George Gozum

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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:

I'm a working illustrator and art director struggling to get by in a rather difficult economical climate. I've been an illustrator and visual artist since 1988, where I found out the hard way that it's difficult to protect my work, as even back then I found my work not only undervalued, but infringed upon. I'm concerned that the already challenging market for me out there to effectively eke out a living will be made even more difficult with the proposed adjustments to Copyright law via the Orpah Works Act. As such, I would like to incude my own point of view, especially with regards to the questions asked by the Copyright Office.

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

For me it's negotiating fair rates and having the client agree and adhere to those self-same rates, especially with regards to re-licensing after the initial licensing period is over. As an independent freelancer, my illustration work is often for smaller companies that have no idea about copyrights and licensing. The idea that my copyright exists on an illustration that isn't outright owned by the client once licensed can be tricky, since in this world of internet searches and fair use, the availability of imagery is mistaken for unspoken permission to infringe (oer they may not even think they're infringing). It' almost like renting a car: while in your possession, it's in use, no matter if you're letting it sit in a parking lot. It's harder sometimes for the smaller clients to understand that they can't own my image outright. It's even harder when they assume it's almost their right to it for prices not worth my time or effort. If understanding the cost of licensing isn't hard enough, the idea that my work is my livelihood and deserves compensation complicates matters moreso.

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

The internet, and how availability of the imagery makes people assume that they can just take images without thinking it's theft. In this world of sharing on Instagram and Pinterest, fair use

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can be ill-defined for many users who don't think of the artists who put out the work. Even worse, because the web now affords us broadband to display our work online in higher resolutions, it becomes difficult to stop people from stealing images that are already print resolution. I have debated long and hard with myself about putting my work out there to promote it, and fear of theft because the resolutions that would make my work attractive also makes it vulnerable to unauthorized downloads I have no control over, despite any programming precautions. I believe that changes to the copyright law under the Orphan Works Act that would give more opportunities to infringers by giving them even more access to my work, and would completely hinder my ability to make a living out of my illustration and art work.

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

Cost and effort. I have had a blog since 2007 where I post a drawing a day. I have seen those drawings stolen and used for purposes I never authorized, despite having copyright notices on the blog. If I had to register each and every drawing to protect my copyright, even a nominal fees, I'm looking at thousands of drawings that need to be accounted for, registered and paid for. I'm not earning enough to allot that much time, moeny and effort to protect my work.

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?

I think understanding the value of the visual works that people put out as their livelihood. I believe there's a culture of entitlement on the web right now, that because information and imagery is so available for next to no cost, that it becomes difficult for people to believe that artists and photographers should be compensated. Without firm copyright laws on the side of the creators, our ability to live off the work we labor over would be in even more jeopardy than it already is. The Orphan Act would encourage more infringement, and less compensation for someone like me. My body of work is my inventory from which I can earn a living, and its publication does not and should not make it fair game for others to benefit from without just compensation to me.

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

As artists we toil long and hard to create the work that we do. In the internet age of sharing, we put that work out there to showcase and promote ourselves as artists, and the automatic ownership of copyright under the current system allows us to share and post work with frequency that matches thre speed of the web, and allow us a fighting change to get our work seen with the knowledge that under current law, we own whatever we put out and as such, can legally protect it from infringement if need be.

If we were to be required to register and pay for registry of each and every item of work we put

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out, we would be spending countless hours and dollars toiling to not only register our back catalogs but delay putting out new work until such time as registration and registration fees would allow. If we spend too much time registering, we spend less time earning a living by creating and putting our work out there.

And if the Orphan Works Copyright act allows registries to live off of our efforts to place our work in such registries,it's even more grossly unfair for them to reap posibly benefits from our two fold efforts in creating, then registering,such works.

I work very hard and am barely able to earn a living as an aillustrator in the current economic climate. A such I cannot stress enough how much I hope the the Copyright Office needs to make sure that the point of copyright - to protect those who own those selfsame rights to earn their livings - should work in favor of the creators such as myself.

regards,

George Gozum
Illustrator