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The U.S. Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

To the Copyright Office:

I wish to comment on your initial notice of inquiry of 13 September 2012 regarding the issues and obstacles connected with extending a federal resale royalty right to visual artists.

A resale royalty right that conforms to the *droit de suite* ruling enacted by the European Parliament in 2001 (Directive 2001/84/EC) would be highly beneficial not only to living artists, but also their descendants, that is, to the inheritors of their copyrights. What appears to have been overlooked in discussions of resale royalties is the fact that many artists only achieved significant market value late in life or posthumously. The purpose in enacting the *droit de suite* in Europe was social, to compensate artists and their heirs who were disadvantaged because of delayed recognition.

Features of the Directive, such as the broad application to different kinds of sellers, the sliding scale of percentage of royalty, and the cap on royalties of EUR 12,500.00 all insure that the financial burden placed upon art sellers is fair and that all artists and their heirs benefit, not just those who are already rich and famous.

Enacting a federal resale royalty right along the lines of the European *droit de suite* would bring widespread benefits to American visual artists and their heirs.

Very truly yours,

Hattula Moholy-Nagy
The Moholy-Nagy Foundation