1.July 15, 2015

2.Maria Pallante
3.Register of Copyrights
4.U.S. Copyright Office
5.101 Independence Ave. S.E.
6.Washington, DC 20559-6000
7.
8.RE: Notice of Inquiry, Copyright Office, Library of Congress
9.Copyright Protection for Certain Visual Works (Docket No. 2015-01)
10.
Dear Ms. Pallante and the Copyright Office Staff:

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations? The mounting competition from large clearing houses of artwork, which are increasingly easily accessible online, that are pricing images far below the cost, to the artist, of the time and labor it takes to produce the painting or illustration. This makes it increasingly harder to generate a living income from the art itself.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators? Given the challenges that already exist for us to make a living from our paintings and drawings, most of us really cannot afford to pay for a lawyer to prosecute a copyright infringement. As the copyright laws are today, we can still have some control over how our images are used in the future, even if some person, corporation or company removed credit from the artwork to use it in a report. However, under the proposed orphan artwork rule, anyone can use the artwork for their own purposes if they find it without credit, and our damages are limited to whatever the small claims court decides, and will not even begin to touch the profit margin of some company that didn't even bother to find out who did the artwork.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators? All of the time it would take to locate, unframe, photograph, crop, color-correct, keyword, catalog, and return each of the paintings to it's frames and/or present owners. All of this extra, unpaid work would take time away from creating the art, which we will no longer be able to get as much income from, because it will be far easier for others to just copy and paste all or part of our work into whatever ad or merchandise they want, without even having to search for who created it in the first place. I agree with illustrator Brad Holland when he writes; “The best solution for artists would NOT be to re-introduce registration, but to do away with it entirely, as has been done with copyright registration in the rest of the world.

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? The requirement to credit the creator of the photographs, illustrations or paintings in any research we do for a blog, report, or article, or samples or adaptations of other artists work in our own, is completely fair. It should be left in place.

5.What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act? The Copyright Office's 2015 Report claims that there is already a "credible" visual arts registry that "functions as a 'hub'

connecting registries in eighty-eight countries, and provides both literal and image-based searches." Given the amount of time and resources it would take to track down all of the creators of all of the art, and verify that it was never registered, or that the copyright had expired, this “credible visual arts registry” is an impossibility. The only way this claim could possibly be made is if you were going to call the entirety of the internet your “visual arts registry”, and we all know there is an awful lot of unverified, even unreliable information on the internet. Also, there has already been a massive amount of secondary licensing of artwork in the reprographics rights markets, for 30 years, with revenues of about 300 million dollars anually. In other countries, artists receive an avarage of 15% of those revenues, but in America, we artists, who spend real hours in real labor creating this original art, have never even heard of these rights. This new copyright law would make this grave injustice, perpetrated on us by the reprographics industry, a permanent law.

As an emerging artist trying to create a living form the time and work involved in creating art, I strongly oppose any efforts to create and pass any bill that resembles the Shawn Bentley Orphan Works act of 2008.

To create a more fair and supportive system for art in this country, Congressman Jerrold Nadler has proposed American Royalties Too (ART) Act of 2015. This bill contains a provision to create an honest visiual arts collecting society that would begin returning lost royalties to artists. We need to bring transparency, accountability and justice to artists' secondary licensing rights, and I thank the Copyright Office for recommending this bill to Congress.

However, I would go further and ask that reprographics companies be required by law to inform artists of the rights to secondary licensing that they have been hiding from us for so long. We should also require them to distribute a fair portion of those secondary licensing royalties (15%) to the artists.

Sincerely,

Rhoda Winters