Hello,

I am a graduate student of art at the University of Wisconsin, Madison, writing to share my concerns about the new copyright act being drafted. I work as a cartoonist, illustrator, and photographer.

First, the most significant challenges related to monetizing and or licensing my work is a widespread cultural attitude that I should be willing to work for free. Should I place a photograph online which I want to protect, I know before uploading it that out of the millions of people who will be able to view it, many will have no scruples about downloading and using it for free without so much as contacting me. I have had my illustrations downloaded, traced and re-uploaded by other artists without so much as a notification, and the only way I can possibly know is if I invest my own time to search for my work elsewhere online. I fear that the proposed ideas for a new copyright act which would effectively treat visual art as an inferior form of expression to popular music, which in turn would help foster the cultural attitude that I am expected to provide work for free and be thankful for the exposure when it is stolen.

Second, without significant finances, I as a student essentially lack the capacity to seek legal counsel and challenge infringers. In my current position, I can only write a comment pointing out that my work has been infringed, and politely ask the infringer if they would consider taking down the infringing work.

Third, as part of my working process, I can sometimes produce hundreds of sketches for a particular piece. In a short career of only 6 years, I have uploaded over 10,000 works to my online gallery at deviantART.com. I plan to work

on educational art projects which will entail tens of thousands of additional drawings. The effect of having to individually register each and every work, on my own time, would be prohibitive. I could neither afford to hire someone to undertake such a project, nor afford to lose invaluable time undertaking such a registration process. I would effectively be physically unable to comply with the proposed system of copyright protection.

Forth, I personally understand the frustration of not being able to use a particular photograph, or of not being able to find an artist to request permission to use their work. I would support an effort to digitize large collections of books and collective works for the purposes of education and cultural preservation, as such a process would obviously be of great benefit to me in particular and posterity in general. However, the frustration I have had trying to find a particular artist to ask permission to use a work does not seem to be an adequate reason to change copyright in such a way that protection becomes effectively impossible. In such situations, I find that there are many artists who generously offer photographs as free resources to other artists. With only a little extra research, I can often find another photograph or illustration I can use for reference without any copyright concerns. This little bit of extra work teaches me to be thorough, respectful, and adaptable. In contrast, if all I had to do to a work I wanted to adapt was make minute, instantaneous changes in Photoshop, I would then have little incentive, apart from my own ethical concerns, to bother seeking out the artist or even to bother making a new work of my own. Having a lazy attitude towards the work of other artists would foster a lazy attitude towards my own work, and likely would have broader cultural implications.

Fifth, perhaps the copyright office should be concerned about what steps artists might have to undertake to protect their own work under the proposed changes, and whether that will serve the end result of promoting a free exchange of ideas. For example, knowing that I would be unable to register thousands upon thousands of drawings, I would likely protect my work by not releasing it online at all, or shrinking it or marking it in such a way that it becomes very difficult for anyone but me to use it in a derivative work. For example, if a school teacher wanted to use one of my drawings illustrating an event from history in her classroom, it would be much harder for her to do so without contacting me directly or accepting a low quality image. Knowing that I have copyright protection encourages me to be more generous and trusting with my work. I can release an image assuming that some people might use it under fair use because I have the comfort of knowing I at least have some legal footing if my work is infringed upon or used for unethical purposes by a third party. Without that protection, the other types of personal protections that artists like myself can and do use to prevent our work from being stolen will become more important, and third parties who would desire to use our work under fair use would be the ones who have a harder time finding usable images as a generation of artists begins to become much more protective of their work. Far from promoting the free exchange of ideas and fair use of images for education, I think the proposed changes would likely have the effect of telling student artists like me that we can either accept not being able to do anything about our work being stolen, or take our ball and go home by ceasing to generously provide samples of our work for public consumption online.

In summary, promoting fair use of images, making it easier for third parties to contact artists for permissions, and

preserving collective works found in libraries are all laudable goals, but if the means to the end is devaluing the practice of visual artists as opposed to other forms of expression and speech and making it insurmountably difficult for those artists to legally protect their work, the result is likely going to be the opposite of the stated goal of this proposed legislation. There is a classic principle in economics which states that if you tax something, you will get less of it. To paraphrase this principle, if you make it more difficult for artists to legally protect their intellectual property online, you will inevitably get less art online.

Sincerely,

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