July 20, 2015

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

Dear Ms. Pallante,

I would like to voice my opinion and opposition about this new proposal of Copyright laws. I am currently a BFA student and have yet to complete much business exchanges; however, I am aware of the effects this proposal would have in my industry. Copyrights are vital to artists; they are essentially our private property and protects our right to have control over our own work and product. By proposing that the default status of our works be public, it would be as if our hard work is for free for others to steal. It's simply too detrimental and does not provide us benefits.

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

I have not experienced much of the deeper parts of the industry, but from what I have come across, many job offers extremely de-values our work. I have seen many forms of payment for artist's hours of critical thinking, communication, and execution of work be reduced to offers such as exposure, portfolio pieces, letter of recommendation, or at a price that would be far below minimum wage for the number of hours it would take to produce the work commissioned. I have read that more and more companies are pressuring artists to give up most or all rights to their work, which would be a disadvantageous deal to the artists because it would lead to only the client collecting the money that the artist's work was a significant factor in producing. If artists already face the challenge of being offered and struggling to compromise fair price, this would further reduce their income.

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

I am often on a social media platform and have seen numerous instances of private property being stolen. In most of these cases it is extremely difficult to stop the theives, get the work they posted removed, or convince the company to take action. It is also difficult to discover when one's art is stolen and even harder to attempt to sue or take them to court since that requires a lawyer, money, and time. With the current circumstances, it is difficult to actually enforce protection of our properties and rights, but we still are protected by law. The new proposal would destroy this slim of protecting our private property.

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

Currently, any work that I produce would not have to be registered to be considered my own work. As an artist, the sheer amount of images we produce can easily reach the hundreds in a year and over thousands during one's career. To force us to register all of our works so that we can protect our rights over them is to force us to commit an immense amount of time and money to fill out a mountain of paperwork. We would have to locate all our past images and go through a painstaking grueling process of preparing and recording them all for the paperwork. This would be an enormous waste of time that we would have to pay for. If I choose not to commit my tme and money for my own art that I worked to produce, the registry would get my work for free. If I choose to register to protect my work, I would have to pay the registry for my own work. If I don't commit further time and money to the registry, they would legally be able to take my clients. This would be a huge financial difficulty for artists. Niether choices are beneficial.

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 mostly use other artist's works as reference to learn from, and when others wish to use my work, I ask to know in what context it would be used for. My condition for non-commercial is that I am properly credited or sourced and would be contacted if any other work of mine would to be considered for use. The current copyright laws properly protect me, my work, and my interests. The new proposal on the other hand would give so much leverage for art thefts and bad derivatives to take advantage of

my works and even profit from them. It would be extremely frustrating to see others take and use my work for themselves without my consent. This would no longer protect me, my work, nor my interests.

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

The idea of there being a registry of all visual work simply seems impractical and improbable. There would be a large portion of artists unwilling to register and pay for their own works. Even if they could afford to pay to register, the sheer volume would take many, many years and proper communication to artists everywhere in our nation. It would be even more improbable to register all of the past works that have been protected by the existing laws. The proposal to create such a database is practically impossible.

Also, I believe artists of the US should also be guaranteed their royalties from their works. There are other countries where artists are distributed their royalty fees that have been collected. It is important for artists to know where any and all of their works, first-hand or second-hand usage, is being displayed or used. Artists, the original owners of their works, should be allowed reliable access to their work and the royalties produced. Otherwise, this would promote other groups to abuse and take advantage of artists and their works. They would be encouraged with withhold information from the rightful owner and then profit from it. Instead of implementing Orphan Works, it would be more beneficial to fix secondary rights income. This would support so many more artists.

With this, I support Congressman Jerrold Nadler's American Royalties Too (ART) Act of 2015. This would bring justice and transparency to artists' secondary licensing rights.

Sincerely,

Lin Xia