Susan Hunt Yule
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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)

Dear Ms. Pallante,

As an illustrator who has been working for several decades, I am alarmed at the changes to copyright protections being proposed. Especially as my illustration has gone digital, my copyrights are my main assets, and being able to control and negotiate reproduction rights is essential to my livelihood.

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

The work for hire contract is a significant challenge to monetizing illustrations. There is a large category of clients I don't work for because they require a work for hire contract, which I find not just disrespectful, but grossly under-priced in all the cases that I've seen it offered. I can understand the concept of work for hire for employees, but I am not an employee and neither are the other illustrators I know. A WFH contract not only denies my authorship, but denies me the right to exploit the further reproduction rights, which can be a substantial part of my income.

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

If an image wasn't registered before or within a few months of registration, pursuing an infringer legally becomes unaffordable. It sounds like the new proposals would make all infringement cases unaffordable since there would be no statutory damages.

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

Time and money. If statutory remedies are dependent on registration, an artist must register every image they make, an unrealistic and unaffordable task. I have a nice sized chunk of my file cabinet devoted to copyright certificates, but they only represent a fraction of my work for the past 40 years. Current work is not so hard, but before the late 80s, the work was analog, which means scanning transparencies or original art. Probably not in this lifetime.

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 occasionally use other artists' photographs or illustrations for reference, but I don't incorporate other's work into mine. I'm not part of the remix generation. I find the idea that it should be legal for someone to take my work and use it as theirs deeply disturbing.

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

It appears that the proposed changes would gut the copyright law as we know it, so that rather than defending the creator's copyright, they would privilege infringer's right to take our work without much potential penalty

I hope that you will decide to keep our copyrights safe from orphan works provisions.

Sincerely yours,
Susan Hunt Yule