U.S. Copyright Office
www.copyright.gov

To whom it may concern,

I'm writing to you as someone who has been working diligently for the last five years to build and grow a business as an illustrator, surface designer, and mixed media artist.

Many of my images have been licensed multiple times for use on a variety of products such as home décor and furnishings, personal checks, checkbook covers, mailing labels, footwear, and needlepoint kits. My art licensing business relies on my ability to license the same images as well as derivatives of it repeatedly. Furthermore, manufacturers who license my work require that I hold copyright (not registration, but copyright) to the works being licensed from me. This is standard in art licensing contracts. If I was not the sole person able to resell and control use of my own images, my business would fail. My art most definitely does not lose monetary value once it is published, as claimed by proponents of the Orphan Works Act.

Automatic copyright allows me to address attempts to steal my work for profit, and keep it off of websites and products that misrepresent me or my values.

For me, copyright law is neither irrelevant or abstract. Copyright protection is what keeps me and all other visual artists in business.

If my unregistered works became available for free use because an offender claimed they couldn't find my name, it would effectively negate the average 30-60 hours that I spend creating images. Imagine having every one of your work days made irrelevant. It is challenging enough for most visual artists to make a living, even with the current state of copyright law. To require registration for every piece would financially destroy my business.

Not only would it be an impossible undertaking to continually document every sketch, artwork, and revision I make, it is also completely antithetical to the creative process.

I work to get paid for my creations because I am capable of creating them, just as actors, plumbers, construction workers, lawyers, and nurses get paid for their unique skills. To make it easier to have one's talent appropriated is to kill the livelihood of the creators, and ultimately the profession itself. Who will do the creating when it is not possible to sustain oneself doing it?

Below, I have addressed the 5 questions the Copyright Office has posed to visual artists regarding the proposed change in copyright law:

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

Every day, businesses large and small attempt to steal artwork and designs from people like me and use it for their own profit. The artist/illustrator community sees examples of this regularly. One need only google "companies stealing artwork" to find example after example of artists who have tried to stop companies like Urban Outfitters, Anthropologie, Cody Foster & Co (outlined here: http://www.fastcodesign.com/3020194/how-a-company-gets-away-with-stealing-independent-designers-work), etc., from taking their designs without contract or consent. I recently pressured a longtime local magazine to stop using illustrations of artists all around the US and a few other countries in their daily Facebook posts. They used them to illustrate their daily astrology posts, and they did not ask for permission, or even credit the artists or provide a link back to the artist. I contacted at least a dozen artist/illustrators whose work I saw them using, and they all then contacted the magazine and asked them to cease and desist. Most of these artists told me this happens to them constantly. These are people who do illustrations for a living.

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

The buying public, as well as companies who license art from artists, expect to be able to see the artist's work online. I cannot expect to advertise my art business, get exposure, or sell any significant quantity of my art images if people cannot find them online. This is a reality of the digital age. Yet, having them online exposes all of us in the art/illustration industry to theft. The risk is constant and we need affordable protection. Registering every work would be financially impossible and it would make art businesses like mine non-sustainable.

While it is a challenge to confront and deal with image thievery even from the smallest operations, the greatest challenge is competing with corporations who copy artist's designs or steal them outright to use on their products.

I place a copyright symbol with the year and my name on every image I publish on my website. In licensing, the artist's name is usually removed from the art image itself by the manufacturers. Sometimes products are marketed without using the artist names. Artists cannot control this, and if my art is a potential orphan because someone doesn't see me credited, my livelihood is in serious danger.

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

I think the most obvious and difficult challenge is the financial burden of registering works. There is no way I could manage to do that, and if it was my only protection I would have to severely limit my inventory of available work. Nearly as much of a

burden would be the amount of hours, paperwork, and disruption to the creative process in documenting and registering every piece and its origins and derivations. I have probably created at least a thousand images. I often re-work my images, creating new versions to conform to anything from varied standard poster frame sizes to changing trends to product types. Imagine registering every single new version. The work and cost that would go into that would be impossible to keep up with. Why would I even bother to hold onto my business at that point?

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?

If someone wants to make use of my artwork, they have the option to either contractually license it or to ask for permission to use it. Many artists are willing to grant permission for use of their images in educational or other non-competitive contexts as long as they are 1) asked permission, 2) credited by name, and 3) a link to their art business is included. Asking can go a long way. However, if someone wants to make legal use of an artist's image for profit, then I suppose their "significant challenge" is to be required to pay the artist for it.

I have donated artwork and designs to charitable organizations of my choice, such as the Animal Rescue League of Boston (I gave an entire exhibit to them on permanent loan and had a sale of my works to benefit them) and to a no-kill cat shelter in my community (I designed work for them to use). I have also donated my works in fundraising silent auctions for UMass Boston and for a local theater group. BUT, it should be *my* choice who uses my work and how, and not the user's choice unless there is a contractual license.

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

In addition to the challenges to artists, there will be multiple challenges to industries that rely on licensing artwork to put on their products. Artists will not want to license anymore if their creations are subject to an unfair copyright act, and manufacturers will no longer have the same access to quality artwork. I really do think that the harder copyright law is made on the creators, these creative professions will be shut down.

Yours truly,

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