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Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Avenue, S.E.
Washington, DC 20059-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01

Dear Ms. Pallante and the Copyright Office Staff:

Thank you for the opportunity to comment on the problems visual arts face in the marketplace. I am an award winning professional artist for over 30 years. My work has appeared in book and magazine illustrations and advertisements. As a result of my experience, I believe that I have a valuable real-life perspective on how the copyright law actually works in the business world, as opposed to how some legal scholars seem to think, and how corporate lawyers and lobbyist would like it to work for the benefit of their clients.

I write this letter with regards to a proposed law that would replace all existing copyright law; a law cleverly concocted by large internet firms and their legal advisors. Their business models are designed to supply the general public with access to other people's copyrighted work with the clear intention of making it legally possible to use work without paying the artists.

This proposed law comes under the guise of a "reform" though the real intent is very clear: to allow the internet companies to stock their data bases with our images, by either forcing the artist to hand over the work as "registered" works or having unregistered work treated as orphans and copyrighting them as "derivative works". For some hard to understand reason, while acknowledging that this would cause special problems for visual artists, the Copyright Office has concluded that the artists should be subject to orphan work laws.

This Newly proposed copyright act would press for a mass digitization of our intellectual property by corporate interests, an extended collective licensing with the intent of replacing voluntary business agreements between artists and their clients, and a nightmarish scenario of a Copyright Small Claims Court to handle the guaranteed flood of lawsuits resulting from orphan works infringements.

Lobbyist and corporate attorneys have “testified” that once an artist’s work is published it has virtually no further commercial value and should therefore be available for use by general public. That is an astonishing and callous absurdity reflecting more on the mindset of corporations and their legal advisors than on the actual value of the artist work and what he/she does with it. Essentially, the case made by these corporations is for a gross infringement of our intellectual property that is no different than robbery.

For professional artists whose livelihoods depend on what we create and the agreements we make to determine how our art is used, this is most definitely not an abstract legal issue. Our work does not lose value upon publication. If anything, our work becomes part of our business inventories, and these inventories are now even more valuable to us in the digital age.

Furthermore, the new law would deprive artists from being able to determine how their work is used and by whom which now we can define by the agreements we set with our clients. Thus it invites and permits a blatant violation of the artists’ personal, political and religious beliefs and their freedom of speech.

The current “reforms” in the newly proposed law would in effect waive the responsibility of a potential user to find the copyright owner and redefine an orphaned work as any work by any artist that anyone finds “sufficiently” hard to find. It’s a convenient setup to exempt the responsibility of the potential user from proper searching and void every shareholders exclusive right to his/her own property, a right stated in Article 1, Section 8 of the Constitution.

Freelance, independent artists are finding it challenging enough these days to earn a decent living without suffering further erosion of their earnings and potential earnings as imagined in these outrageous, morally and ethically corrupt proposals by those who have consistently devalued creative and intellectual property, culture, art and the artists who create it. This proposed law to replace existing copyright law should be dismissed as the unconstitutional and dishonest affront it is.

Sincerely,

Zofia H. Kostyrko-Edwards