July 19th, 2015

To the Copyright Office and by association, Library of Congress and who it may concern.

I am writing in response to the Copyright Protection for Certain Visual Works. Thank you for this opportunity to speak up as someone who has an education in the visual arts, and is making a living from it, based on current rights based protection.

My work is mainly of a 3D medium, worn by customers as a performing element in theater, street performances, commercial and otherwise convention use. I otherwise work for myself using my works of illustration for others for their personal use. I went to school at the Minneapolis College of Art and Design and earned my degree in Illustration in order to live off my talents.

To address your challenges;

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

   As a freelance illustrator, costume builder and prop creator, I need to maintain ownership of my work, even when done for others of their design. It helps me get my name out to other potential customers, and keeps my name to my work for those looking for something specific I have to offer. Any attempt to "amend", as the term is used, the current Copyright laws, would enable free use of my art, which was meant as an advertisement for myself in its original form. Should this change be made to Copyright, my very income and means of survival would be in danger. I would have no means of protecting myself except to take everything down. I do not understand why the person with more money is favored over the original creator, but it alienates the artist. Content all over will vanish as art will become a very private matter, if not a rare commodity.

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

   Right off the bat, I want to say that your revised Orphan Works (OW) bill is disgusting. It's terrifying to me and thousands of artists who are kept down by companies and individuals begging for free work simply by implying that it will "give us exposure" and "probably" more work. Pardon my language, but that is bullshit. You wouldn't work on a single piece of paperwork unless you would be paid for it. I wouldn't draw a single line unless I was paid for it.
   Now to address the question:
   This new bill allows companies to use artist's work to better their own companies, profit from it and further themselves. The original artist wouldn't have a single say in the matter. Even if they took someone to court, all the company would have to do is financially outlast the artist.
   In the end, evil wins. The artist loses and perishes. We lose our own market to something that doesn't have anything to do with our actual competition. (ie: other artists)

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

Let me make things real for you:
I am a college graduate paying off my student loans. My current payment per month ON those loans is an average of $850 between private and federal loans. I rent my living space, so that is another $300 (I got it EASY compared to other folks). I have a car, so insurance is $180. I have to eat, that means $120 a month MINIMUM when I'm starving myself. THIS IS NOT A JOKE. Then there's gas. Materials I need to make my work. Events I must attend to in order to show off my work. I already don't make much for my art, because competition is so fierce.
Now imagine having to pay and register every piece of work I create. I create an average of 10 works a week. Sure, the fees are small at first. But, just like a bank, additional charges and fees will be applied, and soon freelance artists will be taken so far advantage of, we will have to pay through the nose just to protect our living, barely staying afloat. Not only that, but even paying for our own protection is profiting some private group! SOUNDS LIKE A LOAN SHARK TO ME.

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 don't find it difficult to do, as I don't do this. There was one point where I needed something for school. All that needs to happen is find the original artist, ask permissions and royalties cost and pay them. It's very simple. Otherwise, I use references and give credit to the original reference so that they may also make a living.

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

   It is of EXTREME importance that nobody benefits or profit from the copyrighting of an artist's or group of artist's work. There are already artist organizations that rip profit from the original creator on order to get in on someone else's success.
   Anyone that supports this should not be allowed to profit, or charge extra fees to benefit themselves.
   It is our basic rights as people to have our own creations protected automatically because we are the original creators.

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

   We would face flooding, timing, and private hang ups with different terms and services. For profit groups run the monopoly and run the right to change the rules when they want, whenever they want, without warning. Just like a bank. If we don't get confirmation on time, and something is taken from us, the favor goes to the one with more money. Sadly, because of our culture already appropriating visual derivatives, artists are always on the losing side. There are very few as successful as Margaret Keane. Please do not make it worse.

Thank you for taking the time to read my, and other artist's responses, I hope that the consideration of Article 1, section 8 of the Constitution, AS WELL AS The Three Step Test is not violated with this new proposal.

With Great Concern,
-Kierstin LaPatka
http://un-do.deviantart.com