July 17, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence 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 am writing to express my opposition to the Copyright Office's proposal concerning "orphaned works."

Since 2009, I have worked as a scientific illustrator. The most significant challenge for an artist is turning his or her work into a livelihood, and, in that regard, I am no exception. Although I have had several professional successes, I am still establishing myself as an illustrator. Thus, every single resale of an existing work is important to my ability to earn a living. For instance, earlier this year a textbook company purchase the non-exclusive rights to reuse an image previously published in *Scientific American,* for $450. Currently, I am in negotiations for limited rights for an animated short for $100. Resales are crucial to my fledgling career. Replacing our existing constitutional copyrights with a system that favors Internet companies, allowing these corporations to harvest the hard work of artists will directly hurt my income.

Another challenge is my ability to control where my work appears and who uses it and to keep my copyright notice and contact information associated with the work. With the rise of social media, such as Pinterest, my works could be shared numerous times without any accreditation or contact information and therefore be effectively "orphaned".

Further, the fees and effort for registration is a significant obstacle to many photographers, graphic artists, and/or illustrators. As a freelance illustrator, I already struggle to pay for art supplies, software updates, health insurance, promotional materials and self-employment taxes. Although my freelance income is growing slowly but steadily, I have been forced to work a second, part-time job just to make ends meet. Adding registration fees would be a burden to my career, and a fruitless one if corporations can simply create derivatives from my works that are found "orphaned" without contact information on the Internet.

However, I do not object to the legal use of photographs, graphic art works, and/or illustrations. I often use the works of others as references--, however the resulting works are completely different and would not be classified as derivative. In the few instances where I made derivative works, the references were either public domain or the rights were legally and easily acquired.

I believe in a healthy public domain for the common good. However, in order to encourage the creation of new works, artists need to be able to support themselves and profit from their works. Clearly, it requires more skill, time, and material to create a new work than it does to simply copy an existing work. Original works cannot compete with the price of the copies. The Copyright Acts of 1790 and 1870 were created to address this imbalance and "promote the progress of science and useful arts." If corporations are allowed to acquire free artwork there will be no incentive to pay artist to create new works.

Thank you,

Catherine (Cat) Wilson
catthewilson.com