July 20, 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 Philip R. Rogers. I am a semi-professional freelance artist. Since 2005 I have produced and published countless illustrations and covers for a number of publications such as Post Mortem Press, Elder Signs Press, Coscom Entertainment, TwinStar Media, Dark Wisdom Magazine, and Chaosium, Inc.

While funds from art are not my primary source of income, it most certainly is needed to help my family survive in today's economy. The market is flooded with artists. Publishers have a huge amount of people to chose from. The digital world creates both a boon and a problem for artists such as myself. The digital world has created technology that allows for clients to find and see examples of my work quickly. The technology allows me to digitally create art and then rapidly send that work to publishers. But that same technology allows anyone to find my work. That is a good thing until one considers that those same people can - and sometimes DO - use that technology to alter my work, removing my signature, and put it out as there own. They have “orphaned” my work so to speak. Clients often request that I submit cover work without my signature. When that work is advertised online, there is not any connection to me – other then that I created it. Someone who finds this can alter it slightly and create a “derivative”. Under the current copyright law I have rights that can stop or help fight when someone does these things. Changing the law as is proposed grants others more rights to my work than me – and I created the work!

Copyright grants me the ability to support my business by allowing me continue making money off my work through re-licensing and marketing. Under the current copyright structure I can use all my past work and current unpublished work as an online portfolio. Clients, as I mentioned, have quick and easy access to my work. If I were to have to go back and register those works in any fashion that would cost, then I would suddenly find myself unable to continue working as an artist as I could not afford to do so If I were to have to start registering each new piece and have to pay to do so then I would have to charge that cost to the publisher. Most publishers are not going to pay that extra cost and then I will find myself in a position where I will be unable to do art. And certainly no independent agency outside of the Copyright Office should have ANY access to managing the copyrights or have control over my art. Unless I sell ALL the rights to my work to someone, any monies made from that work should come to ME. Not to someone who represents me - not unless they can show some written proof that I personally gave them that right. The system, as discussed in the current plan, is far too open for abuse and further hinders artists the ability to protect their work and would end up costing many artists extra

money that they can't afford to lose.

Also troubling is the notion that ANYONE has as much right to MY work as me. A publisher will contact me and we will work out what rights I am granting them. The work, the art, is mine. I created it so I have the right to decide how much right I grant someone else. If I choose to place the work on my website and NEVER want to see it used in ANY fashion other than as a show piece – then I HAVE THAT RIGHT! Again I created it. In that tone I don't care that someone might come across the work – whether they be a publisher or the average person - today, tomorrow, several years from now – and want to use it. That they can't find that I did the work is not an excuse to steal the work. It is very easy for individuals to remove signatures and watermarks and say they didn't know who the work belongs to. As I said, the market is flooded with artists. If they need artwork and can't tell who did the work they "found" then they can spend the money and hire another artist – then maybe that artist and their family won't have to worry about rent or food.

My hope is that if the copyright law must be changed, then it will be done so to the BETTERMENT of all visual artists whether they work professionally or simply as a hobby. There are so many out there who want to "steal" and make money off an artist work. Please don't help to make it easier.

Respectfully submitted,
Philip R. Rogers
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