GUTH ILLUSTRATION & DESIGN

07/22/2015

United States Copyright Office

RE: Notice of Inquiry on Copyright Protection for Certain Visual Works

To Whom It May Concern:

I have been an artist as long as I can remember, and a working freelance artist since 1976. I have had my work published in early elementary through college textbooks, on internationally published book covers, on interpretive graphics and in advertising. My work has been exhibited widely and collected.

Art IS my work. It is how I make my living, and it is not an easy way to do so. I have worked many years to establish my skills and my market. I have done this with the backing of the Copyright Law, believing that the integrity of my work has been and will continue to be protected; believing that others who haven't the skills or the willingness to put out the effort I have made can simply claim my hard work for their own.

If a businesswoman builds a brick-and-mortar office and establishes a name for her company, she expects to keep that building as long as feasible, and to keep the company name and reputation she has created. It is no different for me as an artist. You would not simply claim a building or a business without compensating the owner fairly; taking away Copyright protection from my works of art without fair and open compensation is simply wrong and tantamount to stealing.

The proposed, so-called "good faith" search for the artist/owner of the work is simply inadequate, inadequately defined, and sloppy at best. What is the definition of "good faith"? Who bears the burden of this "good faith" search effort? How is this to be regulated? Requiring new registration (at cost) with currently undefined registration sites puts all the burden on the me at great cost. I already have many copyrights in my name; what happens to them? Will I be compensated for these costs? Derivative works opens my work to anyone with minimal Photoshop skills to make a tiny alteration and use my work, my effort, my skills for their own benefit, with no return to me.

The concept of Copyright has always been a trust between artists and clients, between artists and the public, that the ownership and integrity of creative works would be respected and honored. Changing this concept puts all the burden, and all the loss, on me, the one who created the work in the first place, and rewards those who had no hand in the process whatsoever; it allows them to make use of my skills and effort without any return. It would appear to benefit only the large internet concerns who don't want to bother researching ownership, and lawyers who will litigate the flood of suits regarding artwork ownership and compensation.

This is not a question of "the greater good." The Public does not need my art, my effort, for free just because the internet makes it possible. Protecting my work now is a difficult challenge; this act would make it impossible, and indeed put all the burden and cost on my shoulders, instead of on the potential end user where it rightly belongs.

Sincerely,
Gail Guth

Gail W. Guth

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