July 21, 2015

Adam Fotos
3337 S Emerald Ave
Chicago, IL 60616

US Copyright Office, Library of Congress
Comments regarding:
[Docket No. 2015–01]
Copyright Protection for Certain Visual

To Whom It May Concern:

I am full-time arts faculty at Chicago State University and part-time faculty at the College of DuPage in Glen Ellyn, IL. I teach a range of traditional and digital arts, while as an artist myself I work in painting, drawing, graphic arts, and comics. I am, of course, concerned about any changes in legislation that could affect my ownership of my works as a creator, and I hope that any further changes to copyright law will in fact strengthen my rights.

1. *What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?* Part of the challenge of being an artist today is the flood of images with which we are competing. With so many images and so much content available for free (whether legal or illegal), it seems harder to get someone to buy a book or tee-shirt when they have so many options. This competition drives prices down to the point where I make very little money off of my artwork (hence the teaching). If I additionally have to worry about another corporation stealing my work and claiming it "orphaned" because they simply did poor research on proper ownership, I stand to lose far more money than I take in with my art. It is also difficult to sell works that are illegally available for free. I avoid making too much of my work available digitally for fear of it being pirated, but this obviously limits my distribution from a world-wide reach to a local circle of comics enthusiasts in range of my physical book distribution.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators? As an independent comics artist I produce my comics from start to finish entirely on my own, having self-published books for nearly 10 years. I have registered some of my work, but my output at this level is higher than I can afford to register (with the current rates for official registration). A few years ago I did have a copyright issue in which a stationary subsidiary of Borders Books was producing a line of stationary using a character that looked remarkably similar to one of my main comics characters. I was fortunate that Kirkland and Ellis took on my case as a pro bono case, and they registered my copyright for my characters as well as write letters to the aforementioned company. The company responded simply that it would have to be settled in court, and Kirkland and Ellis said that while they had been happy to help me pro bono that far that going to court would have to be paid. I couldn't risk to pursue the lawsuit further because of the financial constraints of legal action, especially against a large corporation.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators? It's incredibly expensive to register individual works properly with the copyrights office and the time it takes to register said works can defeat the purpose of registering when an artwork can be posted immediately after completion online, stolen and then redistributed by

another corporation. This stolen work could be a PDF available for free download or printed with slight alterations on any number of products

To keep up with the times artists are now required to post images of their work in production and in various stages to keep fans engaged. Whether registered or not, the works rights should remain with the creator.

As an educator I am constantly reminding students what it means to appropriate another artist's work-which has various implications in fine arts and graphic arts. Some working artists and businesses also have a limited understanding of how ownership works, and do not quite grasping the difference between finding inspiration and infringement.

Artists drive the imagination of our culture and our laws should help protect their rights as creators.

Sincerely,

Adam Fotos

Lecturer of Art and Independent Artist
Chicago State University