Maria Pallante
Register of Copyrights
U.S. Copyright Office

RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

I'm not a big name artist. I may have won a couple of awards as a kid, and a couple more in a state fair art show, but I'm one of many artists out there who have nothing to gain and everything to lose with the Orphan Works proposal. I come from a fandom art community that isn't, and may never be, considered "real" art, and though I venture outside it, I hope to speak for many of us within said community, and have my say with other artists in general. There are a few among us who have illustrated, who have done works for various companies, but most of us simply do commissions for people within the community. Our prices are often minimal compared to professional illustrators and artists. $20-$120 on average, some higher, some lower-especially those just starting to explore art and may even offer free art for practice. Many, can not make a living solely on art, and just manage to scrape by even with what some would be considered a normal job on top of that. Our writers are even worse off much of the time, because visual art is instantly see-able versus taking the time to read.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?
Many of us in the community I speak of use our portfolio of works continuously, selling our own prints, cd collections of works, shirts, and more. It allows us the ability to not only continue to share our work with those who can not afford or could not get the original work, but to also profit in doing so, in a community where art is gravely under-priced. Companies and even quite a number of individuals have been stealing, tracing, and tweaking the work of many artists, and we have done what we can to protect each other, letting other artists know when their work is being taken. Much of the time, simple searches could have lead these people and companies to the artists. If they don't try now, they won't try in the future, and in all likelihood, we will no longer be able to pursue any legal action.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?
For this community, undoubtedly, it is the financial burden that is the most significant challenge. Even with the current copyright laws, the best most of us can do is issue our threats of legal repercussions. And so far, it generally works to get our art removed from where ever they may end up. There have been a few cases where an artist I know has had to enlist a lawyer, but many of us can not afford to. And we certainly wouldn't be able to with the Orphan Works proposal.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?
Requiring registration to protect our works would be an absolutely terrible financial burden. As I've stated, our artists don't make enough where registration would be feasible. There is a chance that a good number of us would simply remove all of our works from public view and stop producing any art altogether. We already have the cost of supplies which can be astronomical, not to mention general living costs, but the cost of registration, no matter how low, would be unfair, given that some artists can easily fill 5 sketchbooks a month. On top of that, the time it would take to register all our works would take so much time away from us creating. I, alone, have over 700 submissions on one site. I can not afford the time or the cost to register all of those works.

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?
In my work, I may loosely reference pictures, or I ask for permission/buy rights to use a photograph if it was taken by someone other than myself. I have no challenges or frustrations, I abide by the current copyright laws myself, and have absolutely no problem doing so. There are plenty of resources out there-there is NO reason for art theft of ANY kind.

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

illustrations under the Copyright Act?

Artists in all their many forms, have spent time, money, effort in the pursuit of their art. Our rights should not be whittled away, having us jump through hoops for what we, alone, have created. Visual artists should have resell royalties like those of musicians, authors, and screenwriters. Why should visual artists be lesser than those counterparts legally? Yet, we are. Thus, I support Congressman Jerrold Nadler's American Royalties Too (ART) Act of 2015.

Also, if we can't afford to register our works in order to protect them, then we can't put our work out there to market ourselves and build a client base so we could afford to do so "someday-maybe". I would probably have to give up art, give up on my passion, something I love to do, something I've spent so much time working on improving, trying to get where I need to be, to find my niche within it. And if the Orphan Works proposal becomes a thing, I could not encourage someone to take up art, not even with something as cheap as graphite.

On top of that

To further add, I have seen comments of the following type within our community regarding artists:
"Art isn't a real job, you shouldn't make money at it."
"You love doing art/art is a hobby, this shouldn't cost so much."
"If you don't want it stolen/reposted/used, don't put it on the internet-if it's on the internet, it's fair game."

With the Orphan Works proposal.....we would be lost because those are the kinds of attitudes we see on a near daily basis in our community regarding artists. We see art theft constantly. And all they would need is for us to not be able to afford the costs or time to register our works, and they would be able to do as they please.

I hope that you'll understand that it's not just professional, big time, and big name artists who are upset over this. That there are many different types of artists from every walks of life, doing what they can do to create. I don't understand how our works can be so culturally significant to the public to try and be free to them, but we, who created it, it's worthless unless if we spend even more money on it.

I do not, can not, and never will, support the idea of Orphan Works.

Sincerely,
Skye "Karja" James-MacLeod