Karlynné Metzger. Freelance Graphic Artist.
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Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
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:

I am a stay-at-home mom and a significant part of my family's income comes from what I make as a freelance artist. I currently make most of my income by creating designs that I sell through companies called print-on-demands (PODs). I also create vector graphics and sell them to other people who need clip-art. For the PODs I create designs with graphics and text that I then place on products to be sold to customers coming to the various POD websites. When I upload my finished design the terms of the site says that I am allowing them to use my design to sell on the products and I receive a royalty each time it sells. I do not give over any copyright to these companies. For the vector graphics that I sell I am selling a license to the customer that allowed them to use my graphic according to my terms or the terms set forth on the websites I use to sell the graphics. In neither case do I give up the copyright to my designs or artwork.

I will try to answer each of the questions to give you a better idea of how the proposed law would affect me.

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

The biggest challenge I face is not having the money to register all my work under the current law. I don't make a substantial amount of money as an artist. I rely on the current copyright law to protect my rights to my artwork the moment I create them because I do not have the kind of money it would take to register each of my designs or each graphic or piece of artwork I create. Under the current law it might benefit me and give me additional protection but it is not required in order for me to monetize my work or protect my work from infringers.

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

The most significant enforcement challenge for me is the time and money it takes already under the current law to find infringers and let them know that they are infringing. I'm not a well-known artist. My work is not famous. As far as I know I have not had any big company infringe my work. So far I have only had to deal with individuals trying to steal my designs to make their own t-shirts or steal my graphics to make things they can sell on Etsy. But, even these individuals illegal use of my work cuts into my income that I need to feed my family. Under the proposed law I would have no chance and no legal protection.

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

The cost and time. I would love to register all my work just for personal purposes and so that I have more legal protection. But, I just would not have the money or time to do that. I create hundreds of new designs and graphics each year. In one day's work I can create 10-20 new designs. As soon as I create a new design I am uploading it to a POD to make products to sell. I can't imagine the time and money it would take to go back and register all my previous work if I had to or the time and money it would take to have to register each new design before I can use it. Right now I have a choice on how to handle that. I can immediately use my artwork to earn money for my family.

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?

I actually do buy graphics from other artists and love to use public domain images. The biggest challenge for me on that end of the issue is not being sure if an image is truly in the public domain. But, I would never want to take away an artist's right to their work. It would be nice to have a place where public domain images can be databased with an easy way to download them from a respected source. I do not want copyrighted works to be stripped of their protection just because I could not figure out who the copyright holder is.

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

Artists should have better protections than we currently have, not less! The work-for-hire contracts should be done away with. An artist should not have to negotiate or sign away his or her rights to their copyright just so they get the freelance job. I have personally avoided many of these kinds of revenue sources because I do not like to give up my rights to my work. It is one thing to be employed somewhere and the copyright belongs to the company. That is acceptable as a condition of your employment and to protect the company's rights. But, when you are an artist working as an independent contractor you should be able to retain your copyright to your work without having to sign away those rights. It would help the artists, who are often honestly fulfilling the title of "starving artist" to be able to make a decent income from their work.

Another important question that should be asked…

What are the most significant challenges artists would face if these new copyright proposals become law?

I would have to register thousands of old artwork and begin registering all new artwork before I could begin making revenue from it. I would not be able to afford to the money or spend the time it would take to accomplish this. It would force me to give up on the idea of being able to make a living from my artwork because the cost and time to register would reduce my net income. It would make my artwork vulnerable to people who want to infringe and make me powerless to try to stop them.

It could potentially wipe out all revenue sources for me because what would be there to stop the POD companies from using my designs without paying me a royalty? They already have the images from where I have uploaded them. If I deleted the almost 9,000 designs until I could register them then I would not be able to continue to earn an income from those images until I register them. If I leave those images then the companies could just retrieve them and make changes to them to make them their own and eliminate the need for me completely. It just opens the doors to the big companies being able to legally steal our artwork.

The most important thing to me to get across is that an artist puts their blood, sweat, and tears into their work. It's basically a window into their mind and soul. It is not the same thing as someone just clocking in and doing job-specific tasks and then clocking out. An artist's work is their very life. The copyright gives the a way to earn a living doing what they love.

I hope that I have been able to explain how the current copyright laws affect me and how the proposed laws would affect me. Thanks for giving me the opportunity to express my opinions on this very important issue.

Sincerely,

Karlynné Metzger