From: Roland Moonen
Owner of Moon-Toons PopArt and Graphic Design

July 21, 2015

To: Catherine Rowland
Senior Advisor to the Register of Copyrights
U.S. Copyright Office

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (80fr23054)

Dear Ms Rowland

I am writing to you as a professional illustrator / writer from Elshout, Holland, since the new copyright law currently considered by the U.S. Congress, if enacted, would have a negative impact on the business of illustrators, photographers, fine artists and visual artists from all fields worldwide.

As a fulltime creator of content (let it be, cartoons, graphic novels, comic books, logo's and other graphic design creations)

As a fulltime-freelance illustrator since 2012 (part-time since 2003) I have always relied on acquiring new customers by presenting my work on the internet, next to word of mouth.. I mainly work (as of yet) as a self-publishing author/ artist , illustrating andwriting stories. I have illustrated in comic 'zines, glossy magazines. I've got nominated for one of my novels (best original story) have a web comic that is also available in print, I have a new series in production stretching over 21 issues) (you can find samples of my work on my website http://www.moon-toons.nl) next to illustration I design logo's and create folders, flyers brochures for businesses and people alike. (and everything done single handedly

Previously named nominated graphic novel, had also an exposition in a nearby theater.
Now, it's not a daylie occiring thing for me to have my work exposed on the walls of a nice fancy theater, so I really rely on the possibility of uploading my own creations on my site, and on my social media hangouts like facebook and instagram (to name a few) Next to the books and webcomic (www.sgtbenbo.com) I have prints of my characters on my social media to show fans / possible customers my new illustrations and projects I'm working on, so they can see all over the world what I'm making and that it is or it's going to come on sale.

Because, eventhough making illustrations and creating stories, creating entire worlds is fun.. It's how I support myself on my day to day life.. So it's not only some copyright thing, it's people livelihood.

It's not always easy for me and other artists to negotiate fees that allow us to make a living from our work, or to enforce copyright protection of our work, However, current legislation in most countries around the world enables us to prove ownership of our work through the simple act of publishing it under our name.

Even so, while the 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. Beeing a rather small fish in a large pond, my work is fairly below radar, but a fellow friend and artist that has worked for major studio's like Disney, has his

work ‘stolen’ by sites where you can get prints of artists work that have 0% connection to the people that actually made the content (that is considered theft in my book and nothing has done much about it.) I do my best to ‘copyright’ my work by placing watermarks, having my name on it, a clearly visible logo. Even placing filters over it when I upload to social media, so (next to me) no one would.

Right now, the burden of proof is on the infringer who must prove that they have rights of use to an image if accused of copyright infringement. But this new proposed legislation, if enacted, would transfer the burden of proof onto the creator, who is now required to document proper registration of their work if infringed upon; something that almost every creator outside the United States has never done, and might not learn to do until it is too late – a tremendous pressure to prove something that is already a matter of course.

This is as if the victim of a crime – for example, a burglary – would first have to prove that they have installed cameras and special security devices in their home before they are allowed to press charges against the burglar!

Generally, a client will not only commission an illustration from me, but also license exclusive rights of use for a specific time, area and purpose that is all stated in the contract written specifically for the project. If my work can be assumed „orphaned“ from the moment of creation, I can no longer give my client a guarantee that they have the exclusive rights of use to it. As a direct result of that, I lose money. This in an already competitive field where rates have not kept up with living costs and inflations in the past decades. And as a small one manned studio, as an artist trying to make a name, this makes it even more difficult to keep ones head above water in the sea of big studio’s and ad agency..

For the illustrator, copyright law is not an abstract legal issue, but the basis on which our business rests. Everything that we create, whether for a client, for our own published work 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.

The proposed copyright reform would result not only in artists losing their livelihood, but also in much fewer visual art being shared publicly by its creators for fear of infringement, which in the long run would mean less images being published; and thus diminishing variety and quality of our visual culture.

Please reconsider how a future law based on 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. The protection of these images is of utmost importance to my and every other content creator’s livelihood,

With best regards,

Roland Moonen
www.moon-toons.nl
www.sgtbenbo.com