Veiled Angel Art

~ Jenni Fae ~

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July 19, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave SE
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:

My name is Jennifer Lynn “Jenni Fae” Weaver. I am a professional artist, only recently have graduated from Rocky Mountain College of Art and Design (Denver, CO) in 2012 with a Bachelor’s Degree in Fine Arts - Painting. Since the time I have graduated I have been working hard in my industry to build a legitimate career off of my artwork. It has come to my attention now that the copyrights that protect my work and help me market the things I create are now in jeopardy. If my work can be taken by the public and corporations to be sold for profit, without any compensation to me, then what this means for me is the hope and possibility for me to build a career off of my own hard work, ideas, creations, etc., is potentially futile. This goes even further. As an individual who went to college for art, I, like millions of other American students, owe the federal government thousands of dollars in student loans that I will likely be paying off for many years to come. If I cannot build a substantial career with the degree I worked so hard for, because of my copyrights being taken from me and thus being unable to earn as much money as I should be able to off of my work, then all my years studying and earning that degree will have been for nothing, and I could possibly never have a career in art to help pay off all those student loans. This looming potential state of my future is very disheartening. Art is already a challenging career choice, with currently having rights over my work protecting what I create. If everything I create can be basically stolen from me, then that means all of my “inventory,” or “merchandise” is being stolen from me. It is not any different than having physical items stolen from a retailer which affects its financial state. Everything that I make that I can make money off of will be taken from me and decrease the value of what I can earn.

Now that I have given my introduction on this matter, I would like to take the time to answer your questions you have proposed on this matter.

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

It is presently challenging to license artworks to outside entities and companies because many of these entities/companies want to require of the artist to sign away their rights to use the artwork for profit. So an artist can be hired to create an artwork but is faced with potentially not being able to use their own creation for any future profit or marketing for themselves. I can understand why some entities/companies would desire this though, which is why it is important for artists to place additional licensing fees on top of the commission fee. This helps compensate the artist since they will only be able to earn a flat, one-time commission fee from creating the artwork and will no longer be able to make any additional money off of that creation into the future, at least depending on the terms. Perhaps the licensing could include the artist would be guaranteed a steady percentage of income from the entity/company from the profits they make using the artwork. There are so many factors that really could be involved. The additional licensing fee may still not cover the potential of money that creation could make for the artist, but it at least provides some compensation.

If artworks can be allowed to just be used by outside entities and companies without being licensed by and compensated to the artist, then the artist could lose out of thousands of dollars, a very substantial income that could severely hurt the artist financially. The artist could even be faced with being put completely out of business.

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

The so-called revised Orphan Works act is definitely by far the most significant enforcement challenge I have ever faced as an artist. If anything, Congress should be fighting to strengthen the rights of artists as there are already countless amounts of companies, organizations, and individuals infringing upon the rights of artists and earning a profit off of another's intellectual property without providing compensation. Big internet companies are already earning a huge revenue and are looking to earn even more by taking away from artists. How can we as artists who are just trying to earn an honest living, as honest, hard-working American citizens, compete with huge corporations who are doing the exact opposite? Because they already have so much money they can afford the lawyers to try and find a way to manipulate the legal system into taking revenue from artists, many of whom are struggling financially and do not have the resources or funds to hire lawyers to fight their battles. It is literally a case of the rich trying to take from the poor, or in this case, those who are not financial corporate giants.

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

It is already very expensive being a single person trying to get her own business off the ground. I have already invested in copyright registrations, with just getting my own business registered in the state of Colorado, and investing money into all kinds of other things to help build revenue, like paying for advertisements, paying for printings of my own works, establishing a website with an online eCommerce store, just to name a few. If I have to invest even more money just in trying to protect my work from being stolen, then it would make my financial status even more difficult. My property should already be considered legally mine as a right, as an American citizen. Why should I have to pay additional fees just so some huge rich company, or some dishonest individual wanting to cut corners, can't just take what is rightfully my own property? That is like a retailer having to pay extra fees just so people aren't allowed to walk in and steal their merchandise right off the shelves. When put in that perspective it seems pretty ridiculous. Well that fact that I'd have to pay to keep people from stealing what is mine is very ridiculous.

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?

It seems like the most significant challenge or frustration for those who wish the make legal use of photographs, artworks, etc., is coming directly from the corporations backing the new copyright law. They are they ones frustrated that they can't just take artists works and make a profit for themselves off of it. They can't afford to obtain the proper licenses from the artists so they are trying to find a loophole, by forcing the artists to pay all this money which they likely can't afford in investing to prevent thieves from taking their work, which means the artists likely will not get their works registered and the corporations can go ahead and steal from the artists. The very fact that such a law could potentially be passed just baffles me, that this country I was raised in would actually legalize a form of theft.

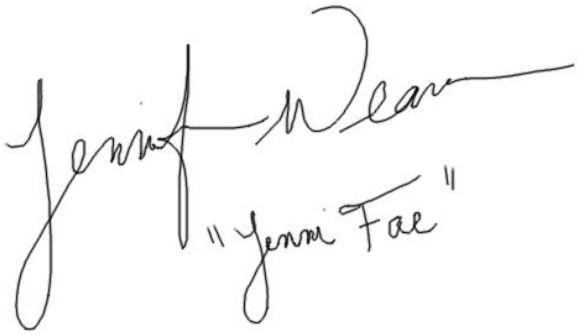
I personally do not mind if another artist wants to use certain images of mine for references, or for inspiration, or for practicing their own skills at art by using my images simply as a reference. Even certain people who are close friends and family I will allow for them to use certain images free of charge, but that is solely at my own discretion. What I do not allow is for someone to take what is mine and in turn use it for profit. If it frustrates someone else that they can't have what is legally and rightfully mine, then that is their problem. But in this case, it has become my problem because those who are frustrated that they can't just take what is mine are trying to force the hand of the law to allow them to take what is mine. This cannot be the future of America. America is fighting as a whole to move forward. If the new copyright act is passed then it is only going to set the country backwards and negatively affect not only the economy, but thousands of American families who rely on the income provided from their own creative works.

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

The supposed rumor of giant registries circulating through the internet which are basically databases of creative material, be it illustrations, graphic artworks, photographs, etc., should be limited to the current smaller sites that offer free-royalties on such works, submitted at the discretion of the artist. There are certain websites that already do this, like Shutterstock.com, or Dreamstime.com, for example. These sites have willing contributors, who make earnings from submitting their works to be marketed as royalty-free images. Internet companies should only be allowed to market artists' works in this sense because they are in turn delivering a profit to the rightful owners of the works. The internet companies and corporations who are backing the new copyright law are basically doing what these royalty-free image websites are doing but minus delivering any profits to the rightful owners of the images. The proposed giant registries making artists' works accessible to the public for free should never come to fruition.

I want to thank you very much for taking the time to read my letter and hear my voice. While I am not well-versed in legal etiquette, I am an individual, and an American artist, trying very hard to pursue my life-long dream from childhood of making a living as an artist, and have tried to present to you my honest thoughts and opinions on this legal matter. Many of these questions proposed are challenging ones but I hope you can find the answers I have provided as sufficient. Please protect my rights and the rights of other artists to build our careers and to earn an honest living selling and marketing our works. Please fight to protect the rights of us small business owners who are trying to use our own innovative and creative ideas to promote a lucrative and successful business. The futures of so many artists are in your hands. Please make the right decisions for us all.

Sincerely,



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