

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Copyright legislation
Date: Monday, March 22, 2010 4:21:30 PM



- - -To whom it may concern:

My husband and I have an art business in New York City, NY that focusses on licensing the rights to use our art to manufacturers. It is necessary that we give assurance that we have this right to give and that it is exclusively ours to grant.

The Orphan Works act infringes on this right by defining an "orphan work" as any copyrighted work that an infringer declares he is unable to locate the author after what he decides is a "reasonably diligent search". In a radical departure from existing copyright law and business practice the U.S Copyright Office has proposed that Congress grant such infringers freedom to ignore the right of the author and use the work for any purpose, including commercial usage. The language is written so broadly that it will expose new works to infringement even where the author is alive, in business and licensing the work.

We would be required to pay hefty fees to register our works with the private agencies that are set up for this purpose. The orphan works Act would force artist to risk their lives' work to subsidize the start-up venture of private, profit making registries using untested image recognition technology and untried business models. These models would inevitable favor the aggregation of images into corporate databases over the licensing of copyrights by the lone artists who create the art. This bill would substantially limit the copyright holder's ability to recover financially or protect the work, even if the work was registered with the U.S. Copyright Office prior to infringement.

This proposal goes far beyond current concepts of fair use. As acknowledged by the Register of Copyright is is not designed to deal with the special situations of non profit museums, libraries and archives. It is written so broadly that it will expose new works to infringement even where the author is alive, in business and licensing the work.

We are requesting that you give careful consideration to these concerns. We appreciate your consideration.

Sincerely,

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