corrupt proposals by those who have consistently devalued creative and intellectual property, culture, art and the artists who create it. This proposed law to replace existing copyright law should be dismissed as the dishonest, and unconstitutional, affront that it is.

Sincerely,

Timothy Rock
Marine Images, Guam, USA