July 21, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence 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:

I am a stay at home mom who is working towards becoming a professional visual artist. Although I am not earning an income now from my own visual art, I do teach art lessons to people of all ages and encourage a passion for the study and enjoyment of visual arts.

I am not an expert on copyright law, but I do understand a few things, things I hope will not change with any future law. When I create an image, whether it be a fine arts painting, or an illustration for a children's book, I automatically own the rights to that image. I do not need to register that image. Subsequently, I am able to earn an income from that image by allowing people limited use of that image. The copyright law is a very tangible issue for me and other artist like me because it is through our copyrights that we earn a living. Creating art is work, hard work. As talented as visual artists are, there are still countless hours spent honing our craft, and the ability to make an income from that work and limit other's rights to infringe our work is paramount.

I hope to answer your questions as well as I am able.

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

The main challenge is the fact that although I would like to maintain rights to my works I also hope to make living from them, and publishers often demand digital rights to an artists work. Between the choice of making a living (howbeit limited), and not, artist are often forced to relinquish those rights or not be used by that

publisher. Work for hire contracts are not supported by many foreign countries, and contradicts the principle of authorship in Article 1 Section 8 of the Constitution.

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

The main challenges artists face in enforcing copyright law and preventing infringement is the high cost of legal fees in an infringement lawsuit, and the previous, or current orphan works policies now being proposed again in Congress.

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

Under current copyright law any image I create I do not have to register. Considering the cost in materials, the time spent on each image, and the volume of images I produce, required registration would take up valuable time and money and make it virtually impossible for small based artists like myself to earn an income and protect my images if I had to register each and every image. For one finished piece alone there are dozens of sketches, color studies, character sketches, and other experimental sketches. I could not, nor be able to afford a system that would require registration in order to protect my copyrights, something I do not have to do under current copyright law.

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?

Like many other artists I use other artists work, photographs, and sketches for inspiration, but beyond that I take my own reference photographs, and do my own studies, and use my own imagination to create my work.

Even on my blog I either take my own photos, or artwork, or use images from the public domain. When I use images from another artist, I would get permission and give credit for that image. It has never been a problem to either get permission, or find legal images to use. In my limited understanding, based on my experience, and that of other artists that I know, this is an example of how the current copyright law is working as intended to protect the rights of the artists who create the work,

something that would not be true if the current law is changed to permit massive commercial infringement.

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

The fact that there is a massive secondary licensing already taking place in reprographic rights market that artists don't see a penny of. This licensing has been going on for over 30 years with revenues roughly $300,000,000 annually. As such, I support Congressman's Jerrold Nadler's American Royalties Too (ART) Act of 2015, which has a provision that would create an honest visual arts collecting society that would actually return lost royalties to artists.

Thank you for your time.

Sincerely,

Telaina M. Muir