July 22, 2015

From: Kaye Williams
Designer, Artist

To: 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,

I am writing to ask that you create policy to protect artists and the exhaustive rights to any use of their artwork.

First of all, a bit of "big picture" perspective on the business of selling art:

* Historically, most artists have never earned much of a living for their work. Hence the common phrase "the starving artist."

* Across industries, "contests" are created where commercial artists are invited to "enter" for a chance to "win a prize." Many artists create and submit free work to these contests for the "chance" at getting paid for it.

* Artists' work, especially now with digital images across the internet, are regularly stolen, and not uncommonly by reputable retailers and wholesalers, for illegal use in commercial goods they then sell. This is a common story among artists. You can see some samples of this in action at this website: http://www.copyrightcollaborative.com (scroll down to see "Latest News.")

It is common among artists to hear stories of someone's work being discovered online, used in some way they had no knowledge of, by someone they had no knowledge of. Even on discovery of misappropriated images, many artists don't have time or financial resources to pursue legal action against the infringer. Remember, most artists who pursue earning a living through their artwork barely manage to do so. And this with our current automatic copyright protection of all artworks in place. Imagine with more relaxed copyright law?

* Most parents are concerned if their child wants to be an artist.

In this playing field, with the copyright law we currently have in the US, which automatically assigns copyright upon completion of any creative work, we have stolen work; and these same artists barely earning a living or unable to earn a living from their work.

To suggest that artists should be further burdened by a more restrictive copyright law, that most of them frankly won't be able to even participate in, is an outrage. It opens a whole "Pandora's Box" of troubles where artworks become more available for misuse than they already are currently, under the existing, more limiting, copyright law.

In the 2015 Copyright Office report, it states, “The limitation on liability approach was thoroughly analyzed and unanimously adopted by the Senate in 2008, and in the [Copyright] Office’s view it best balances the benefits and burdens of interested parties." In reality, to further burden artists by requiring them to register every piece of their work in order to protect it by copyright (a protection that already is regularly violated in the marketplace) is easing no one's burden but those who would seek to further exploit and violate the work of artists! As I've already pointed out, artists are already often disadvantaged in the marketplace, how can further burdening them be considered a balanced approach to copyright law?

Artists often tend to be timid, sensitive, odd creatures. It is easy for people to take advantage of someone less equipped to be savvy at maneuvering in the world of business. Any limitations placed on an artist's ability to own and control commercial rights to their artworks decreases their power over their work, and their ability to monetize that value, in the marketplace. We depend on government to create and maintain laws that support the fair and equal treatment of all people. In this case, please act to support fair treatment of our artists. It's really needless to say, but they enrich our lives and our world so profoundly, in ways that others never will. Please support them in their ability to do that.

Most Sincerely,
Kaye Williams