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United States Copyright Office,

I have made my living as a freelance illustrator/ fine artist for nearly 30 years. As a sole proprietor I work long hours without benefits to make ends meet. Copyright is the mechanism that allows me to survive in my profession and hopefully continue to make something from my work when I can no longer produce new work. With every contract I strive to retain the maximum amount of rights possible, sometimes receiving less money in the exchange, so that I may preserve that important source of revenue in re-licensing my images.

In my 29+ years as an illustrator/ artist I have created literally thousands of images. I have no way of knowing which image may have a use for someone in the future. I am often surprised at the uses and reuses that are found of value to an end user, often from images that I am less proud of or would not have thought anyone would ever want. I am paid for these uses and it is an important part of my ability to survive as a creator of visual images. I have no employees or assistants to help me manage the time consuming tasks of keeping track of each image and its status. While I do register many of my images with the United States Copyright Office, the current fees and time required are a burden. Adding additional costs and or management requirements would push the process to an unrealistic level.

I strongly believe visual arts should be specifically excluded from any future orphan works legislation. With the advent of the internet and explosively expanding need, visual images have more value now than ever. The Copyright Office itself acknowledges the unique problems faced by creators of visual images on pages 51 and 52 of its June 2015 publication “Orphan Works and Mass Digitization”. There is no life or death need for usage of any image someone “finds”. If the copyright holder cannot be located there are literally thousands of creators of visual images who can be found with no trouble and on short notice create images to specifically fit any need.

Additionally, a Copyright small claims court would be a great help to the creators of visual images. A maximum limit of at least $5,000 USD is much more realistic than the $200 - $500 I have seen proposed in the past. What deterrent is there to a thief if the penalty for theft (in the unlikely event they are caught) is that they can then purchase the product they have stolen for one tenth of the price?

I urge the Copyright Office to support small business. Please say no to big businesses that would profit from Orphan Works legislation by strip mining the hard work of small creators and exclude visual images from any Orphan Works legislation.

Respectfully,

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