July 22, 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:

First, thank you for your invitation to comment on copyright from the perspective of a creator. To introduce myself, I am a self-employed freelance illustrator. At this time, my business is a smaller size, with most of the focus being private commissioners, some commercial work, and selling at conventions. Being able to re-use my own work has been a vital source of income in the time that I've been creating, so many of the proposed changes to copyright law in recent years has been quite alarming, which is the main reason I am taking the time to contribute my own perspective.

While answering the questions your Office has asked, I've found some general themes which I think can summarize many of the questions the Office has asked. Being able to retain our own copyrights is a huge source of income for many artists. Our current terms of service, contracts, business models, and agreements are based on the current Copyright Law. Being independent artists, most of the challenges which we face in light of current copyright issues and proposed copyright changes revolve around time and money.

My own questions and concerns keep coming to mind while considering these challenges as well. First, since there is some talk of concern about the public and copyright issues, what is beneficial to the copyright holders (such as visual artists) and the everyday person, (our customers, the public)? While re-writing or re-visiting any copyright laws, who would these proposed ideas actually benefit? How are any of these revisions going to protect small, local, American run businesses (such as freelance illustrators)?

A large part of understanding the challenges from the creator's perspective is keeping in mind that our intellectual property is how we earn our living. An example of this in my own work is creating prints or casts from my original illustrations and sculpture. To add to the value of these pieces, often they are limited edition, which means other people creating copies of my work can bring down the value of my work, and hinder the ability for my business to thrive. What's worse, my customers invest their own money, so someone using my work hurts me and my customers. Another way of monetizing work is through licensing, so yet again the artist being able to retain the rights to their work is vital. I suppose this answers the first question. One of the greatest challenges with monetizing my work would be anything which hinders my ability to have control over the use of my work. The Orphan Works proposals, to my understanding, would be a hindering force. Also, at this current time, infringers who remove the watermark, copyright

information, or the links back to my portfolios without my permission greatly hinder the ability to make money off of my work. If the Orphan Works or similar proposals were to pass, this would become even more of a problem, as people would easily be able to say that they could not find the original creator if someone were to pass around a file with the information removed.

To answer questions two and three, time and money is the greatest challenge for me in enforcement and registration. Legal fees are issues in this industry, especially for individual artists who already need to fund business costs, retirements, insurance, support their families, and so on. For us, there are no big company funds to back legal fees. As for registration fees, even a miniscule fee cuts into the already tight budget of an individual artist, especially for more prolific artists. One small fee may not be felt, but hundreds of small fees would certainly be a financial burden. Being less prolific would not be an option, especially since in some industries (especially commercial industries), it is essential to the survival of the business to be prolific. Time, especially for registration, is also a challenge. Realistically, there is no time efficient way to add so many works into a database. This also brings to mind one of my previous questions; would this benefit copyright holders or our customers in any way? In my eyes, no, it would not. Time is valuable, as are the unique skills which creators offer the world. It would be a disservice to the customers we serve if our time and labor was being put into registering past works instead of being productive, contributing members of society. For me, it would mean having to pick and choose which pieces I spend time and money on to register, leaving other works open to being exploited by others. The proposed Orphan Works and similar ideas seem unfair to basic rights. We (the artists) have put real time, supplies, skills, and effort into our work; it is our property, our labor, and we depend on the protection which current copyright laws provide us.

More or less, this covers my own comments and concerns. From the standpoint of someone making their living off of the visual arts, it is my opinion that any law regarding copyrights needs to be written by artists, by people with extensive experience in licensing work, and by the lawyers which specialize in copyright law. From what I have seen and in my understanding, the Orphan Works proposals and other similar proposals show a lack of understanding of real world situations and challenges which artists face in modern times, which is why you listening to feedback from creators is vital. It would be dangerous to implement the currently proposed ideas, and I genuinely believe that the laws rewritten in the way Orphan Works suggests would endanger businesses like mine. Creators who are far more experienced and knowledgeable in regards to copyright law than I am have already written in, and have brought up similar concerns, so I know that I am not alone in these concerns.

Again, I would like to thank you for your time and for putting out a notice of inquiry. It is my hopes that the current protection copyright laws provide will continue.

Sincerely,

Crystal Carpenter
Winter Soul Studios