July 20, 2015

US Copyright Office

To Whom It May Concern:

Mark Parisi, my husband, is an award-winning syndicated cartoonist who's cartoon feature, off the mark, appears in newspapers worldwide. He has a BA degree in Graphic Arts and had been syndicating his cartoon panel since 1987. He also licenses the usage of his copyrights for greeting cards, products, books and calendars. We also operate an e-commerce website where we sell the reprint usage rights to use our cartoons for projects such as newsletters, presentations, books, websites, and more. I manage the business side of the company while he creates the cartoons.

Mark Parisi has twice won awards for best newspaper panels from the National Cartoonists Society along with an award for best greeting cards. He was also the 2001 Nominee for Best Humor Book Independent Publishers Association. Next year, he will be publishing the first of three middle school chapter books for Harper Collins that will include both a written story and cartoon illustrations.

Mark and I have been working together creating and selling the reprint usage rights to use off the mark cartoons to support our family for more than 25 years. **The majority of our income is generated from selling the reprint usage rights and licensing rights.** Our current inventory consists of over 8,000 cartoons with approximately 365 new cartoons created each year. This inventory is our main source of income of our family-owned business. If we were unable to control our copyrights, our company's inventor would become devalued and we would no longer be able to support our family from the copyrighted cartoons.

There seems to be an erroneous assumption by some organizations that believe that once a creative work is used and/or published, the additional sales from usage is insignificant. This cannot be any further from the reality of how our company's revenue stream is produced. The first cartoon that my husband published in 1987 still brings in significant revenue. Many of his early works have become classics and are still sold and licensed today.

I ran a search of the cartoons that have been licensed for reprint usage over the last two years. Over 2000 cartoons usage rights have been permissioned for cartoons that were published prior to 2010.

With the onset of the Internet, it gave our company an opportunity to get greater exposure of our cartoons but also greater copyright theft and infringement. All too often someone will strip off our identifying information including our copyright notices and orphan our cartoons. Additionally, when our images are formatted for the web, the metadata imbedded in the images is stripped out.

When the Digital Millennium Copyright Act was introduced to protect companies such as Google, Facebook and Pinterest, it became even harder to protect our images from infringement and becoming orphaned. With no financial obligation to protect the creative works aggregated by these types of websites, it became too burdensome to be able to stop the proliferation of our copyrighted works from being widely distributed without copyright permission and usage fees. Most artists don't have a huge staff that can spend time sending out DMCA take down notices. Since there is no financial gain from the usage, it becomes an overwhelming and time consuming takes to have unauthorized usage of our creative works removed from websites.

I find it ironic that some of the critical feedback from groups that want to expand usage of so called "orphaned works" is that the current proposal would inflict undue burden on these groups that want to use these works. They state that the "*notice of use is a burdensome requirement that will require time and resources and could significantly undermine the usefulness of the legislation*".

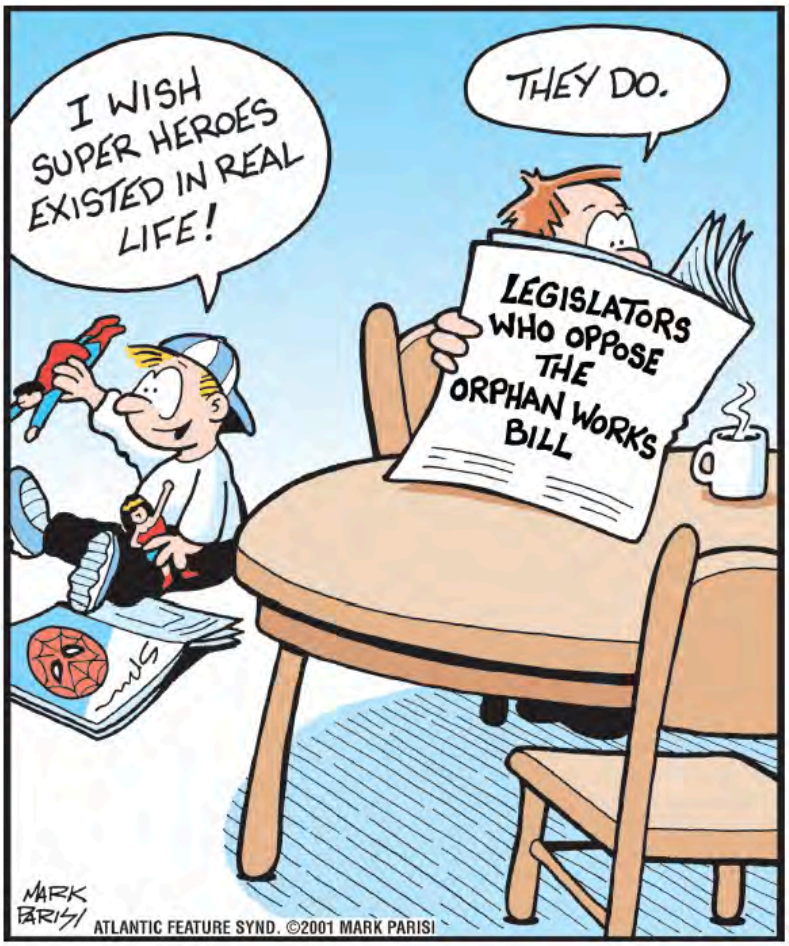
I ask that you consider the burden that would be put upon the copyright holder. We currently have 8000 images that have already in digital format but it took me about 6 months to digitize the older images. If I had to input this data into a database, depending on the amount of data required, it would probably take about a two minutes per image to upload and add the meta data. This would take approximately 260 hours at $10 an hour for a cost of $2600. This would be before any fees that might be charged by the database supplier.

Additionally, since it is clear that the government will not be running these databases, we question why any organization would be willing to run these database without the incentive for profit. I also am deeply concerned about any collective licensing schemes. There have been organizations that have been collecting reprographic royalties both in the United States and abroad without setting up compensation for the individual artists. These same organizations often will state that they speak on behalf of artist rights and yet they have no authorization to do so. We question the motivation of these organizations to act on behalf of all artist rights.

I 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.

Respectfully,

Lynn and Mark Parisi
off the mark cartoons
Atlantic Feature Syndicate



©