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July 23,2015
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:

Thank you for this opportunity to voice our concerns about the problems visual artists face in the marketplace today.

I'm a professional artist, this is my 16th year in the field. Licensing my artwork to other companies (cross stitch, tubing, rubber stamps) and selling my work online as prints, magnets, and notecards is how I make most of my money from any given image/picture. It is NOT the sale of the original artwork. So I am very concerned about anything that would change the current copyright law. It directing impacts my ability to make money with my work. The ongoing royalties I receive from licensing my work, funds me to be able to create new artwork.

1. What are the most significant challenges related to monetizing and/or

licensing photographs, graphic artworks, and/or illustrations?

I would say publishers and some small businesses wishing to license my work for their products: i.e. rubber stamps, etc.) demanding "work-for-hire" working situations where I must sign away all of my copyright rights in order to do business with them.

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

The biggest challenge is keeping my name associated with my artwork online. I watermark all my work, even sketches, but all it takes is some time if someone really wants to remove the watermark/ or crop it off and use it without my knowledge/permission. The good thing is the internet community for the type of work I do (fantasy, fairy, dragon, children's book style artwork) knows my work and emails me of possible infractions. Also, artists in this genre, we keep an eye out for each other, so in many ways, it's become difficult for people to steal and try to sell fairy/fantasy artwork on Zazzle, eBay, Etsy, etc.

Though I wouldn't say I'm very well known, I have had to deal with people infringing on my copyrights numerous times. It's inconvenient, and the current copyright system may not be perfect, but I truly appreciate owning, maintaining my own copyrights to my images. In each case, I pursued, I was able to win and get the infringing product removed from sale.
I can't say how valuable it is that under the current law, images are automatically protected from the moment of their creation.

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

Finding the time to fill out paperwork for the volume of artwork created and the cost of registration. This is work that you aren't getting pay for doing, and the time spent on this is time you don't have to do what does make you money: more artwork.
Honestly, I have stopped officially registering my work over the last few years because:

1. Just referencing my website with the image that's being infringed is enough for companies like Etsy and Ebay to pull any infringing product made without my permission off their website.

2. If a large company ever stole any of my artwork, I probably wouldn't be financially able to fight back effectively anyways, I would have to find a lawyer that would take my case and be paid from any potential winnings. Hopefully I would be able to prevail, but who knows.

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?

Sometimes I may use photographs and work by other artists as inspiration or reference, but I do so only for my own study. I do not ever sell any sketches created from these images. I wish for people to respect my rights, I would not infringe upon another visual artist's work. Mostly though I take my own photos for reference in the artwork I do and also rely upon my imagination, and sketches made from live models.

5. What other issues or challenges should the Office be aware of regarding

photographs, graphic artworks, and/or illustrations under the Copyright Act?

The proposal to make registration mandatory to private for profit registries is introducing another financial burden to people trying to earn a living in visual art. Freelance art is a tough enough field to break into already, and those who do make it and are able to support themselves have built their income from ground zero. Literally $0. You work two different jobs, you make sure you have money coming in from multiple clients, and multiple sources. Your artwork must "work" for you long after you paint it for you to success in this field, and that's why this is such a crucial issue to artists. It's their living at risk.

I fear that if the copyright law is rewritten as currently proposed that it would be damaging beyond measure to future and currently emerging artists. Who wants to create and publish work if you won't be fairly compensated? If your work will be vulnerable to be used however anyone else wishes? How would you feel if work you did was taken and someone else claimed they created it?

It probably would be the death-blow to many established artists illustrious careers. The time and money needed to be spent on registering past, present and future works would be beyond their capability or probably even their financial ability to cover. How is that fair?

I hope that the current copyright law may be preserved as it is; it may not be perfect, but it protects the person (the artist) who created the work.

Thank you for your time, and consideration,

Sincerely,

Lisa Victoria
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