July 23, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence 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)

Dear Ms. Pallante,

Thank you for the opportunity to express my concerns about copyright law as it concerns visual artists. I am a freelance graphic designer with over five years of professional experience, also in the very early stages of a freelance illustration career. My target industries for illustration will be games, book and magazine publishing (covers and picture books), and editorial. My husband (a freelance architectural designer) and I have just created our own small business that offers creative consulting, design services, and illustration. I went to a top U.S. institution of higher learning for a BFA in design, the loans for which I am still paying off. As someone who makes of art for a living, I sincerely request that the U.S. Copyright office take the rights and livelihoods of creators seriously.

Retaining the copyrights to my work is of great importance. According to first-hand accounts from professional illustrators and mentors I trust, the ability for artists to license work as we see fit is a major source of revenue. While I do not have specific experience at this point in time, I know that my copyrights would be my most valuable assets. The reality of being an independent artist means I will sometimes rely heavily upon my right as creator to license (or not) my work in order to support future family and myself.

If orphan works legislation becomes law, I would think more than twice about posting work online. Please consider how upsetting that should be: Artists hesitant to share their work in fear of having their work stolen in broad daylight for someone else's capital gain. An example of an issue artists face in this vein is watermarking. Watermarking images interrupts the integrity of posted images, which is something that could potentially affect my first-impressions with potential clients viewing my work online. However without a watermark invasive enough, anyone skilled with Photoshop can remove my watermark and add their own mark.

Just because we post work that has yet to be licensed for public viewing, does not mean in any way that we have given consent for others to steal it for their own commercial gain. I fear that "good faith" infringers will become bolder over time and increasingly lax in their "attempts" to obtain permission to use visual works from

creators. If potential users cannot find what they are seeking for free, the solution is quite simple: hire someone to create it and keep artists working.

For the record, as a designer I have used other people's photography and illustrations for commercial work. The difference is that my past employers or clients paid for the right to use such work, either through reputable stock websites or via directly hiring creators.

It is incredibly disturbing for me, as a member of the next generation of new content creators, to think that orphan works legislation is even in consideration. The confidence and livelihoods of young and up-and-coming artists, designers, and creators will be severely undermined if our rights are not respected. Originality and creativity will gradually wane, suffocate, and drive promising talent away from contributing beauty and meaningful content to the world. It is already costly enough to have our work stolen and used without compensation; imagine the struggle many of us will have with paying fees to "protect" our work with commercial registries. By letting the power rest with commercial registry organizations and not the rightful copyright owners (the creators), it's only a matter of time before rates are increased to a point beyond artists' means.

Please consider the serious ramifications of taking copyright and licensing rights out of the hands of visual works creators. I sincerely want to belong to the ranks of successful artists and small businesses that contribute to our communities and economy in meaningful ways. Everyone loses if orphan works and mass digitization legislation get approval. Artists are a healthy and important part of any economy, and I am legitimately both disheartened and angry that there are those who lack enough foresight and empathy to try and stifle future generations of artists and visual content creators. Please do the right thing and fight for artist rights.

Thank you,

Katherine Spitler