July 22, 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)

Dear Ms. Pallante and the Copyright Staff.

I wanted to write to you about the problems visual artists face in the marketplace today. I have been working as a professional artists for a little over a year now. It has been a struggle but one I am confident will one day lead me to a successful financial life.

I am writing to express that artists copyrights are the only things protecting our creations and our livelihood. I have always rested assured that should someone steal an artwork of mine and try to profit off it, I would be able to defend my work from that kind of theft. Why should I pour hours and hours into creating works only to have others benefit from their creation without a benefit to myself as well? I feel the changes in copyright laws being proposed would not only end my career as an artist but would stop many future artists from becoming successful as well.

I'll try to be as concise in my answers as I possibly can be.

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

Publishers forcing us to sign away our digital rights to our creations under the threat of not being able to get work if these rights aren't surrendered. Thats a big one for us to deal with. Constantly having to ask oneself if it's better to pay the rent and eat today or be able to pay it in the future too.
I have no doubts that should registration is brought back as a condition to protect our work again, Publishers will be forcing us to register works under their names in future contracts to get work.

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

I would state the most challenging part of trying to enforce my rights is the cost of legal defense. I cannot afford a lawyer, I don't know any other artists who could afford a lawyer either. Right now I rest assured that should I need to defend my rights as a creator I may be able to find a contingency fee lawyer who would be willing to take the case and defend me. From what I understand of the orphan works scenario, It would be impractical for any lawyer to help in a case and the winnings, if any, would be too small to cover the fees.

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

I would argue that the challenges lie in time and money. It would take a significant amount of time to

register each and every piece an artists will make in their lifetime, even in just a years time. And all that time has to come out of time they would be using to create more art to make themselves more money. I am, at the moment, cutting into my own creative time just to write this and I need every moment just to keep my own head above water financially.
Forcing artists to spend time registering artworks that should be protected as our creations from the moment we create them, would effectively damage successful careers and most likely end most budding careers before they can even start. All our works would be taken and profited from by infringers.

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?

From what I understand of the Fair Use law, most works out there can be used legally with credit back to the artist. I myself am fine with giving credit and being given credit. I cannot see a reason or use any person or institution would have that would prevent them from using the Fair Use law to work with a piece of art except one that would bring them profit without permission. The Fair Use law is working just fine.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic works, and/or illustrations under the Copyright Act?

Most importantly the active market of artists royalties that we as artists are being cut out of. I'm sure other more eloquent artists have explained this to you already and I wont go into detail on it as I am only marginally aware of it myself.

I find it absolutely infuriating that artists are expected to keep creating for little to no compensation for our work and now even the rights protecting that work appear to be threatened. If you want a rich art community in this country, then protect our ability to keep creating. Otherwise you may find that art, just like in schools, gets cut from our culture.

Sarah Kuntz