Jul 23, 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 Copyright Office Staff:

Thank you for the opportunity to comment on the problems visual artists face in the marketplace. I am a professional artist and have been for 20 years. I am currently working as a freelance artist, illustrator and designer. I have published multiple children's books and received multiple awards and honors for my art and illustrations. My ability to automatically own and keep all the rights to my work is imperative to me being able to make a living. The kind of provisions proposed in the Shawn Bentley Act, including having to register everything I've ever created, would be impossibly time-consuming and cost-restrictive for me to ever comply with. Especially as it would not benefit me so as much as the new private registry companies.

One of the ways for me to get work as an illustrator is to create illustrations and post them to my website, social media, and anything else to get exposure—so clients in need can find me and hire me. I am diligent in putting my name on the images, and include my name and copyright info in the meta data. But in this digital age, it is too easy for infringers to remove my name and meta data from the files. So, it's way too easy for something to be considered an 'orphan work' – it's more like 'kidnapped work'.

It has taken me ten years of learning and practicing my craft to be confident to approach publishing professionals with my stories. It takes a lot of luck and determination to get a book published. Should I be blessed enough to get a contract, it will take months and months to edit and create the images for the book to the publisher's expectations. Unfortunately, most of the time, the advance doesn't pay enough to actually sustain a living. Further still, the book may not sell well enough to earn royalties. Authors/illustrators count on being able to sell foreign rights, app rights, movie rights, etc. to be able to maintain living expenses. If a book is a big hit, selling licensing rights for toys and other consumer goods based on the illustrations can help immensely. I believe it is fair and just that I retain the rights to the creations that I have worked years to produce and not make it EASIER for huge companies to make money from my *business inventory*.

I find it appalling that this is going on in America, whereas many foreign countries follow the International copyright laws that allows artists to receive royalties from secondary licensing fees in the reprographic rights markets. Most American artists are unaware that in the US this licensing has been going on for over 30 years. None of us has received any of that money – it seems some rogue organizations have claimed the royalties as their own. The new proposed changes to the copyright law will make it even easier for big companies to steal from artists. This is theft contradicts the United States Constitution.

Article 1.8 of the Constitution provides protection for our work. The public interest in any work is not more important than the artist being able to make a living. As quoted from The Constitutional Provision Respecting Copyright:

The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

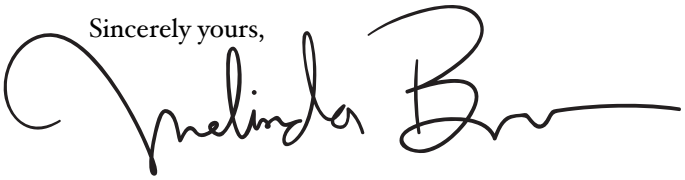
Freelance artists are engaged in an uncertain vocation without employer-provided health insurance, retirement plans, or unemployment insurance. The self-employed carry the full financial burden of all of these requirements themselves, in addition to providing for their families.

Why would the government put in place any action that would drastically reduce, or possibly even end, the taxable income of freelance artists, while feeding the pocketbooks of big companies that would be infringing on their rights provided by the United States Constitution?

I thank you for reading my letter and I ask you to recommend:

- Visual art be excluded from any 'orphan works' provisions congress writes into the new copyright act
- To not re-introduce registration of images, but to do away with it entirely, as has been done in the rest of the world
- To support Congressman Jerrold Nadler's American Royalties Too (ART) Act of 2015, which contains a provision that would create an honest visual arts collecting society that would begin returning lost royalties to artists in the reprographic licensing market in the US.

Sincerely yours,



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