104 Village Park Drive

Boerne, TX 78006

21 July 2015

Ms. Maria Pallante

Register of Copyrights

U.S. Copyright Office

101 Independence Ave., SE

Washington, DC 20559-6000

Subject: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Gentlepersons:

As a fine arts painter in watercolor, gouache and mixed media I am writing to ask for your support of artists and challenges faced in our digital environment. I ask for your recommendation that visual fine art be excluded from any orphan work provisions which may be part of a new copyright act. I ask that you not recommend passage of the current draft changes to the copyright law and consider appropriate actions in support of the following:

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic works and/or illustrations?

As the founder and owner of a fine arts painting business, the most significant challenges to me are the unlicensed and unapproved use of my paintings and fine art by those who wish to resell them for their own profit. My works, and my copyrights, are valuable resources which provide income for me and my family. I and I alone, should own and maintain all rights to my intellectual property which I have created using years of education, training, experience and expense.

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

The most significant current challenges are the unlicensed use, reproduction and sale of my paintings without my permission and with no just compensation to me. This occurs through the Internet by users in both the U.S. and abroad. Orphan Works Bills have long been opposed by artists since they first appeared over ten years ago. Allowing large corporations to use my artwork, without my permission, for their own revenue gain is the most significant threat to my creation of new artwork and providing income for me and my family.

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

Artists, architects and others have long held personal copyrights for their intellectual property without the added expense and burden of registration. The cost in time and money, plus the increased business burden for registration and records-keeping makes the proposed registration with commercial registries simply unworkable. Without such registration, the intellectual property becomes "orphaned" and available for commercial infringement. Registration of fine art is simply unworkable and unnecessary for individual artists like me.

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?

I do not make use of these types of intellectual property of others in my own personal work. I do not allow the use of my work without permission and license. As an individual fine artist I could not work for over 20 years, producing personal individual pieces of fine art otherwise. Allowing the unlicensed digitization of my work by others, without my prior permission would devalue my own personal work and lead to the close of my business in short order.

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

As a fine-art painter, my success and my livelihood rest on my exclusive control of my intellectual property and my copyrights for them. Any change to the law which would allow the possibility of Internet businesses or other interests to have rights to my paintings, now or in the future, will have a devastating negative effect on my work and business. Only individual artists should be able to license and/or authorized the use or reuse of their paintings. Anything otherwise is simply stealing the income we seek for ourselves and our family.

I ask you to allow me to be able to determine voluntarily and unilaterally, for myself, if, how, when and by whom my work may or may not be used. Hopefully, it is clear to you than my fine art does not lose its value upon authorized publication. Rather, every piece of art I create is part of my "business inventory", which is what is of value to every artist.

Thank you for reading my letter. I ask for your recommendation that visual fine art be excluded from any orphan work provisions which may be part of the copyright act.

Respectfully,

Virgil R. Carter