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Copyright Office,

I have been a freelance illustrator for 30 years. I have created thousands of images published in books, magazines, newspapers, advertisements and other printed media. I have had much success, but also, as is the nature of illustration very unpredictable ups and downs income wise. There are no guarantees, prices for illustration remain stagnant or even lower that a decade or 2 ago. The saving grace is that I have the ability to re-sell the usage of my art, license its use, market in merchandising, make products, or even sell my originals, while maintaining copyrights. This ability allows me to make a living and support my 2 children. I have even included in my will instructions to assist my children in organizing and using my images to generate income for them in case of my death. These images are mine, and I should have the right to pass them, and the copyrights down to my heirs. The choice of how or whether to use them would also be their right.

Historically I could always count on the fact that my images, my manifested ideas, were my own, and automatically the copyrights were retained by me. This is logical. The mass of artwork I have created makes it impossible to scan and register each image. I should not have to worry that my images could be deemed orphan works, and taken up by some organization to use and sell as they please through digitization and dissemination to the global market via the internet.

I have had to fight to retain rights when publishers pushed contracts that try to take copyrights retroactively for images I created for their use. I have had people use portions of my work within their own images, or outright copies of my images produced and signed as their own. It is a very difficult task to monitor or even find a fraction of the use and abuse of my personal creations, especially with new technologies. It is hard enough to make a living as a creative, the act of conception and creation alone is time consuming and all encompassing, but to have to battle to retain rights to ones own work as well is crippling. I have to know when I sell the use of an image, where it has been licensed, and what its past usage has been, to prevent competitive uses, to control its life out in the world so those who pay to use it are guaranteed a certain set of rights. I can’t do that if it is digitized and available to all, or if others can claim it is orphaned and then abuse and spread the usage in undocumented ways.

Illustration is very different from writing or photography, it is individual personal styles of images, concepts, imagination translated to visuals, and the types of potential uses are endless, in whole or in parts. The creator should maintain the sole right to alter, combine, re-work, share or keep to ourselves, any images we make. This cannot be mandated by a government agency, to be shared for the good of the whole. If my bike is on the road, it doesn’t mean it should be taken and put in a community collective for all to use at will. That’s stealing. It seems to me that is what is happening with artwork in the digital age, and change in technology does not excuse theft. Ease of acquisition does not excuse the proper channels of permission and payment. If you can’t get permission, then get another image, and allow mine to remain unused, “gathering dust”, that is my right to determine, not the government’s or Google’s or any other entity. Please do not make our lives harder. Making a living from our own artwork is what we ask. I wish I had the clout of Taylor Swift, but I am one small fish in a great ocean. I deserve my copyrights, and control of my creations. Sincerely, Jennifer Hewitson