Dear Sirs,

My name is John Hulsey and I have been a self-supporting professional artist for 42 years. The current push by large private interests to dissolve some of our protections and take away rights to control our work as defined under the current Copyright Act is nothing new to me. This effort to take the food out of the mouths of creative artists in this country has been going on a long time, and I think it is shameful.

Art is my vocation and it is also my business. I have University and Art School training, which I paid for myself. I studied painting, illustration and graphic design so that I would have marketable skills to fall back on if my painting did not sell. The art business is tough - there is rarely ready-made demand for the individual artist. I sold my first painting commission when I was nineteen and never looked back. Over the years, it has never been easy, and the government offers us no tax incentives, as it does to may other businesses, to carry on this creative work. I quickly found out that artists are given very little respect in the marketplace and must fight for every dollar. My move to New York from Kansas City when I was 27 taught me some hard realities.

I made sales calls on all the major publishers and design houses in the city, and discovered that I was often taken advantage of by them. I joined the Graphic Artists Guild and learned that these industries consistently and collectively low-balled fees paid for illustration and design. One tactic they used was to pit one artist against another to end negotiation and keep prices low. I was often told that if I didn't like the terms, there were plenty of other artists they could call. When I accepted an assignment for a book cover, for example, it was a requirement that I sign a 6 - 8 page contract which effectively stripped me of all my copyrights to the assigned work, a tactic referred to as "work-for-hire", while allowing the publisher to reproduce the work world-wide, with no time limit, as often as they chose. This type of contract was commonly used by all the major publishing houses and appeared to be a deliberate attempt to circumvent my rights and protections under the Copyright Act.

As currently and correctly written, my copyrights are a bundle of protections for any given work of art, which I may use to control the reproduction and dissemination of my work and hopefully create income from it. The use of my images has economic value to the buyers - they know very well the sales appeal of strong compelling images. For example, as the law is currently written, I can sell a first North American publication use to my original work for a U.S. book cover, and ask for a separate fee for the European book publishing rights. I can also resell a use of the same work for a magazine editorial, an art poster, or an advertising or corporate use, etc. Because I alone control access to high-resolution copies of my images, it is up to my own industriousness to find other sources of income from my work, and that is how it should always be. Over the years, I have been able to resell some of my strongest, most appealing images several times for different purposes. This means desperately needed income for me and my family. Mass Digitization could threaten my ability to control my work worldwide.

Over the years, I have been fortunate to have my art featured prominently in numerous national and international art magazines. My TIME magazine portrait of Margaret Thatcher resides in the National Portrait Gallery in the Smithsonian Institute. Probably because of this notoriety, China-based poster publishers have already used my name without my knowledge or permission to use on inferior reproductions by an unknown artist - threatening my reputation as a serious, accomplished artist. If these same

companies can gain access to my original images, what is to stop them from using both my name and my work against me?

I believe this issue is all about money, and the large corporate push to rewrite the Copyright Act appears to be an orchestrated effort to use economic and legal power to disenfranchise independent business owners in the creative arts. Visual images power the world marketplace and the demand for art and images is growing with the expanding population of the world. Collectively, there is big money in reproduction rights worldwide. They understand, as we artists do, that while an original work of art can only be sold once, the images of that art can generate recurring revenue nearly forever. I believe, from my experiences, that some large internet corporate entities see artists as a small, voiceless and therefore exploitable group of “producers” whose rights they can circumvent by rewriting the playing rules to be more favorable to their particular business models.

Why should the Copyright Act be rewritten to allow Mass Digitization? The real value of Art is that it is unique - it is not Mass Produced. Mass Digitization would reduce all visual art to one giant banal group of products whose control and profitable exploitation will reside in large business entities who will then dictate the terms. This is a dangerous proposition. Furthermore, once Mass Digitization is allowed, we can never go back and undo the harm that will be caused to the individual artists.

My wife and I are both making a modest living from selling our art and reproductions of it. We are completely invested in using the internet as a business tool. We have an online art gallery to promote our work world-wide. Five years ago we started a separate subscription-based educational website, The Artist’s Road, to share the knowledge we have gained in over 40 years with anyone who wanted to join. We have invested our retirement savings into this educational site, and we rely on the current copyright law to protect the control of that content. Our content is our stock in trade, and much of it is art, art videos, pictorial demonstrations, articles and slide shows - all of it created by us. What happens if our content is Mass Digitized? Will we lose control of the content on our site? If that happens, our little business is dead.

The revenue we generate through the sales of all the creative works we make in all the various disciplines in which we work enable us to live a decent life and pay our taxes each year. It is not easy. We have to work very hard to market ourselves, understand contracts, schedule work, maintain timely supply chains, arrange for payment, collect payment, maintain accurate bookkeeping, pay local and federal taxes, and last, but not least, do the creative work. Please resist the pressure by a small, but well-financed group of big business concerns to strip away the control of our work and give it to the “marketplace”. They should always be required to contact the individual producers one-by-one to negotiate use and fair compensation for the images. Without artists, there would be no images. Without the images, they have no business. Please send them the message that they would be far better served by spending their time and money developing better relationships with the producers of art instead of with the Copyright Office and their congressional lobbyists.

Respectfully,
John Hulsey
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