July 20, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559

RE: Notice of Inquiry on Copyright Protection for Certain Visual Works.

Dear Maria Pallante,

I am a recent college graduate with a Bachelor's Degree of Fine Arts in Graphic Design. My new profession involves creating images as a service. I also am self employed as an illustrator and a graphic novel artist/author. Not only have I put in the years of education to earn that degree, but it was preceded by a lifetime of the practice and development of my artistic skills.The 1976 Copyright Act enables me to have a professional career in artistic creation. My ability to control the use of my creations is tantamount to maintain the basis of my income. The struggles that would be placed on me by the proposed system would invalidate all the work I have to put into creating these images.

An image cannot be made without a creator, so truly an 'orphaned' work cannot exist. This kind of system that is being proposed does not benefit artists, but users who might not want to spend the resources or time to give a work's creator their due. While I do mark my work with my signature, there is no short supply of tutorials out there about how to remove artists' marks on their work. Many try to hide their theft by just cropping that portion out entirely. Sometimes these non-permitted users even add their own watermark to a stolen image to portray authenticity of their actually false ownership. This is an ever present danger to my work as it is before this proposed bill.

I support venues for users to legally obtain images and the rights to use them from the creators of those works. However, this does not imply that users have a right to those works, or that they are equivalent to the creator's rights. This proposed bill focuses too much protection on users of the work, instead of the people who created those valued works. The financial burden would be put on the creators, with the charges of registering the multitude of works as well as legal charges for any non-authorized uses of the work due to it being assumed as 'orphaned.' Artists might not be charged much at the beginning to register, but as with any system of transactions, more charges and fees would appear, causing financial benefit to an artist's struggles to legally maintain control of the use of their hard work.

The Copyright office should focus its protection to be for creators, not users. A user doesn't have the rights to my work, I do. Artist's in this country will never be against a legal way for users interested in their works to purchase usage rights or other ownership rights. Keep artists working. I hope that the Copyright Office is willing to work more proactively with artists to support that environment for professional authorship. This proposed bill is not what should be done.

Thank you for reading my letter,
Anne Kubis