July 17, 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 Wayne Schwisow. I am an Art Director for a souvenir importer, and also a freelance illustrator/designer. I am writing in regard to new possible legislation regarding copyright for visual artists.

1. What are the most significant challenges related to monetizing and/or licensing

photographs, graphic artworks, and/or illustrations?

As a freelance illustrator, I create original works of art on the computer in a digital format. I then have prints made of these works and show at annual art shows where potential customers can view and purchase my work. Since I work digitally, there is no “original” to sell (such as oil on canvas) and I can continue to reproduce work when it is needed. These new laws would make it possible for someone else to purchase a piece, or download it from my website and make their own reproductions for profit.

2. What are the most significant enforcement challenges for photographers,

graphic artists, and/or illustrators?

The proposals the Copyright Office has made to Congress are essentially a revised Orphan Works (OW) bill. 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 syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. 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 that can get artwork free from artists and compete with.

3. What are the most significant registration challenges for photographers,

graphic artists, and/or illustrators?

I don’t even know how many pieces of art I create in a year, so the thought that I would need to register each one and pay a fee to do so would seriously make me change careers. As an artist, time is money, and any time spent with necessary administrative duties (which we all deal with) is time that we are not making a living. Adding to that burden with what would be necessary for registration of all works is a huge financial loss in time management.

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 use a lot of other peoples works in what i do, and it is always a challenge to find affordable or free images, but they are out there if you look and there are people (myself included) who will donate art or photography to those specific sites for public use. I also use other pay sites and purchase licenses in that manner.

5. What other issues or challenges should the Office be aware of regarding

photographs, graphic artworks, and/or illustrations under the Copyright Act?

The kind of system the Copyright Office has proposed to Congress seems all too

familiar to me. Artists have already seen their foreign reprographics royalties

diverted away from them for at least 20 years. I fear this is exactly what is going

to happen with the proposals the Copyright Office has made to Congress.

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.

I thank you for reading my letter and I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Sincerely,

Wayne Schwisow