July 22, 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'm writing to you, as I'm concerned with losing my artistic rights (my ability to make a living). I'm a young professional science illustrator and have been freelancing since 2012 after graduation from graduate school in science illustration. I deal with copyright issues on a daily basis, as I create new works that don't infringe on other's rights and as I try to protect my own. After spending many years in school I would hate to have my hard work diminished.

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

   For me as a young un-established artist, I have to compete with bigger clip art/ image banks. There they charge a fraction of what I would charge to draw/create an image. As it is, there are times that I make less than the minimum wage an hour, as I have to try and be competitive. As I create more illustrations over time, I had planned to supplement my income with reselling my artwork just like these larger companies. Without the ability to license my artwork and supplement my income, I doubt I will be able to stay competitive with bigger corporations.

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

   With social media and the Internet, images get picked up very rapidly and are passed along easily. This gives many people access to them. I've registered most of my illustrations with the copyright office and have copyright symbols over the images but I still find my work in image banks and on other people's websites, all used without my permission. What's also more prevalent in this digital age is altering images. I find my work altered all the time- with my signature removed, credited to another person, color changed. With the new Orphaned Works initiative, I fear that even when I register, watermark, and credit my work, that my illustrations will unfortunately become "orphaned."

Secondly, I fear having to try and fight these misuses in the legal forum. I don't have the monetary wherewithal to pay a lawyer to bring lawsuits nor do I have the time to bring these misuses to small claims courts.

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

   As a freelancer, I can make $50 and up for an illustration. Since the cost of copyrighting images is so high (often times more than I earned making the illustration) I often wait to submit a batch of images for copyright. With the new Orphaned Works initiative, I would now be at risk of losing my rights to my images before I could register them. It would be impossible for me to stay in business and register all of my artwork as I create them.

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 hardest part with getting people to buy use licenses for artwork is that they can take it from the Internet for free. While they legally should buy the license from the artist, it's just as easy to take a screenshot of an image, Photoshop it, and not pay anyone. Many people not in the art community think that if it's on Google image search it's free. I worry that by expanding the Fair-Use law that more people will just take images from the Internet claiming their use falls under this law.

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

   Work-for-hire: Copyright reform would prioritize amending the law to apply work-for-hire only to true employees.

   Derivative rights: Please preserve these to the copyright owner. It again allows freelance artists to make a living off of their work.

   Fair-Use: Please more clearly define this use.

   Potential Users Rights: Please don't place the user's rights before the creator's rights. It will deter people from creating and sharing.

Overall, please remove visual arts from the orphan works provisions in the new copyright act. Please don't make it harder for freelance artists to support themselves. I find that with these new changes I will be forced to spend more time worrying/registering my artwork than creating them. No other profession do

individuals have to constantly fight to maintain and keep their legal rights. Being a freelance artist is hard enough and having any of our copyright assets diminished will make it even more difficult. Thank you for listening to my comments.

Please don't make America less creative.

Sincerely,

Emily M. Eng
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Science Illustrator