July 19, 2015

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

Dear Ms. Pallante and the Copyright Office Staff,

I appreciate the opportunity to tell you how I feel about this act. As someone trying to break into the world of professional art, I understand that my opinion may not be as valuable as that of a fully professional artist, but I hope that you will still take my input on this situation very seriously.

Copyrights are extremely important to both me and artists with decades more experience than I have. Licensing is how countless numbers of people make their livings. As I am trying to get my work into the mainstream to make a living for myself, this proposed law would make it so much harder for me, and people like me, to find success in the mainstream market. If this act were to pass, it could also make the lives of the professional, full time artists hard and take away their livelihood.

I will try to respond to your questions to the best of my ability.

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

For years publishers have forced artists into signing away the rights to their work by just refusing to hire on any artists who demand to keep them. The existing law allowed this treatment to happen by permitting work-for-hire contracts. This deprives the artist of any and all authorship they have towards their work. They receive none of the benefits of “legal” employment, even though they are technically an employee of the company for the time being. The artist has to cover the price of every single thing used in the commissioned work.

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

The absolute most major one that comes to mind is the insane price of legal fees that would be used in an infringement lawsuit. Especially if this person has not registered their copyright with the offices. This person could then only get damages out of the suit, and it is borderline impossible to find a lawyer for these cases. The settlement for these cases would be tiny.

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

Expense and time. It would bring out competition through the registries. An artist can hundreds, if not thousands of pieces in their lifetime. Registration for the more experienced artists would be extremely difficult, as they would have to find every individual piece and take them all down to the copyright office. They would then proceed to fill out paperwork for each piece and pay a fee for each piece, which could very easily add up to hundreds of thousands of dollars. This is a career shattering move for thousands of people.

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 feel as if I am not in the correct place to answer this question. I occasionally use a photograph or another person's work for light inspiration, but it never goes beyond that and those have all been personal works that I refuse to make profit off of. If someone wanted to use my work in a similar, strictly non-commercial way, I would gladly let them do this so long as I am given the proper credit for it. Perhaps the issues when dealing with institutions such as museums or libraries are different, but I have no experience in this situation so I will not go further into it.

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

There are many that exist. I however, will only discuss the issue of the claim that there's a viable art registry that would benefit the artists. This is not true. It does not exist. I have spoken to artists who have decades more experience than I do about this issue and it's something they still struggle with. Even if this were to exist, I suspect that many artists would not even be able to afford it. The cost of maintaining and cataloguing everything would be too great, causing fees to be ridiculous. I wish that there was an easy, cost effective way of scanning and placing works into a database, but I don't think that technology could do it at this point in time.

As an artist, I strongly oppose this act. I choose to support Congressman Jerrold Nadler's American Royalties Too, or ART Act of 2015. It is by no means a perfect solution, but it is a step in the right direction. It would start to bring justice to licensing rights, and I thank the Copyright Office for this recommendation.

Sincerely,

Kylee Roth