I would like to respond to your call for input from artists on the topic of Copyright law. I have been a working artist for over 35 years, during which time I have won numerous awards, and invested my time and resources in learning and perfecting my skills. I have appreciated the current law's protection of my rights as the owner and creator of my work from the moment I make it. Although I have not done a significant amount of licensing of my images, I have considered my body of work like money in the bank, which can be used in the future, and as an asset that I can pass along to my heirs.

In regard to the questions you have asked, I have given it a great deal of thought:

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

For me, the challenge is to find the right market, and make contact with those who need art. It is important to me to have the right to have my art used only on products or in publications that I approve of, that the control of my work is in my own hands. It is troubling to hear of the proposed changes which would allow users to claim that I, the artist and owner of the copyright, should have no say in the use of my work, – that huge, impersonal registries would be in charge of the licensing process.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

Unless an artist spends a lot of time online looking for infringement of their work, they may not discover that others are using it. Then, when it is discovered, there is considerable expense involved in defending one's copyright. It would help matters if there were methods set up where an artist could bring their infringement case to an arbitrator, and the person infringing the copyright would have to defend themselves and prove they have either purchased the right to use the image or at that time pay the artist to continue using it.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

Under current law, I own the copyright to my creations automatically when I create them. This law should not be changed! The proposal that I should have to pay to register my artwork, along with spending the time it would take to fill out forms, photograph and scan my work, is an impossible imposition. It would be the equivalent of asking farmers to photograph, and register every tomato they grow before they sell it. I create hundreds of paintings, sketches and/or photos a year, not to mention the body of past works I would have to deal with in order to have a right which I now have for free, as the creator of the work. I feel that this is a plan which will cause great hurt to artists, and create huge amounts of money for others at their expense – the registries would rake in millions of dollars from the artists who do register their work, and art users would be free to take and use an artist's work if they don't register it, and make money from that work for themselves, leaving the artist in the position of working hard for others benefit, with no compensation for their efforts.

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 have read that those who want to change the copyright law say that they want to use certain artworks but cannot find the artist/ copyright owner, and thus they should be able to claim it is an 'orphan work' and use it anyway. This system would virtually end any artists rights to their own work, as any user (whether they actually searched for the artist or not) could claim that they are using an “orphan work”, and thus avoid infringement penalties, etc. I believe that a better solution would be to require attribution to be attached to all artwork used. If credit and authorship were attached to any use of my art, then others who wish to use it will not have trouble knowing that I am the artist they need to deal with.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

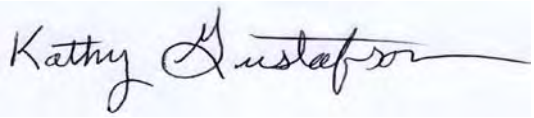
I think that making a requirement that all visual art be registered is recipe for disaster. Things work better on a smaller scale, and creating vast bureaucracies to oversee the use of art in this country would result in the loss of many artists, who could no longer support themselves, nor afford to participate in the arts, to the detriment of creativity in our society.

Changing the definitions of fair use, and the whole idea of 'Orphan work' would result in having artists who do the actual work not benefiting from their work, while others who do nothing creative make money off the artist's efforts.

Changing our copyright laws drastically at this time in history, so that we are not in general compliance with international copyright law would upset the balance of trade in the field of art, making American artists lose out in the world-wide market, and also make the artists in other countries unwilling to deal with our country.

Thank you for allowing input into this topic. I hope that copyright law in the field of visual arts will not be changed, and that artists will continue to be in charge of their own works.

Sincerely,



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