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

Responding to the Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

To Whom it May Concern:
My name is Karen Swartz. I studied Illustration at Savannah College of Art and Design, and have been a freelance artist since 2010. My artwork, and especially my copyrights, are my main source of income.

I am writing in response to the questions posed by the copyright office concerning the challenges creators face in the digital environment/ marketplace.

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

My right to reproduce and sell my existing works is a large part of my ability to make a living from my work. New works take time to produce, and originals are often difficult to sell at a price which fairly compensates me for my time. If potential customers are able to acquire prints and reproductions of my work for free, why would they pay me? I would say that about half of my income stems from sales of products created with reproductions of my works.

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

Significant challenges that I face include controlling the appearance of my work on the internet, and the ability of anyone (including foreign parties) to download and repurpose/ monetize my work, removing watermarks and metadata with minimal difficulty. I am a young illustrator, at the start of my career, and in order to protect my copyrights and my reputation, I don't want my work to be re-posted online without credit to myself as the creator; or to be re-posted at all on disreputable sites and blogs. I also would prefer to display large images of my work on my website so that it is more likely to hold the attention of an art director or other potential client. However, I refrain from doing so in fear of my work being stolen. I know that currently copyright law should protect me from cases of infringement, but I have known other artists whose work has been stolen and sold by foreign websites- which made the cases more difficult to pursue. There are websites and companies which explain how to remove watermarks entirely. Even under assumed protection by current copyright law, I feel that all I can do to protect my work is to upload only low resolution images to the web. Occasionally I give away full resolution

files to fans of my work, always stressing that the work is not to be reproduced or sold. Under the proposed changes to copyright law, I would fear that these works would be stolen by companies and any infringement cases difficult or impossible to win.

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

Like most other artists, I sell my original works separately from their usage rights, and I no longer possess the originals of many of my images. It would not be possible for me to register every work I've ever created if this was required by changes to copyright law. I also barely make a living from my work, and I may not be able to afford to pay a for-profit registry in order to protect my images.

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 currently only make fair use of photographs and illustrations as reference material. I use references to inform my figure drawing, and to inspire my compositions. I have experienced difficulty in locating copyright holders for typeface designs.

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

The Copyright Office needs to include a database searchable by image, similar to what Google has done.

Thank you for your time. I trust you will keep our best interests as creators at heart when considering any changes to current copyright law.

Sincerely,

Karen EA Swartz
Illustrator
www.keaswartz.com