July 18, 2015

To Whom it May Concern

I want to thank the Copyright Office for allowing artists to voice their opinion on the ever changing challenges within the artistic market. I am a recent graduate, just in the last three years, I'm an illustrator and a concept artist and I have had the opportunity to work in a wide range of media and for a wide range of different people. No awards or titles, just some kid who makes art for a living.
The reason I am writing to you today is because of my concern over the possibility of a change to the law. I am just starting my career, and it's already a struggle to make ends meet.

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

I think one of challenges I get as a freelance person is negotiating rights to my work and trying to get as much as possible for my work. Which might sound selfish, but after taxes and after the cost of materials I still need to pay my bills. My concern is that the laws being proposed would make it impossible for me to actually make any profit. I'm afraid my work is danger of being easily taken from a website, without my knowledge or consent, to be sold somewhere without any compensation on my end. It is already incredibly difficult to get stolen work removed on a small scale, I shudder to think what it would be like for an individual trying to get financial compensation for work, essentially stolen, by a large company.

It can be hard enough to get paid at all. Many of my clients require me to sign All Rights contracts, effectively making it impossible for me to resell those images. Sometimes making it difficult for me to even display the work at all. But at the end of the day, you either sign their contract or you do not get the job.

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

I actually wrote to the Copyright Office as a student because of how much the Orphan Works Bill frightened me. I was a pretty typical student, poor as dirt and living off of ramen noodles. I managed to make enough money to barely make it by freelancing.

The current proposals feel very much the same to me. It feels like that at the end of this it is not a proposal for my benefit or for the benefit of any artist. It feels like a proposal to benefit large corporations looking to save some cost. It's disturbing to me because we already see infringement from huge companies, and it can be nigh impossible for a young person without a lot of income to find the legal means to get compensation or even get stolen images removed. I hesitate to use the word exploitation, but again, this proposal only feels exploitative. I can see no way that this could ever benefit any artist, anywhere.

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

For me it's almost entirely financial. Until recently, I lived below the poverty line. And now me and my family, however small the two of us are, are just above it. The fees for registration now, are relatively low, and because my work is mine at the time of it's creation I don't register all of my work. I just draw too much, it's infeasible for me to register every doodle or sketch I might make any given day.

And the idea I might have to, just to keep it as mine, just to have the privilege to make profit over the work that I made, is absolutely mind boggling.

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?

I sometimes look at other works and photos to inspire me. But that falls under Fair use. I have not and would not directly use their work and present it as my own.

I have even created photographs with the express purpose of allowing them to be used for free under fair use by other artists. I also run a blog for my sketch group where I post photos and images and articles concerning my industry and the works within it. I credit the sources and always make a point to link back to the author of an article. But again, this is non commercial, and it is only to serve as inspiration myself and others.

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

The proposal being offered up is flawed. Flawed from it's inception. The system as it is now is working and while I won't deny the possibility of a better system the one proposed to Congress is not a better system. It is rife with opportunities for abuse. It would not benefit artists or the artistic community. The only beneficiaries are groups who have no interest in anything but a profit at our expense.

I'm certain, some groups will say that this creates difficulties for them. That they cannot get the particular image or photo they want. But I really cannot have sympathy for those groups, because I'm still the only one losing in the scenario offered to Congress. This is how I make a living.

I want to thank you again for the opportunity to voice my concerns and now thank you for reading my letter. I recommend to you as an artist that visual art must be excluded from any and all orphan works type conditions and mass digitization written in by Congress. The protection of these images is not only vital to me but to all artists.

Thank you,

Brianna Carter