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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)

Dear Sir or Madam:

My name is Emily Clanton. I am a visual artist and social media marketer working in the Atlanta, Georgia area. I am writing to address the problems artists face in the new digital environment.

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

As a contemporary fine artist I am beginning to expand into online options for selling my work and gaining exposure to larger audiences. As with any entrepreneurial venture, multiple revenue streams are best for ensuring a sustainable business. The resale of my past images is one way that I can support myself and contribute to my family's income. Any attempt to replace our existing copyright laws with a system that would benefit Internet companies would endanger my ability to make a living.

Putting oneself online comes with the knowledge that certain companies will digitize work without permission or financial compensation. Why would the government favor corporations like this instead of those of us who actually create new work?

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

The very proposals the Copyright Office has made to Congress concern me. It is essentially a revised Orphan Works (OW) bill, but would be even worse. 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 us for our own markets.

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

The proposal to reintroduce registration would become another financial burden for artists. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself. Anyone who says this won't happen is not living in the real world. In the end, if the government succeeds in passing this legislation, the end result will be that artists like myself will find ourselves paying through the nose to maintain our images in somebody else's for profit registries. As for the images we can't afford to register, or those we can't find the time to register, or those we can't find decades old metadata to register will all fall into noncompliance and a lifetime of images created at great expense and effort will be free to be exploited by others.

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?

As the social media manager for a start up publishing company, I instituted a policy of using and crediting images pulled from a Creative Commons database - http://creativecommons.org. I have also made it a habit to use these images for my personal artistic projects as well. It is the only way I can ensure that the company I work for will not be sued by an image holding company - Getty, Associated Press, et al. - while also respecting the copyrights and wishes of other artists in the online creative space. It would be wonderful if more people

utilized the Creative Commons licensing system so it is very clear who wants their images to be used by others and how.

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 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.

Thank you for taking the time to read my letter. I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Thanks again,
Emily Clanton