



**BEFORE THE
U.S. COPYRIGHT OFFICE**

Sovereign Immunity Study: Survey Results

Docket No. 2020-9

COPYRIGHT ALLIANCE SURVEY RESULTS

The Copyright Alliance appreciates the opportunity to submit the following additional materials for the record in response to the Copyright Office’s December 15, 2020, letter requesting the full results of our survey, which we created in response to the [Notice of Inquiry](#) (NOI) published by the U.S. Copyright Office in the Federal Register on June 3, 2020, regarding its study to determine the extent to which copyright owners are experiencing infringement by states without adequate remedies under state law.

In June of 2020, the Copyright Alliance created and launched a public survey soliciting feedback from individual creators and copyright owners regarding their experiences with copyright infringement by states. To assist the Copyright Office in its study, the survey incorporating many of the questions listed in the NOI. We also designed our survey in a way that we believed would solicit the most accurate responses from creators and copyright owners who may not have a legal background. The survey was open for three weeks from June 22 to August 10, and there were 657 total respondents. To solicit responses to the survey, we sent emails to our individual creator members, promoted the survey on social media, and asked our member organizations to share the survey with their respective members.

The table of contents below presents the survey results in order of the questions asked. Please note that none of the 657 respondents provided a response to question 23 or 31.

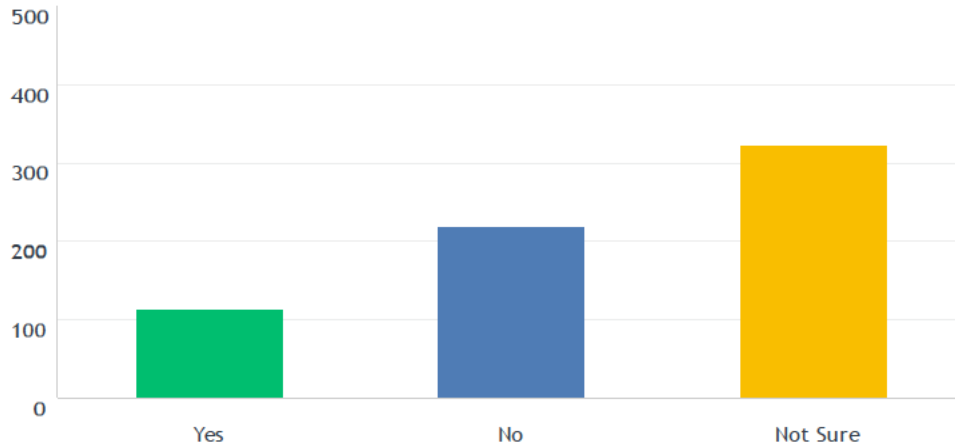
Table of Contents

Q1 Have you ever had a state government entity (e.g., state agency, state university, etc.) copy, distribute or otherwise use your copyrighted work without permission in a manner that you believed to constitute copyright infringement?	1
Q2 How many times?	1
Q3 What state did the state entity reside in? Select all that apply.....	4
Q4 What type of government entity was involved? (e.g. "state university," "state penitentiary")	9
Q5 If you are willing and able, please list the specific state entity involved (e.g. "St. Cloud State University")	12
Q6 What type of work(s) was infringed by the state? Select all that apply.	14
Q7 In what year(s) did you discover the infringement(s)? Select all that apply.....	16
Q8 Please describe the details of the infringement(s) of your work(s) by the state entity.....	21
Q9 In your view, was the infringement(s) intentional or inadvertent?	25
Q10 Why do you feel that the infringement(s) was intentional?	26
Q11 Why do you feel that the infringement(s) was inadvertent?.....	29
Q12 Did you lose revenue or opportunities because of the infringement?	30
Q13 Please provide additional details about your loss of revenue or opportunities.	30
Q14 Did you or someone acting on your behalf attempt to contact or notify the state organization about the infringement?.....	33
Q15 How did the state respond?	33
Q16 Did the state assert that it was not liable for the infringement due to the fact that states are generally immune from being sued under the 11th Amendment to the Constitution?.....	35
Q17 Did you sue the state entity for the infringement?	36
Q18 Where was the case was filed? Select all that apply.	36
Q19 When was the case filed? Select all that apply.....	43
Q20 What claim(s) were brought regarding the infringement?.....	48
Q21 Is the case pending or was it resolved?	56
Q22 Please tell us what happened	57
Q23 Why didn't you sue the state?	57
Q24 If you found out that a state entity was infringing your work and you could not obtain money damages against the state entity but could get an injunction to prevent future infringements of that work by the state, would you be willing to sue the state for infringement anyway?	58
Q25 Please explain why you would not be willing to sue the state for infringement?.....	58
Q26 Do you sell or license your copyrighted works to state entities?	60
Q27 Do you provide different payment or licensing terms in transactions with state entities than are provided in transactions with other parties?.....	60
Q28 In your experience, do different states or state entities take different approaches to working with copyrighted material?	61
Q29 Have you changed aspects of your sales or licensing practices as a result of state being immune to claims of copyright infringement?.....	61
Q30 Has a state entity ever asserted immunity to claims of copyright infringement in the context of a contract negotiation with you?	63

