July 22, 2015

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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:

Thank you for the opportunity to comment on the affects and concerns with copyrights for artists. I am an artist with a broad range of media which mostly encompasses illustration, sculpture, digital art, pixel art, and 3d art. I mainly work on interactive projects ranging from games, museum displays, to movies and so on. All of my work ends up on the internet in one way or another, and while I wish copyright issues were the only problems facing artists, like myself, these issues are part of a massive accumulation of hurtles a free lance (or otherwise) artist has to battle through every day just to make some assemblence of living. What I'm trying to say is that when one starts out on this career path, one doesn't realize just how amazingly difficult a path it turns out to be in comparison to almost any other legitimate career path available. With that in mind, I feel as though a special care must be taken to ensure artists continue to have a chance to thrive, or at the very least, have an environment in which they can hope to live lives knowing that their hard work can pay a meager rent and keep them from dying due to starvation.

I'm not a writer, nor do I have endless amounts of time (this was brought to my attention today, probably because I now live in Canada – with being the kind of artist I am the stable jobs are more numerous outside the “States”, but that's a whole other issue) to make a polished beautiful letter and pretend I can write amazingly well. I will try my best given the amount of time(I have 4 illustrations that need to be done before Friday!) I have to be as informative as possible.

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

In order to sell my work, I need to display my work, which means I need to put it on a website that people who might hire me or buy prints will need to frequent. These sites make it harder and harder to retain my rights to my work, plus there is also the danger of people taking (currently) unlawful liberties and using my work to make money for themselves – which has happened to me and many of my illustrator friends in my network. Another issue is that when a work is purchased by someone, that someone wants to have sole rights to that artwork, which otherwise could potentially keep making revenue for the artist, but instead ends up creating revenue for this other someone. Due to competition from US artists and now those around the entirety of the globe, selling the rights for the artworks now brings in very little, as opposed to the potential revenue it could get from the artist keeping the rights.

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

It's hard to police the entire internet, and the crazy amount of games being made with art stolen from artists in other countries, by yourself. The amount of stolen art content in these programs and games is staggering. Even if we do find them, they usually don't comply as they are located in other countries, and there's nothing else we can really do about it since artists usually can't afford such lawyers or lawsuits. The other issue is that if you give some sort of loophole which might make art free to use (Orphan works) you better believe there will be giant corporations that will take advantage of that. If exploitation can happen, it will. It's pretty much like a law of the art world. I've been exploited on very many fronts from misclassified as a 1099(which I fought, and then was black listed and had to find work in another state) in a non freelance set up, not being paid at all(this happens a lot!), forced to work 90+ hours a week in a studio situation, and so on. Full Sail University even had me sign a contract giving them the right to use my future work to promote their school (I was naive). Give these sorts of businesses/people an opening and... well it's a frightening thought, so a new copyright law revision needs to be iron clad and protect the artists.

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

In order to make money, artists need to make huge amounts of volumes of works. SO much work. Thousands of pieces in a year sometimes. It takes a ton of time, which could otherwise be used to make more work so we can make more money. It also requires expensive equipment depending on the piece of art. Then there's paper work, which takes more time, dealing with the copyright offices, and so on. I understand the need to register product plans, schematics, and even writings, but unless we can register ourselves one time as art machines that continuously produce art, there isn't a chance in the world that the offices would be able to keep up with the volume, nor the artists be able to afford it. I certainly wouldn't be able to.

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?

Companies or individuals who purchase artworks who also purchase the rights to them, have to then protect what they purchased from internet art copiers and appropriation(orphan works). The appeal to buying original works of art along with the rights is that you have something no one else has.

Another issue is people who wish to help the artist by creating awareness from posting on forums and blogs, but then having others link from their posts who then do not link back to the artist or original posting of the work. It's taught in public schools to always reference a written work, but they never taught anyone about referencing art work. It's just not a thing, and people aren't going to do it. Artists like exposure when it's giving them credit as it helps them. Otherwise it hurts them, especially if the original can't be found from so much of this unreferenced sharing - then other companies could potentially use it for free(Orphan works).

Another issue I can think of is that sometimes when I am doing a freelance job creating 3d images a company will supply with with their own reference material to which I have no way of knowing where it came from. I never have any power to make them prove their reference material is legally free to use or owned by them. In the end if I stood my ground on the subject I'd then be losing a job, black listed as a trouble maker, or both.

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

For freelance artists, who do this sort of work they need laws to protect their work, to protect them. No where have I seen anything mentioned for indie game artists out there who are also freelance artists. Ripped/stolen 3d models, textures, animations, game mechanics have flooded the app stores. Icons and graphics from even large scale big companies I've seen appropriated into no name overseas crappy games attempting to siphon off profits from the bigger fish companies they stole from. I've seen artworks from people I know in advertisements on Facebook for games, and there's no where to even report them. If it's happening to bigger companies out there and they can't prevent it, how on earth will the little struggling artist ever make it?

I also was told that there was some credible visual arts registry that connects to other countries and has image based searches. Unless you're talking about the private corporation, Google, no such thing exists. If it is Google, a corporation being in charge of such a thing is a conflict of interests. It also is not capable of reaching the deep web. While if any corporation were to be my overlord, I would want it to be Google, I don't think it to be wise to consider it a government registry. The amount of disk space, time, and software needed to have such a thing doesn't exist currently.

With that, all I have to say is that the future of many, if not all, artist's livelihoods are in your hands.

Sincerely,

Tara St. George

PS: I'd sign this with my tablet, but if I did the document would no longer be search-able and buying software that would let me digitally sign this is expensive. So! Let's pretend I signed it in invisible ink above my typed name.