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F.M.COSTANTINO,COS.

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Maria A. Pallante
Register Of Copyrights
U.S. Copyright Office
101 Independence Avenue, S.E.
Washington D.C. 20559-6000

Re: Notice of Inquiry on Orphan Works & Mass Digitization, Copyright Protection for Certain Visual Works

Dear Ms. Pallante,

I am submitting this letter in opposition to the proposed draft legislation for a new Orphan Works Bill. The scope of conditions that such a proposal outlines would entail a program for registering artists' works; a system that would make it burdensome at best, and cost prohibitive at the least, for artists to catalogue and register their bodies of work; plus various challenging means for artists to seek some modest redress from any abuses; which conditions are only a few of the many difficulties that are nearly unworkable for any hard-working illustrator and/or artist to meet.

I have been fortunate to be in business for over forty-three years, and have been successful during those decades, in generating thousands of sketches, images and distinctive, signature illustrations for a distinguished, world-class clientele. My works has been exhibited, published, and reproduced in numerous ways, with my permission and under my control. Some of my images have become iconic within the profession of architecture, as well as in my field of architectural illustration. A number of my illustrations are in both institutional and private collections.

I have made it my business to learn about copyright privileges, as they are now exercised, and have advised my colleagues about them, to further their awareness of artists' rights. The finer, favorable benefits of copyright for an illustrator's works permits maximizing revenue for a creative work; not unlike the unit production of any non-visual art business. Over time, the revenue potential from one illustration may still accrue to the artist with resale, licensing fees, copyright or original sales; maximized during, and for some time after, their lifetime. The simple act of a copyright mark on all my works commands the attention and respect of current law, and inhibits parties from infringement to, or abuses of, or "orphaning" an artwork. Such general understanding affords the most useful means for protection of artists work and peace of mind within the framework of creative work and commerce; and our Constitution.

The proposed strictures of an Orphan Works Bill undermines that protection and that potential. And in the world-wide digital environment, this bill presents conditions for abuse, appropriation, duplication, alteration and other deleterious effects to any illustrator's works, expanded tremendously in favor of infringers or unscrupulous parties. The notion of a registry is a disincentive to any artist, particularly one like myself, who would be hard-pressed to retroactively catalogue and register even the premiere pieces of works, that would likely number in the thousands.

I have been continuously active in the illustrator's organization (ASAI), which I founded over 30 years ago; instrumental in creating and guiding the collective group ASIP for over the past fifteen years; and advocating for illustrators and artists for all of my career. I sincerely hope that you consider with the highest validity the viewpoints and input of creative practitioners, whose passion and commitment to their work deserves the best copyright protection.

Sincerely,

Frank M. Costantino
F.M. Costantino, Cos.

Co-Founder
American Society
Of Architectural
Illustrators
www.asai.org

Honorary Fellow
American Institute
of Architects
Washington, DC

Honorary Member
Japan Architectural
Renderers
Association
Tokyo, Japan

Honorary Member
Society of
Illustrators
New York

Fellow
Society of
Architectural
Illustrators
England