July 23, 2015

Dear Sirs,

I recently became aware of the new Copyright recommendations. I feel compelled to officially state my protest of the proposed changes, as it would have an immense negative impact on my profession and livelihood.

I have been a professional artist since 1986, working as an illustrator for comic books, novels and album covers, with clients that include DC Comics, Marvel, Barnes and Noble, The Cartoon Network, Metalblade Records, and many more small and independent publishers. Additionally, I have worked with multiple art galleries and on countless private commissions from fans and collectors.

My success as an artist, what allows me to make a living, is having the rights to the work I create. The ability to sell reproduction rights for different uses. Currently those rights are inherent. If I had to register everything I produce, which would amount to thousands of works, including sketches, anything I may have posted on my website or to social media, the cost would be prohibitive, not only financially, but with my time as well. I make my living partly on the body of work I have produced over the years. I would not be able to afford to promote my own work. This would also eliminate my ability to create and sell art “on the spot” for interested buyers, because I would not be able to register my copyright first.

I do not like the idea of having to register my work with a private for-profit company. They will make the rules and set the prices. They will profit from my work before me, by virtue of the fact that I have to register it before I can begin to take the necessary steps to earn my living from it, such as promotion through social media, submissions to publishers, private sales, etc. Why should they make money off my work before I do?

The laws should protect the creators. As written, your suggestions seem to favor the illegal use of images. Just because someone is having trouble finding the creator or copyright holder, it should not give them permission to use it. Piracy is already rampant in the art world, but as the laws stand now we can prosecute them. These proposed changes would make pirating easier and could give it legal backing. If someone uses my work after claiming that they could not find the copyright holder, it is the same as stealing. They are taking my work for free without my permission.

What is the measure of due diligence? How much time and effort satisfies the need to look for the creator before the search can be abandoned and the work used anyway? How many artists have the time and financial means to ask the court to determine whether or not there was due diligence? Now imagine having to constantly be in legal battles to prove that someone did not adequately seek out the creator. The truth is, the majority of artists would not be able to seek legal protection and those who would manipulate this loophole know it and would use it fully to their advantage. I do not see any real hardship being placed on someone having to abandon the use of a creative work because they could not find the creator. Not when compared to the hardship these proposed changes would be for the creators.

The legislators who passed the Copyright Act of 1976 seemed to understand the need for creative works to inherently be granted a copyright at the moment of creation and those rights be granted to the creator. They seemed to understand how exhaustive and unnecessarily time-consuming it would be to require every individual creation to be registered, to wait for the approval process, to track and organize

copyright filings, not to mention the expense to the creator. There is a legitimate need to have protection for even a doodle or simple sketch.

The need to protect the creators is far greater than the need to make things easier and/or more profitable for internet companies who distribute creative content.

Sincerely,

Vincent Locke