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)

To Whom it May Concern,

I am writing to you with concerns about the proposed changes to copyright laws, which draws much from the Orphan Works bill of 2008. While I am currently a hobby artist, I wish to move into art as a professional. And not just art, but writing as well, as I do have a novel in progress.

You have asked artists to respond to five questions, and I will touch on each of those, as best someone who is not currently a professional can.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?
Making sure your work stays yours. I have had my my art taken, and thankfully it was not used to make money. But there are large companies that already prey on artists at my level, and even professionals. These companies include pop culture giants like American Eagle and Hot Topic. (http://www.huffingtonpost.com/2014/07/29/aholsniffsglue-american-eagle-artist-lawsuit-copyright_n_5627862.html, http://consumerist.com/2008/12/31/hot-topic-steals-yet-another-design-and-sells-it-as-its-own/ for two examples) There are many cases of this that I have seen in the past few months come across social media. So many that I cannot remember them all.

If a company is allowed to simply take, they will do worse than they do now. Even if they claim they have “searched” for the original artist, they will take every means necessary to not find and pay someone. They are already doing this, and these proposed changes would make that even easier.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?
As mentioned above, these larger companies are the largest threat. They have people who have learned to remove artist signatures so they can claim that these works were done in-house. While the art community can help police itself, we don't see everything, nor do we all know each other, even in passing. Sometimes, it can be months before an infringement is found. Months which are lost sales for the artist.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?
Cost. Artists, especially artists like myself, and even some of the professionals I know, are unable to afford to register their work. We rely on the parts of the current laws that say what we create is ours, right at that moment, without having to pay extra to have that work protected.

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?
Finding an artist is probably the largest difficulty, especially in an age where sharing is common. However, as the internet has grown, we have tools like TinEye and Google's Reverse Image Search. (https://www.tineye.com/, https://images.google.com/?gws_rd=ssl). While these tools are not perfect, they can be very useful in finding the right track to an artist. I have used them myself to find artists who I saved a piece of their work, then couldn't find their current art gallery.

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

I want to reiterate that cost is a huge factor for artists, and especially artists such as myself who have not been able to move into the professional sense. I personally have hundreds of images I would have to not only find the originals of (and after 20+ years of internet use and posting my work online, I have moved computers several times, as well as some files having been lost), and that is only including the work that I personally feel that has artistic value. Small artists are already preyed upon, as we tend to not have the legal arm to fight large companies.

In closing, I don't have the eloquence of some of my fellow artists. I am a self-taught artist, I have illnesses that prevent me from wording things how I need to say them, who just wants to make herself better known. Art has been my life since I was a small child, and I am concerned that forcing artists to register their work will actually discourage innovation. I'm concerned that the professional and hobby artist will die off, if there's no way to protect themselves without a large amount of legal hoops to jump through, or a lot of money to protect themselves.

Thank you for your time,
--Ashley Venable