COMMENTS FOR THE NOTICE OF INQUIRY ON COPYRIGHT PROTECTION FOR CERTAIN VISUAL WORKS

Misti Wolanski
http://mistiwolanski.com
mailto:misti.wolanski@gmail.com

http://copyright.gov/policy/visualworks/comment-form/

I am both a licensee and a creator, though I primarily create for myself.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?
Figuring out which rights apply to whom, especially when multiple countries are involved.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?
If the creator demands payment first, they can run off and not deliver product—and that happens often enough that licensees have pretty much all heard of it or gotten burned, themselves. But if a creator delivers product prior to receiving payment, then they might not get paid. There's a lot of jargon involved in both payment and copyright and rights, and many folks learn via practice and don't properly understand the jargon. There are also people who still believe that anything online is free and available to use.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?
Not all countries have registration.

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?
Some folks use web spiders to scrape content they don't own off sites and then resell it—and the person who unwittingly buys a license to that scraped content can get sued.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?
I'm no lawyer, but it's my laywoman's understanding that some nations have "moral rights" and other variances in what rights actually are, compared to the US. The US copyright can't be held responsible for keeping up with all those, but what about a primer on how right transference works when a term means one thing in one country and something else in another? Or would that be too complicated?