My name is Jean K. Gill, AWS, NWS (www.JeanKGill.com). I am an artist, educator, art juror, and my main medium is painting. I have grave concerns about copyright protections for visual artists.

I ask that you ensure that artists continue to own the copyrights to their own creative works registered or not. For years, I have had concerns about the appearance of my art, and the work of other artists, on the Internet, but it has been impossible to fully participate at the national/international level without allowing images to be seen on the Web. Art is meant to be seen, but it is not meant to be copied without attribution, without permission, without compensation. Art is meant to be out in the world, but it is offered for viewing, not for stealing, appropriating, misusing, etc.

Some of the suggestions that have been proposed regarding changes to copyright law are morally wrong and undercut the monetary value of an artist's work.

1. Why should a visual image be unprotected just because it appears on the Internet or is seen anywhere else? Copyright law should be crafted to give artists total control over their own images by virtue of the fact it is the work ethic of the artist that creates each work. As a teacher, artist, juror, I have made it clear to my students that they must work from their own images or imaginations. It is unlawful, morally wrong, intellectually dishonest, and financially harmful to usurp the intellectual property of another in any realm: music, literature, choreography, **visual art**, etc.

2. An artist should own the rights to creative works, registered or not. An artist's reputation and income depends on that. Do not cause artists to lose their rights if they do not register their art. The rights to the art are inherently the property of the artist/creator. Registration is a financial burden to the artist who is already paying for expenses such as commissions, framing, entrance fees, professional memberships, shipping, maintaining a web site, etc.

3. Publishing a work of art does not make it valueless. It concerns me that some have suggested the commercial value of visual art is insignificant after publication, using this as justification for making it available for free public use. No! That is an undermining of the Constitutional rights to copyrights. Only the artist, the creator/owner of intellectual property in the form of visual art has a right to profit from it or to control who should profit from it and how. Let the public assume that an image is NOT in the public domain just because it has been seen on the Internet, in a publication, in a gallery, or anywhere else.

4. A song does not lose commercial value because it has been published and heard, a book does not lose commercial value when published, and **visual art does not lose commercial value when seen.** Only the artist should determine who can use an image, how, when and how many times an image can be used; only the artist can create a derivative work of an image or grant permission for a derivative work to be made, and an artist is entitled to compensation for that.

5. Why should orphaned/unregistered works be assumed to be available for use without compensation to or permission from an artist? Only those who want to profit unfairly from the work, the intellectual property, of an artist, would press for liberating orphaned works into the public domain. Why would it not be more appropriate to **let the potential user assume that all visual art is owned by someone else**?

Not finding an owner should not be a reason to allow “unfair use” of another person’s creative work. That is just morally wrong on the face of it, no matter the value of the piece of art.

6. Additionally, if anyone is to profit financially from visual art, it should be the artist. The use of an image is a source of income for artists who market reproductions of their work and allow the use of their images for a fee.

7. An artist builds a body of work and creates a place in the world of art. The reputation of an artist is built on using images as the artist sees fit. The uniqueness and style of an artist takes years to bring to market, and that work is undermined if it is not protected from unfair use and theft. There is great danger to the reputation of an artist and to the monetary value of an artist’s work if the use of an artist’s work is not directly controlled by the artist