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:
Thank you for allowing the artistic community to address the issue of upcoming copyright legislation with your office directly.

As an freelance artist for 18 years and a photographer for 5 years. I write to urge a reconsideration of the whole orphan works idea, other than maybe fees being to high to reasonably register a large amount of ones work there is nothing wrong with the current copyright system. Considering far more pieces of work are made orphans by people going against current laws and cropping artists signatures out or painting them out, or even removing meta data from a digital file. The way it is proposed if someone wants to license my work and can't find me through the various social media, or websites that I have a presence on all they have to say is that they did a diligent search and could not locate me, and at that point if it is brought to my attention that they have stolen my work then it is not an issue of them stealing it, since it was an orphan, and all I am entitled to as damages is a licensing fee, as if they had come to me in the first place for a license. However under current law as an artist I have a right to refuse a license to anybody if I do not like or agree with what the use they want the piece for. With how I understand the Orphan works definitions correctly then as long as they can show they diligently tried to find the creator and could not then they get rights to use said work, which is nothing but a blatant disregard of an artist's copyright since copyright is created when the piece is finished and gives us the say over how our work is used.

Here are my answers to the questions from your site.

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

Finding buyers interested in the work, or publications willing to pay for a license when they can get submitted work for free.

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

Art thieves who are operating from areas that make them immune to copyright

infringement, as well as funding to take on art thieves for infringement since the costs of bringing an infringement case is stacked against the artists whom largely struggle to get by a lot of the time.

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

Cost is a big one here since currently it is $35 for a single image registration and $55or $85 per group registration and the limit per registration is 700 images (depending on the shoot duration that can easily be exceeded in a single session even after culling). Then add to that that you must do a separate registration for unpublished and published works, looking at this from a photographer's view point if every session gets registered as a collection and you have a shoot per week in a year that is $2,860 - $4,420 per year taking into account that not all the session shot will even be a paying gig, there will likely be some trade shoots or personal shoots in there as well. I would not even want to figure how astronomical the fees would be doing it by single registration in a year even if just choosing the best pieces to register. That is also not including artwork which would largely be created on a single piece basis and some more prolific digital artists could easily create 365 pieces a year. So if they were to register them all as a single image registration that would be $12,775 just to register their work for a year.

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 can tell there is no problems here if the art is seen on the right sites and has not been stolen and posted elsewhere, then the person viewing the work should have a means of contacting the artist through said site if they want to license the work, and then it should be up to the artist and person wanting to purchase a license to work out terms.

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

Truthfully here the major problems are globalization, there are countries where an art thief can take someone's work and plaster it all over the place and our copyright laws can do nothing about it because they are not in a country that is part of the Berne Convention, or other agreements that would protect American artists work abroad.

Thank you for your time and consideration.
Shawn Thomas