Maria Pallante
Register of Copyrights
US Copyright Office
101 independence Ave. SE
Washington D.C. 20559-6000

July 21, 2015
RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for CertainVisual Works (Docket No. 2015-01)

To Whom It May Concern,

My name is Kathleen McNeil, and I am a graphic designer, illustrator and author based in New Jersey. Since 1986 I have created and marketed many original works of art for a living. Creating art is my career; it is also my passion and avocation. My images are the visual representation of my unique way of seeing the environment around me.

The proposed changes to the existing copyright laws as pertains to ownership of visual materials is a grave danger to my ability to support myself as a working artist. Entities that digitize or sell my work without proper compensation and crediting the creator and owner are committing theft.

This theft impacts my ability to support myself as an artist; I can no longer credibly present my work as my own. I am denied the income that I should receive as the owner and creator of a piece of artwork. No other part of our legal system allows a third party to take something that belongs to others; intellectual property laws protect the owner of an idea. As an artist, our images are our ideas. We are entitled to be properly compensated for our work and to retain ownership of our images unless we are fairly compensated for them.

Copyright law is not an abstract idea for visual artists. Simply put, our copyrights are our assets. Demands for publishers and other entities to sign away all rights to ownership to our work deprive us of our authorship. The commissioning party becomes the “author” of the work. Any artwork not registered by its creator becomes an “orphan work” and is subject to appropriation by any party who can copy it. In the digital world we live it, is is much too easy for anyone to copy and take ownership of any image that they desire. Artists create thousands of images annually. The cost and time factor alone would be prohibit most artists from adding their images to some central database.

Simply stating that something is unclaimed does not mean that you can take it. Groups who claim that “this is what exists now, so we should continue,” are being disengenuous. Laws such as Congressman Jerrold Nadler’s American Royalties Too Act of 2015 offer protection for artists and would begin to crate a arts marketplace that is transparent and just to creators.

Thank you for this opportunity to express my concerns in this critical law.

Sincerely,

Kathleen McNeil