July 19, 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)

Dear Ms. Pallante and the Copyright Office Staff:

I was unpleasantly surprised to learn about this Orphan Works Act. Thank you for providing us with the opportunity to share just how deeply such an act would affect us.

I am a freelancer with ties to writing, visual arts, and photography. I have been honing my crafts for over twenty years, but it is only in recent years that I've really begun pursuing avenues in which to publish my works. One of the biggest roadblocks currently is the lack of clarity in my rights in regards to the works I complete, either for my own portfolio or as commissions.

Already the Internet is rife with image theft. It is something I have seen for decades. Users, companies, giant corporations rip the watermark and other copyright information from art and photographs and not only post it as their own, but sell it. Many times have I seen a fellow artist lose out on income due to someone outright stealing their art and claiming it. Even if the buyer is apologetic, that artist is still not getting paid for something they worked hard on. This sort of thing is a large reason I fear even attempting to enter the art world professional. This knowledge that not only could my works be stolen, but also that I would have no way to easily and affordably remedy the situation.

When we sell pieces, we are basically selling a copyright to that piece. We, as the creators and owners of these pieces of work, should have the ability to sell— or not sell!— every use of that work as we would like. The copyright are essentially the products that we are selling. A wine does not lose its value merely because it is tasted; so art does not lose its value upon publication.

There are many already professional artists who can explain better the challenges of monetizing their work. I know that as someone newer to the scene, I'm still uncertain of even how to license my work properly. I see different information everywhere telling me

myriad things about what I have to do, what rights I do or don't have. The fact that I have seen my professional friends ripped off time and time again with no way to get recompense, even if they can actually get the site, user, whoever to take down the stolen image. Each time they are stolen from, they lose more of their income and, in a few cases I've seen, an entire work suddenly floods different sites and there's no way for them to bring back their piece.

This isn't a reduction in value of the piece, it's outright theft by others, often corporations, that is currently left unplowed and thus the system continues to propagate itself.

Such as licensing, I'm uncertain of registering my work. Besides the confusion of what I need to register things, I recently learned that there are two different registration fees, one that only lasts for a decade and a prohibitive fee. Even the first registration fee of $55.00 is well beyond my ability to cover for the pieces I would attempt to sell. I don't have the wherewithal to purchase such registrations yet. Beyond that, I don't usually create a single piece at a time, especially in regards to digital or graphic work and even photographs. I will try many different things, as have other artist friends of mine. I have seen even the pieces that were rejected for the original use stolen and used without the creator's permission, ending in further loss of revenue as well as a creative blow to both the artist and the commissioner of the piece.

The biggest challenge I've found to attempting to attain the right to even use a piece is that so often the copyright information and/or watermark have been stripped and I have no way to locate the creator.

I've heard a few things in regards to resale royalties that seemed alarming, but, again, I do not know much about it. I am also concerned about derivative works, as well as "fanwork". In Japan, there is a thriving industry tied in strongly with their comic and cartoon industries called 'doujinshi'. This refers to the creations by the fan base on stories and characters in professionally complete pieces. From what I understand of US Copyright Law currently, Americans creating and publishing fawner is illegal. I feel that this is something that should be revisited to hopefully expand the art industry with the ability of our fans to expand the love and interest in American art of all types.

We've already seen a global interest in American art, and this is something that we should cultivate AS WELL AS protect our artists. If the current proposals become law, I can't imagine continuing to pursue any sort of artistic or photographic business. Our laws are already weighted far too heavily towards corporations. There is no way I, as an entry level artist, as an average American, can take them on. It is up to you, and the other government agencies, to protect us. You have our trust; please take care of it.

Thank you so much for your time. I greatly look forward to a response that will protect our artists and keep the creativity flowing.

Sincerely yours,

Michalla Stalder

Freelancer

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