Theresa Taylor Bayer
Self Employed Artist
www.tbarts.com

July 19, 2015

Maria Pallante
Register of Copyrights
US Copyright Office
101 Independence Ave., SE
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 and Copyright Office Staff:

Thank you for giving artists the opportunity to comment on the pending Orphan 2 legislation. As a self employed artist doing caricatures, paintings, sculptures, and illustrations over the past 30 years, I wish to let you know that I am completely against Orphan 2. As an American and as an artist, I feel very passionate about our creative freedom and our intellectual property rights. My words are plain and blunt, but they are sincere.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations? Simply put, our images get stolen right and left. We work hard to create our art, and intellectual pirates appropriate our work and profit by it. With Orphan 2 legislation, that will become even easier to do.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators? Intellectual pirates routinely remove our watermarks, copyright notices, and tags from our published works, then proceed to appropriate them for their own use. This should be illegal.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators? Time and expense. We need to spend time in the studio making our art, and we need to keep our expenses as low as possible, same as any other type of business. Registering our copyrights should be fast, cheap, and easy. We should be able to register an entire collection at once. We should be able to utilize the “poor man’s copyright” i.e., mail the images to ourselves via USPS. Furthermore our own signature on the work should be proof enough that we own the work. After all, a person’s signature on a check or official document is proof enough for legal verification and enforcement at all levels of government.

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 don’t have any significant challenges or frustrations with that. If I want to make use of something directly, I’ll get permission, or I’ll use copyright free materials. Because I want others to respect my copyright, I do the same for them.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act? Our government needs to understand how valuable small businesses are, especially sole proprietorships such as artists. We are a vital part of the economy, for we literally create our own jobs. When our laws make it harder for small or micro businesses to survive much less prosper, it hurts our whole economy. Self employed artists deserve to be appreciated for our contributions to the economy and to the vitality of America as a whole. That appreciation should come in the form of making it easy and affordable to retain and protect our intellectual property rights, again stated as: register whole collections at once, “poor man’s copyright,” and our signature on the artwork being sufficient proof of ownership.

What significant challenges will artists face if these new copyright proposals become law?

Orphan 2 legislation is aimed toward benefiting big corporations, universities, and libraries, to the detriment of artist sole proprietors— not just illustrators, photographers, and graphic artists, but artisans, painters, and sculptors as well. They too have their images and ideas stolen and appropriated by pirates who profiteer from their hard work. They too will have to register each and every image, pay extra fees, spending time and money that they could be spending making art and running their businesses.

This issue isn't about just one segment of America's population. It's about our whole country: do we want to foster creativity and innovation, stay on the cutting edge, or do we want to squelch all that with expensive and time consuming new procedures that artists will have to follow if they want to prosper? Innovation, invention, and creativity are what make America number one in the world. Let's keep that going strong!

Sincerely,

Theresa Taylor Bayer
Self Employed Artist
www.tbarts.com

Artist Statement:

About My Paintings
My paintings feature dreamlike scenes of mysterious people, animals, and landscapes and have a storybook quality to them. Symbols inspire me, because they compress complex ideas and philosophies into immediately accessible images. I love portraying the figure and seeing how many different ways it can fit into a fantastic scene. I attend figure drawing and figure painting sessions for ideas and reference, and then invent surroundings.

About My Clay
I have been working with clay since the age of 13. Ocarinas are my favorite thing to make from clay, because they add a fourth dimension to my sculptures-- that of sound. In addition, they are interactive. The creativity doesn't stop with the maker of an ocarina, but continues every time someone picks it up and plays a tune on it.

About my Art Career:
I am a career artist and have been self employed over 30 years. In addition to clay and painting, I also do caricatures and occasional illustration.