July 23, 2015

TO: Maria Pallante Register of Copyrights U.S. Copyright Office
101 Independence 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)

Dear Ms. Pallante and U.S. Copyright Office Staff,

I am a skilled and highly trained illustrator who creates art that is licensed on products sold at retail. This is how I earn my living. I create collections of art ON SPEC that are then presented to manufacturers and large big box retailers so they can choose specific images to license onto their products. These products are for commercial use and profit. It is how THEY make a living. I retain ALL rights to my images and grant specific rights to clients through a licensing contract. When licensing terms end, ALL rights revert to me. I own my images and do everything legally available to me to protect those rights.

As I create my art, I also simultaneously create variations and derivatives of my work. This can include color variations as well as details, such as various eye styles or expressions on a face. Or I can create multiple image variations from one image. I also have the ability and RIGHT to create derivatives from my work…a right that allows me to create entire derivative collections.

The key point here is that ALL these images…ALL these variations and colorways and collections belong to ME. I own the copyright and ALL RIGHTS the moment I put pen to paper or further manipulate them and assemble my layers digitally. This is MY property as an artist…and my rights have been granted to me by both the Constitution and various Copyright Acts. Yes, I also register these collections with your office to further protect those rights, along with the rights I legally grant to my clients through signed contracts.

And now those rights are in jeopardy. And if I lose those rights, I will be out of business. My trademarked brand and my entire life's work will be destroyed.

The proposed changes to the role of the Copyright Office in registering and protecting my rights as an artist—along with all the other types of artists—will destroy my rights. Not only will it place me and all other artists in the position of having to "claim" ownership of what we already own, we will also be given an unfair burden of having to register and re-register ALL the art I have ever created (and continually create) in privately owned FOR PROFIT registries that will be in business solely FOR making a PROFIT….at the expense of the artist! It could literally cost me a quarter million dollars and a year in non-income producing time JUST TO INDIVIDUALLY RE-REGISTER all my images that I have ever created in my extensive portfolio spanning half a century! And why? So individuals and entities who want to "prove" my "claims" of ownership can search a visual data base before they use artwork for educational and commercial use? How about the concept…if you didn't create it, you don't own it. Period. Instead, have people who want their work to be used for these educational and other purposes create a data base of "available" images.to choose from …and let the rest of us continue with the copyright protection we currently have?! I resent being put in a position (yet again) of having to explain to the government how artists make a living and why the Orphan Works and now THIS new variation of that proposed AND FAILED legislation will unfairly target artists who, frankly, barely make a living to begin with.

The only ones who will benefit from these proposed changes are those entities who want to use (or "steal") images without the risk of damages if caught… and the private registries that will be created.

The arguments we have heard that the work of visual artists is just SO important that it should be made available to the public is nonsense. If our work is so valuable, then we should be paid fairly for it BY the public….just as the services of government agencies and employees of those agencies are financially compensated for their work and time. I should not be forced to register my images, one at a time, in private registries to prove I drew or painted something. That's like expecting everyone to prove they own the home or car they step into EACH time they turn the key in the door….just to keep strangers from coming in and using their property.

I totally object to the proposed changes and vehemently oppose them!

Gail Green

Gail Green Licensing and Design Limited

211 Thompson Blvd

Buffalo Grove, ILLINOIS 60089