

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Connie Hayes, Rockland, Maine, Fine Artist, Educator and Illustrator
Date: Friday, March 19, 2010 2:28:31 PM
Attachments: [Victoria.Espinel.doc](#)

To: Victoria Espinel, Intellectual Property Enforcement Coordinator
From: Connie Hayes, Artist, Illustrator, Educator, Rockland, Maine
March 19, 2010

I am a painter with a thirty-year career. I survive and thrive selling my original paintings and reproduction rights to the images I make. I have an archive of over 4,000 painting images and I own all my reproduction rights. I am 57 years old and I plan to take my last breath standing at the easel. But, I have plans to continue to derive income from many of these images through selling reproduction rights and especially if/when I am incapacitated. My income from reproduction rights is currently close to 10 percent of my income and I anticipate a proportional increase as I age.

I have invested in nine years of undergraduate and graduate education in the arts. I have created a disciplined daily work ethic for my studio. I contribute to the economy directly by buying art supplies, office equipment, hiring employees, renovating property and donating reproduction rights to fundraising events as well as indirectly through galleries derived from the sale of my work. I invested in a professional, extremely high-resolution camera, computer and software, technical support consultants and off site digital storage to document and archive all of my images.

The Orphan Works Bill requiring registration of all works to be protected would add to my costs, not only directly, but also in the administrative burden it would impose. The recent discussions and actions taken by Congress regarding the Orphan Works Bill greatly concern me. The current default condition of artists owning their reproduction rights unless otherwise sold is an excellent model for artists. It is also a deterrent for abuse. The current predisposition of copyright allows creative talent at any income or age to pursue their talents without the threat of having it labeled orphan or having to find funding to register each creation as protection against piracy and exploitation. I do, however, recognize that the existing option to formally copyright a work enhances a creator's legal protection and is a useful option for work that has the likelihood of entering high public exposure. The Orphan Works Bill asking for pre-use registration is an expensive and burdensome option for both prolific art makers and emerging talents.

I spent fifteen years teaching at the Maine College of Art, serving as their Interim Dean, before leaving Maine to live in New York City for six years as a freelance illustrator for major publications and companies. I know the value of high-quality, creative talent to the media, publication, sales and corporate worlds. We creative people put the good face on many aggressive, capitalist, and even ruthless pursuits. But, I also know that the life of a creative talent is about making an unwavering, long-term commitment in a risky field. Often the most sought after work has a new edge to it that takes courage to create. The appetite for creative talent is strong and cunning. The creative talent often is innocent and susceptible to exploitation by

those powers. Removing the current default protection on creative works opens too many doors to wield those powers on the unsuspecting.

When creative talent identifies low rents and concentrates in neighborhoods and towns, real estate investors take notice. The creative talent's contribution to entrepreneurship and economic development related to quality of life and cultural fabric is well documented and appreciated as the "Creative Economy". The power of having and exercising imagination has great value. Now is a moment in our history when a hopeful spirit is most needed. Please appreciate what artists do with minimal means to strengthen the fabric of our communities with their imaginations and determination to make a strong, truthful, inventive and improved world.

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