July 21, 2015

http://copyright.gov/policy/visualworks/comment-form/

Maria Pallante

Register of Copyrights

U.S. Copyright Office

101Independence 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)

To Whom it May Concern:

My name is Jolynn P. Loftus. I am artist based in the Washington, DC area. I have been a fine and graphic artist, illustrator, computer artist, photographer, art director, and project and production manager since 1972.

Through out those years I have produced and published works and illustrations for many mass market and trades, as well as private collectors.

I am also a member of multiple local and national artist's groups.

I am an advocate for protecting, collecting and distributing long-overdue royalties to artists.

I am writing to address the problems visual artists face in the new digital environment and the unfair and inappropriate changes that you are proposing to artists' copyrights.

1. What are the most significant challenges related to monetizing and/or licensing.

As a freelance illustrator, I need to maintain revenue streams in order to make a living for my family. The resale of my past images is part of my day to day way of making a living and art is the bulk of business. My collection of work is a valuable resource that produces income for me and my family. Any attempt to replace our existing copyright laws with a system that would benefit internet companies and endanger artists' ownership of their very works would endanger my ability to make a living.

I don't know any artists that have not had their work stolen and used by others without right or permission or financial compensation. Why should the government favor corporations like this instead of those of us who actually conceive and create new work?

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

The proposals the Copyright Office has made to Congress concern me greatly. It is essentially a revised Orphan Works (OW) bill, but would be even worse. Orphan Works bills have been resoundingly opposed by artists since they first appeared a decade ago for good reason. A copyright law built on the foundation of orphan works law would allow internet companies and others to syphon off revenue from artists with the hopes of creating an even better revenue stream for themselves. There can be no bigger challenge for those of us who make our living creating new works than to

have to compete with giant corporations that could legally steal an artist's artwork for free and then turn around compete with us for our own markets. Or worse create their own copyrights of OUR work thereby rendering us unable to earn from Our very works we have had stolen - our work.

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

The proposal to reintroduce registration would become not only another extremely financial burden but a time-consuming for nightmare for artists. No matter how little registries might charge in the beginning, like banks, they would soon begin to introduce charges and fees that would grow as they gain a greater and greater competitive advantage over freelance artists such as myself. We as artists do not have the time to run our businesses as is but to become copyright experts and basically attorneys would detract from the time required to be artists. Anyone who believes this won't happen is lying to themselves or to you.

I am an artist and if I have to become a lawyer to maintain my art catalogue then I will no longer be able to be an artist – and frankly I don't want to be a lawyer and should not have to be to keep control of my art – my livelihood – my PROPERTY. If I made clothing or cars or houses and someone just came along and took those things or "used" them they would be breaking the law so what is the difference between what I produce and these other products? Why should I have to spend any money let alone copious amounts of time and money jumping through hoops to protect what is mine? My works?

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?

In my work I make fair use of photographs and other graphic artworks for references. If I use someone's art or photograph in my actual work I pay them for that usage, if they aren't for sale or I can not locate the artist/owner then I redesign and find work that is for sale. It is their work, they have produced it, it belongs to them and they have earned the compensation for their design/art. They deserve compensation.

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

The kind of system the Copyright Office has proposed to Congress is all too familiar. For the past couple of decades we artists have already seen our foreign reprographics royalties diverted away from us. I believe this is exactly what will happen if these ill-advised proposals from the Copyright Office are approved by Congress.

It is imperative that this legislation Not be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. This legislation would fail artists, and the supposed artist's organizations should not be allowed to profit further off the backs, sweat & tears of the artists they were supposed to have been created to help.

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

Thank you,

Jolynn P. Loftus

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