

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: Strategic Plan to Protect Intellectual Property
Date: Monday, March 22, 2010 3:41:44 PM
Attachments: [pastedGraphic.tiff](#)
[ATT166821.txt](#)

Dear Ms. Espinel

I am writing to you concerning the issue of copyright protection and how a loss of this protection will affect artists like myself.

Over the last decade, freelance writers, artists and photographers have seen significant attempts by some to take possession of our copyrights. These corporations wish to dismantle copyright or to find ways to profit from the ownership of images at the expense of the actual owners.

Many artists are fighting to protect artist's rights on the national level as copyrights and intellectual property become commerce, but they do not have the financial resources to compete against corporate involvement or organizational corruption.

One such example is the current debate over the attempt to pass an Orphan Works bill. This bill, which is an effort to overthrow copyright protection under the guise of freeing up intellectual property for the general public is a real financial threat to artists and their copyrights. If this bill were to pass, artists would be forced to register their works in several for-profit Orphan Works registries in order to prove that the work is not abandoned. Much like existing domain name registries, artists would have to pay all scanning and registries fees on their entire body of work on an annual basis. I myself have over 1000 images and countless more sketches.

This financial burden just to provide proof that artist's copyrights are not abandoned, even though existing copyright law already protects their work would become so cost prohibited that many artists would fall into noncompliance and risk losing ownership of their work. Their work would then be purchased and appear on the internet forcing artists to compete against their own works.

Many for profit businesses have seen the financial benefit of having artist's works deemed work for hire or orphaned so they can be used without further compensation. These for profit businesses and even several artists' organizations that once protected copyrights have seen that by supporting the Orphan Works bill, they can participate in an annual revenue stream with the creation of their own version of an Orphan Works registry. Artists do not have the resources in place to fight to protect what is already theirs if such a bill were to pass.

Artists can no longer turn to those organizations that once protected artist's rights. Organizations that are collecting these royalties and should be distributing them to their rightful owners are instead keeping these fees to support their own activities or worse yet, support bills that further hurt the artist community.

For years, a small group of artists have tried to find a way to get foreign reprographics fees, which is earned income that freelancers make but do not receive, distributed back to the rightful owners. These are overseas royalties rightfully earned by the copyrighted work of artists but because there is no distribution system in place, these royalties are being diverted away from the owner.

Since there is no government run or independent system in place, this money can be used any way an artist's organization or society deems fit. Already these funds have been used to prevent continued efforts to successfully return these royalties to artists. And there is no accountability in place as to how these royalties are being used.

I fear these once respected groups and for-profit businesses will continue to pursue venues in which they solely profit off of artists at the expense of artist's copyrights. If we continue to allow our copyrights to be weakened in this manner, the financial costs to protect our works or to prevent our own royalties from being used against us will only increase.

There are ways to protect copyright law without allowing for the dismantlement of existing law. We need to ensure the public that the administration will instead move forward to prevent the loss of income to artists, help return royalties earned to artists and the continued protection of their copyrights by offering a fair Orphan Works bill.

In order to do this correctly more attention and public debate is needed with artists who have shown a willingness to defend artist's rights and not profit from them.

I thank you for your attention on this matter.

Ken Dubrowski

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