Dear Catherine R. Rowland,

I am happy to submit answers to the questions posted in the 23054

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I am an illustrator who has been working in the illustration industry for nearly 20 years. Graduating with a BFA in Communication Design in 1996 from The Art Academy of Cincinnati. Throughout my career I am fortunate to have had my work recognized across the fields of print, design, illustration and communication arts. Although recognition is an important part of my reputation as an illustrator the fact that I am monetarily compensated for my visual problem solving services trumps the recognition. Which brings up my reason for replying to the inquiry regarding Orphan Works and Mass Digitization.

1. There is not a challenge when someone wants to license one of my images and they contact me or my representative.

2.The challenge comes when someone uses an image of mine without permission and without monetary compensation. That is when it is up to me or a friend to accidentally come across the infringement after a product has been produced and distributed. Then it is my responsibility to contact the infringer, notify them that the image has been infringed, that they need to cease and desist any and all use of the image until a license is granted and paid for.

3. Copyright registration is a fairly simple process, although it becomes complicated as work is regularly produced, therefore causing a backlog of images that simply do not get registered.

4. The challenge for those who wish to make legal use of an image is simply to reach out to the creator or estate of the creator and request permission. With the internet it is easier today to find and locate creators of images. It still takes time and persistence to find some creators, and the trouble happens when infringers decide it is easier to infringe on a work and see if they can get away with the infringement and simply plead ignorant if and when the infringement is caught.

5. I think the key issue is that the copyright should always remain with the creator unless it is specifically transferred by the creator to a licensee. It is troublesome to think that an entity could acquire the copyright to an images simply because they could not locate the creator in order to negotiate a fair and legal contract to acquire specific rights.

The images I create are my inventory. The value of my images does not diminish after initial publication. In the digital era, inventory is more valuable to artists than ever before.

Thank you for asking for input on this issue.

Sincerely,

Chris Sickels

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