Name: Zoe Shulman
Organization: Zoe Shulman Studio

Dear United States Copyright Office,

I am writing this letter as an objection to the Orphan Works Copyright Act. As a professional artist and small business owner, having the Constitutional right to the exclusive control of my artwork is the keystone of my legal and financial security.

Within my practice, I create hundreds of artworks without the intent of generating profit or giving the public the right to use them. Having to tediously register every artwork that I want to retain the rights to with for-profit registries not only imposes an undue burden on my business, but it also contradicts my ethical principles as an artist. The art that I create is mine and I should not have to give up my rights and waste valuable time fighting individuals and corporate interests (operating under the guise of the “public interest”) just to exist as an artist.

For many artists such as myself, having an online gallery and/or storefront is essential for networking, self-promotion, and participating in new opportunities. In light of this, I have the right to create a work of art and share it safely via a gallery, my personal website, or a social networking site without it being stolen and exploited by “good faith” infringers.

The provisions within the Orphan Works Copyright Act make it too easy for infringers to steal artwork. If an infringer cannot contact an artist, they should not be able to use their artwork. As the artist, I should not be liable for having my artwork stolen just because an infringer made a hollow claim that they could not find me. Furthermore, with the diverse array of photo editing media, it would also be too easy for infringers to alter my artwork with a simple digital filter and use it for their own for-profit endeavors. What is to stop one of my “orphaned works” from being copied off my personal website, digitally enhanced, and sold as an edition of prints by an infringer? This is not a “derivative work”. This is stealing, plain and simple. Lastly, I fiercely oppose the enactment of Extended Collective Licensing. Socialized corporate licensing would take away my Constitutional Freedom of Speech by replacing voluntary agreements between artists and clients. Not having voluntary agreements between artists and clients is the same thing as putting duct tape over my mouth and stealing my wallet. This reprehensible and unethical business practice makes it impossible for artists to engage in business agreements that protect their interests and bottom line.

How am I supposed to run a business with this kind of constant fear of legalized theft? With the current copyright law, I could at least take an infringer to a claims court and pursue justice. If the Orphan Works Copyright Act were to become law, it would crush my security and give infringers a license to steal my artwork.

Ultimately, taking away this security is not in the public interest. By taking away the Constitutional right of artists to have exclusive control over their artwork, the Copyright Office would cripple fine art businesses by making it harder for them to promote themselves and participate in opportunities without having their artwork stolen by individuals and corporate interests. Artists are already serving the public by sharing their work in ways that educate and culturally enrich communities. Do not take away the very legal keystone that allows artists the security and freedom to serve the public interest. Veto the Orphaned Works Copyright Act and end Extended Collective Licensing.

Sincerely,

Zoe Shulman