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

The most significant challenges for monetizing my visual art is, figuring out copyright law, having registered documentation that I own clear copyright title to my art, and of course finding buyers for my artwork. Contracts between artist and manufacturers usually includes a section where the artist states that they are the owner of the copyright for said work and indemnifies the manufacturer in regards to the copyright.

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

I am far from being a famous artist, but have still had my artwork constantly stolen online and used without my consent. Being an artist I do not have the resources to legally defend against the many infringers in a court of law. The proposed orphan copyright act would only make things much worse, I fear that it could collapse the art licensing market by shutting artists out from ownership and legal claim to their own creations of art. To artists, their only economic asset is their work of art and the accompanying inherent copyright to their work of art.

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

Currently the most challenging and frustrating registration issue for me is the very vague state of the terms ‘published’ and ‘unpublished’, and that you can’t register several ‘published’ works together, as you can with ‘unpublished’ (I create a lot of artwork and can’t afford the time and money to register each published piece separately). Also, there seems to be a lot of confusion among artists regarding copyright registration, when asked, even the U.S. copyright office seems unclear in regards to ‘published’ vs ‘unpublished’ in many particular instances.

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 only use art of my own hand and do not incorporate other artist materials. As long as I am able to hold the inherent copyright of my art when I create it, (as is the current law), and then register only if I would like to additional documentation to cover me for possible recourse to fight infringers, then that works for me.

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

I have recently become aware of secondary licensing market where money is collected on behalf of the artists for their copyrighted works being used by academic publishers etc., but it seems the money is never given to the artists. Someone has the money, but it isn’t the artist. I think this is a matter that needs to be dealt with so that the artist who’s ‘work’ is being used receive the benefit from their labour.

Thank you for the opportunity to comment
Cathy Horvath Buchanan