July 22, 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 Tim Silvis. I am a graphic artist and illustrator. Since 1987 I have produced promotional materials, fine art and commercial art for mom and pop companies to fortune 500 companies. 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 make a living for my family. The resale of my past images is part of my day to day way I do business. My collection of work is a valuable resource that produces income for myself and my family. Any attempt to replace our existing copyright laws with a system that would benefit internet companies would endanger my ability to make a living.

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

The very proposals the Copyright Office has made essentially revise the Orphan Works (OW). Orphan Works bills have been resoundingly 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 skim off revenue from artists, creating large revenue streams for themselves on the artists catalog of work. There can be no bigger challenge for those of us who make our living creating new works than to have to compete with giant corporations who will eventually compete with us for 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. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself. As for the images we can't afford to register, or those we can't find the time to register, or those we can't find decades old meta-data to register will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited 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?

In my work I make fair use of photographs and other graphic artworks for reference or reference, used for presentation purposes but that is all. For final products I rely on professional photographers, writers and illustrators to meet my clients need

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

Artists have already seen their foreign royalties diverted away from them for almost 20 years. I To prevent this unjust conflict of interest, it is imperative that no artists group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These artists organizations have failed artists and should not be allowed to use this legislation to profit even further off the artists they were created to help.

Thank you very much for your time and reading my letter.

My hope is that visual art be excluded from any orphan works provisions Congress writes into the new copyright act. Orphan works provisions open the door to mass creation of "derivative works", i.e., slightly changing an element of an illustration, as example, to claim non ownership and therefore use without royalty.

In effect, the proposed changes to the law will take the art and future revenue from the artist who creates artwork that enlightens, informs and entertains the viewer and put that art work in the hands of a corporate third party who has had no hand in the creation of the work, but stands to profit on future revenues of the art. Beyond fair use exceptions, that cannot be seen as anything other than the leagalized theft of private property.

Tim Silvis