July 22, 2015

Dear Copyright Office:

I am an artist, writing concerning the Notice of Inquiry on Copyright Protection for Certain Visual Works. Please see below for my thoughts concerning the copyright issues we are currently facing. I hope they will help you understand some of the frustrations and concerns we have about its impact on our business.

- Artists should be able to retain ownership of their work without having to prove that it's theirs. The burden of proof should rely on the party attempting to use the work. Requiring the artist to prove their work in every case puts unreasonable burden on the creator, who has done nothing to warrant being required such effort, and is usually only one person and without the resources to put to such a task.

- This follows with similar concerns for an orphan works clause. Artists should spend their time creating art. I am one person. I do not have the time or money to spend on policing publications around the country or combating corporations with much more resources than me, just to protect myself and my small business. That is a ridiculous and impractical, and an unreasonable expectation. This is what I need the government for, to place that burden on the business desiring to use my work. Furthermore, a huge concern about the orphan works matter is the potential abuse of a flimsy "good faith" search definition; in this age of information, there are more ways than ever to discover the source of an image, and without more specific requirements for finding the creator or copyright holder, I fear that this becomes just another way in which the solo creator is taken advantage of by corporate greed.

- Art is not a science, but an art. The creation of a work of art is a result of lots of experimentation with ideas and techniques and materials, and usually takes longer than expected. For many artists, the only way to make a living with art that takes so long to produce is for a piece to keep bringing money in after it has been finished, such as in resale and licensing fees. We depend on being able to control the use of our work in order to allow us to create the next one.

- If we do not get credited and compensated for the work we put into our art, we have little incentive to continue making it. In fact, NOT being paid for art results in artists being forced to abandon art in favor of some other profession that will allow us to make a living. We become unable to make art, because it becomes financially unfeasible. What would the future look like if artists and idea-makers stop making ideas and sharing them with the world?

- It is likewise unfeasible to require an artist to register every variation of a piece in order to prove his ownership. When I work on a piece, I may document (save a file, or take a photo of, for example) its progression in many different stages, some with only small nuances changed. It is unreasonable for me to spend money to register each stage of a work just to prove that it is mine. That puts an undue burden on me as a creator.

- Image search has become a great internet tool. I admit that I make use of it almost daily. However, as searching the internet by image, rather than by text, is a very new phenomenon that is still not widely developed or disseminated to the public, it becomes very important for a creator to keep her work associated with her business. I grant that it is difficult, especially with older images, to find identifying

information as to its source, and not every creator understands how to annotate their images with metadata. Perhaps a solution could be found in websites asking each user to input identifying metadata every time they upload an image. This way, it could be preserved whenever that image is pulled up in a search.

Thank you for your time. We have a hard enough time making a living as things currently stand; many of the proposed changes would make it impossible for us to continue to work as artists. I hope that our input is helpful to you.

Sincerely,

Brittany Heiner
brittanyheiner@gmail.com