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 David Schmelling, member of the German Illustratoren Organisation (Illustrators Organization). I am an illustrator from Stahnsdorf, Germany, and I am highly concerned regarding the "Next Great Copyright Act" that would cause severe damage for my business.

In this letter I will explain to you as to why I strongly disagree with it.

I have worked towards my current skillset and knowledge regarding how design and illustration works since I have been a kid. I visited an artschool in Berlin, Germany, and passed the final exam with an A mark. I have spent many years to learn all the necessary techniques, tools and software and especially every section of the law in order to know my rights and make a living. I am an artist since 11 years and started to work as a professional illustrator after I left artschool in 2008. During all 3 years of artschool in order to have a proper education, a lot of money has been spent to be able to learn everything I need.

It is a very hard business since there is a lot of competition and there are, especially since the internet became more popular, more and more companies and individuals trying to get my work for low prices or even for free. The breach of copyrights and even big companies that ignore the copyrights of any artist has grown a lot in numbers and it becomes more and more difficult to deal with every case of copyright infringement besides constant work at my projects, aside from companies trying to gain every right of usage of my work for a dump price at best.
Since this new copyright act will not only involve artists in the USA, but also every artist or creative outside in the world, I would like to stress that I strongly disagree with the Orphan Works Act or anything related to it that will:

- void my Constitutional right to the exclusive control of my work.

- "privilege" the public's right to use my work.

- "pressure" me to register my work with commercial registries.

- "orphan" unregistered work.

- make orphaned work available for commercial infringement by "good faith" infringers.

- allow others to alter my work and copyright these "derivative works" in their own names.

- affect all visual art: drawings, paintings, sketches, photos, etc.; past, present and future; published and unpublished; domestic and foreign.

It will not only allow anyone to use my work I have spent my lifetime for to reach my current skills, it will take away my rights to my own intellectual property, therefore it will legalize the theft of money that an artist has to earn in order to make a living and/or to be compensated for their work in order to continue the creative profession. A profession that is the foundation for each company, product or brand, needed to generate income for the clients that hire artists or designers to flesh out their visions and ideas. Because of this, artists need to be in full control of their work, they need to be able to license their work to be appropriately paid by anyone that wants to use the work (drawings, paintings, sketches, photos, etc.) to make a living themselves. For me, the copyright law is not an abstract legal issue but the basis on which my business rests. My copyrights are the products I license to my clients. If anyone is able to use (in any way or form) the work that I have created as they please, it means that this infringement is like stealing my money, lifetime and property. The property that I have the right to own and decide as to how it will be used by anyone else.

The work of creatives, in my case, illustrations and designs do not lose it's value once they have been publicized. Everything I create becomes a part of my business inventory. Any creative work I have done is not just an illustration or design I have spend a few days to do, I have needed my lifetime for it due to the need of constant learning and improving my skills. Every work I am doing is based upon another work that I have done in the past, every future work is based on work I am currently doing. A sketch, a drawing, a painting, all of it is the same part of a whole single project every artist is working at. Namely the constant growth and improvement of all the skills necessary in order to reach every milestone (all the works that are created during the life of an artist) on the creative path every artist is following, a path that makes us artists in the first place.

Especially in the digital era, inventory is more valuable than ever before. Not only does it allow me to build up a portfolio, to present my work, my skills and knowledge to the world in order to be taken for commissions (per example illustrating trading cards, book covers, designing fictional characters, objects, building fictional worlds and stories, etc.), it also allows me to present my own personal projects that I publicize myself, to build up a fanbase and to be supported directly by fans (per example via crowdfunding) that want to support me for my work they are able to directly receive. In the digital era it is more important than ever that I, as an artist, have the full control of my own intellectual property not only to make a living through

licensing my work to clients or to directly distribute and sell my products to consumers, but also to retain my personal rights as an individual that puts it's lifetime, heart and soul into art and design to create and vizualize ideas I am developing constantly every hour per day, every day per week, every week per month and every month per year - my whole life.

Thank you for reading my letter and I ask you to not destroy the life of countless people that will lose everything they have built up, please help us artists to protect our intellectual property, please support us to have our work protected, instead of taking it away.

Yours sincerely

David Schmelling