July 23, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallante and the Copyright Office Staff:

I'm an artist, illustrator, and creative writer for children. Copyright law is the foundation of my survival; if I cannot protect what I create, then I have lost the profession I have spent decades preparing for and perfecting. Copyright is my only shield against theft, and the fact that, up till now, it's been automatic and free, has enabled me to keep growing and marketing myself without fear of my work being stolen or copied with impunity.

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

- Publishers requiring artists to sign away their digital and other secondary rights as a condition of accepting assignments
- Competition from image services or cheap overseas artists/writers who do not ask for rights
- Lack of knowledge in how to license such works (many of us would like to get into licensing but don't know where to start)
- Theft and reproduction of images, making the original art worthless.

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

The two major challenges are the high cost of legal fees in an infringement lawsuit and Orphan Works policies that would reduce the likelihood of obtaining legal representation or significant compensation. You are giving all the power to the thief and none to the owner and creator.

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

Expense; the time wasted on paperwork and databases or spreadsheets if I have to keep track of every single image I create; the sheer volume of sketches and other images created to produce a final product. I don't have any employees. All that labor

would take time from creative work, the work that brings in money. This factor alone could force artists out of the profession. Would you ask a ballerina to document all her steps or a violinist to keep track of all her scales?

You are also asking me to expose all my work to a service that enables thieves to copy my images and make derivatives. You are forcing me to make stealing and using my work a breeze.

What boggles my mind is that creative people already are some of the lowest paid workers in our economy. Look at any salary or income survey; we are typically near or at the bottom. Yet, what we produce is so valuable, we have to keep fighting to protect it; our time, our money, our stress.

Why do you think that is? Because big corporations want to make money from artists' creativity for nothing. I understand the need to help libraries and researchers to digitize books and papers no longer under copyright. If this bill is intended to alleviate that problem, then it's a wood chipper when what you really need is a nail file.

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 keep my consumption of other people's work to fair use guidelines. The hardest part is reference photos, which are usually protected, so I never use them in the final piece I will publish or create. I put it away and draw from imagination (or take my own photos). It can be inconvenient, but I respect the time and effort to produce any good work, and consider that inconvenience as part of the normal process.

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

There is NO central, working visual arts registry that I know of. That would be great if it were free and protected my work in some way—and if it scanned in and created all the metadata and documentation for me. That unicorn, as far as I know, is still a mythical beast. Do you have a URL? A name? Someone we can talk to? None of us understand what this is. And if it does come about…what happens to all my work from the past? Is it no longer considered copyrighted if I don't track it down and stuff it into this registry? I've been drawing since I could clutch a crayon.

And what, pray tell, happens when this unicorn is hacked and all my work is neatly stolen in one go? Let me guess: you'll pat me on the head and give me a monitoring service for a year. Thanks in advance, but none of us can pay our bills with that.

If you think all of the above is a load of hooey, then look at singers and musicians. They make very little on albums sales; sales of downloadable singles are not the same in terms of income, nor are ticket sales to concerts or merchandise. In

addition, many people stream music for free from sites like YouTube, which is owned by Google, one of our biggest technology companies. In other words, small bands and big singers are driving traffic for Google for little to no compensation. Google gets the main benefit, even though the consumer is after the music, not the method of distribution.

This legislation is a spit in the face of every artist who aspires to do graphic design, greeting cards, comics, children's books, small scale animation, or even original art. You are taking the horrible and stupid idea that artists MUST suffer and starve, and turning it into a certainty.

What don't you kick a puppy while you're at it?

Sincerely, truly, and testily yours,

Kate Barsotti