July 19, 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 US Copyright Office:

I am a long-time photography student intending to begin offering professional photography services in the near future. As such, copyright protection is of great interest to me and my potential future income and well-being. Since you at the Copyright Office are asking for comment on current protections for visual works (including photographs), I have answered your questions below. I hope they are helpful in your investigation.

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

The chronic devaluation of photographs due to the ease of distribution on the Internet has created a culture in which any person has the ability to use, modify, and distribute any photograph, often without the knowledge or consent of the photographer. For individual photographers not part of a large corporation, tracking down these offenders can be a challenge, so repercussions for such offenses are rare and often less severe than warranted. Since punishment is so rare, the culture of devaluation continues to develop.

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

Many photographers simply to not have the resources to take offenders to court. In matters of unlicensed reproduction (particularly of images re-printed onto clothing, canvases, or other physical items), the retailers of aforementioned items tend not to respond to reports of theft from solo photographers. Retailers will respond to pressure from large corporations or artists who have large enough followings to generate a significant number of complaints, but individual artists without either of these protections often cannot reliably have their creations (and therefore sources of income) defended from copyright infringers.

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

For photographers specifically, this issue rests with the sheer number of images which photographers produce. Often a client will expect a large number of photographs from a single event (think weddings, baby showers, and other significant life events). If a photographer must register every photograph she intends to sell to the client, the time it takes to register the photographs could cause clients to demand refunds – as it is not unreasonable to expect photos within a fairly short time frame after they were taken. Furthermore, if the photographer must pay

a fee per photograph, the price is likely to either bankrupt the photographer, or force her to charge prices so steep that no client will be willing to pay them.

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?

Most legal use of visual art takes place on image-sharing websites, which are designed to make such use as simple and easy as possible. In fact, it has become so easy that many people feel entitled to the use of an artist's work in illegal ways, and forgo providing credit to the artist where it is due. This results in images getting passed around without a creator's name attached, making it difficult for someone wishing to make legal use of the work to find the creator.

In short, the most significant challenges and frustrations for those who wish to make legal use of a work all stem from people who are making illegal use of the same work.

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

Many people believe that a photographer (especially in the age of digital photography) only needs to be paid for the time spent taking photographs. The expenses of time spent editing photos, practicing and perfecting photographic techniques and specialized equipment as well as the equipment expenses (including camera body, lens, flash, computer, and editing software) rarely factor into the perceived value of a photo. Due to this, photographers are chronically underpaid for their work.

One solution to this problem is to republish one's photographs in photography books, and others include selling works to magazines or newspapers. However, these alternate forms of revenue depend on a photographer retaining the copyright to the photographs. Under current copyright law, the photographer inherently retains all rights related to publication and resale. Should a new law be enacted that requires photographers to register all photographs (and consider that a single event may generate hundreds of photos), the cost in both time and money would be prohibitive to many small photography businesses.

Overall, artists may in fact need even more protection from U.S. copyright law, not less. Artists like myself attempting to earn basic income from clients on an individual basis, without the support of a large corporation, would only suffer should these protections be lessened. It is for this reason that I strongly oppose any legislation continuing the legacy of the failed Orphan Works Act of 2008.

Thank you for reading my letter, and I hope that the Copyright Office will continue to uphold the rights and protections of all artists and creators.

Sincerely,

Lindsay Brents