July 22nd, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence 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)

Dear Ms. Pallante and the U.S. Copyright Office:

My name is Lauren Simkin Berke. My mother was Carol F. Simkin, so copyright law was a primary area of discourse when I was growing up, and in many way informs my worldview. I am an illustrator as well as working as a gallery artist. I have been working as a freelance illustrator for 13 years. I have an M.F.A. from SVA in Illustration as Visual Essay, and a B.A. in Anthropology from Cornell University. I have received awards and honors from American Illustration, The Society of Illustrators, Communication Arts, and Print magazine. I create primarily editorial illustrations for magazines and newspapers, as well as book covers. My clients include The New York Times, New York Magazine, American Express, Simon & Schuster, Penguin Random House, The Boston Globe, The Los Angeles Times, O Magazine, and The Advocate, to name a few.

Copyright is not something that is abstract to me, and it is not simply a matter of monetary compensation. While the economic impact of having my copyrights as a visual author taken away is real and distressing, I am even more concerned with the matter of protection when it comes to having a say in where and how, or if, my work is used. As a maker of images, even if I did not work as a commercial artist, I would not feel it right for anyone to use the images I've created without permission.

As a maker of images I feel very strongly it is unreasonable to place the burden of registering every image made in order to ensure protection. This harkens back to the required formalities for protection that modern U.S. copyright law was intended to eliminate. My understanding is that a major goal of the 1976 Copyright Act was that American copyright law would join that of other nations in recognizing that once a creative work came into existence the author's right to control its use and be protected from unauthorized copying would be a given. Image making is how I think, it is not simply a skill I utilize to create work for clients, and to live in a world where my copyrights as a creator are not protected is unthinkable.

When I create work for a publication I am creating original work and granting the client first publication rights. It has been suggested that after a work is published it is no longer a usable revenue stream for the creator. This idea is ludicrous. If that were so, then it would not be a usable revenue stream for anyone, and corporations would not be seeking a change in law so they can use currently copyrighted works for their own uses, free of charge. All the work I have created has the potential for being licensed. Building a body of work that can be licensed is an important and integral aspect of an illustrator's business. While the growing ease of access to images via the internet makes the use of found images desirable to certain parties, this is a time to create greater protections for visual authors, not less.

Sincerely,
Lauren Simkin Berke