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Letter regarding the role of visual art in the coming legislation.

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

For me, a full time commercial photographer, my biggest challenge is keeping up with how clients use my images vs. what their license permits. There is little to no incentive for clients to obey the law and limit their use to the license. It is way too hard to track their publishing activity. There is also little incentive for those third parties (client associates) and Internet thieves, without permission, to license use of my images.

Also, abuse of the fair use provision has become extreme. I think that “Fair Use” should be modified to require attribution for the original artist be attached and visible with any work including any work created under “Fair Use”. The idea that a work can be changed slightly by an unlicensed party and then become a legal new work is absurd and should be prohibited.

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

Artists need access to a modestly priced court remedy for violations. I would propose at least two new systems. 1) a small claims process where attorneys are not permitted. 2) A medium size court process for higher priced claims outside of the current Federal Court process.

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

For me, registering published works where I do not have access to the published works in published form. For the past ten years or so I have been registering most of my new images grouped as “Unpublished” soon after creation.

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?

Cost of new works or of tracking down the copyright holder.

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

This does not directly apply to me although I think that artists, as well as, the general economy would greatly benefit from the increased business if image users had to purchase new works instead of stealing existing images.