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To Whom It May Concern

RE: The Next Generation Copyright Act

I've been an illustrator for 21 years. My work, which is classified as a 'sole-proprietor' or as an independent contractor as nearly all illustrators, photographers and visual artists are, relies on the current copyright laws so I may license my work to earn a living.

Before I continue, a little about myself: I've been a full time illustrator since 1994 and have worked with many major magazine and publishers throughout the world. I have a BFA from the School of Visual Arts and two Master's Degrees from Syracuse University and the University of Hartford. I've won nearly 300 industry awards including Gold and Silver Medals from prestigious industry organizations such as the New York Society of Illustrators established over 100 years ago and many other organizations. I have work in the permanent collections of the Society of Illustrators, The New Britain Museum of American Art and the Norman Rockwell Museum.

I am also an educator working at the prestigious Massachusetts College of Art & Design, the United States' only free-standing public college of art and design in the country which advocates for access to and equity in art and art education. Many of my students have gone on to creating successful careers and winning awards. In 2010, I received the prestigious award of 3x3 Magazine's Illustrator/Educator of the Year.

The 'Next Generation Copyright Act' will hard small businesses and will create a giveaway of copyright to larger companies and corporations, and sadly, to other artists who rely on other artists work to create derivatives.

In order to create income, I license my work for use in publications throughout the world. Specifically, I am hired by a publisher to create a work of art for a specified story, editorial or concept. We negotiate terms, length of time published and conditions that they may use my work for a fair specified fee. After the work is completed and after a brief period from that publication, I may resell usage rights to whoever would have use of the artwork, which occurs often.

A specific example: a piece I created two years ago for the New York Times Health section was of interest to scientists at UC Berkeley who wrote a paper that related to the art I created for the Times. They were interested in submitting it to a journal for publication. If published, we negotiated a contract and fee structure, which was double of what I was originally paid by the New York Times to have the right to publish the artwork.

This example alone, as well as 20+ years of other examples should negate the insinuation by corporate lawyers and lobbyists that after first publication of the artwork, that the work has no value and that it should be free to the public to use. All work I create becomes part of my inventory that I may re-license at will and be properly compensated for it. The idea that income from my own work could be stripped from me is preposterous. Would you tell a musician after they sold a single CD of their new album that they shouldn't earn money off of all the other CD's sold because they have no value? Of course not.

In 2015, intellectual property and visual content has become one of the largest sources of income for not only artists, but corporations as they have begun to recognized its value. It's been no surprise that over the last decade the contracts I've been approached with have been focused on relinquishing my copyrights to the corporations so they may do with the work as they please to further generate more income for them while giving nothing to the content creator.

My work has value and in order to flourish, I need to be able to continue to have control over my work and be paid fairly for it. If my work didn't have continuous value even after its first printing as the lawyers and lobbyists suggest in favor of the new Copyright Act, corporate entities would not be hiring lawyers and spending millions on lobbyists to try to create new Copyright laws that strips intellectual property owners of the CONSTITUTIONAL RIGHT to have exclusive control over my work and earn an income from it.

Regards,

Scott Bakal
Illustrator | Educator