July 22, 2015

Maria A. Pallante
Register of Copyrights and Director
US Copyright Office
101 Independence Avenue SE
Washington, D.C. 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Attn.: Maria A. Pallante:

I would like to thank your office for recognizing the existing and potential obstacles illustrators and visual artists confront when dealing with protecting and preserving the rights and value of their images.

As an illustrator I hold any image that I create as property--assets to my business. To limit or change how I distribute my images under proposed guidelines (e.g. the ECL “pilot program”) will restrict how compensation is handled, create insurmountable and costly documentation and encourage unsupervised and objectionable distribution.

My purpose in writing is to voice grave concern over what I see as a deterioration of our property rights. Orphan Works legislation suggestion that potential users [of an “orphan work”] have an incentive to “diligently search for their owners” is very subjective. Even a “rigorous search standard” favors the user and forces the illustrator or visual artist to implement a costly, time consuming and conceivably impossible task of inventorying and registering every image created.

I implore you to reconsider how this law will affect lives, employment and the marketing value of an illustration (or “pictorial work”). The argument that searching guidelines will prevent unauthorized multi-generational digital distribution is naïve. How can an individual police the potentially mass and obscure distribution of his/her image? You can argue that current laws also don't prevent this practice, but at least the owner of an image is not subjected to certain proposed limitations noted in Section 514(c)(1), regarding “monetary relief”. It must also be noted that no compensation is considered in the case of an image being devalued or soiled from use of an objectionable user (or its product, brand, etc.). This could prevent or at the very least challenge the future licensing life of an illustrator's image —a source of income from which many illustrators depend and expect. (Orphan Works,B. Solutions to the Orphan Works Problem, 5. Limitation on Liability Model: The Copyright Office's Recommendation, d. Limitation on Remedies, i. Monetary Relief: “Reasonable Compensation”)

I thank you in advance for allowing me the opportunity to express my concerns and I trust that your support of the visual artist continues to be supportive.

Sincerely,
Ned Norman