To: Catherine Rowland
Senior Advisor to the Register of Copyrights
and Associated Copyright Office Staff
Reviewing Visual Artists Testimony on Proposed Changes to Current U.S. Copyright Law
U.S. Copyright Office

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From: Frederick H. Carlson/Illustrator, Graphic Designer, Educator
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As an independent visual arts creator, I speak for myself in thanking your office and staff for allowing we working professionals who make their living in the visual arts the time to testify on behalf of keeping current copyright law and procedures intact. You have given us until July 23 to defend our creative businesses, which largely revolve around the sale and profit derived from sale of copyrighted visual images, from the proposed onerous changes currently being discussed in Congressional committee testimonies (known broadly as Orphan Works legislation and the associated changes in current copyright law).

I have been a working professional in the visual arts since 1974. I graduated from Carnegie Mellon University in 1977, worked at a nationally known studio for 3 years, then embarked on my free-lance career after 1980 to the present. I have been represented in the national annuals of my business (Society of Illustrators Annual Exhibitions) as well as had features on my exhibited illustration work in Switzerland, Canada, China, and Japan. Publications featuring my work include: Art Direction, Graphic Network, GAG News, PSInside, and newspapers in Pittsburgh, Albany, Chicago, Philadelphia, and Lexington.

My clients have come from Pennsylvania, New York, Delaware, Illinois, West Virginia, Virginia, California, New Hampshire, Ohio, Massachusetts, Connecticut, and many other states. These clients include such well-known names as Sony, BMG, New York Times, Wall Street Journal, National Parks Service, the Blues Foundation and International Bluegrass Music Museums, Cleveland Metroparks Zoo, the Smithsonian/National Zoo, Westinghouse, National Plastics Council, and PNC Corp. I easily navigate serving multiple clients in the magazine, textbook, newspaper, website, business collateral, educational graphics, food packaging, music cover packaging, and corporate markets. People who want to use my services and my artwork can find me very easily since it is my business to advertise in print and internet venues.

I am a dedicated volunteer in the graphic arts industry, looking out to extend careers and make professional artists' livelihoods better. I was a 2013 Jefferson Awards volunteer award-winner for my public service. I have served as National President of the GAG (Graphic Artists Guild, 1991-1993), At-Large Chapter President of the GAG (1987-1993), President of the Pittsburgh Society of Illustrators (PSI, 2000-2004), and 2 terms as PSI Treasurer (1998-1999, and 2014-present). I also serve PSI as New Member Contact and mentor many younger illustrators. I taught senior illustrators for 14 years at Carnegie Mellon University (1981-1994) and one of my focus points was strengthening the ability of young professional to get started and maintain a long career in the illustration industry, and utilizing copyright knowledge and protection to do just that to enable multiple uses of their visual art. I maintain dozens of these relationships in the two decades since I stopped teaching, and I feel I have a bird's eye view of the national industry as a result of all my experiences.

One thing remains the same throughout all these various interactions with my professional clients that involve different locations, markets, and end usage: what I sell is MY intellectual property, my visual images, my copyright to utilize the stand-alone images for agreed-upon lengths of time, payment, and market area. When that finished illustration leaves my drawing board, I own it and I license other uses from that specific piece of visual art.

I understand a proponent for the Orphan Works changes testified recently to the House Copyright Committee that (paraphrasing here) "…after a job is printed the copyright is worthless, or meaningless." This is ridiculous on its face. I have had jobs used in multiple contexts after their initial usage many times. One recent illustration I completed for a guitar instruction DVD cover was later used (with each step having its own agreement) as a poster, then a t-shirt, then as a concert venue banner. I continue to have the original in my studio and can choose to sell more rights as time proceeds, or sell the original (while RETAINING my copyright usage for reproduction).

I have also been served well in defending myself against infringers by using the text of current copyright law to protect my copyright and intellectual property. I only required an attorney to assist me once in my 35-year career. The current copyright law is simple, efficient, and strong in protecting visual artists' copyright. As I have reviewed proposed changes to copyright law and the inclusion of new data banks of imagery, I can say those changes are complicated, time-consuming, and weak in visual artists protection-like digitized theft of my existing copyrighted work; work that is my copyright after it leaves my hands by virtue of me creating it!

The modern digital age and internet access of images certainly makes stealing easier, but it also makes productivity and profit potential of our own copyrighted images a godsend to we creators, by making post-usage sales easier and easier. I urge the copyright office to consider the current system as fair to creators, and fair to possible users. Where disputes and misunderstandings regarding infringement come up in an imperfect world, the simplicity and purity of current copyright law enables us to protect ourselves easily. The proposed changes cost more, give away more, and actually allow more infringement by the excuse that 'these works are orphaned-or of unknown creative authorship.'

The beauty of the current system is also that the client and legitimate users of our work need to come to us to negotiate terms and usage in advance. These clients are *not* shopping through image banks with work scooped digitally into those data banks and termed 'anonymous authorship.' That unfortunate circumstance would be the rule of thumb if the proposed changes were passed. You have a great copyright system in place! Keep it!

Sincerely yours,
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