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Regarding current discussion on alterations to copyright laws for visual media
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To those involved in the decisions that will directly impact the protection of visual media and, therefore, my ability to provide for my family by using the skillset I have developed over several years of training:

I understand that there is a discussion involving updating and possibly completely changing the laws of protection afforded to visual artists, as it pertains to their published works. As a self-employed and free-lance artist, I feel that I need to weigh in on this matter.

As I have read through the Copyright Office Notice of Inquiry (made available at http://copyright.gov/fedreg/2015/80fr23054.pdf) I have become alarmed.

In particular, the idea of orphaned works becoming available to anyone to use for their own means, even if modification of the original work is stipulated to transfer the rights, is a critical issue, in my opinion as an artist. Working with digital media, I am well aware of how simple it can be for copyright protection to be stripped away from a work. Even visual watermarks embedded into the image itself can be cleaned off with little effort using modern technology. In other instances, the final deliverables to my clients are given over for their use. That is to say that my safeguards are lifted from my works so as to not interfere with the uses they have paid me to provide. This can only be done, in faith, because I am confident that my works will be protected even as they use my work for their own benefit.

With such a widespread availability of digital media and a steadily growing work force of young digital artists, the idea of a work becoming orphaned must remain a fallacy. It is already so hard to police the vastness of the internet for illegal use of one's work. If measures are put into place to legitimize the claims of pirates (rather than the claims of the artists), I fear that protecting one's work will become impossible without having a dedicated support staff and legal team (which truthfully no independent artist will ever be able to sustain.)

I am particularly interested in this topic because of my specific art style. I have spent years learning not only traditional art principles and digital painting techniques and software, but also 3D rendering and architectural software. This knowledge base has afforded me the ability to hybridize two different aspects of digital art to form the basis of my business (Stickman Viz, LLC). At present, I am able to use my 3D software to create a base layer and use more traditional digital art to enhance the image. As such, I am able to, very quickly, create a unique product for my clients with a depth that few others can replicate.

To achieve this, I have trained for several years and have allocated a tremendous amount of resources to obtaining the commercial licenses for expensive hardware and software. If my work becomes unprotected for any reason, those who have not worked as hard as myself, or have failed to attain the proper software, can simply use my groundwork and financial commitment to my company to their own advantage without regard to infringement on my intellectual property.

As this effect extends outward, there will be no reason for companies in the future to license the software needed to create digital art since they only need to comb the internet for "orphaned" works to claim as their own.

Another misunderstanding of the digital art industry that I feel I must address is the notion that a work loses its value once it is published. On the contrary, I would argue that my most valuable pieces are those that have been published. Until a work is published, it has no particular value as it cannot be verified to have monetary worth. That is to say, I as an artist cannot claim that a work is worth money until a client has paid money for that work. At the point in which a work is sold and published, it gains value significantly as it can now be used as leverage and marketing for my business's financial viability.

If you walk through any fine art gallery and ask how to determine the value of a painting, they will tell you that the value is dependent on the individual. This idea extends to digital art as well and flies directly in the face of any litigation that would assess that any art would ever lose its value.

As well, it is a curiosity to me that any company would take steps to make available to themselves anything that had no value. Put in the form of a question, why would there be current legal action to gain the ability to claim the rights to any object that had no value? The answer is very simple: the object in question must have value if there is a conflict over who it belongs to. Anecdotally, my five year old daughter (whom I support using my ability as an artist) often plays with rocks. Other children never quarrel over possession of the rock because they perceive it to have no value. However, if the rock is replaced with a doll or something the lights up and makes noise, then a tug-of-war begins. The same principle applies, in this case. The question remains: if, indeed, art loses its value when it is published, why would anyone be making the effort to make that available for their own use?

Even the idea of having to register a work through another company in order for it to be protected is difficult for me. The simple fact is, as it pertains to intellectual property, the creator maintains the rights until the rights are sold to another party. If an additional step is needed to protect digital media, it attacks the credibility of the industry.

As an example, if a traditional artist paints an oil on canvas artwork, is the work not theirs? If another artist enters the studio, takes the picture, and paints a few more lines on it… who does the painting really belong to? The answer is clear without the need for expensive litigation. The question remains: why would ownership be afforded to a traditional artist that would not also be afforded to a digital artist?

It is vitally important that the letter of the law protect the spirit of the law. It is vitally important that ownership remain with the creator, rather than the infringer, regardless of the media.

A brief opinion on the idea of registration being required for protection: as a young free-lance artist, many of my projects were labors of my own making. That is to say that I had no client who had ordered the work. I was simply building art for the benefit of having a portfolio. As a beginning artist, the idea of it being required for me to register each work would make it financially difficult for me to start my chosen career. Even a registration fee of what now, as a business owner, seems like a minimal amount would be very difficult for a college student or a young entrepreneur to afford.

It will be these artists who will feel the impact of this type of copyright protection the most. And while they are trying to get their feet in the water, requiring them to register their works will open the flood gates for the sharks already patrolling the waterline to browse through their portfolios, find anything that is not properly protected, and claim it as their own.

The idea of this is terrifying for me, as I am not long removed from being a startup. I put myself in that position and the overwhelming feeling is helplessness.

I am confident that the correct decision will be made, so long as the decision makers keep true to the idea of copyright law. That idea is: the creator of a work should have the full benefit of the law and no law should be put into place that undermines an artist's ability to protect their own intellectual property.

I thank you for taking the time to hear my perspective on this matter. I know that copyright law is one of the most difficult branches of law. As for myself, it is vitally critical that my work remain under my legal guardianship to the fullest extent that can be allowed. Without protection of my work, my visualization business will collapse.

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