July 20, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015.01)

Dear Ms. Pallante;

I am a professional illustrator/graphic artist and have been a freelancer for three decades. The changes being proposed by orphan works lobbyists would endanger the rights I now enjoy to my own work. Here are my responses to the questions you've posed.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

I have, more often than not, been forced by publishers to relinquish rights to my illustrations under work-for-hire contracts. Most of the major companies require this with only smaller independent publishers willing to return my rights back to me with a one time right to publish. The present day copyright law has allowed this to happen.

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

The major challenges are the high cost of legal fees for an infringement lawsuit and the orphan works policies now being proposed again in Congress. I as a self employed individual do not have the resources to pursue a legal suit, especially if it is against a large company with greater resources than my own.

It is my understanding that the orphan works proposals would make it easier for anyone to infringe upon my copyright knowing that the present deterrents against said infringements would no longer exist.

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

The number of illustrations involved in just what I have done in the past would involve so much expense, paperwork and time that I would have less to devote to actually creating new artwork. Moreover, the private registries that I would have to register with would become my own competitors.

Please follow the rest of the world and do away with registration entirely.

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

I have learned recently of the massive secondary licensing in the reprographic rights markets. I only have two published children's books at present but have learned that there exists an international organization that collects royalties, a tiny portion of which is probably mine. I have yet to receive any of these international royalties and have no idea who is collecting them on my behalf. Someone is profiting from my creative works and pocketing said royalty with little intention of forwarding said money to me.

In closing, I support Congressman Jerrold Nadler's American Royalites Too (ART) Act of 2015. It hopefully will create an honest visual arts collecting society that would begin returning lost royalties to artists like myself. I thank the Copyright Office for recommending this bill to Congress.

Sincerely,

Dennis Fujitake
Illustrator/Graphic Artist