From: Christine Mitzuk

July 22, 2015

Dear Sir of Madam,

I've been working in the arts since 2006 and professionally since 2011. Specifically I've been doing freelance illustration for companies and individuals. I work mainly in the fantasy and science fiction art genre. My work has been published in some literary publications, as well as games, and a calendar. I also create my own art and sell the originals, and reproductions in various forms. I also paint in the manner of traditional realism (portraits, still life, landscapes). I earned a B.S. through a large university, and then studied for 5 years in an atelier where they teach tradition realism blended with Boston Impressionism. Through working professionally and having work published, I've earned a reputation of being a knowledgeable, reliable, and skilled artist so people take art classes from me and continue to hire me commercially. Part of this is because I have control over my images.

In 2013 I had a commercial commission to create 13 images for a calendar. The contract stated I owned the copyright to all 13 and could resell the images in other forms (just not to a similar company or similar project). I was paid for the work and for giving the company rights to reproduce the images for that calendar. Even after my work was published I am still making money from several of those images. I sell limited edition prints, and note cards. I control the quality. I cultivate my brand. I was not able to put my name on the images. I was credited in the calendar, but once those images are separated from that information people would find it difficult to put my name with the art. I did register all 13 images with the copyright office so if the images were used without my permission, I would have more of a legal leg to stand on. When I put the images up on my web site, I make sure to add my name and URL.

Whether or not I register my work with the Copyright Office, it's important to my business that I have exclusive control over how my images are used and by whom my work is used. Once I create something, it belongs to me. I do not want to be forced to register my work because I don't always have the money to do so.

If someone were to break the copyright law by using the images for something either to promote their product or business, or to sell as reproductions, or printed on merchandise they would be taking money away from my business.

Use of my images without my permission could also harm my reputation, my brand. Let's say someone takes one of my images and uses it for a business, or product I don't endorse or runs contrary to my personal beliefs (even if they're a not-for-profit or non-profit entity). Or perhaps someone puts my image on an inferior product or the reproduction quality of my image on their product is poor and they sell the product. In each of these instances I would lose money, and my reputation, my brand that I've cultivated, would be tarnished.

If I create an image, I own the exclusive copyright to it (unless otherwise stated in a contract for commercial work). Creating an image can take anywhere from 20 to over 140 hours. I need to have control of the copyright so I can be compensated at least for my time, and materials, and continue to be an independent business person making a contribution to my community. If I don't get paid, I can't pass any money on to the state or federal government.

In our digital age, removing copyright and name text from an image can be done. Also, not everyone has the skills to add a watermark to their image so they put the copyright information in text next to the image on their websites. In either case the information is now separated from the image. Someone created the image. They own it (unless there was an agreement between artist and client to give the client all the rights). In any case, the image has an owner. I think that just because it doesn't have a name attached does not give someone the right to use it however they see fit.

Maintaining control of and rights to my images is also part of my retirement plan. In the future I would like to be able to reuse my art either in books of my work, or to release for different uses. Registering all my images would be expensive so I have only registered the images that I have the rights to and that have been published (for example, the images for the calendar which was sold world wide). It would also be cost prohibitive for someone just starting out. I think it would be great if I could register works not just thematically, but as a group of images per year (for example 2015 Christine Mitzuk Fantasy Art).

Thank you for the opportunity to add my voice to the discussion.

Sincerely,
Christine Mitzuk