LYNETTE R. COOK

July 23, 2015

United States Copyright Office
101 Independence Ave., S.E.
Washington, DC 20559-6000

To Whom It May Concern:

I am writing in reference to the proposal before lawmakers to change the Copyright Act (i.e. the 2015 Orphan Works and Mass Digitization Report) and how these changes will affect self-employed artists and illustrators. In brief, passing legislation in support of these changes will throw thousands of creative professionals like me into freefall.

For thirty years I have been a scientific illustrator and fine artist. For the first fifteen of these I was a part-time freelancer, and during the last fifteen I have been self-employed. I am best known for creating illustrations of the planets discovered outside our solar system, collaborating with renowned astronomers and research organizations in the process. My artwork has been published worldwide in books, magazines, scientific press releases, television documentaries, and exhibited in museums and galleries.

Clients who have used my art include *Astronomy*, BBC Television, *bild der wissenschaft* (Germany), CNN, *Cosas* (Peru), The Discovery Channel, *Eos* (Belgium), Japan Public Television, The Learning Channel, NASA, PBS, *Science et Vie* (France), *Science News*, SETI Institute, *Sky & Telescope*, *Time*, and *US News & World Report* (a partial list). My original art has been exhibited at the Smithsonian, the American Museum of Natural History, NASA Ames Research Center, and Stanford University, to name a few host institutions.

I went to college to learn the art skills I have developed over the past thirty years, receiving a BFA (Drawing and Painting) and a BS (Biology) from Mississippi University for Women, and MFA (Scientific Illustration) degree from California College of the Arts. The works I create under the auspices of my business are my business inventory and my intellectual property; maintaining rights control of these pieces is fundamental to making a living. While I do sell original art, most of my income over the years has come from *use* of the art I create in the form of use fees for the reproduction of my work in books, magazines, online, as prints and posters, etc. Popular images are used by different parties dozens of times, generating income with each use. Being able to retain copyright rights on this art and voluntarily choose who may use it and at what price is key to putting food on the table and keeping my mortgage paid.

Aside from the conviction that loosening these protections for artists will drive many of us out of business, I am also extremely concerned about the possibility of requiring artists to register all our work and creating "orphans" of unregistered art. While I am grateful for the option to register the copyright of my work with the Copyright Office (and I have done so, on many occasions), this needs to remain an option rather than a requirement. For one thing, it is very expensive for those of us with lower incomes; earlier in my career I spent hundreds of dollars on copyright registration fees.

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In recent years I have made fewer registrations due to rethinking the importance of filing. Currently, I feel the likelihood of my taking someone to court over the misuse of my art is slim. Not that my work hasn't been used without permission, as it has. An internet Image Search reveals a shocking number of copies of my art used without permission. Yet most of these instances are by individuals who believe they are using my work under Fair Use auspices and assume they can permanently post my art (with or without name credit and copyright notice) on personal blogs, educational sites, university classroom materials, and sites with wallpaper downloads (somehow assuming all my art is free NASA public domain imagery, which it isn't). In light of this, I would say that if copyright laws are to be changed, they should do more to protect artists' rights than less. Or perhaps copyright laws should remain as is and money should be put into educating the public about what constitutes Fair Use and what doesn't – that would be helpful!

The US Declaration of Independence includes the pursuit of happiness as an inalienable right. Being able to pursue one's happiness requires being able to meet the basic security needs of shelter, food, and clothing. Without the copyright protection of the artwork I have created over the last thirty years I would not have earned enough to pay my bills. I will not retire for many years and will continue to depend on my art to live. The decisions you make about copyright law will affect whether I can pay my mortgage, put gas in my car, pay my health care expenses, keep my pets, and more.

Thank you for the opportunity to voice my concerns about this issue.

Sincerely,

Lynette R. Cook

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