

**From:**

**Subject:**

**Date:**

In support of future rights holders

Friday, March 19, 2010 2:34:05 PM

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My name is Walter King. I am an artist and professor of Visual Communications (the former Chairman of the Illustration Department) at the Columbus College of Art and Design. My work has been published as advertisements in the New York Times, by Apple Computers and their authorized dealers, as graphic images on PBS (Profiles in American Art, a 12 part series on American Artists), as illustration in Oprah Magazine, Tulsa Magazine, as book illustrations on covers for Friends United Press, Artizan, Erbacce Press (Liverpool England) and Pudding House Publishing (USA), featured in the AIGA and American Illustration Annuals. I have exhibited my work around the United States for years and in Japan, Europe and South America.

My students dream of being illustrators and designers. Recently there have been a number of attempts at reforming copyright law to allow the use of intellectual properties owned by individual artists by anyone who supposedly makes a good faith effort to find the rights holder. The so called 'Orphan Works' law threatens the livelihood of a very large number of artists and authors in the United States while benefitting organizations like Google, Corbis, major museums like the Museum of Modern Art and the MET. My students are and will be future rights holders. We, the College where I teach, have helped thousands of young artists begin their careers as inventive, creative illustrators. They have created from their talent and hard work perhaps millions of images over the years including a children's book on the life of President Obama. Our current Chair of Illustration illustrated the Time Magazine inaugural portrait of President Obama. Our alumni work for Disney, Hallmark, American Greetings, Lucas Works...they are freelancers who work as contractors and they are staff artists whose work is considered 'work for hire'. They work in the gaming industries, as animators, as designers, illustrators and photographers, in advertising, publishing...some are entrepreneurs who produce their own projects such as comic books, picture books, films, websites, prints and all sorts of popular culture. They enter a very dangerous world in which large corporations and foreign businesses wrongfully use their imagery. Sometimes this is due to ignorance of the law, sometimes it is done out of negligence, and sometimes down right theft. As an individual artist it is nearly impossible to police and protect one's rights. We often see the press that suggests that large industries like Disney or the Music industry are supported by copyright legislation designed for their sole benefit like the so called Mickey Mouse legislation that extended the rights of Disney to control their famous icon on his 50th anniversary. Rarely do we hear about efforts to help the small individual rights holder.

Often an artist may only create a few images in a life time of creativity that will develop a life of its own able to generate an income long after the original work of art was created. In many instances the sale of print or other usage rights will be the only retirement an artist may have. Any change in current copyright law that risks their ability to make a living from the work they did could leave them with no means of support, even though the work is popular and could be depended upon for an income if managed properly. This is a very important issue from my point of view. I see attempts at making huge industries more able to use other's rights with caps put on law suits. I see an attempt to create a new vulture like industry to list and police artists works at huge expense to the individual artist who will be forced to pay multiple lists to police thousands of works of art. I see everything but the original concept of protecting the individual artist or author.

I myself have created thousands of works over my lifetime as an artist. I am 57. I have been making works of art for over 40 years. I've not made a lot of money directly as an artist. Largely my income has come from teaching the artistic skills I've disciplined myself with over the years. I remember one instance in which a logo design I did in 1983 for a not for profit client through an agency I worked with in Oklahoma was featured in Art Direction Magazine. A couple years later I saw a very similar logo for another not for profit client used in Florida. The image I made was for a program that cared for unmarried teenaged mothers. It was part of the Margaret Hudson program in Tulsa and the logo was a hand made letter "M" with a half circle above the first hump and a full circle above the second hump of the "M". In which older mothers whose children have grown and left on their own volunteer to nurture and mentor young girls who find themselves pregnant while still in Jr. High and High School. The colors were maroon and gray.

The same configuration of circles and an 'm' were used in the Florida design which was for a group of mothers whose sons were dying of A.I.D.S.. I wish I could be more specific but at this time I cannot recall the name of the group. I only know about it because I saw it as part of a news magazine report on national television. This occurred in the late 80's. Under the circumstances neither the Margaret Hudson Program, the Advertising Agency or myself felt that it would be a good idea to pursue infringement proceedings given the fact that neither organization involved were profit making institutions. It just wouldn't be good public relations. My point is that I only found out about the infringement because of chance television coverage. It is nearly impossible to police ones work once the production of a majority of a lifetime is floating out there in the public eye. It should be the responsibility of the user/infringer to find the owner and make negotiations. But the reality is few want to pay an artist for their work. It has become standard to assume that an artists work is free especially if found on the internet.

I hope that my students will have an easier time making use of their own creative works. Your offices can have a very positive hand in helping young artists carve a living with their creativity by not handing it over to large corporate industries who should be paying for the raw material in which they profit so the creative spirit of American can continue to grow from the ground up.

Sincerely,

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