July 20, 2015

U.S. Copyright
Orphan Works

Dear US Copyright Office:

Thank you for the opportunity to comment on the problems visual arts face in the marketplace. I'm writing to stress that for me, and for artists like me, copyright law is not an abstract legal issue. Our copyrights are our assets. Licensing them is how we make our livings. Except for speaking fees, this has been my only source of income since I started to pursue my own art career for 15 years. Even if it took me several years of struggling through trails and errors to develop a style and create my source of income for living based off of it. It has helped me have a place over my head, food on the table, help my parents and siblings when needed to. I fear that lots of changes that the orphan works act brings would end that kind of success for others and me.

I had the chance to talk with several artists about this and they well informed me on the matter at hands and how it would affect up and coming artist and those who are established artist

Being still a young artist, I believe this might greatly affect those in the same position. To taking down our online portfolios to not even doing commissions for others or working with clients. As a young artist having online portfolio is, are catalyst to studios seeing our work and potentially getting hired. All that would change because in fear of our work being used by others without consent or payment.

As artists, we still deal with those who would alter our artwork and use it for their own purposes. Which means my years that I took to develop my art and make a living off of it was taken away within seconds by another who is making profit off of it. All that hard work was basically for nothing.

When dealing with clients, we deal with contracts that are made, especially work-for-hire agreements, which many don’t know who start out in careers like this those agreements when an artist signs they sign away all rights to the artwork that is created unless changed by the client or the two come into an agreement.

Existing copyright laws has allowed these absurd business practices by permitting work-for-hire contracts to be relevant. When agreements like this are used on freelance artists, they take away the artist of authorship and name the commissioning party as the art's creator. The artist becomes a pawn for the sole purpose of forfeiting copyright to the client, but receives none of the benefits of "legal" employment.
Work-for-hire undermines the very principles of authorship embodied in Article 1, Section 8 of the Constitution.

Now as for registrations, there are many things we can't afford one of course is money and the other is time. The amount of drawings, sketches, doodles, paintings, concept, designs, logos and so forth it will take so many hours to find each one of them and go through the whole process. Even then, the process takes longer when this valuable non- income time could be used to create new art.

For registration, I think it's best if artists are helped more than not helping them at all. All we really have is the rights to our work when we share with the community when posting sketches and works in progress. The best solution I believe is to do away with the copyright registration just like the rest of the world has.

Like most artists, I sometimes use photographs and works by other artists as reference or inspiration but as a rule, we would credit the artist from whom we gain this inspiration from or reference but when drawing sketches and gestures, its most likely from life that it's being used from or videos of people just living life and pausing it. I would share another artists' work and credit them and explain how amazing his /her work is and post a link to his/her online portfolio. That is called word of mouth, the artist will get noticed more, and he/she will receive more clients if his/her work captures the eye of a potential client.

I am truly grateful for the Copyright Act of 1976, like me and others, it has helped us survive against those who wish to hinder and take granted our hard earn skill. Each year, it becomes harder and harder for young artists when it comes working with clients or getting a job at a studio. Some are unemployed working as much as they can with freelance, I've seen some become homeless, to some not even pursing art anymore. To past this letter, you will just be basically throwing us into the fray. I am truly supportive American Royalties Too Act of 2015. I am really glad that the Copyright Offices recommended this bill to congress. I would love to see some change in the art community and justice to artists' secondary licensing rights,

Sincerely,

Jeffrey Munoz