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Catherine R. Rowland
Senior Advisor to the Register of Copyrights
http://copyright.gov/policy/visualworks/comment-form/

Dear Ms. Rowalad:

Making it easier for people to use "Orphaned Works" will most likely have a negative impact on artists and will also probably result in a proliferation of "Orphaned Works."

I have been cartooning professionally since 1981. It's not a hobby. It's how I support my family. I currently have over 4,000 cartoons posted on mchumor.com and cartoonstock.com. I've another 5,000 cartoons I've not had a chance to upload.

On a daily basis I find cartoons of mine where I did not give the users authorization to use them. Usually the users plead ignorance of the law, that they didn't understand what the © mchumor.com under my signature meant.

Sometimes users wouldn't instantly know a cartoon was mine because someone else removed the signature and copyright information on an image and reposted it elsewhere.

Take this cartoon, one of my personal favorites because it was the first one I sold to a major magazine, the *Saturday Evening Post* in 1987. The image on the left has my signature and copyright info and the one on the right is a crudely doctored version that is now all over the web. Someone with only minimal knowledge of Photoshop or other graphic programs can make such a modification in minutes. I'm a Photoshop pro and could do it in seconds.

With enough effort users could probably find out a cartoon is mine, but how much effort will be considered “due diligence?” While looking for me, they might stumble across another image that will also suit their purposes, one where they can easily identify the copyright owner. That’s one of the great things about the web: there’s lots of material to choose from. Making it easier for people to use “Orphaned Works” might have made sense in an era where there weren’t too many images readily available, but not today.

Often when I ask unauthorized users to either pay me or remove my cartoons from their web sites I am accused of being an “extortionist” or running some kind of scam. Sometime I even get lucky and I get paid.

What would really help artists is getting the general public to understand they shouldn’t assume something on the web is copyright free. I’m constantly amazed how little people understand copyrights. I had a teacher write and ask me to send him a better image of a cartoon he’d found online. “One of my students wants to put in on T-shirts to sell, but he’s having a hard time because the web image quality is so poor.”

This was a teacher! When I explained that selling T-shirts with my cartoons on them was a violation of my copyrights, he, instead of being apologetic, got angry and said he didn’t understand how I could legally stop others from using my images. He finished by saying that his student selling shirts with my images on them would, “Give you exposure.” I replied, “People die of exposure.”

I once tried to register all my cartoons with the Copyright Office, cartoons Alas, they replied, "You cannot register a range of publication dates on a single application." They did not return the $34 application fee.

I try to draw something five days a week (i.e., about 250 days a year). I’ve been at it for thirty-four years so that comes to 8,500 “publication dates”. To register them all would cost $289,000. Well, maybe if I got paid for all the pirated cartoons of mine out there, I could afford it.

Thank you for your time and consideration.

Mirthfully yours,
Theresa (T-) McCracken
humble cartoonist