Jaime Haney
eclectic artist
www.jaimehaney.com

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

July 23, 2015

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:

Hi, my name is Jaime Haney. I've been an artist ever since I could hold a crayon in my hand. I am now 45 and creating illustrations, paintings and selling prints of my work is my only income. My father is an artist as well, so you could say it runs in the family.

I would thank you for the opportunity to share my comments and thoughts here now on the problems the visual arts face in the this new marketplace with the internet being a huge part of our marketing.

I want to strongly stress how detrimental a change to the current US Copyright law would be to me in my art business and for all the artist's that I personally know. Not one single artist has said "hey that sounds like a great deal for the artist!". - referring to the proposed new copyright act.

I'm a painter and an illustrator. It's rare that a sale of a painting or single drawing will put much food on the table, but the ability to make money off that work in the form of prints that I can make because of my copyright does.

My copyright is what I use to make a living. Take that right away or have it nearly impossible for me to attain the copyright in the form of the proposed Orphan Works act or recreation of it and I'll no longer be able to have the ability to make a living with my art.

I'd like to try to answer the questions you've posed as clearly as I can.

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

Like I mentioned earlier, I make very little from the original painting or drawing. It's the ability to have multiple streams of income from those paintings or drawings that keep what money I make come flowing in.

In the form of prints, note cards, posters and all kinds of things. With my copyright, I am able to

have soul rights to that unless I choose to give or sell my copyright away. This means my copyright is my work product. My copyright is my asset.

There is so much digital theft now by internet companies and brick and mortar businesses that giving them a legal leg to stand on would kill my ability to continue as an artist. Why would our government force me to turn my assets over to my competitors? But that is what would be happening if the proposed act was implemented.

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

The very proposals the Copyright Office has made to Congress concern me. 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. A copyright law built on the foundation of orphan works law would allow internet companies 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 can get artwork free from artists and compete with us for our own markets.

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

The proposal to reintroduce registration would be a tremendous financial burden as well as time burden. Just like all the banks and other companies that hold such power, the rates will go up, they will introduce fees, it will make many artists, including myself just give up.

There's not enough time in the day now to create new works, edit them, get them digital, archive them and then finally market them - let alone add the new burden of coming up with meta data for older works that still bring in money that some people - mainly these registration companies - will claim as worthless. It's still mine, the fact that it's older or not registered shouldn't mean that someone else should have any rights to it at all.

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 make fair use of photographs and other graphic and non virtual work for reference but that is all. Why should the public's interest in my artwork be more important than my ability to make a living from my artwork?!

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 the Copyright Office has proposed to Congress is similar to foreign reprographics royalties already being funneled away from the artist for the past 20 years. I fear this is exactly what will happen with the proposals the Copyright Office has made to Congress.

To prevent this unjust conflict of interest, it is imperative that no artists group that supports this legislation be allowed to receive any financial benefit from the creation of copyright registries or notice of use registries. These artists organizations have failed artists and should not be allowed to use this legislation to profit even further off the artists they were created to help.

No artwork is an orphan, someone created it. There is an owner, even if a "potential user" doesn't know who it is. I alone should have rights to my art. As the creator, if I choose to not have my image licensed beyond the original use, re-used, re-purposed, re-imagined, re-combined then that is my prerogative. Also, if I want to sell that image just once and then never do anything with it ever again, that is my choice not the right of the "potential user" individual or company to claim otherwise.

It seems to me that the proposals the Copyright Office have made to Congress sound an awful lot like the creator of the work and the "potential user" will have the exact same rights, more so even than the creator. They should not. My work is mine, period.

During my many years of working in the advertising business, if a company needed an image they didn't just steal it. They paid an artist to draw one up for them. Why should that change even though the internet has made it easy to steal it? Keep artists working - and getting fairly paid.

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

Sincerely,

Jaime Brannon Haney