To those members of the U.S Copyright Office who will soon review how visual works, photographs, graphic artworks and illustrations are monetized, enforced and registered under the current Copyright Act.

I am a concerned professional illustrator of 30 years and an Assistant Professor of Illustration for the School of Art and Design at Parsons the New School for Design in New York for the last 25 years. My works of art have appeared in many publications, on the covers of books and interiors of books, periodicals, and newspapers internationally since 1981. For the purpose of understanding the scope of my business I will take the time to outline some of the publications and awards here: My publishers include; The New York Times, Harper Collins, Random/Doubleday/Dell, Penguin/Putnam, Scholastic Books, and Time/Life Publications, among others. Critics' selections have included my illustration and advocacy in The New York Times, U.S.A. Today, The Beacon Journal, The Philadelphia Inquirer, The Seattle News, The Miami Herald, The Rolling Stone, among others. I have achieved many awards and honors among them; The Dean Cornwall Recognition Award from The Society of Illustrators Museum of American Illustration, The Distinguished Educator of The Year Award from The New School University, The Sydney Tyler Book Award, and The Washington Irving's Children's Choice Honor. I have taken part in, juried, initiated and chaired many exhibitions. Recent examples have been with The Society of Illustrators Museum of American Illustration, The United Nations and The New York Historical Society. My work continues to be displayed in solo and traveling group exhibitions nationally. In addition to Parsons The New School for Design, I have been a guest educator and lecturer for a few New York Institutions of art, namely, Pratt Institute and The Fashion Institute of Technology. My work is held in private collections, as well as the permanent collections of The Society of Illustrators Museum of American Illustration and The Norman Rockwell Museum.

It is with this experience that I reflect on the new discussion and proposed changes in the current copyright law. Law that will protect my rights to the work and products that I license is not an abstract legal issue. It is essential to my business and a basis upon which it can exist. Copyright infringement on my work and that of artists who operate illustration practices is akin to theft. My images are developed through mindful thought and personal invention, and are rendered with the skills accomplished by years of training. It is extremely important that I determine voluntarily, how and by whom my work is used.

My work has never lost its value upon publication. On the contrary, it increases my notoriety and enhances my position in a very competitive field. My images become integral to an inventory of work that is perused and reflected upon for future jobs and exhibitions by future clients.

Please consider my following objections when reviewing the current copyright law and the proposed "reforms" of The Next Great Copyright Act.

I object strenuously to the proposal to void my Constitutional right to exclusive control of my own work.

The public should have NO PRIVILEGE or right to use my work without my express consent or contractual negotiation to do so.

The added pressure to register my work with commercial registries would be unaffordable and untenable for my small business.

I object strongly to the idea of “orphaning” unregistered work. It would make such work available for infringement and allow for alterations to my images under the name of others using it in the production of derivative works that would undermine my business and personal invention.

Furthermore it would adversely effect all visual art, the future production of and that which already exists, which includes drawings and painting, sketches, photography and graphic art that is published and unpublished, domestic and foreign.

I am concerned that the demand for proposed copyright "reform" will pass to the detriment of those who own small business who strive to create art. Proposed reform is the interest of large Internet firms and the legal scholars allied with them only. Their business models involve supplying the public with access to other people's copyrighted work. Their problem has been how to accomplish this legally and *without paying artists*.

I am alarmed that these "reforms" they've proposed would allow them to stock their databases with our imagery. This would happen either by forcing us to hand over our images to them as registered works, or by harvesting unregistered works as orphans and copyrighting them in their own names as "derivative works."

Since the Copyright Office acknowledges that this will cause special problems for visual artists, I wonder how an idea of this nature can be entertained that artists should still be subject to orphan works law.

As I understand it, the "Next Great Copyright Act" would go even further than previous Orphan Works Acts.

With great respect, I strenuously object to the mass digitization of our intellectual property by corporate interests. I object to an extended collective licensing which would replace voluntary business agreements between myself and my clients.

In addition, I would object to and frankly would not be able to financially cope with a copyright small claims court which would propose to handle the copious number of lawsuits expected to result from the resulting orphan work infringements.

Art is the one truly essential component of culture and civilization. Artists work against enormous odds and hurdles to create inspired and inventive works. Please reconsider passing any of the new proposed reforms that would compromise us further.

Respectfully,
Wendy Popp

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