July 19, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

Dear Ms. Pallante and Staff:

The biggest challenge to the monetizing/licensing of my work is to do what I can to keep control of where it appears, and to keep my copyright notice and contact information associated with the work intact. I always attach metadata to my electronic image files – the problem is, that metadata is routinely erased by every website the image appears on. I am required by my client(s), that my name and copyright information be included with the image - but often the image is used by someone else and that important information is cropped off or otherwise removed. I always sign my work within the image area, but there are multiple online tutorials that have instructions on how to erase such watermarks. In this digital age, there is nothing else I can do to prevent my work from being "orphaned"'.

If the Copyright Office is sincere about protecting rights of creators, it should make it illegal to remove metadata, a watermark, copyright information, and also illegal to mass digitize any works not in the public domain without written permission from the creator, all with severe financial penalties. The Copyright office should also make all of its registered images searchable by image, not just by textual data. Google, Bing and Yahoo can be contacted if there are questions as to how this can be done effectively.

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

I have a sincere problem with the overall tone of the proposed language that "potential users" rights are equivalent to or greater than those of creators. They're not. If I as the creator do not want my image licensed beyond the original use, that is my prerogative. If I want to sell an image only one time, that is my choice - it is not the right of the

“potential user” to claim otherwise. If I want to create an image, put it on my website, and never license it at all, that also my choice. *Why should “Potential users” have more rights to my images than I do?* If a “potential user”, individual or company, wants to further their business by using imagery, and can’t find an image they can legally use, then they can do what individuals and companies have done for the decades before electronic file sharing - commission a new one, and keep artists, designers and illustrators working.

In regards to the “private copyright registries”

To register all of my images, I would have to find them, unframe them where necessary, find a large enough scanner to scan them (*if necessary go to a shop and pay them a large fee*), color correct them, keyword and catalog them, return them to their files or frames, add metadata and fill out registration forms for each one for *at least two* different registries (do you see the problem here?). All of that could take thousands of hours. And all this non–income-producing time would have to be stolen from time that I would otherwise be using to create new work, **and support my family**. In my own case, I've been a professional artist for over 20 years. Most of my work was done under the existing copyright law, which did not require me to register anything.

To comply with the kind of provisions proposed in the “Shawn Bentley Act”, I would estimate – based on my own experience digitizing work – that it would cost me over a hundred thousand dollars and take me at least seven to comply with the law. There is no way I can afford that expense, and the thousands of hours I would have to commit to the effort would effectively end my creative life. Worse, it would make me the unpaid employee of the registries. They would be getting my art for free forcing me to spend my time and money processing it for them. Then they would charge me maintenance fees and commissions for clearing my rights for clients – clients, who at the moment are still mine but would in time become theirs. There is no way I would comply with a system like that even if I could afford to. I believe this would violate the 13th Amendment to the US Constitution, regarding involuntary servitude.
http://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html

I am asking you to protect my rights as an artist. This new law violates my current rights to my own creative work and it’s potential to support me and my family.

Sincerely,

Jeremy Winkler
Creative Director/Graphic Designer, Artist