July 20, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

Copyright Protection for Certain Visual Works (Docket #2015-01)

To Whom it May Concern:

Thank you for the opportunity to respond to the potential changes to the U.S. Copyright Laws.

My name is Ashley Whitelaw. I am not a widely well-known artist yet, but my goals for my career in art are large. As of right now I am a small-time freelance illustrator. I realize that this change in the Copyright laws will affect all artists. Sometimes artists create their work for the joy of it; however, in much of today's society those people also find a way to turn it into their living/income. I believe the changes suggested in the Copyright Protection for Certain Visual Works, will not only drastically affect the more well-known artists, but greatly impact the young too.

I am writing to address the changes artists, like myself, will face if the proposed Copyright Act passes.

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

As a beginning freelance artist/illustrator, I regularly submit my work onto a blog as well as a few art based and non-art based websites for exposure. This helps me gain clients whom pay for future works and past printed works of said digital copies. These past works, although free to look at and allowed to use only for reference per my wish, are still part of my growing business to draw in more paying customers for future commissioned works. Any attempt to replace the existing copyright laws with a system that would benefit the internet companies using my work would greatly endanger my ability to grow my business.

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

The proposals the Copyright Office has made to Congress greatly concern me. It looks like a revised Orphan Works (OW) bill, but even worse. The proposal suggests that internet companies are allowed to siphon off revenue from artists in order to create even better revenue for themselves. I can scarcely imagine the horror of a world where artists have to battle for their income against companies using the artist's own work as if it were the company's own work free of charge from the artist whom actually created the work.

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

As an illustrator with plans to create my own graphic novel, the registration requirements seem ambiguous. If each page of a comic is labeled as its own individual work, then paying the small fee—however small the fee may begin as—would become a huge fee for a comic with a multitude of pages. For other more well-known artists, the fees incurred by trying to claim all of their past works would equate to a huge some as well. Whether it's for each page to a graphic novel or for every individual piece of work, the proposal to introduce registration would become another financial burden on artists. No matter where you go, where there are fees the fees will rise. They would begin to introduce charges and fees that would grow as they gain more competitive advantage over freelance artists, like me. I cannot think of an institution that has not raised fees and/or added additional charges after the implementation of fees.

In the end, if the government succeeds in passing this, the result will be artists, like me and many others, finding ourselves paying through the nose to maintain our images in somebody else's for-profit registries. Even worse, creations may go for years undiscovered if the artist whom created them couldn't afford to register them, and even after discovery, that said artist's work would still be exploited for free. For young artists, this means they may not have the ability to become that which they love so much because the fees will be too much. Artists will hide away their work and the world will suffer through something similar to the Prohibition Era combined with the Black Market, which in the end still might become infringed upon. I know that sounds a bit extreme, but to protect the work which we've created so tenderly while still seeking to sell our artworks for our livelihood, that scenario isn't too farfetched to become reality.

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?

Personally, for my photography, graphic artworks and illustrations, I allow people to use it for reference only. If they wish to sell it then they must buy the rights of that photo/artwork first. However, if they wish to use any artwork for merchandise or advertisement then that too should be worked out with contract and pay according to use and agreement from both the company that uses it and the artist whom created the artwork. This is what the current copyright laws require, and it protects the artist's rights on their own creations. The proposed system would create ambiguous loopholes infringers can exploit, which would lead to the theft of artist's work without it being seen as theft by the proposed Copyright Act.

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

There is some speculation floating around that the proposed Copyright Act is only a suggestion or report as of right now, and that it shouldn't be taken seriously. To this I must wonder when an issue should be taken seriously? If I believe it to be a bad idea, then I must voice my opinion as soon as possible. What I see within the report is an ambiguous nature. This kind of ambiguity leaves a hole in the copyright system for argument. It provides a chance that, if passed, would give those whom have the capability to fight it for longer periods of time the advantage of winning over the smaller party. It's well known that companies have more to work

with as their profit margin is greatly larger than that of a small business, like a freelance artist. Therefore, it is entirely probable that a large company fighting over an artist's creation through this ambiguity would win.

I don't agree with the proposed Copyright Act or its ambiguous existence. I believe the previous copyright laws instated on January 1978 protect me more as an artist than the proposed Copyright Act. The proposed Copyright Act gives companies the ability to freely take my work from me if it is unregistered and if I cannot afford to register my work then is it not too far a cry from stealing? If I build a house with my own two hands, is it legal for another citizen to take it from me because it was not added to the town's plot roster? Honestly, it's as if the ideals of the government in the book Atlas Shrugged by Ayn Rand were poured into the proposed Copyright Act. This, as a whole, is an issue.

Thank you for taking the time to read my letter. I urge you to reconsider the proposed Copyright Act. Please continue with the Copyright laws instated on January 1978 and protect artists from easier theft of their works. Please keep the rights to every artwork on the artist whom created it.

Sincerely,

Ashley Whitelaw
Freelance Artist/Illustrator