July 22, 2015

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

To Whom it May Concern:

My name is Vaughn Reynolds and I have been a professional visual artist for over 10 years. I also served in the United States Air Force honorably for 8 years. I know about freedom. I have seen countries where those freedoms we defend everyday in America are just a dream. The ability to attain financial freedom and independence also sets our country apart from all others. Nowhere else can you go to a country with nothing and have laws and a culture that not only helps you attain independence, but encourages it.

I am writing you to not only address the problems visual artists face, but also relate it to the core beliefs of our country and it's future.

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

With the advent of the Internet our world became significantly smaller. The business world flourishes off of the ability to grow laterally now more than ever. Today artists must compete on a global market, which makes competition fierce. Besides competing with websites and cultures such as Fiverr.com, we as artists must compete with the ever-present mindset of artwork being undervalued from a non-artist's perspective. Historically clients have understood they need to hire us for our abilities, but their value of the work ultimately determines how successfully the artist is paid. There is an obligation to the artist to prove the worth of their art. There is also a very real relation to the market and the cost of accessibility of said art.

Bottom line: if art becomes free and a Wild West on the Internet, most visuals artists will have to change careers and lose their livelihood.

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

Copyright enforcement is costly. Threatening legal action over the Internet—the biggest arena for copyright infringement—is not something that will prevent criminals from continuing their heinous activity. The high cost of the legal fees required to pursue a copyright infringer is not commensurate with the average income level and pay frequency of most of the creative world. Corporations that steal an artist's work make it even harder to accomplish for the artist to seek recompense.

Lawyers are not going to take cases that are not worth their time. These cases tend to payout very little, while the legal fees remain relatively high.

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

Simply put, time. The majority of artist's lives do not fit within a 9-5 timeframe, allowing them breathing room to handle things outside of their normal schedule, family, etc. An artist's life involves selling themselves, their brand, their image and their ideas. Besides creating all of those forms of marketing the artist must train, improve their craft, network, research, buy material, store material, and more. And this doesn't take into consideration family and other factors. If you added on countless hours of cataloging material, artists would either have to end their creative career or end their family time, or both!

Artists sometimes make hundreds of pieces per year. The systematic cataloging of that would be a logistical nightmare that would effectively end their career.

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?

Artists tend to use photographs and other artists work as inspiration and reference at times. Within the community it is highly frowned upon to create derivative work or blatantly steal other artist's work. This doesn't mean it doesn't happen, but the community is good at self-policing, which eases the burden on everyone.

If this "orphan law" passed and allowed people to use as they please, the work environment would become acidic and hateful. Uncreative and lecherous people would have nothing holding them back from stealing a lifetime dedication from people simply to make their own bank accounts fat. Despite the open nature of the Internet and the ability to draw attention to issues of fraud publicly, not everyone sees what you post and share. If there is no legal backing, it will eventually fade out of the spotlight and the thief will have won; over and over. Artist's lives will be ruined.

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

A lack of legal knowledge in a particular field is not an excuse to break them, but in this case the artists are not breaking laws, they are being broken by them. Self-made artists don't have the standard structured formal education where a legal course may be involved, but that doesn't make them any less important and vital to the growth of the art world, the creative mindset and the richness that visual art brings to our society.

These laws often get passed without any exposure to the art community, and while it would be wonderful to think that people will be fighting for artist's rights, if there's no profit in it, it tends not to be fought for. Issues with the art world are little more than a side article in a media filled with racial violence, sexual issues, political agendas and war, to name a few.

We need all the help we can get to keep bringing beautiful imagery and design to the world.

A world without new art is not a world anyone wants to live in.

Vaughn Reynolds