July 20, 2015

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:

My name is Hannah Viera. I'm a working freelance animator and illustrator. I'm currently taking time away from a pending deadline to write this. I haven't been in the industry very long, but even so, copyright is an ever-present safeguard to keep my existing work safe from exploitation by individuals too unscrupulous to create or commission similar work for themselves.

Currently there are several options open to my clients as an incentive to spend less or more money on a piece of work. My career is dependent on the ability to sell the rights to use those pieces, and to do that, I MUST have ownership over my work from the moment of creation.

There have been rare cases where open-sourcing art has resulted in beautiful collaborations with the audience, as in the case of Nina Paley (who filed Sita Sings the Blues under a creative commons license), however the difference in that case was that it was the choice of the creator to present her work in that matter. To destroy the intellectual property of the creators from the get-go or limit their control over their creations by requiring creators to register or pay to copyright their work is government-sanctioned theft.

This bill will destroy the control that independent artists have over their work.
Provisions of the current draft remove the creator's ownership over their work until it's been registered with the appropriate authorities. This notion is so nonsensical and perverse, I can't believe it made it to paper, let alone that has been seriously considered in the past. It is commonsense to allow creators to own their creations. To allow business owners to own products. To allow farmers to own land. Anything else is detrimental to commerce, freedom and innovation.

Both in 2006 and 2008, the Orphan Works Act was shut down for these very reasons. It is a cruel concept that hurts the poorest among us. Rich studios may be able to hire staff to sift through and register every scrap of art associated with a film or finished product, but independents deserve and need to own their own creations just as much, since it's all they have. To take ownership away from struggling creators unless they can afford the money and time to get it back is to hold hostage what should have belonged to them from the beginning, not to mention the financial burden and burden of time that many artists just can't afford. We have a good thing going with the internet age: content flows directly from artist to audience. Why take that away with legal gymnastics? Why would we want to take food off the table of artists' families by limiting artists' abilities to profit through exclusive ownership? Why crush the souls of students and newcomers who aren't allowed creative ownership over their own songs, video games, designs, books, and films?

Currently, copyright is user-friendly and creator-friendly. There is no good reason to revisit the copyright law. The only results can be to give big business unfair and unethical advantage over independent creators and small business owners, and for useless middlemen to come in and do the paperwork for us/register the works.

Below are the questions posed by the copyright office and my response to the best of my knowledge.

1. What are the most significant challenges related to monetizing and/or licensing

photographs, graphic artworks, and/or illustrations?

Under the current law, I have relatively few troubles. I make work and either sell first rights, or partial rights (most common). In the case of any transference of rights, I make sure the contract is easy to read, beneficial for both parties and comprehensive. When presented with a contract, I make suggested modifications and either accept the counter-proposal or walk away. Generally, I sell the reproductions or first rights only (for print work) or do contract work where I own nothing from beginning to end but the tradeoff is that I get to collaborate on something bigger (for film and web animation), so my life stays pretty simple. Having to register all of my individual pieces would be the biggest legal tripwire I've ever faced in my career.

2. What are the most significant enforcement challenges for photographers,

graphic artists, and/or illustrators?

I hate courtrooms and city council meetings. I hate having to participate. Even though I will force myself on the basis of "doing the right thing", it's very difficult. Fortunately I know my rights and I have the law on my side when I'm fighting for control of my work. That comes from years of having good habits drilled into me so that I comply with the current copyrights act to protect my intellectual property and to respect the intellectual property of other creators around me.

This wannabe Orphan Works draft would make it easy for people to steal artists' works and artists would not have a legal defense to protect themselves. So whereas protecting my work from stubborn and unscrupulous individuals would have been difficult before, it would be impossible if this draft passed.

I'm comfortable with libraries being allowed use of orphaned art without repercussion—they're not making a profit and their use can only help in the publicity of the art—but any art can be claimed as an orphan if someone wants to remove the artist's signature or if the artist didn't sign the work on purpose, and that should not give individuals or companies grounds to use that art for profit against the wishes of the creator, particularly when the creator is still alive.

Artists shouldn't have to fight strangers for control of their own work, and the US has no right to try and make it harder for artists to do so.

3. What are the most significant registration challenges for photographers,

graphic artists, and/or illustrators?

To rephrase what I said in the first section about middlemen, private registries are a cumbersome leach that don't belong in the revenue stream between the artists and the audience. We don't need them, we don't want them, we don't believe in them and we don't trust them. Registration is a terrible, awful waste

of everybody's energy, and too big a burden to place on creators. Do you know how many thousands of pieces I would have to register in a lifetime? Enough paperwork to make the sum of my income taxes look like…well, this letter. And I think I already vented about my concerns regarding the cost. Charging artists registration fees for creating is a sure way to kill creation, just as surely as diverting artists' time to registering their works will steal time they could otherwise be developing their skills or creating content. Again, nobody profits except the bloated corporations already feeding off artists' revenue.

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've been frustrated several times when it came to the works of others. One time, a client told me he wanted an image off a google search recreated exactly as a vector logo for his dojo. I told him that was illegal without the original artist's consent. He lost his mind (CFH), but I offered to design an image to fit the theme and style he wanted. Problem solved. Other frustrations included wanting to use music that was copyrighted and too expensive for my use. However, composers abound. Specifying what you liked about a certain song to a composer gives them the direction they need to create a completely new and unique song that will fit within your setting. So you see, even in this aspect, current copyright law excels in promoting new works rather than theft of old works. Another thing we would lose by removing artist ownership from works.

5. What other issues or challenges should the Office be aware of regarding

photographs, graphic artworks, and/or illustrations under the Copyright Act?

I guess it goes without saying to follow the money. The lobbyists of this draft are not in it to protect the art. They're greedy licensing houses that already make profits by robbing artists of their reprographic royalties. They've become so comfortable sponging off of artists for so long, they don't see anything wrong with lobbying to further remove the artists from their work so that the artists get even less money of their content, while registry and licensing houses and publishers stand to make bank.

Thank you for your time. I understand how some people may feel entitled to orphans (people feel entitled to all sorts of things), but I reject the idea of altering the current copyright laws as it would only hurt the most vulnerable of us and stifle the creation of all the content these lobbyists claim to love so much.

Sincerely,
Hannah Viera