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) To Whom it May Concern:

My name is Allen Douglas. I have been freelancing as an artist for twenty-one years for many notable editorial and book publishing clients, including Penguin Putnam, Tor Books, Berkley Publishing, Random House, Scholastic, HarperCollins, Harcourt, Little Brown, Macmillan/McGraw-Hill, Disney Hyperion, and Wizards of the Coast. I have also dipped my toes in other areas of the visual arts field including advertising, digital gaming, and fine art.

My artwork has been recognized by many prominent juried illustration competitions including Spectrum: The Best in Contemporary Fantastic Art, the Society of Illustrators of New York and Los Angeles, Art Renewal Center, Ballistic Publishing and Step-By-Step Graphics. My studio is located in Rochester, NY on the southern shores of Lake Ontario.

I am writing to address the proposed changes to the copyright laws in the new digital environment.

As an artist, the copyrights of my images are the “things” that I can sell to clients to help provide for me and my family. As my career progresses and I am able to create more and more images and my skill and fan base increases, the resale of these rights is what I depend on as part of my income. Any attempt to replace our existing copyright laws with a new ones that would benefit large corporations instead of the original individual creator would undermine my ability to generate income as a small business.

What is currently being considered is essentially a revised Orphan Works bill, but would be even worse. My understanding is that third parties wishing to infringe on an existing work would have to make a reasonable attempt to contact the copyright holder and, if unable to, could then claim the work as an “orphan” and use it for their own benefit… presumably monetary benefit. In this scenario it would be quite easy for the infringer to remove any signature on a visual work and claim there was a reasonable attempt to contact the copyright holder, but of course in the end would claim the work as their own. This is speculation on my part of course, but a very plausible scenario under the proposed changes. Even if I could prove the work was indeed mine in a court of law, it would drag me into an unnecessary and costly legal battle.

The proposal to reintroduce the requirement of registration of every single image would become another financial burden for artists. The fees that private sector registries would charge would eventually grow as they gain a greater and greater competitive advantage over freelance artists such as myself. Not only that, usually my greatest challenge is time. As a father with young children I sometimes have to fight tooth and nail for the time to create the projects currently on my plate as well as to promote my work to find new clients. If visual artists were required to register every sketch, photo, and painting created, not only would the financial cost cut deeply into the income I am able to generate, but it simply would not allow me enough time to create new images for my clients or generate new self promotional images to gain new clients. In addition, if I were to be required to comply with the new laws being proposed, I would now have to register everything I have done in my career over the past two decades in order to protect those images… something that is completely impractical and just not financially or physically possible with all of the other challenges life presents.

I am speaking from a visual artist’s standpoint but the proposed laws would effect all U.S. citizens. Think about all of the photos

people post online. If individuals did not take the time and money to register every single photo posted online, a third party infringer could very easily take someone's beloved picture of a child and use it in an ad for baby food or something and make a considerable profit from it. How would you feel if a photo of yourself were to be used as the new face of a hate group and was spread across the internet?

I hope you consider my thoughts on this matter and I ask that you reconsider the proposed changes to the existing copyright law. They would be a large time commitment and financial burden to artists of any kind and ultimately would discourage new artists from entering and gaining a foothold in the industry, which in the end would dilute the quality of the artistic contributions to our culture as a whole, including books, games, art galleries, movies, and television.

Thanks,

Allen Douglas