July 20, 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 Erin Rosenzweig and I have been a professional freelance illustrator for the last decade, much of which has been digital freelance. Copyright is my ONLY source of security with my art, as I am an independant small business mostly serving independant clients and small studios. I do not have the vast sums of money most powerhouse studios have, and therefore I am unable to register every last bit of art I have ever produced. I have had people and companies infringe my work before and my only recourse has been my intrinsic ownership of the design's copyright when filing claims against them so that they either stop profiting off of my own work or stop using the design without my permission and without financial compensation. If that were to be taken away by this new law, I will not have any way to make a living with my art. There is nothing in this law that actually protects the artists and creators, and as a result I feel like I will not be able to continue to make a living with my business should this bill be passed. If the value of my art is so important to the culture then companies should not be trying to circumvent paying the creators for it. Below I have answered some of the questions that seem to be at the forefront

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

We need a way to protect the artists and the people who create the very work everyone wants a piece of, an agency that makes sure money from the copyrights get back to the original artist. Right now artists are being exploited by big business and other people who want access to our work without paying us for it. We need a system where artists are a part of it, not an afterthought thrown to the wayside. We should not have to pay some private company so they can further exploit us and our clients, which is what the current law will do, thus destroying the small illustrators out there.

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

Holding people accountable when work is stolen or infringed on. The only recourse small illustrators like myself have at this point is the copyright ownership of a work when confronting someone or a business that has stolen a design or work and claimed it as their own is to send Cease and Desist letters, and then if they refuse to go to the platform or owner of the business stealing that work and bring it to their attention. There is such disdain for artists today, yet everyone wants our work, but for some reason we are not entitled to the same pay for our skills that doctors are for their skills? There needs to be protections in place, and agencies that work with and FOR artists, not just for profit or for big business. And not just award winning artists, but also the little people just starting out and those of us in smaller markets.

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

The sheer volume, and the money that would involve. Registering a copyright for every photo, doodle, sketch, work-in-progress, would very quickly bankrupt anyone who wasn't a billionaire. The only recourse would be to never post anything unless first it was copyrighted, which can take years to go through given paperwork processing times. There needs to be a way to keep people from infringing and slightly changing something you created and then copyrighting that instead, robbing the artist of their income. Getting a lawyer under the proposed copyright bill would also destroy the lives of artists, given that there's no way they can afford to leagally pursue people who can simply lie about where they found something and how they found it.

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

Legalise. The way bills are written are specifically designed to make it impossible for people who are not lawyers to interpret the wording. If you don't have a way to translate your thoughts and voice into legalise, people can exploit loopholes to scam artists out of their paychecks. It's already happening, but current copyright law allows us artists to have some recourse where we are in the right, we own our work, and we are allowed to protect it.

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

Exploitation of artists and their work without compensation, and using art from an artist to misrepresent them. We should not be forced to give up our assets and our livelihoods to competitors so that they can put us out of business. We are trying to make a living with our skills, our years of study and practice, and we deserve the same protections and rights that all the other fields enjoy.

What are the most significant challenges artists would face if these new copyright proposals become law?

Without the copyright laws protecting artists, rather than protecting big business and special interests who want to infringe our works and misrepresent artists by stealing our work and using it without our permission and without compensating us, illustrators and artists will not be able to survive in this country. If our work is so important to the public, they can afford to pay us a living wage, just like they would anyone else. We are not something people are entitled to just because it's inconvenient for big business to make a profit off our work. We deserve the same respect any other professional gets, and that should be reflected in the laws that are written pertaining to our work. We deserve to have our work protected in a way that will not leave us bankrupt or spending all our time registering at copyright houses. We need a way where the government protects the people who produce the works everyone wants a part of, rather than trying to strip us of our work without compensation. We need to be paid for our work the same way a mechanic is paid for his work, or a dentist, or a bank teller. Our work is our livelihood and without it we and all other creators and artists will be forced out of business and likely out of the field of art entirely. These new copyright proposals strip us of our rights as creators and hand all our hard work over the private interest groups that want nothing more than to make a profit off our work without paying us. Artists need to be respected and treated as any other profession would, and changing the copyright law to allow anyone to use our work unless we go through poorly constructed systems where we have to trust that a private corporation won't just resell our work to our clients and cut us out. If you take away our ability to protect our work and our assets, then you essentially kill freelance digital illustration in this country and stagnate the culture worse than if you had let us, the artists, keep the copyrights to our works.

I hope you take into consideration the tens of thousands of individual artists and small businesses that you would destroy if you were to privatize copyright law and leave our works open to public use without compensating us fairly. If an illustration by Erin Rosenzweig is so important to the public, then they should pay us the same way they pay for a Starbucks coffee or a Dunkin' Dounut.

Thank you for your time.

Sincerely,

Erin Rosenzweig