July 21, 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 Fian Arroyo. I am a nationally known Asheville, NC based artist and illustrator. Since 1986 I have produced and published well over 1,000 illustrations for advertising agencies, magazines, book publishers and toy & game companies. Some of my clients have included Taco Bell, Kentucky Fried Chicken, U.S. News and World Report,The U.S. Postal Service, General Motors and The Los Angeles Times just to name a few.

I am writing to address the problems visual artists face in the new digital environment.

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 for my family. The resale of my past images is one of those revenue streams that is crucial to my business. My collection of work is a valuable resource that produces income for me and my family. Any attempt to replace our existing copyright laws with a system that would benefit internet companies would endanger my ability to make a living. Certain companies have already begun digitizing my work without my permission or financial compensation. I have even settled out of court, in my favor, on a couple of copyright infringement cases where companies tried to use and monetize from my copyrighted images. Why would the government favor corporations like this instead of those of us who are actually the source for new and creative work?

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

The new proposals the Copyright Office has made to Congress are essentially a revised Orphan Works (OW) bill which have been resoundingly opposed by artists since they first appeared a decade ago. A copyright law built on the foundation of orphan works law would allow internet companies to syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. There can be no bigger challenge and possibly a death blow, for many of those who make their living creating new works, than to have to compete with giant corporations that can get artwork free from artists and compete with us for our own markets.

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

The proposal to reintroduce registration would become another financial burden for artists. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself. Anyone who says this won't happen is not living in the real world. In the end, if the government succeeds in passing this legislation, the end result will be that artists like myself will find ourselves paying through the nose 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, or those we can't find decades old metadata to register will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited by others.

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 fair use of photographs and other graphic artworks for reference but that is about all.

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

The kind of system the Copyright Office has proposed to Congress seems all too familiar to me. Artists have already seen their foreign reprographics royalties diverted away from them for at least 20 years. I fear this is a foreshadowing of what is going to happen with the proposals the Copyright Office has made to Congress. It is imperative that no artists group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These artists organizations have failed artists and the industry itself and should not be allowed to use this legislation to profit even further off the artists they were created to help. I thank you for reading 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.

Thank you,
Fian Arroyo