July 23, 2015

Dear Ms. Pallante and the Copyright Office Staff.

Re: Copyright Portection for Certain Visual Works, Notice of Inquiry, Docket No. 2015-01

I am writing in strong objection to the current pernicious attempt to rewrite the existing Copyright Laws in this country.

I based the last 39 years of my work life on current copyright laws giving me a stake in keeping the rights to my work to use as an asset with property value. This was a boon to me as a woman, because I could use the results of my freelance creativity, and my home-based business allowing me to raise my daughter, because my rights in copyright allowed me to form property assets to sell with my secondary right for my future retirement.

I had planned for years to benefit from future income from exploiting my secondary rights in the multiple assets I have created over these 39 years of works created as an independent commercial artist under the adoption of the Berne Convention by the United States in 1976.

The existing law has given me protection through two principles that form it's bedrock:
1- Incentive.
2- Passive protection.
Through steep statutory damages, and risk to infringers, artists can gain some degree of passive protection, although the USA has made that extremely difficult to enforce even as it exists, and in violation of the Berne Convention. However the risk was still moderately effective.

Trusting my Congress to support it's promise in the Berne Convention,

I used the incentive, as any business owner, to build assets for my future use:

I trusted the most basic protections would remain and used most of my work life to create and not only provide services and goods that benefit progress and society but most especially benefit society by my not becoming a burden on it economically. As part of my expectation of good

faith in the government's promise to creators, I expected those fundamental principles would not be overturned and render my work untenable at this stage of my life.

This Law would immediately reduce the potential value of my work significantly:
1- Your proposal of Small Claims court inherently and instantly DEVALUES any serious potential a work might have by placing in the limited recovery range of Small Claims courts. Works can suddenly capture a popular need, and become extremely valuable to those who would use them. What you are doing limits the return on my property to a small claims limit, while the infringer can walk free with no consequence AND in turn take the work, register themselves as a derivative and claim ownership of it with all the rewards returned to them. If they are a large entity with the means to exploit the value easily and protect themselves, they gain all the benefits while I am unable to capture what is due from its value which and my due return, of years of study, work and experience, and they take it all. It is the lottery in some cases for big businesses, and I know of artists who experienced significant returns on secondary rights to works in the marketplace that grew substantially in it's value to large corporate interests, and since they maintained control of their rights, benefited handsomely as a result. You will take that away with this first premise.

This law would immediately place a significant expense and burden on any artist simply to attempt to protect what small value remains in our works by the new limited recovery means and loss of statutory penalties. And close to impossible to justify the enormous cost and time involved to place my work in all the registries your propose and are being created.

2- Registries: And now that the potential value of our work has been condescendingly devalued to a small claim, we are forced to spend the time and money to painstakingly register every single work we wish to protect. This at a time that we should be able to take our work readily and through the benefit of the internet gain as independent entrepreneurs the full value of our works. Instead this will make it a field day for infringers to now LEGALLY steal years of work and then claim ownership for themselves. What possible support do you find with this proposal that sustains or supports the creation of works that benefit progress and society?

3- Challenges to those who need or wish to use our works:

The technology exists NOW to eliminate this problem of finding owners by potential users.
The technical means EXIST CURRENTLY for artists to protect their works. One company is called ImagEmbed and embeds tracking software in an image, and is able to track where and who and how often and image is used. They couple this with a means of monetizing usage, as well as to indicate when free usage is permitted. Given these means now exist, we are in an age where the existing copyright laws can actually truly protect us, give users unbridled access, and allow us as businesses AND providers of free content to thrive for both sides! With the ability for any potential user to locate the owner through these means, why isn't the Copyright Office solidifying it's current laws, encouraging both parties to explore these mechanisms, and stabilize the incentives and passive protections that we have invested ourselves in during our entire lifetimes. That upcoming and new artists can now use to build security with careers of meaningful property assets to support themselves and bring progress and benefit to society?

I ask that you consider the serious consequences to artists of this proposed change to the copyright laws and stop any further movement on this proposed legislation.

You risk destroying years of work and investment in careers based on the good faith promise this government made to them when joining the Berne Convention in1976.

Sincerely yours,

Glenda Rogers Stocco
Independent Illustrator and Designer
Board Member and Founding Member
the Illustrators' Partnership of America.
Member of American Society of Illustrators Partnership