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We are writing in response to the notice of inquiry on **Copyright Protection for Certain Visual Works.** FR Doc. 2015–09575

My wife Sandy and I are independent artists. I am also a published photographer, art historian, and author. Our comments address copyright and registration challenges for each of these activities.

Fine artists continually run the risk of others copying and reproducing their artworks. Independent artists and photographers like ourselves lack time, staff, and other resources needed to routinely register, monitor, and enforce use of their images. While most artists would understand others being inspired by their artworks, we also run the risk of our artwork and designs being photographically and digitally copied and reproduced for sale by others. Colleagues whose income depends on licensing of artwork have spoken of troubling instances of finding their own works in the marketplace and internet, reproduced and sold by unauthorized distributors.

Artists can load lower-resolution images on their web sites or add digital watermarks to images with varying success. However, given the ubiquity of high resolution photography and digital editing tools, there are no physical protections to prevent exhibited artwork, sold originals, or authorized reprints from being photographed and reproduced by others for unauthorized uses and sale.

It is not unusual for a photographer like myself to make hundreds or thousands of photographs on a single photo shoot. While we may use only a small percentage of those images for sales, artwork, or publications, the value of those images depend on their unique qualities. The idea of having to register tens of thousands of individual images, or hundreds of similar photos in a series, to have enforceable copyright over each of the images, is overwhelming to consider.

As an art historian, I have also experienced the challenges of tracking down and contacting the owners of images that I see reproduced across dozens of web sites and sometimes in print. When the artist's name and production date are properly attributed, it may be possible to determine whether the image is still in copyright, but not necessary the owner. It can be also be difficult or impossible to secure rights to use the images if the artist is no longer living and their copy rights have passed to heirs or institutions. "Fair Use" laws lack adequate clarity for including such images in books and other scholarly works for which the author or publisher will receive compensation. Some of my own scholarly manuscripts may never be published, because of the difficulty and expense of securing permission to include images of hundreds of artworks.

Personally, I would welcome access to a service that would enable me to upload selected images that I wanted to make available for licensing with my contact information, without jeopardizing my copyright on these or similar images I own. I would not support such registration being mandatory to protect my copyright.

Sincerely,

s/Robert A. Winfree, Ph.D.