July 19, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence 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 Elizabeth Reeves. I am a Lincoln, Nebraska based illustrator and graphic designer. Though I may not be as critically renowned as some other artists writing to you about this change in copyright law, it still affects me. I have created and sold my art for over ten years, usually at conventions throughout the United States. I also post some of my work online for others to enjoy, but not to take and/or monetize without my permission. While I do think that there should be some updates to the current copyright law, please allow me to elaborate on why the current proposed changes are inappropriate and possibly damaging to me as an artist.

1. What are the most significant challenges related to monetizeing and/or licensing photographs, graphic artiworks, and/or illustrations.
I believe the lack of perceived value of art by corporations and individuals who wish to use my art is a challenge. I hope all of our congressional representatives want American citizens to be rightly compensated for work they have made. Please recognize that art, graphic arts, and illustrations are an integral part of our society, and because it is important, what I ask of companies and corporations is they recognize my right as an artist to be paid competitively and fairly for that work. When a company, corporation, or individual is allowed to decide what fair or competitive pay is, it rarely is either of those things. Being able to determine my work's worth, and to whom I would license it to, is paramount to my success as an artist.

2. *What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?*
It is easy for infringers to take an artist's work and hope they aren't caught. With the sheer amount of artwork that is available, sometimes it is difficult to catch those who are infringing on my rights. However, many of the proposed changes in copyright law from the Copyright Protection for Certain Visual Works would make it almost impossible for me to enforce my copyrights, mostly due to the amount of time and money it would require to register and maintain my copyrights. My work has value. My time has value. The Copyright Protection for Certain Visual Works would make it unfeasible for me to enforce my own copyrights. I would likely stop making and sharing my art due to lack of reasonable protections. Enforcing copyright law is only reasonable when it doesn't put an undue burden on the person it is supposed to be protecting.

3. *What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?*
I don't have the money to register each one of my sketches, or even each of my finished art pieces. The way my personal art market works, sharing via social media is vital for me to be able to promote my art and have that translate to sales. Sometimes I have to post art (meaning publish it to a blog or other social media outlet) that isn't meant for sales, only for promotion or hype. I have found producing a consistent and steady stream of art is the best way to maintain a fan and customer base. Registering this volume of work would be too time consuming, and if I choose not to register, it might mean I am creating art that could be taken and used by my competitors in my own market against me.

4. *What are the most significant challenges or frustration for those who wish to make use of photographs, graphic art works, and/or illustrations?*
Looking at the issue from the side of those who wish to make use of my art is difficult for me. I don't think I'm asking too much in regards to commercial use of my work. I ask to be able to choose what fair compensation to license my work is. I ask to be able to choose the type and duration of license for that art. I ask to be able to say no. I ask that if someone has infringed upon my work that I am able to seek damages against that person or corporation.

For the people who want to use art, I suppose ease of information is key. Someone who doesn't know my particular style might not be able to identify an unmarked illustration as my work. They would not be able to contact me, so I do understand the want for registration. However, that registration should not put an undue burden on copyright holders, while simultaneously making it easier for infringers. That said, with the sheer number of artworks out there, it is not difficult to find work that is available to be licensed, or to connect with a person who is able to be contacted. The presumption that all art should be able to be licensed, or available commercially, is wrong. The presumption that an orphaned work should be available for whoever, whenever, is wrong.

Education and preservation is the one area where I believe it to be important to be able to preserve and catalogue orphaned works. The current system should be adjusted to redefine fair use for education and preservation only, with very strict process and standards for defining orphaned works. However, if there is any chance that the orphaned work could be used for profit (of any kind), it should not be allowed.

5. *What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?*
Please remember that artists are an important part of our society. If what we produce is so vital to our society, don't we deserve to have the same protection under the law as corporations do? Don't we deserve laws that don't skew protection in a way that it favors infringers over those who create? At the very least, if registration is required, it should be free to the artists. Have the people and corporations who want to use these works take on the burden of paying for registration if they want to license them so badly. Registration should also be transparent. Everyone should be able to see who has registered what work. And finally, registration should be done by not-for-profit companies, or the copyright office.

I hope that what I have discussed here has helped you to see that the copyrights of my works are important to me. Artists' rights are important to every artist—big or small, successful or not. Please do not go forward with the Copyright Protection for Certain Visual Works Act. It is not even true to its original intent, and it will undoubtedly hurt visual artists far more than it would help.

Thank you for your time,

Elizabeth Reeves