Ms. Catherine Rowland
Senior Advisor to the Register of Copyrights

8 July 2015

RE: Notice of Inquiry on Copyright Protection for Certain Visual Works
(submitted via website)

To Whom It May Concern,

We have recently reviewed the *Notice of Inquiry on Copyright Protection for Certain Visual Works*, and find the proposal of deeming "unregistered" works as "orphan" works completely unacceptable, especially for American artists like myself that reside outside of the US.

From my understanding, this proposed copyright reform would void my Constitutional right to the exclusive control of my work, and allow the public a right to use my work if not registered through a commercial registry, which places an unacceptable burden for Americans residing outside of the US. It would also allow others to alter my work and copyright these "derivative works" in their own names, which is tantamount to theft.

As a licensed US architect, I am also a prolific illustrator and artist of 35 years -- I have tens of thousands of sketches, illustrations and photographs that are both published and unpublished. While I was born and raised in the US, I later studied at the University of Colorado in Boulder, and have now resided in Hong Kong since 1996, where I founded and currently operate two businesses – an architectural consultancy and a publishing company -- both of which rely heavily on copyrighted works.

Our architectural consultancy specializes in hospitality design, where architectural sketches, renderings and architectural photographs comprise a very significant amount of our intellectual property. In addition to winning a variety of international architecture and urban planning awards over the years, our sketches were instrumental in winning an international lunar research base competition, which was hosted by the American Institute of Aeronautics and Astronautics (AIAA), and subsequently gained worldwide exposure.

Our publishing company produces an award-winning illustrated graphic novel book series, which are rich with thousands of my unique illustrations, and has been the recipient of five international book awards to date. We also publish limited edition fine art prints, greeting cards, and other saleable items of my illustrated work. The company is heavily based on the copyrighted works that I have amassed over the years, which we consider business inventory.

From my standpoint, Copyright law is not an abstract legal issue, but the bedrock on which my two businesses rest. Our copyrights are the products we license, and in almost every instance, our work does NOT lose its value upon publication – on the contrary, it opens up new avenues for licensing and merchandising, often through the creation of derivative works.

From a business standpoint, it is critical to our businesses that we remain able to determine voluntarily how and by whom our work is used – we feel that infringing upon our work is tantamount to stealing our money.

The proposed amendment to the Copyright act would not only be catastrophic for both myself and my two businesses, this would also result in Americans living abroad, and American businesses located outside of the US, becoming less competitive in the global arena.

Best Regards,

Thomas Schmidt
Hong Kong