July 20, 2015

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

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 Patrick Girouard. I am a nationally known artist and illustrator based in the Chicago area. Since 1979 I have produced and published a large body of original work. This includes over 200 children's books as well as illustrations for mass market and trade publications such as Sesame Street Magazine, National Geographic World, and USA Today, posters, greetings cards, t-shirt designs, museum exhibits, and corporate logos.

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 I need to maintain revenue streams in order to make a living to support my family. The resale of my past images is part of my day to day way of doing business. The collection of work that I have built over the past 36 years is a valuable resource that produces income for me and my family. 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 the work of artists and photographers without their 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 made by the Copyright Office 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 take 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. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gained greater and greater competitive advantage over freelance artists such as myself. Anyone who says this won't happen is not living in the real world. In the end, if the government passes this legislation, the result will be that artists like me will find ourselves paying through the nose to maintain our images in somebody else's for profit registries. As for the images we can't afford to register, or those we can't find in decades old metadata to register, will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited by others.

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. In the rare instance when I have incorporated a photograph into my work, it has been from the public domain files of the Library of Congress or used with the permission of and credited to the original photographer.

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 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.

To prevent this unjust conflict of interest, it is imperative that no artists group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These artists organizations have failed artists and should not be allowed to use this legislation to profit even further off the artists they were created to help.

I thank you for reading my letter and ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Sincerely,

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