July 20, 2015

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

To Whom it May Concern:

My name is Phil Balsman. I am a professional graphic designer and illustrator in the New York area, where I have lived and worked for the past 15 years. I have designed covers, logos, and done illustrations for well over 5,000 publications, released by such internationally known publishers as Random House, DC Comics, Marvel Comics, Simon & Schuster, Penguin Books, Grand Central Publishing, Sony Entertainment, and many, many more.

I am writing to address the problems visual artists face in the new digital environment.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

As a freelance illustrator and graphic designer, I need to maintain revenue streams in order to make a living for my family. The resale of my past images is part of my day to day way of doing business. My collection of work is a valuable resource that produces income for me and my family. The government wouldn't allow someone to stealcrops from a farmer and sell them as his own, but that is exactly what this proposed legislation would allow. Any attempt to replace our existing copyright laws with a system that would benefit internet companies would endanger my ability to make a living. Certain companies have already begun digitizing my work without my permission or financial compensation. Why would the government favor corporations like this instead of those of us who actually create new work?

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

The very proposals the Copyright Office has made to Congress concern me. It is essentially a revised Orphan Works (OW) bill, but would be even worse. Orphan Works bills have been resoundingly opposed by artists since they first appeared a decade ago. A copyright law built on the foundation of orphan works law would allow internet companies to syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. There can be no bigger challenge for those of us who make our living creating new works than to have to

compete with giant corporations that can get artwork free from artists and compete with us for our own markets.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

The proposal to reintroduce registration would become another financial burden for artists. Most working artists like myself already work 80+ hour weeks. None of us have the time or the extra money to file our works within this proposed registry, which is in itself an impossible idea--no such registry currently exists, despite what this proposal says to the contrary. Copyright should be automaticly attributed to the author of the work, the creator. These rights are the sole defense of the working artist against giant corporations who wish to steal our works--the publication and authorship rights to which are the core of our livelihood.

4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?

In my work I make fair use of photographs and other graphic artworks for reference but that is about all. I've found no difficulty in securing fonts or graphics through legal means in any way.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

The kind of system the Copyright Office has proposed to Congress seems all too familiar to me. Artists have already seen their foreign reprographics royalties diverted away from them for at least 20 years. I fear this is exactly what is going to happen with the proposals the Copyright Office has made to Congress. This legislation would destroy my ability to make a living and feed my family, and the only ones to benefit from this would be giant companies that do not need any help from the copyright offices in their ongoing quest to steal from the small business owner.

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.

Thanks,

Phil Balsman