July 19, 2015

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 the Copyright Office Staff:

Thank you for allowing comment on the difficulties faced by visual artists.
I've been an illustrator in the visual arts for 35 years. I'm not famous or wealthy. I own a small business, I'm the sole employee, and I'm trying to make a decent—not bloated—living for myself and my family. Contentment, and even a modicum of security is increasingly hard to come by in the current atmosphere of destructive, corporate greed. And I believe that is what this issue is truly about.

I knew that illustration was a tough business when I began, but it has always been my passion. I knew that it would be easier to sell autos or real estate than illustrations, but for me, as for so many other artists, writers, and musicians, that choice would have been destructive.

I believe that a system that supports the devaluation of the arts will decay and collapse. History has borne that out.

In short, please don't allow lawyers and lobbyists to make things even more difficult for us creatives who strive to contribute often intangible, but very important work for society and culture.

Thank you for asking these questions, I hope that my answers will help in some way.

What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?
Two main challenges:

Publishers who demand that an illustrator sign away all rights—primary and secondary--before the illustrator accepts the work. This is plain, greed-motivated exploitation of a person's abilities (gained through many years of study and hard work), and

Unfair competition from corporate image banks. These do not value individual creativity, and care nothing for preserving small business initiative. Their goal is money—they know and care nothing about the art spirit.

What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators? Cost-prohibitive legal fees and repeatedly proposed orphan works legislation.

What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?
Time for certain. It will be a red-tape nightmare to fill out the proposed paperwork, let alone research it--creating illustration is very time-consuming. In addition, the cost to hire a lawyer to accomplish this would be prohibitive for many artists. The digital age has already allowed for much greater illegal distribution and consumption of visual—even auditory—creations. Want to destroy creative initiative in the visual, performing, and music arts? This type of legislation will do it handily. So much for support of small business. It gets much lip-service, but seldom receives congressional support.

What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?
Most individuals who use my work on the internet willingly pay me, ask permission, or at least credit me if they reproduce my work. These have always been *individuals* who are sensitive to the effort it takes me to do the work. They are not corporations. I'm sick of congressional members who cave to corporate pressure at the expense of people struggling to make a contribution and a reasonable living.

What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?
I'm far from an expert in the Copyright Act, but whatever corporate lawyers and lobbyists say regarding this issue (and probably most others) is likely a falsehood constructed to make money from the blood and sweat of another. It's not news that similar things are already done without regard for ethics, much less any concern for the future of this country or the well-being of the world. It's wrong, and I'd appreciate the Copyright Office's support in this matter very much.

Thank you for reading my letter, and thank you in advance for any support you can give artists.

Sincerely yours,

Tom Sarmo