Vivian S. Bedoya
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July 22, 2015

US Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

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

Dear Ms. Pallante and US Copyright Office:

I am an artist who works in the medium of photography. What I create is a source of personal satisfaction and is also, at times, a source of income.

Having been a victim of infringement and experiencing the feeling of impotence at seeing my work stolen from my website and disseminated across the globe compels me to weigh in on how important it is for the copyright protections that are in place now to remain unchanged. Based on my experience, I have never encountered people who were earnestly looking for me as the creator of my images nor who cared that the work had a rightful owner. My image was stolen and distributed — still today — with a watermark on it. Among other uses, in Brazil, it was offered for sale as an adhesive wall mural, in the UK as the banner for a florist's website and in Romania turned into a ridiculous greeting card — none uses which I would have approved or licensed. In many instances, my requests to cease and desist were met with arguments, ridicule or contempt.

Since that experience, I have become wary of sharing my artistic expression with the public and have gone so far as to turn off SEO optimization on my website to prevent my content from appearing in searches (which is another enabler of copyright infringement since anyone wishing to use an image can bypass my site and my licensing statement altogether).

Social media sites, among others, routinely strip metadata information from uploaded content. No matter how diligent a creator is about adding metadata to digital files, nothing guarantees that the information will remain intact or be protected from alteration. For this reason, the orphan works proposal, should it become law, has the potential to facilitate and validate an infringer's claim that their diligent search for the owner of a work was unsuccessful and that they were within their rights to use it as an orphaned work. That leaves little recourse for the artist.

Facilitating the acquisition of orphan works "in the public interest" has the potential of causing creatives to withhold their works, resulting in less benefit to mankind, not more. Please don't tie our hands with this ill-conceived proposal.

Sincerely,

Vivian S. Bedoya