

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Cc:** [REDACTED]  
**Date:** Wednesday, March 17, 2010 10:50:05 AM

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Dear Ms. Espinel,

I am writing in response to the legislation regarding Orphan Works. I am shocked that this legislation is still being considered.

As an artist who makes my living from my artwork, I am appalled that this is even being considered! It is hard enough as it is to make a living as an artist without someone else having the right to infringe upon your work so easily!

All I have ever wanted to be is an artist and have made my living as such my entire adult life (I am 48). This bill will seriously jeopardize my ability to continue to do so. My work, and that of many other artists has significant commercial value. This will be diminished greatly - if not put us out of business entirely - if this legislation passes.

Specifically, I am a professional illustrator and I license my artwork to manufacturers to put on their products. I am paid royalties by the manufacturer for this right. Additionally I have created a multitude of illustrations that are used in advertising that certainly have no identifying information on them.

In no way would I be able to police infringement of my work - which could occur anytime, anywhere in the world. And when you get down to it, with this legislation - what is even the point of copyrighting my work if it is OK for some one to use it if they cannot easily find out that I did it??? No matter how diligently I try to insure that it does not happen, manufacturers do not always credit artists on their products ~ in fact, some big box retailers are now insisting that artist credits NOT be on the product so as to look like exclusively theirs. Under this new legislation, that would make my work fair game to some one wishing to infringe upon my copyright. I mean, isn't this like saying it is OK to steal a car because you don't know who owns it?

Heck, under this legislation, somebody could grab an image from my website, remove the copyright and go to town with it - with impunity.

And what about this proposed "registry"? Who will profit from that? It is hard enough to find the time and afford the copyrighting of my work, let alone having to spend countless hours to catalog and PAY to register it all over again with what sounds like a so-far non-existent system that is riddled with potential problems.

The only ones this law will benefit are big business who will be grabbing up artwork and infringing on it left and right. Think of all that product in Wal-Mart and Target with artwork on it - for which they currently pay royalties/fees. Think of the internet art stock companies that could - and WILL - be built on this ability to so easily use hard-working artists' work - which under this bill isn't going to be considered what it is: infringement!

Additionally, "limiting remedies", the Orphan Works amendment will effectively create a no-fault license to infringe.

I cannot emphasize enough how much harm this legislation would do to those of us who create original artwork and make our living from it. This legislation will make it incredibly easy for individuals as well as internet companies like Google and Corbis to sell access to collections of "royalty-free" artwork that they can collect because it does not have the required identifying information (or the identifying information has been removed).

Please, I beg of you, don't put ME out of the business of the work I have loved for so long. I beg YOU to stop for just one moment and put yourself in the place of all the artists in this country and consider how this bill passing would affect YOU. Please consider how wrong this legislation is.

Sincerely,

BJ Lantz



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