Dany Paragouteva
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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 U.S. Copyright Office Staff:

Thank you for the opportunity you have given visual artists like myself to write to you about our concerns regarding the proposed new Copyright law regarding Orphan Works and copyright in general.

I am a freelance fine artist and illustrator residing in Los Angeles, CA. I graduated with a BFA in Illustration from Art Center College of Design, Pasadena, CA in 2006. Since then I continued to do art on the side for about 8 years while I worked various jobs, which were my main income. I was employed full-time as a graphic designer and then a product designer for about 7 years. A year and a half ago I quit the full-time job and now I am a full-time artist. The reason I was able to take that risk was my husband who encouraged me to do so because he is able to support both of us on his income. It would have been financially impossible for me to do this on my own. Please, consider this fact that it is already a difficult road for some artists to establish themselves and have an income that is sufficient to support them. This proposed law will make this reality even harsher. I am grateful that I live in a country with a strong economy, where art is valued and therefore it can be my full-time career. My art has been published in 4 books; I have exhibited in group gallery shows; my art was featured in Communications Arts and 3x3 Magazine. I do comissioned paintings and illustrations. All other art outside comissioned work I sell through gallery shows and art fairs, and I also sell prints off of those paintings.

I have considered it a great freedom to be able to create art knowing that I own the copyright at the moment of creation. I have never registered any of my images with the copyright office, because I still have the right under the current law to seek damages and stop the perpetrators from using my images without my permission.

It took many years of training and experience to further my skills and develop my style, and it is a process that will continue until I am no longer able to do so physically. Therefore, I expect that I will be compensated for any art work I do for clients as this is a professional skill. I have developed my style, which is enjoyed by my clients and those who purchase my prints. This proposed law diminishes all that effort, time, and sacrifice.

When I produce paintings for someone, unless it is a comissioned portrait, I make high quality prints and sell those as another source of income for me. Once an original painting is sold, the prints provide an additional revenue for me. This proposed law diminishes my revenue by allowing others to steal my art, if it is unregistered.

There is also the issue of limited edition prints, which carry higher value for the collectors. They are produced in specific quantity at a higher price point and the artist has the responsibility to never make any more prints of that image. In this way the collector obtains a piece of art which has the potential to appreciate in value because of its limited availability. With the new bill, unless I register my works, I will no longer have that control over my work and the value it will bring to collectors.

The cost of producing a painting and making prints is significant. Added to the cost of materials is also the cost of promoting my art. This includes monthly payments for website service, monthly payments for software (Adobe Creative Suite), promotional cards, mailing costs, framing, professional photography of all my original works, entry fees for art fairs and conventions, printer, ink, paper, etc. If this new law is passed and I am required to register every painting and drawing I have ever posted online on my site or on social networks, then this would be an additional financial burden for me.

Even if the initial prices for registering are kept low, I just cannot believe that they would remain so. Even banks have extra fees, and I wouldn't be surprised that these businesses would follow a business model that will encourage increase in revenue for them from one year to the next. It's how every business model works, even for artists. But in this case, an independent artist such as myself will be pitted against giant corporations who can easily absorb such fees. In addition, corporations are staffed to handle registrations and protecting their copyrighted works. Individual artists would have to spend precious time, money, and effort to protect what they worked hard to produce. Those who lack the resources to do so will be left unprotected.

If someone needs to use a photograph or an illustration for their project, it is only fair that they pay for the right to use it. Copyright is a fundamental right without which I would find it very hard to work and unable to have any hope of making a viable financial revenue for my family. This proposed law will diminish this right.

Please, consider the fact that we are not giant corporations and it will be unfair to make it easy for them to use our art and make money off of it, while we the creators are left empty handed. This is our source of income for us and our families.

I am not a famous artist, but I am working towards gaining name recognition, and this is a process of hard work, long hours, and sacrifice. I am extremely grateful that current copyright law protects my unregistered work. The ownership of my work is my source of income. I control derivative works such as prints. When a third party uses my work, it's a licensing agreement and I am paid royalties by them for the right to use my work. I will lose this source of income if priority is given to large corporations.

Thank you for considering my opinion on the matter.

Respectfully,

Ms. Dany Paragouteva