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)

Thank you for taking the time to allow for commentary from artists on this matter.

I am writing to stress the importance of protecting artists' works in this ever changing world.

I am a young freelance illustrator, cartoonist, and fine artist. I recently graduated from San Jose State University with intent of doing this work for a living. Illustration and the visual arts are how I have started to make money and build my career, and copyright law plays greatly into that in the way copyright law protects my work, my ownership and authorship of my work, and how I make my money. Copyright law is not just an abstract legal issue to me; it is an integral part to how I make my living, and is the basis on which my business rests. My copyrights are my works. Artists' copyrights are the products we license.

It's important to my business that I remain able to determine voluntarily how and by whom my work is used.

My work does not lose its value when it is published. In fact, when my work is published, I now have paths to which I continue to make a living, through royalties, rights-usage agreements, and licensing regarding my works' reproduction. As a result, everything I create, even non-published work, becomes part of my business inventory.

In the digital era, inventory is more valuable to artists like me than ever before, as I need my work to be protected to be able to make money on my work even as it's digitally reproduced. The new copyright bill as it stands cannot be passed with the Orphan Works Act as its basis. Creative artists need to be protected. It is not good legal sense to allow corporate entities and organizations to cut into artists' abilities to make money and legally protect their own business.

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

Monetizing and licensing one's own work is the right of the artist or creator of the work. Opening more avenues for copyright infringement (as would be defined currently, and would be repealed

if these new provisions and proposals took place) would greatly reduce artist livelihoods and ability to properly make a living through their creative original work.

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

Enforcement becomes nigh impossible when companies get artwork for free, sell it, and do with that work what they will with very few repercussions. Orphan Works acts have historically been opposed by artists for this reason among many, and I cannot in good conscience say nothing when the possibility of my future and current work can circulate with me having little say, or more hurdles in my way. It is imperative that I as an artist receive lawful payment for my work's use and can protect myself if need be.

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

Registering work would require an inordinate and unreasonable amount of time for artists to sort through. From back-cataloguing old work that can span decades for some, to taking out extra hours each week for artists as they create new work and want to protect it, applying a provision to new copyright law that requires artists to register work they want to guarantee ownership over is ill-advised, time-consumptive, and may in fact create more barriers for artists to share their work and help contribute to our culture. Reopening a registry is only going to create more hurdles for artists to protect their work.

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 either create my own work, or utilize works that fall under Creative Commons licenses. Or, simply, I pay for photography from legal stock houses. Payment is only fair for those who own the rights to the work.

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

I do not have anything specific of note to add to this, as I am not as educated as I would like to be on this issue. Protect artists first and foremost. Empower creators to retain rights to their work in ways that are inalienable and clear to understand. Do not place any new restrictions or more hurdles in front of artists to protect their work, and do not give companies that want to take advantage of these new rulings.

6. What are the most significant challenges artists would face if these new copyright proposals become law?

Protecting work is already difficult in this digital age. New proposals that allow for Orphan Works enactors to claim any sort of “Good faith infringement” or similar would make it much more difficult (and virtually impossible for many) for artists to protect their assets and take copyright infringers to court.

While I am aware that the advent of the internet and digitization creates new problems for the law to solve, I do not think this course should be taken. In the digital era, inventory is more valuable to artists than ever before.

I thank you for reading my letter and I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act, and recommend this bill be revisited.

Thank you for your time,

Ashley Armanini