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)

Dear Ms. Pallante,

Thank you for the opportunity to offer comment on the proposed new copyright laws, as they are of great and deeply troubling concern to professional artists. I am an associate professor of art at Westmont College in Santa Barbara, CA, but also work as a freelance professional illustrator, with work appearing in major publications nationally, including the Wall Street Journal and many others. I am also a member of both the Society of Illustrators NY and the Society of Illustrators LA, and am deeply invested in how copyright law treats my assets, which are the reproduction and licensing rights of my artwork.

The new copyright law has been put together by internet businesses with the goal of maximizing their profits; it is no exaggeration to term them as "Goliath" and individual artists like myself as "David" in this scenario. They're attempting to rig the game to serve their bottom lines, and the wreckage of careers like mine are truly of absolutely no consequence to them. I am pleading with you to not let corporate interests win out over the rights of individual artists to eke out a living via our copyrights. I recognize that these companies are disguising this legislation with terms like ease and convenience, but please do not be deceived—the wolves are most definitely clad in sheepskin. Any time there is a proposal for the public to be supplied to access to other people's copyrighted works without having to pay the artist, there are nefarious intentions afoot.

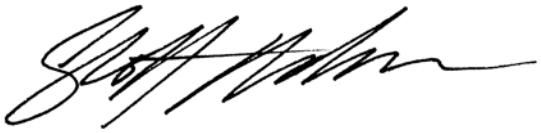
Lobbyists for these companies claim that once an artist's work has been published, there is typically no further commercial value, and should therefore be available for use without further compensation. This is A) patently untrue, and B) displays an intentionally shallow (even non-existent!) understanding of how illustrators in particular make a living off repeated licensing of their imagery. In the new digital age, images that can be re-licensed are perhaps the most valuable assets that any artist can have. The orphan works proposals provide an easy out for someone to claim that a work was simply too hard to find and therefore avoid fair payment, which should be set in negotiations with the artist. The free market always wins out in these cases, so let artists be paid according to what the market allows for the prestige of their name and quality of their work.

Perhaps the most key concept I can point out here is *that the current copyright law system works.* There is no burning need for "reform" of the sort that the corporations are so desperately trying to convince your office is needed. It's a cynical grab for content at cut-rate prices. The proposed rules would make it absolutely untenable for any artist to retain a lawyer on contingency status, which is the only way currently that an individual artist has any chance of successfully pursuing an infringement case. Making a living as an artist already poses plenty of challenges, but this new proposed legislation would make it impossible.

In my role as a professor, I instruct my students on best business practices within the visual arts industry, and I am very proud to state that many of my students have gone on to successful careers as illustrators, gallery artists, photographers, and graphic designers. But were these "reforms" to pass, my new advice to them would regrettably become much shorter and simpler: don't bother to become a professional visual artist. Goliath has won and you don't stand a chance of surviving.

I've intentionally used dramatic language in this letter to drive home how serious this situation is for professional artists. Please, use your position to advocate for those of us who don't have millions to spend on professional lobbyists. Let any copyright reform (if any at all) benefit *artists,* those who actually create the imagery that is at stake here. The corporations will continue to thrive as they always do.

Respectfully submitted,



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Clients include *The Wall Street Journal, Variety, Mother Jones, Village Voice, Riverfront Times, Seattle Met, SF Weekly, Phoenix New Times*, and many others

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