

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: protection of the rights of intellectual property owners
Date: Wednesday, March 24, 2010 2:33:41 PM

Thank you for investigating this issue. I hope any action taken preserves the rights of the originators of the intellectual property.

I am a visual artist, creating fiber art for sale, some quilt patterns for sale, and have images of my work on many websites.

I am most familiar with this issue when the Orphan Works Bill was under consideration. My concerns with that bill, which I believe are still applicable to your committee, were:

1. It changes the 1976 U.S. Copyright Act, and makes it virtually impossible for artists to protect their work. It basically allows anyone to use a design without the copyright holder's permission.
2. It requires artists to attempt to protect their work by registering it with a digital database system - when no such system exists!
3. It eliminates statutory damages wherever an infringer can successfully claim an Orphan Works defense, thus eliminating the only tool the law provides to prevent deliberate infringement. Such claims are wide-open for abuse.
4. It allows for an infringer to create-and copyright-a derivative work from the original design.
5. It leaves infringing works (and products incorporating them) subject to seizure in other countries.

Just think - what if a hurricane destroyed the artists' records? How could they prove ownership of THEIR OWN WORK under this bill?

Please protect the rights of working artists, like myself. Do not put the burden of proof of copyright onto the artist.

thank you,

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