To: U.S. Copyright Office

My name is Paul Rogers and I have been a free-lance illustrator since 1980. I've created illustrations for The New York Times, The New Yorker, Esquire, Time, Wired and hundreds of other magazines and newspapers, I've worked with advertising agencies on campaigns and projects for American Express, Amtrak, and Taco Bell, I've created posters for SuperBowl XXXVII, The Los Angeles Metro, The New Orleans Jazz & Heritage Festival, Pixar Animation Studios, The U.S. Open Tennis Championship, and The National Infantry Museum, I've illustrated books for children written by Wynton Marsalis and Bob Dylan, and I've designed five United States Postal Service Stamps. I'm also an Associate Professor at Art Center College of Design in Pasadena, California.

My business and entire career has been based on existing copyright law, I create images for specific clients and license the reproduction rights to them through written agreements according to each project. The rights for every illustration you see in newspapers or magazines are sold as a first-time reproduction right, after that, the artist retains the original artwork and the copyright to the image, and can decide if that image gets sold again.

An artist's copyrighted images are the inventory of their business. The copyright to images that have been printed are just as valuable, or often, even more valuable than the original fee or the original piece of art – the paint on canvas or ink on paper version.

Copyright law has worked well for illustrators since the 1976 Copyright Act. Changing the law now makes no sense, and would have a severe negative effect on the business of thousands of artists. The law would never be changed so that it was legal to enter my studio and take an original work of art, yet changing the law to allow others to use my images, alter them as they like and re-sell them is equally bad. Putting the burden on the creator and owner of an image and not on the infringer and thief runs counter to every basic principle of fairness.

An artist who has had a long career builds up a reputation for a certain type of work, and clients will pay a premium price to have that artist create something for them. Allowing so-called "Orphan Works" to be slightly altered and re-sold without the knowledge or permission of the artist deeply diminishes an artist's ability to control the pricing for his original work.

Imagine if the advertising agency for Coca-Cola commissioned a particular artist for a nationwide campaign and while that artist was working on the images, someone at the agency that handles Pepsi found an unaccredited image by the same artist online, spent a few unsuccessful minutes trying to find the original artist and went ahead and used that image in a billboard or TV spot. The result would be that the upcoming Coca-Cola campaign would be worthless, and the infringing agency would only have to pay a small fee for their theft. Only when an artist controls when and how the reproduction rights to their own work are sold can this type of scenario be avoided.

In the digital age, images are spread around the world within seconds, this means an artist's inventory is even more valuable than before. Copyright law needs to be in place to protect the creator of original work.

Sincerely,

Paul Rogers
IIllustrator, Associate Professor, Art Center College of Design