July 20, 2015

RE: Comment to the Copyright Office regarding its Notice of Inquiry on Copyright Protection for Certain Visual Works.

To Whom it May Concern:

My name is Wes Wait. I am writing to address the problems visual artists face in the new digital

environment.

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

photographs, graphic artworks, and/or illustrations?

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

doing 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 would endanger my ability to

make a living. Certain companies have already begun digitizing my work without

my permission or financial compensation. Why would the government favor

corporations like this instead of those of us who actually create new work?

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 become another financial burden

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. Anyone who says this won't happen is not living in the real world. In

the end, if the government succeeds in passing this legislation, the end result will

be that artists like myself will find ourselves paying through the nose to maintain

our images in somebody else's for profit registries. As for the images we can't

afford to register, or those we can't find the time to register, or those we can't find

decades old metadata to register will all fall into noncompliance and a lifetime of

images created at great expense and effort will be free to be exploited by others.

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

reference but that is about all.

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 seems all too

familiar to me. Artists have already seen their foreign reprographics royalties

diverted away from them for at least 20 years. I fear this is exactly what is going

to 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.

I 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.

Thanks,

Wes Wait