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To Whom it May Concern,

I'm a freelance illustrator who has been working in the field for about five years. Despite being relatively new to the profession, my client list includes major companies such as Young & Rubicam and Simon & Schuster; my work has been included in a range of industry publications, and has received numerous awards including Spectrum's 2015 Rising Star Award. Art is not a hobby for me; is my livelihood - and ownership of the copyright to my work is fundamental to maintaining that livelihood.

I make my living not only from the creation of new works, but also from the licensing and sale of my existing body of work. When one of my images is published - either online or in print - it does not enter an ownerless vacuum. Rather, it becomes part of my commercial inventory, further sales of which make up a substantial portion of my income.

Being able to control how and where my work is used - and by whom it used - is also integral to my business's branding and to my own public image as an artist. By limiting who has access to my body of work, I am able to ensure that my art is never used to promote products, corporations, or content that runs counter to my own moral compass and corporate identity. (Put yourself in the shoes, if you will, of an artist whose "orphaned" self-portrait is acquired by a stock image website, then used as branding for the American Nazi Party.)

The Orphan Works and Mass Digitization Act appears to make the faulty assumption that, for anyone wishing to use an "orphan" pictorial work for their own purposes, there are no alternatives but to go ahead and use the work in question "under a legal cloud", or go without. There is, in fact, a third alternative: hire an artist! We are not hard to come by - most of us exist almost entirely online, and the same Google search that locates an "orphan" work could just as easily locate a thousand artists willing to create or license similar work.

If you allow anyone who wishes to infringe on an artist's copyright to do so with impunity, you will be disenfranchising not only the original creator of the work, but also the artist who might otherwise have been called upon to create an alternative work. You will, effectively, be stealing from two artists at once.

Professionals in the creative industries are already working with great challenges. The pay rates are low, the educational programs to acquire the necessary skills and qualifications are expensive, and many of us are already sacrificing a great deal of financial stability in order to pursue our chosen line of work. The Orphan Works Act will destroy the careers of artists and further disincentivize the creation of new work - a blow that will reach anyone who has ever watched a movie, read a novel, or enjoyed a painting. Artists will not be able to survive as professionals in a world where “The Next Great Copyright Act” is held as an acceptable legal standard.

Sincerely,
Wylie Beckert