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)

To Whom it May Concern:

My name is Alberto Rodriguez. I am a known Florida based artist and illustrator. Since 2004 I have produced and published various illustrations for many mass market and trade publications including logos, book covers, and commissioned illustration pieces. I am also a struggling artist who relies on my skills to make ends meet and support my family through my craft.

I am writing to address the problems visual artists face in the new digital environment.

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

As a freelance illustrator, I need to maintain revenue streams in order to make a living for my family. The resale of my past and current images is an essential part of doing business just as a baker or a manufacturer relies on selling their good to generate profit to feed their families. My collection of work is also a valuable resource that produces income for my family and me. Any attempt to replace our existing copyright laws with a system that would benefit internet companies and private corporations would endanger my ability to make a living and provide for my family. Certain companies have already begun digitizing my work without my permission or financial compensation. Why would the government favor corporations like this instead of those of us who actually create new work and support the growth of our economy?

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

The proposals the Copyright Office has made to Congress really concern me. It is essentially a revised Orphan Works (OW) bill, but would strip away my rights as a creator. Orphan Works bills have been resoundingly opposed by artists since they first appeared a decade ago. A copyright law built on the foundation of orphan works law would allow internet companies and private companies to syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. There can be no bigger challenge for those of us who make our living creating new works than to have to compete with giant corporations that can get artwork free from artists and compete with us for our own markets.

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

The proposal to reintroduce registration would become another financial burden for every artists, specially those starting out who struggle the most. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself, affecting my bottom line. Anyone who says this won't happen is not living in the real world. In the end, if the government succeeds in passing this legislation, the end result will be that artists like myself will find ourselves paying through the nose to maintain our images in somebody else's for profit registries. As for the images we can't afford to register, or those we can't find the time to register, or those we can't find decades old metadata to register will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited by others who did not put in the time and effort. The time that we invest in creating work will instead be occupied by registering works that someone else will benefit from, no business owner in America goes through this, why should artists be forced to?

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?

In my work I make fair use of photographs and other graphic artworks for reference but that is all I use other media for, inspiration. This proposed bill would make it easy for infringers to steal others work and benefit from their exploits, making it challenging and frustrating for creators and developers.

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

The kind of system the Copyright Office has proposed to Congress seems all too familiar to me. Artists have already seen their foreign reprographics royalties diverted away from them for at least 20 years, unable to take that profit and invest it in our local economy. I fear this is exactly what is going to happen with the proposals the Copyright Office has made to Congress. To prevent this unjust conflict of interest, it is imperative that no artists group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These artists organizations have failed artists and should not be allowed to use this legislation to profit even further off the artists they were created to help. Thank you for reading my letter and I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Thanks,

Alberto E Rodriguez