To Whom It May Concern:

My name is Steven Kloepfer, and I have been a professional writer, artist, and instructor for 23 years. I am writing to comment on your current Notice of Inquiry for Copyright Protection for Certain Visual Works.

I received my Bachelors of Arts in Visual Arts from the University of California, San Diego, in 1985. I received my Associate of Arts in Illustration from the American Academy of Art in 1992. I completed my Masters of Fine Arts in Illustration at University of Hartford in 2013. In the course of my career I have written a wide variety of content and copy a variety of commercial, corporate, and academic communications. I have also worked as an art director and graphic designer, as well as an illustrator and painter. I have also worked in book and comics publishing. Currently, I am a faculty instructor in the Illustration Department at the Academy of Art University in San Francisco, California.

In the course of my career, I have created, collaborated on, and worked with intellectual property across the spectrum of business, entertainment, and academic fields. I have registered copyrights to my own intellectual property. As a result, I understand the vital, immediate and lasting importance of copyright and intellectual property to a career in the creative arts.

In brief, for those who create intellectual property for a living, our copyrights are the products and assets of our business and careers, and the ability to control, manage, and leverage those copyrights at our discretion is essential not only to our own livelihoods, integrity and independence, but to the industries we serve and who depend on us for their continued prosperity, whether they fully appreciate this or not.

For the authors of intellectual property, the ability to manage, control, and leverage our copyrights as guaranteed in the Constitution is the foundation of our careers and creative capacity. These copyrights do not lose their value upon publication; on the contrary, they remain the fundamental products and assets of our business. In this changing digital landscape we find ourselves in, our copyrights have more value than ever, as technology has given us, and continues to give use, ever greater independence and ability to leverage our intellectual property. Indeed, in many cases, the copyrights we retain can be more valuable to us after the initial publication, often yielding additional revenue streams that, over time, have the potential to generate more revenue that we received for the original commission. With this in mind, it is not an exaggeration to say that our copyrights can be every bit as valuable as inventors' patents, and that any infringement upon them will have a similarly negative economic impact with potentially drastic ramifications and consequences.

To weaken or compromise the copyright protections guaranteed by the Constitution will fundamentally impact not only our economic well-being, but our ability to practice our craft and contribute our talents to society and to the industries that depend upon us. It is, therefore, vital to

our business and profession that we retain the right and discretion to determine how, when, and by whom our work may be used, and under what circumstances and to what ends.

In conclusion, I would respectfully point out that the Founding Fathers established copyright in Article I, Section 8, Clause 8 of the United States Constitution “to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective writings and discoveries.” I would respectfully suggest that aspects of the proposed “Orphan Works” regulations under consideration would, in their current form, violate the spirit, letter, purpose and intent of this clause. In addition, I believe they would specifically violate the “exclusive right to their respective writings and discoveries” – including Visual Works – guaranteed to Authors, including artists.

I would respectfully urge you to take this into consideration in your subsequent regulatory deliberations, and to reject those items which would weaken or compromise the exclusive right of artists to their respective Visual Works.

Sincerely,

Steven Kloepfer