July 20th 2015

Register of Copyrights
U.S Copyright Office
101 Independence Ave S.E

Notice of Inquiry – Copyright Office, Library of Congress

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

Hello Congress and Copyright Office!

My name is Caitlin Fryer – my artist/author name is Eve Milady. I am a Nashville based graphic designer / Illustrator at a stationary company. I write romance novels and sell art at comic book conventions on the side. I am deeply disturbed by the new Copyright Protection and the Orphan Works changes being proposed, and writing to address the problems visual artists face with this new digital environment. Please take a minute to read my letter and understand what it's like to be a female artist approaching her 30s in this day and age.

I have answered the questions posed in the Notice of Inquiry for Visual Works.

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

I generate art for a living – mostly illustrations in digital and traditional mediums. It is critical for me, in order to make a living, to have resale ability of my work if something isn't purchased. Freelancers are at the mercy of clientele. It's an unfortunate reality that a lot of companies like to farm out illustration requests to ten artists, pick the one they like the best, and pay for that image only. Everyone else is out of luck. If I spend my time, effort, and resources generating art for a project that isn't guaranteed to be purchased, I loose out on rent and grocery money if I'm unable to save the piece for future use. Art that is created belongs to the artist. PERIOD. Rewriting the copyright laws in a way that will only benefit huge corporate entities will jeopardize my ability to pay my way in life. Why would the government seek to destroy the livelihood of an entire class of people in favor of large, faceless companies both foreign and domestic?

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

If you're any good at art and post your work on the internet (which is totally unavoidable if you're looking for any form of art-related work), it WILL be stolen and used to make money for someone else. All too often original work is downloaded by art-thieves,

watermarks erased, and resold on items in websites like Etsy and Society6. Even "high-art artists" will take pictures from Instagram, blow them up, hang them in galleries in New York City, and sell these stolen prints for hundreds of thousands of dollars. WHEN THEY DID NOT TAKE THE PICTURE/DRAW THE IMAGE. This is just WRONG but taking action against this type of crime is a long, expensive, harrowing process that artists usually cannot take because of extreme financial restrictions. The Orphan Act will make this an even more rampant problem.

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

The financial and time-related BURDEN of paying all of the registration fees! It doesn't matter how little they cost, it's just another thing we need to pay for upfront, another financial hit we may not ever be able to recover. Art isn't like a corporate job where what you buy for work are clothes, a car, and your lunch. Artists need to buy all of that, plus a computer, a wacom tablet, traditional-medium supplies, plus pay for printing…and that's just starting out! Why does the government want to add to that burden? There's also the undeniable fact that fees ALWAYS increase. If this legislation passes it's yet another thing that will be exploited from artists, yet another thing to worry about when you're generating paid-art. And younger artists who are still struggling to get themselves established in the industry, plus paying for supplies, college tuitions, rent, utility bills, health insurance…it's too much!

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?

This is an easy one: not having the money to pay artists to generate what it is they're looking for. But the fact is, art is not easily created. It takes years of discipline, passion, and sacrifice to become an artist, and even longer to become a great one. Everyone deserves to be paid a living wage for their art. No artist should have to keep their work from the internet, which is the premiere portfolio-display platform and the main place to look for paying work, because they'll worry some big corporation will use their work to make even more money for themselves. Most artists, including myself, make fair use of my work as REFERENCE – that's it. That's all any of us should be expected to provide without monetary compensation. ESPECIALLY since the only people who will benefit from this change in copyright laws are large corporate entities like Disney, Dreamworks, Google, Blue Sky, Bioware, EA, Bethesda, etc. These companies have HUGE portions of the country's wealth in them – they can afford to pay a fair wage to artists they're using to generate that sort of money.

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

Artists are robbed every day. EVERY. SINGLE. DAY. We take next to nothing for our work because we still need to pay our bills, eat, and obtain the supplies we need to keep

generating our work. There isn’t a single person in this country that doesn’t use or benefit from art in some way. No artist group that supports this legislation should benefit financially from a system that was designed to “help” artists, but at the end of the day hurts them more than anything else. Please do not make it even harder for artists to make a living in this great country of ours!

I DEMAND that visual art be excluded from the Orphan Works provisions being written into the new copyright laws.

Thank you for taking the time to read my concerns.

Caitlin Fryer