July 20, 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)

Dear Ms. Pallante and the Copyright Office Staff:

Thank you for the opportunity to write about this subject. I have been a professional artist now for several decades, and have dealt with the issues first hand for a long time. I know others have been far more eloquent about this subject but this is vital that this revised Orphaned Works (OW) proposal not come to pass.

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

I am a freelance illustrator, and as such need to make a living from my work on a day to day basis, and this includes non-exclusive images, or ones seen in day to day work that become a resource for me. An attempt to replace our existing copyright laws with on that would benefit internet companies would endanger many artists ability to make a living. There are companies out there already that have begun digitizing artists work without permission or financial compensation. This is something we face constantly. It would be very wrong for the government favor corporations that do this instead of the ones who create the actual work?

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

This proposal that the Copyright Office has made to Congress is essentially a revised Orphan Works (OW) bill, but far worse. Orphan Works bills have been resoundingly opposed by artists since they first appeared. Having the copyright law sit on a foundation of orphan works would allow companies to leech revenue from us, and increase their own. There is no other reason for this to exist. We deal with this daily as it is, it is a terrible challenge competing with corporations who can get free artwork from artists, or be shielded from plagiarism of existing works, making our own markets even more difficult.

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

Reintroducing registration would become a financial nightmare for artists. As has been said, no matter how small they would start, nothing would keep the companies from piling on charges and fees that would grow as they gain more and more of an advantage. This is an unrealistic and terrible burden to

place on artists who often struggle to afford to make a living as it is. This is unrealistic to expect this to be manageable for an individual artist. If this legislation passes, we will pay through the nose to maintain our images in for profit registries. And many images will slip through the cracks, either because we didn't have the time to register, or more likely the money to register will no longer be ours, but will be there for others to exploit. This is what will happen, and there are so many thousands of artists, ones who are not writing to your office, who will be victimized by this.

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?

We tend to use art and photographs (Getty, etc.) for reference, little more.

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

This kind of system proposed to Congress is already familiar as artists have been seeing their foreign reprographic royalties disappear for decades. I feel this is exactly what is going to happen with the proposals the Copyright Office has made. You must prevent this unjust conflict of interest, and see that no group that supports this legislation be allowed to receive financial benefit from copyright registries or notice of use registries, this is imperative. These organizations are not beneficial towards artists and should not be allowed to use this legislation to profit off the artists they were supposed to help.

I thank you for reading this, and I ask you, beg actually, to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act. For the few letters from us that you receive, there are thousands who feel powerless in stopping this from happening, and are silent.

Thanks,