July 22, 2015

Dear U.S. Copyright Office,

It has come to my attention that the topic of changing copyright law has been driven to the forefront of discussion once again, specifically the concept known as the “Orphan Works Act.” Passing a law for “orphan works” would be devastating to my livelihood.

I am writing you today as a full time illustrator who works his visual magic all by himself from home. I have been in the business for almost a quarter of a century as a freelance illustrator with many children’s books to my credit, and as an artist in the animation industry having worked on at least ten motion pictures and several television series for companies like Disney and Nickelodeon, and Warner Bros. I understand the concepts of personal ownership and also work-for-hire having been in both positions many times.

To start with, I have been satisfied with the current copyright laws over the 24 years I have been a professional artist. I appreciate that my work can be protected legally in this country by just including “© 2015 Chad Frye” on anything I release into the wild. Should someone attempt to steal my work, I have the ability to go after them for damages.

My art is my product. I spend countless hours manufacturing it in my home studio whether it be for books, prints, or other products. If someone gets my creations and begins to reproduce them on T-shirts, or books, or cell phone covers, it severely hinders my ability to provide for myself financially. They are stealing money away from me. Even if a secondary party isn’t selling my work and they are just giving it away, it prevents me from making sales of my own or the sales of those to whom I have licensed my work.

Yes, I license my work. People contact me about past images in my library and will pay me to use them for their purposes. My old art can continue to support me along with anything new I create, something that is increasingly harder each day due to the thievery that happen on the internet. Royalties have helped me pay the rent on more than one occasion.

Has my work been stolen? Yes. The internet has been a wild, wild west in regards to ownership, and sadly, it has eaten away at my ability to make a living. I even watermark my art when posting it online, and yet I have found many pieces on other websites where folks have painstakingly removed my watermarks and have told their followers that it is art they can have for free. Sadly, many of these have been Bible illustrations (try to explain the ethics of stealing Bible art to me).

It has been just as bad for many of my cartoonist friends who have witnessed whole books of theirs getting uploaded to the internet and given away, and often their signatures have been digitally removed from their art. It is insane, but our saving grace is found in current copyright law that will allow us to take people to court over their theft and potentially get remuneration for it.

The Orphan Works proposals I have seen will be a game changer against little guys like me. You will be giving permission to not only the petty thieves, but you will be giving permission to large companies like Google, Yahoo, Apple, Facebook, and other companies with a large web presence to steal first and not be held financially responsible when they are caught later. These are companies who make billions of dollars based on the hard work of entertainment creators. Some they pay for, some they try to take from even now. Changing the laws will actually give them permission to take from us, and cut off our ability to get financial damages from them in court down the road.

I have heard you are considering requiring us to pay a copyright registration fee for each and every project we wish to protect. If this is true, many guys like me will lose all possible protection to what we create because we will not be able to afford to pay such fees. It is already hard enough to bring some joy to the world with what we create as well as make a living. What I do is a skill I have trained and perfected as best I can over 43 years. It pains me to see someone come in the blink of an eye to take my work for nothing. They clearly value it, and clearly try to profit from it, but they did not work for it. I did.

Copyright laws are there to protect us little guys. If you cut off our legs, we will stop creating because there is no percentage in it. If anything in this digital age, I wish you would make copyright laws even more strict to protect us MORE than we are now. It is hard enough to keep up with the thefts as it is. Allowing the Orphan Works proposals to go through means there is no point in locking my front door anymore. “Come on in fellas! Everything is yours for the taking!”

So, please do not give any credence to the talk of Orphan Works Bills. You will just be enabling big rich companies as well as petty thieves to take what isn’t theirs, and leaving those like me to wither and die.

With respect,

Chad Frye • Illustration Guy