July 19, 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:

My name is Eric Rose. I am a Chicago based artist and illustrator. I have produced and published illustrations in collections, comics and more. I am writing to address the problems visual artists face in the new digital environment, which is becoming even more of a prominate tool for artist everyday, and which this tool is being threatened by this new bill.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

As a freelance illustrator, I need to maintain revenue streams in order to make a living. The resale of my past images is part of my day to day way of doing business. My collection of work is a valuable resource that produces income. Any attempt to replace the existing copyright laws with a system that would benefit companies who would take my work without payment, would endanger my ability to make a living as an artist and creator. Why would the government favor these corporations like this instead those like myself who actually create new work?

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

The very proposals the Copyright Office has made to Congress concern me. It is essentially a revised Orphan Works (OW) bill (introduced in 2006 and again in 2008),

but would be even worse. Orphan Works bills have been resoundingly opposed by artists since these bills first appeared almost a decade ago. A copyright law built on the foundation of Orphan Works law would allow companies to syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. There can be no bigger blow for those of us who make our living creating new works than to have to compete with corporations that can get our artwork free if they haven't been registered. Creating a completely uncompetitive market.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

The proposal to reintroduce registration would become a crippling financial burden for artists. No matter how little registries might charge in the beginning, like banks, introducing fee's and the like will become commonplace, and this will be irrefragability damaging an already margnilized field of work. If the government succeeds in passing this legislation, the end result will be that artists like myself will find ourselves paying just to maintain our images in somebody else's for profit registries. As for the images we can't afford to register, or those we can't find the time to register, they will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited by others who had no hand in their creation.

4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?

In my work I make use of photographs under fair use.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act

I thank you for taking the time to read my letter and I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Thanks,

Eric Rose