Maria Pallante

Register of Copyrights

US Copyright Office

101 Independence Ave. S.E.

Washington, DC 20559-6000

Catherine Koon

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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 am glad I can have this opportunity to explain the importance of my ability to keep the copyright on the work I do, and the challenges I already have.

I have been a visual artist for 35 years. I worked as a graphic designer, an illustrator, a fine artist and a scenic artist for film and TV.

The work I create for clients, film and TV are owned by the project. However, my designs and my creations as a fine artist I want to retain the rights to as the images can continued to be used for greeting cards, prints, phone case designs etc. I sell my paintings and drawings but keep my rights to my work.

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

Well, as I said above, I have signed my rights away as I have worked for hire on many projects. I supplied my own tools, workspace, transportation, health insurance and daycare, as I'm a single mom.

As a fine artist some of my simple line drawings I do can be easily taken off my site. I have had them at art shows, and people would photograph them rather than buying the work. Putting any design out there means there is a risk of someone taking the image for their own use.

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

It's having the money for legal fees. However, I understand that it may be possible to obtain a lawyer on a contingency fee bases. But at least there would be a **case.**

From what I understand, the orphan works legislation would create a no-fault license to infringe . All artists would be finding their works on products produced over seas or on sites that use art to print on many products. What recourse would the artists have? Where is the deterrent?

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

I create all my images on my own. I am the designer, author and executer of my work, and finance it all myself. Unlike a movie, or a writer or even a musician they have a team behind them. And it's not like a job where you get paid a salary with pension and health care!!

We artists are on our own and we have a limited time per day. Not only am I a mom, but my mothers' care giver. I still have to market what I make, package it , ship it and create new stuff.

Over the years I have created thousands of illustrations and paintings.

I can't imagine a law that insists that I stop my work, and register everything I've done with scans, color checks catalog, with meta data and sent to two offices.

Where would I have time to make anything? I don't make enough money as it is and all this would be free?!

It certainly **would not discourage the rip off artists** from taking anything I produce for their own licenses that's for sure!

Isn't the purpose of copyright to have the creator retain the rights so they can make money off of the fruits of their labor? Not become a slave.

4**) What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic works, and /or illustrations?**

I get inspired by other artists or photos, but I don't use them. They give me ideas that I'll use or not. I take my own photos and use my own sketches. I have used royalty free images off the internet and then changed them in a painting.

I respected the copyright law and just never went down that road.

5) **What other issues or challenges should the office be aware of regarding photographs, graphic artworks, and/or illustrations under the copyright act?**

It should be as easy as putting the copyright c on your work to maintain ownership. It shouldn't be complex and time consuming.

I am only just learning about the secondary licensing that is taking place in the reprographic rights market. I have been unaware of it's existence and monetary potential. A law should forever protect the artist and allow ownership of rights in the digital licensing and with royalties derived from the secondary licensing.

I support **Congressman Jerrold Nadler's** AMERICAN ROYALTIES TOO (ART) ACT of 2015.

Thank you for your time,

Catherine Koon ©