Tuesday July 7, 2015

To Whom It May Concern:

As a professional illustrator for the past five years, the 2015 Orphan Works and Mass Digitization Report is highly troubling. Illustration is an art form that shares a rich and important history within the United States. And while each and every American has some kind of personal relationship with illustration - be it favorite children's books, movie poster or tee-shirt design - very few people outside of the field understand the myriad challenges that professional illustrators have faced for many years.

I received my BFA in illustration in 2001 and my MFA in 2008. Since then I have worked on a diverse variety of projects with clients across the globe and received accolades from such industry institutions as Society Of Illustration, Society Of Illustration West, American Illustration and Communication Arts.

While the proliferation of the internet has afforded artists the ability to reach new audiences across the planet, it has also served as one of the greatest impediments for an artist's livelihood. Digitization has allowed for an artist's work to be exponentially shared and therefore almost impossible to exert complete control over how it is used. Most of the time our images are utilized simply as decoration on social media sites. But just as often our names and copyright information are unlawfully removed rendering our imagery particularly vulnerable to orphaning and thus appropriation. It is almost daily that I read about a fellow artist's work being monetized by an unscrupulous third party with zero profit or credit being afforded the creator.

Generally, a client will commission me for an illustration and the rights to use that work for a specific amount of time. Once that time period elapses, the rights return to me allowing me to re-license that same work to another client – a fact that the authors of the Orphan Works and Mass Digitization Report seem to not understand. Unfortunately, there seems to be a misconception that upon publication our artwork loses it's value. This is an inaccurate and potentially dangerous falsehood. For the illustrator, copyright law is not an abstract legal issue, but the basis on which our business rests. Our copyrights are the products we license so in essence, taking our work because it is deemed orphaned is literally stealing money out of our pockets. Everything that we create, whether for a client or for our own personal indulgence, becomes part of our business inventory. And in the digital era, inventory is more valuable to artists than ever before.

Please reconsider how the 2015 Orphan Works and Mass Digitization Report could have potentially disastrous effects on not only the field of illustration, but on the future creation of quality art in the public realm.

Sincerely,

Michael Marsicano