July 22, 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)

Dear Ms. Pallante and the Copyright Office Staff:

My name is Jason Dowd and I have been a freelance illustrator (creator) for 25 years. I am also an Illustration instructor (Illustration 2/History of Illustration) at Laguna College of Art and Design in Laguna Beach, CA.

I wish to make clear that I <u>oppose</u> the changes to the current copyright law as put forth in the aforementioned legislation (Copyright Protection for Certain Visual Works (Docket No. 2015-01).

With regard to the bill, Docket No. 2015-01 being proposed, five questions have been put forth regarding the opinions of illustrators, photographers, etc. I thank you for the opportunity to address these:

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

<u>Answer:</u> Work-for-hire contracts and Image banks are the main culprits. Recently, I had to split with a representative after learning that they frequently require their artists to engage in such a practice. This demeaning act, often foisted upon the financially strapped artist(s), forces the creators to surrender copyright ownership of the very works they have created. Typically, compensation for such work does not match the professional skill level of the artist/creator. This, in turn, contributes toward a downward spiral of the artist not being able to make a living wage. Image banks simply seek to take advantage of an industry of creative individuals perceived to be defenseless or "easy targets." They thrive on making promises of new work to the artist (while rarely delivering), all the while charging fees for their "services."

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

<u>Answer:</u> Trying to keep a constant vigil regarding the copyright protection of one's works is a significant, if not impossible, ongoing challenge. However, knowing that the current law enacts immediate copyright protection for every image created by an artist is

reassuring. If the law changes (per the Orphan Works Bill), litigation fees stand to make it impossible for an artist to recuperate any damages brought about by copyright infringement. Many other professional artists I have spoken with feel the same way.

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

Answer: My money, my time, my expense, and the absurdity of my trying to pursue the gargantuan task of identifying and registering every piece of work I have ever created. Our culture, in my opinion, is lacking in appreciation of the arts. Enacting such changes of law as proposed by the Shawn Bentley Act would decimate the futures of artists in this country. How could I possibly continue to teach my students, future artists, in good conscience?

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?

Answer: In this age of the Internet, Google Image Search, metadata and many other such advances, coupled with the current copyright laws, most people searching for an images' creator have a very good chance of finding them. **The copyright laws do not need to be changed to assist this process.**

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

Answer: There are currently no "image representing" businesses that credibly serve the artist better than the United States Copyright Office. No technology currently exists that could bring about such a theoretical competitor. However, I do support Congressman Jerrold Nadler's American Royalties Too (ART) Act of 2015. This could stand to provide much needed royalties to struggling American artists and simultaneously promote artistic culture that serves the common good.

Very Sincerely Yours,

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