July 20, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

To Whom it May Concern:

For over the past year, I have been in the process of designing and developing an independent video game for the University of Tennessee Health Science Center's Research Center on Health Disparities. I am the only one working on this project. As such, in addition to writing and programming the title, I am responsible for the creation of all the characters, animations, backgrounds, and other aspects of design. Due to the circumstances surrounding the project (which, aside from being a full-time student as of this writing, are beyond the scope of this letter), I am not getting paid for my work during development. The only financial support I can expect from UTHSC is to cover costs for the game's publication once it is complete—which may very well be another year's work away.

My chief concern with the game since development began has always been whether the product would be able to sell, since that will be the only way I can expect to receive any income from my efforts. It became clear to me that I would have to rely on word of mouth and viral marketing to attract attention to my work; to that end, the past few days I have been preparing some promotional art and information (entailing

some samples of what few visual assets I have made thus far and an idea of what sort of game it is) to publish onto social media. In fact, I was working on this promotional material when I was informed about the changes to copyright law under discussion. Now I hesitate to continue working on it while these potential changes loom overhead.

For reasons that are doubtlessly self-evident given the situation I am in, should the propositions to change copyright law pass, my project's development will be suspended indefinitely, if not outright cancelled. Since virtually all of the visual components of the game are hand drawn, I would need to register every concept sketch, each individual frame of animation, all foreground- and background images, and everything in between, along with the metadata associated with it, not to mention the final product itself, to one or more privatized and for-profit registries. Privatized, meaning the registry could potentially reject my work for reasons I cannot know or understand due to not being publicly regulated. For-profit, meaning that the registries ultimately live and die by, and therefore are ultimately concerned with, whether or not their bottom line justifies granting my work protection as opposed to my rights, regardless of whether the cost they charge justifies any expenses on their part (again, thanks to being privatized).

Allow me to give the reader an idea of exactly how much material that would entail. In its completed form, the title will have eight different playable character choices. As of this writing, only the initial drawings of first character's animation frames are complete, totaling in one-hundred-nine (109) drawings of this character. Even if I am to give those involved in rewriting these laws the benefit of the doubt and still own

the rights to these images due to a grandfather clause, I would still need to register seven-hundred-sixty-three (763) drawings of the other seven characters for their animations (Again, that is but a fraction of the visual assets needed for this game). I would have no financial means to do so—unless UTHSC decides to cover the cost. But suppose they do agree: would the registration be under my name, because it is my work, or the university's, since they paid for it? And if it is the latter, then UTHSC would have no legal obligation to compensate me, the artist and programmer, for my work in the event the title sells.

This would not be a situation unique to me, or even to independent game developers. Enacting this change means that any artistic endeavor, be it professional or amateur, would become overwhelmingly expensive for any artist that is not already established and well-compensated for their work. The rest are at the mercy of organizations and establishments that could be potentially willing to cover the cost, forcing them to surrender the ownership of the sweat of their brow whether they like it or not—unless they choose not to register. But down that road, vultures lie in wait to snatch up orphaned artwork, register it under their name, and profit off it—all without the artist's knowledge or consent. All of it legal.

Other testimonies speak of the very real struggles artists are already forced to undergo in this nation. The only solace we have is that, from the moment of creation, our work belongs to us before it belongs to anyone else. At its most basic level, the proposed changes to copyright law would strip us of that—and who benefits from such a system? Certainly not artists and those in creative fields. It would not expand their

audience. It would not facilitate their capacity to earn a living wage. It would not protect them from thieves or manipulative corporate contracts. It would not even encourage students to invest in a college education and getting a non-artistic career, since the education system is just as expensive and punitive. It is ergo on bended knee that I urge you to reconsider passing these changes.

With regard,

Edward Parsons
Game Design Major, University of Memphis