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July 15, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

Dear Ms. Pallante,

I'm writing to you concerning copyright policy and to implore you to create policies to protect visual artists and creators with exclusive rights and to support us with sustainable professional creator environment.

I'm a full time Graphic Designer who supplements her income with freelance Design and Illustration. Not only is the main aspect of my job completely hinged on my ability to license my work to my clients, but it's what allows me to freelance my artistic skill set to supplement my income. These rights are what makes my industry run and what keeps my job as a professional Graphic Designer valid. Copyrights are the cornerstone of keeping my industries integrity and cogs running smoothly, not to mention the simple quality of the work my industry does would drastically decline if copyrights are not in the hands of those trained to create the works we do.

The digital age has solved and yet created many problems for visual artists. While it has given us a new platform for displaying our work, and soliciting our skills it has made infringement on our rights hundreds of times easier. As of now, it is incredibly easy to take someone's work and display it as your own and many would not be the wiser. There has been a large increase in unauthorized secondary licensing with large digital-publisher and stock websites where all credit to the creator are completely removed, sometimes without the creators permission, and sold to consumers profiting from the authors work and simply paying them a tiny commission. It has been a considerable amount of time since Copyright laws have been reviewed with the rights of restoring equality to the Creator/Publisher dynamic. I believe that this needs to be rectified immediately. I can't understand how the artistic fields seem to be the only ones that fall into this heinous category of rights violation. I am extremely grateful that the Copyright Office administration is doing this inquiry and I hope that you can understand how dramatically this will affect the creators of such works.

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

I strive to be a freelance Designer and Illustrator, but I am unable to do so completely due to the lack of education in the general public, and in the education I received in school on what is and isn't copyright infringement and what clients feel they're entitled to ask of me. When I was first starting out I was asked to submit a piece of work for a client as an introductory work-for-hire situation. She needed the work done quickly and it was to be paid for upon signing a contract for the full project. I completed the project and was told that I would receive the brief for the full project, that she would like to move forward with me. She uses my designs to this day, and I was never paid for the initial work-for-hire project. I have come to learn that she is infringing my copyright by using them, but I'm not even sure now if there is anything I can legally do about it. I have an associates from the Art Institute of Houston

but was never taught an iota of copyright law. Any possibility of being a freelance Designer hinges on these laws and I was never taught what they were let alone how to utilize them. With the exception that I could use images form the internet for education purposes, but I wouldn't be allowed to use them in the field, I would need to purchase stock photos or take my own. Even in my day to day position, clients continually do not understand why they must pay for the creation of their product. How could there be a cost for creating the artwork? Isn't that part of the cost? Unfortunately, we creators as so undervalued by those outside the industry that there clients do even value us as an actual part of the production process. Even as an independent contractor, this view is rampant with clients trying to negotiate down your prices or asking for all your preliminary designs even though the contract clearly states that they only receive the final design. I had a client ask me "Then what am I paying for?!" in exasperation, as if the project he commissioned me for suddenly wasn't good enough.

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

There is no support for creators when a theft occurs because the only thing we can do is take the culprit to court, which is often too expensive for us to even entertain. When I was in college, a close friend of mine had her work stolen. We were asked to copy final files to the desktop of the print center computers, then delete the files after printing. My friend did so, and went to class. Someone took her pdf from the trash bin, opened it in illustrator, tore it apart to pull the illustration out of the design project and began coloring it digitally. We would never have known if we hadn't been walking by a lab a few weeks later and witnessed him working. He claimed a friend drew it for him, right in front of my friend, who immediately produced the original from her bag. His punishment for deliberately stealing from a fellow artist, student, and breaking the rules of the school—for which the punishment was supposed to be expulsion? He was failed on the project, and required to redo it. Even after the instructor she'd turned her project in to—including all preceding sketches—went to the department head on her behalf. There was no hearing, no suspension, no expulsion, simply had to redo the project. She later dropped out of the Art Institute and went to school to be a nurses assistant. I have never seen anyone so discouraged as she was after that predicament. Theft in the art industry is almost a joke... and the effect it has on those in our industry is appalling.

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

Education and Money. Once again, I was never taught anything about copyright laws or how to utilize them. I was never taught that I was required to register my works or that it costs money to do so. To be honest, I have only learned this in the last few days doing research for this letter. The cost of a 10 year registration is sometimes more that I get paid for commission on an entire piece. It's entirely too much to ask for each and every piece of work I want to register. Then, I come to find out that if I really want it registered for the rest of my life, I'd have to pay $600, roughly. That's as much as my rent! For each and every piece I want registered, I have to essentially pay a months rent. That is preposterous! Most of these pieces are a one time project that I don't feel comfortable reselling because they were specifically made for one client. I can't pay $600 for a $50 project, and I shouldn't have to for something I created. It's the digital age, we should be able to find a way to register these things without an exorbitant cost to the creator.

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?

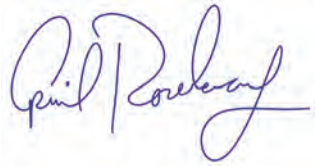
I don't know, I have never had an issue, frustration, or challenge in finding or using images.

Either as inspiration, for fair use instances or stock images. I pay for my stock images, and I receive the image I pay for. I don't see how there are problems with use legal use. You either pay for the imagery or you don't. If you pay the correct party—and not someone who might just be selling someone else's work—then you don't have a problem. The problem lies with those people that would take imagery that is not theirs and try to sell or pass it off as their property.

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

I believe that if we had some kind of registry, easily searchable for creator works we could easily be able to solve issues such as copyright infringements. We need to make infringement and theft just as real and punishable as monetary theft. Theft is theft and it should be punishable. That does mean that we need a way to prove that the theft is legitimate, thus, why I suggest the registry. We live in a digital age, where many artists are choosing digital mediums just as often, if not more, as traditional ones. I realize that this has challenges all of it's own, but shouldn't we be working towards making creators rights more stable instead of infringer rights? Why are we rewarding theft?

Sincerely,



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