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 Jason Scholte. I am an artist doing comic and street art for over 23 years. Since 1992 I have created numerous art that has supported me and my need for medication for my brittle type 1 diabetes. Even though my art has been something I have done to supplement income, it is still my art that I have taken the time and effort to do with no such assistance. There are many others such as myself that do this which will be affected by this issue.

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 supplement my income, specifically for my expenses for my insulin which keeps me alive. The resale of my past images is part of my income for my medication. My collection of work 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 handle my medical expenses in order to stay alive with the use of insulin. Why would the government favor corporations like this instead of those of us who actually create new work? Why would the government allow corporations to take income away from individuals who need such income in order to survive?

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

The proposals the Copyright Office made to Congress concern me. It is basically a revised version of the Orphan Works (OW) bill, but it is written worse for the

artist. Orphan Works bills have been 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 take revenue from artists with the attempts of creating better revenue streams for themselves. This bill creates a much bigger challenge for those of us who make our living creating new works in which we have to compete with giant corporations that will have the ability to get artwork free from artists and attempt to gain control of 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. Even if private registries claim to keep costs low, these proposals allow such registries to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself. This has been proven in other industries such as the banking industry. If the government succeeds in passing this legislation, the result will be artists having to paying considerably more money to maintain our images in a private for profit registries. As for the images we can't afford to register, we can't find the time to register, or can't find old metadata to register will end up falling into noncompliance. The images created at great expense and effort will be free for exploitation 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?

These proposals will bypass any ability for the artist to make legal use of their art unless they pay the private for profit registries. By being unable to register artwork due to inability to pay the fees, finding old metadata for past work, or other inabilities to be compliant of the rules puts the artist into a position where they lose out on income or other abilities that is rightfully owned by the artist.

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 has the familiar tone which benefits corporations while taking away the rights of the artist who created the art. Artists have already seen their foreign reprographics royalties taken away from them for at least 20 years. These actions taken by corporations to lobby the passing of such an act are incomprehensible. I dare say this is no less than when the Nazis stole art from many families during World War II. I fear this is what will happen with the proposals the Copyright Office has made to Congress.

To prevent these unjust actions, it is imperative that no group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These organizations do not benefit artists and should not be allowed to use this legislation to profit even further off the artists they claim to help. If such a registry is created, then it should be government run with the artist's right in mind and not corporate interests.

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.

Thank you,

Jason Scholte