Hello,

My name is Sydney Cook. I am a freelance illustrator. I have not been out of school long, and I currently promote myself primarily through the internet, which is how I find most of my work, so this is my perspective as someone who is new to finding work in my area of interest.

I attended both a visual arts high school and an art and design college. I have written and self-published a few comics as well as miscellaneous other thing. I have also had my illustrations published in a few books and comics, and I work in animation, as well. I am steadily gaining traction as a freelance artist, but I have not been able to make it my primary source of income yet, which is my goal.

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

Honestly, the internet itself is probably the greatest challenge. It is a great way to expose your work all sorts of people all over the world, but it also allows the same people easy access to it. It has become increasingly easier to simply download any digital image and use it for your own purposes. Other people or companies downloading, reposting, and profiting off of an artist's work without their permission is probably the biggest challenge that freelancers face, because we do not have the benefit of a larger, more vigilant organization to stand up for our personal or self published work. The major problem with this is that when reposting or illegally selling someone else's work, the guilty party often erases signatures, URLs, copyright information, or any other contact information that may have been present on the work, which is not only extremely disrespectful, but reduces the exposure that the artist would have received if their work had just been obtained through proper channels. It quite literally ruins out livelihood, especially if you are a relatively unknown, independent artist.

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

In the instances mentioned above, many people do not even know how to deal with these other entities that have staked some sort of claim on their work and it can be frustrating and difficult to get in contact with them. This problem has become a bit easier to deal with as most offenders sell the work on the internet, and any online store or printing site can be notified with relative ease and will normally take the listing down without much fuss. Personally, I think the biggest problem is actually awareness of what copyright law is. A lot of artists themselves do not even know what rights they have in terms of copyrighting their own work. It is not a thing frequently taught in school, and even when it is, it may be extremely outdated. I attended a visual arts high school, and one day our teachers sat us down and briefly talked about copyrighting our work and the horrors of what happens if you don't, but it was a terribly outdated view of what copyright is and how to deal with offenders. I had a stellar professor in my senior year of college who taught a class basically only on copyright law, contracts, and licensing for freelance illustrators, and it really improved the way that I am able to deal with people interested in my work, and it really improved the how I look at profiting from the thing I am most passionate about.

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

Simply the sheer volume of work produced. This may be especially true for photographers, but it also applies to illustrators and graphic designers. I run a blog where I post a lot of sketches and half-finished works. They're all things that I would not consider publishing or selling in such a raw state,

but people like them, and it sort of helps me keep interest up in between creating larger works. I do not care so much about the sketches as art, but rather as about my intellectual property. I am mostly concerned about how orphaned works will change my rights to my own intellectual properties, because a lot of the ideas I post are not registered. They are not complete ideas yet. They are not sellable to me, but I do post hundreds of them, and I am not fond of the idea of having to register a rough idea just to make sure someone else could not use it first.

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?

Money. Time. As long as you have either of these, buying a limited license to an artist's work really isn't that hard. There are a lot of stock photo and clip art websites (and I supposed physical catalogues are still around as well), and if you don't find what you want there, you only need to find an artist who can give you what you want—but art costs time, and art costs money. But this also comes back to what I was saying earlier: that artists should really be better educated about copyright law, because a lot of us do not really understand what it means to license your work out to someone else and it may be difficult to deal with people who are not properly educated.

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

I feel like these issues are not such a big deal for companies or artist agencies since they will copyright your work for you, but if you do not have the benefit of working for either, it becomes another obstacle in the path of publishing your work.

Honestly, I understand why copyright law should be updated, and I know the type of person/company that would support the orphaned works act, but I think that it is completely irresponsible, and instead of having non-creators step up to the plate, it will make artists pick up the slack for something that they've already poured countless hours of work into. I feel like, there are enough implications in the change that people will be able to terribly abuse artist's livelihoods, and it will even effect the way they express themselves. Hobbyists that don't even want to make profit form their work may not be comfortable with having to buy the rights to something they created for fun or relaxation, just to ensure that other people don't profit off of it. I don't want to have to buy the rights to something that I created.

So, I appeal to you, please do not pass the orphaned works act. It can only do harm.

Sincerely,
Sydney Cook