July 21, 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 Office Staff:

I'd like to thank you for giving the artistic community the opportunity to voice its opinion pertaining to the upcoming copyright legislation. It is a matter of utmost importance to each and every one of us and giving you insight on our side of the matter will help you gain an understanding of the current difficulties of dealing with copyright, let alone how this new piece of legislation would affect us. So with that in mind, I would like to give you my thoughts, based on my and others I know, experience on the subject, by answering your questions.

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

The types of contracts, the low rates and the constant push of corporations to pay less and deny us any right to our work, which may produce income for us.

Over the course of time the pay rates of professional artists have either fallen or come to a long lasting hault. There was a time when artists, with steady work from only a couple of clients, would earn a decent living, and more high profile artists would earn a great living. The past twenty years, due to the lack of education on the business side of art from the various art institutions, there has been a rise of Work-for-Hire contracts which willfully turn the artist into something less than a wage slave. The urgency of the situation caused leading artist Jim Pavelec, along with a select few others to form a website, Artpact.com which helps artists understand contracts, copyright law, the rights artists have to their art and the malicious practices corporations have towards the artists they work with.

Case in hand, the total licensing of art to these corporations. Understand that, as artists, our income is dependent on three tiers. The first is private commissions, that is an order for a painting or drawing, from a particular individual for their own enjoyment. The second is creating artwork for a product and the third is the ability to sell prints of these works to fans. The first, private commissions, is a rare occurrence even for established artists, so this is not a tier to rely on.

The second and third are more common. The mass of professional artists seek to create work for companies that need it to decorate and promote their products. The product's' success is at

least 50% dependant on the art and it's quality, and the corporations know this. Consumers become fans of the artists whose work they admire, and seek to buy posters and/or prints of the pieces they love, which is the third tier. This applies to many products such as books, calendars, games, toys, apparel, music albums and more. As I stated, a few decades ago, most artists could live well based only on such commissions, much better if they had a fan base to sell their work to. This is not the case now.

Almost all the corporations who hire artists to illustrate their products, demand the work be done under a Work-For-Hire contract. In these contracts these corporations squeeze in a miniscule amount of pay, even if it is for illustrating high profile Intellectual Property Licensed products, such as Star Wars or Lord of the Rings. Many times the amount of micromanaging by these companies cause the artist to work well beyond the time frame that makes the fees for such work worth it. They also buy via these contracts all the rights to the art, including the ability to sell prints! As a result, the third tier, a massive part of any artist's income, vanishes. Add the globalization factor, having access to cheaper artists in other countries, and our predicament becomes huge. We have to work more, for less and less, and have almost no chance of making money off our work after it is made, whereas these corporations make money of the work indefinitely.

So, as you can understand, our struggle for work and producing income is very much like the myth of Sisyphus. For every step we take to better ourselves as artists and raise our rates, there is something to cause us to got down again or starve.

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

Enforcement is impossible, even for the established artist, who may have the right to sell prints of commissioned art or create their own personal art pieces for the express reason of selling prints, it still is difficult when you take into account the fact that these works of art must be promoted over the internet. What makes it difficult is the fact that the works can and are very easily copied and used on a variety of products without license, hence a large amount of money is denied from these artists. If detecting such copyright infringement is difficult for corporations, who have dedicated staff for this job, how much more difficult is it for the individual, freelance artist? Also, the whole legal procedure has costs that most of us cannot endure, even if the monetary return is ample. And even if this weren't the case, the time and effort to pursue such issues would be so taxing that the procedure of producing new art, which is a massive and time consuming act, would be hindered or even halted.

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

As with before, it is time and money. The amount of time it takes to produce an art piece is a lot more than the layman realizes. Many hours are needed for research, concept sketching,

acquiring reference, making studies, explaining, revising and coming to terms with clients, who most of the time take days to reply, and all this is before the first stroke on the final piece is laid down, much less a cent made! And this only for a single illustration. Adding in the task of registering and paying for a copyright makes the whole procedure impossible, both from a standpoint of time, and money. One could suggest that the fee of registration be included in revised rates, but companies will not pay them. Not when they can seek artists from say, Argentina. And even if the money were not an issue, the time it would take out of anyone's schedule, who wants to maintain the profession full time, would make it unfeasible.

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?

The current laws, I feel, do their job for issues of fair use but they also cause confusion. Digital media may need some thought. Expanding the rights for agencies to make use of imagery under fair use though, would lead to problems and exploitation on by corporations to the disadvantage of the artists.

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

The globalized market is one of the most important problems which any US law cannot tackle. With the internet companies have access to anything artists create, which is displayed online. And online is must be displayed in order for an artist to gain momentum and pursue more work. This creates, as I said before, enough copyright infringement issues as it is. Limiting such exposure would limit anyone's access to more work simply because that would be the only solution and counter-measure to anything coming close to resembling Orphan Works.

In closing I wish to ask you to keep in mind that the creative minds are ultimately those which create civilization and entertainment, the two things which essentially drive our advancement and raise our standard of living. Believe it or not, only medicine or physics do nothing much. Someone imagined newer, better things and ways for us to enjoy life, giving the incentive to find ways to enjoy it easier, as in the case of physics, and longer as in the case of medicine. I hope the artist and his offerings are held in high regard and his welfare be taken into account on this matter.

Thank you for your time and consideration.

Michael Syrigos.