July 20, 2015

Damani Bowal

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

Dear Ms. Pallante and the Copyright Office Staff,

Thank you for the opportunity to voice my, as well as many other artists', opinion about the issues visual artists face in the marketplace and how we try to maintain our rights as owners. As visual artists we do face struggles monetizing our work, enforcing our ownership on such pieces of work, legal usage, as well as challenges the office should be aware of. On top of it all, the significant challenges that we visual artists will have to encounter if these new copyright proposals become law.

Licensing my work and claiming ownership is how I make revenue and maintain my lifestyle. By creating illustrations, licensing them, and putting them in the marketplace I am able to use the money I make to pay for the necessities of life, such as food, shelter, and clothing. However, monetizing illustrations is hard in said marketplace, due to the many other artists who are in the same position. Not only are you competing with other artists, you are also facing off against other companies, who will try what they can to use an individual's illustrations, photographs, literature, for their own purposes without giving credit or due fees to the artist in question. IN addition to this, image banks are also invading the market by making false promises to artists and exploiting their work by lowballing prices and selling in volume. By getting the work for free, image banks are able to sell it for anything and still make a profit. Artists who have signed with these image banks must still compete with them along with the lowballing prices and the image banks retaining 50%-90% of commissions, leaving stockhouse artists with nothing more than a small faction for the full price of their own original works. In this case copyrighting my own work and selling it for the full price would be a better option in comparison as I will be able to retain all the profit and use it for what I need. Copyright of my work is of very important

significance to me, as it allows me the creative control of its integrity, authenticity, and accuracy. The 1976 Copyright Act has allowed me to be able to establish a professional career in the arts, and has let my hobby become something I do for a living and make profit. However, the growing loss of rights for a visual artist is crippling. It is crippling in such cases where publishers will force artists to surrender valuable digital rights and other secondary rights as a condition of accepting assignments. These come from policies enforced by company attorneys who are indifferent to an artist, art directors, publication's design integrity, and tell art directors to only use artists who agree to sign their rights away.

As a freelance artist, for these types of work-for-hire contracts and agreements being imposed upon me and others, it deprives us of authorship and we become a de facto "employee" who has to supply their own inventory, workspace, training, covering overhead, retirement, liabilities, insurances, and much more for the sole purpose of forfeiting copyright; yet we receive none of the benefits of "legal" employment. Commercial registries have radically undermined the markets for creative artists and there is every reason to believe that if registration is reintroduced as a condition of protecting our work that the new for-profit registries would act in the same ruthless way.

As for the prose "What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?" These challenges would be the high cost of legal fees in an infringement lawsuit and the Orphan Works policies now being proposed again to Congress. Now when it comes to the frustrations for those of us who to wish to use our illustrations, or photographs for legal use, like most artists, I use other's work as inspiration or reference. However, as a rule of thumb, I use my own sketchbook, my own photographs, and my imagination to do <u>any publishing or legal action.</u> The only other time I will make use of someone else's work is through a blog, a tutorial video through use of examples, or even sharing on other sites, such as Facebook or Tumblr, to friends as acknowledgement and admiration to the owner of those pieces of work. All of this is done of course with the artist permission or with use of available links to the artist to credit them, not only as a just courtesy, but because in present time it is not unheard of for someone to claim another's artwork as their own, also known as 'Art theft'. I have even seen my own work used in such cases and have not objected to it because I have been credited in each case and the current copyright law is working in the way it was intended. With the Orphan Works policies, I'm afraid the current way of things and handling art in this manner will be lost, if liberalized and let massive commercial infringement be available.

With these new copyright proposals becoming law, many artists will not be able to continue to do what they love and make profit. We will lose every right we have to our own creations, and not even be able to fight back against the public and other companies. People will be able to freely transform our works or claim as their own, and do whatever they want with it. We artists will be making work for free for everyone and no one will know it was even us. No artist will receive their due credit and fees, and I fear for the loss of creativity that might also sprout from this. It is almost the equivalent to owning a pet animal or a child, and someone else claiming that animal/child right out of the blue as their own, grooming them to their own needs and reaping the rewards and successes even though you yourself had risen said animal/child since it was born with love, tenderness, and care. I know for me personally, this would wrench my heart from my chest and render me useless if these policies come to fruition. So I do ask that the Orphan Works policies not be passed please.

Sincerely,

Damani Theodore Bowal