Q31 What impact, if any, did the assertion have on the outcome of the negotiations?.....	63
Q32 Do you monitor for copyright infringement?	64
Q33 Do you think your monitoring efforts would detect a state infringement?	64
Q34 Have you ever been accused by a state entity of infringing a copyrighted work owned by that state entity?	65
Q35 Please explain the nature of the accusation against you (Optional)	65
Q36 Please provide any additional information that you would like to share that may not have been reflected in your answers to the survey questions.	65
Q37 Upload a Word Doc, or PDF	76

Q1 Have you ever had a state government entity (e.g., state agency, state university, etc.) copy, distribute or otherwise use your copyrighted work without permission in a manner that you believed to constitute copyright infringement?

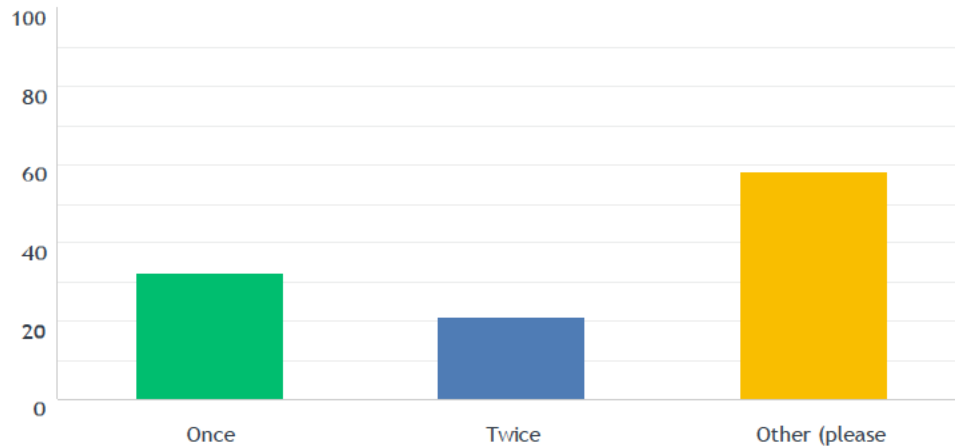
Answered: 657 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	17.50%	115
No	33.18%	218
Not Sure	49.32%	324
TOTAL		657

Q2 How many times?

Answered: 111 Skipped: 546



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
Once	28.83%	32
Twice	18.92%	21
Other (please specify)	52.25%	58
TOTAL		111

Survey on State Copyright Infringement

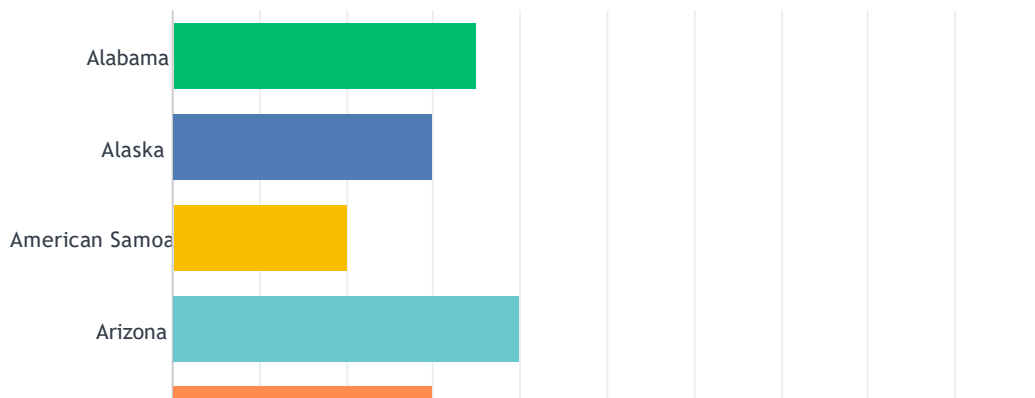
#	OTHER (PLEASE SPECIFY)	DATE
1	I believe it has happened multiple times with one of my books.	8/14/2020 3:25 PM
2	The University of Mississip Press, The University of Kentucky Press and The University of Kansas Press	8/14/2020 3:08 PM
3	NA	8/7/2020 6:21 PM
4	I stopped counting, but overthe years that I wrote my column, I discovered dozens of universities copied my columns and pages from my books.	8/7/2020 4:05 PM
5	Countless	8/6/2020 6:57 PM
6	Unsure	8/6/2020 12:28 PM
7	At least a dozen times, probably many more.	8/6/2020 9:29 AM
8	Some of my essays and stories have been published in major venues, photocopied and used in colleges and rehabilitation centers nationwide.	8/6/2020 2:39 AM
9	A few known	8/5/2020 11:40 PM
10	Unsure	8/5/2020 8:30 PM
11	several	8/5/2020 7:46 PM
12	Infinitely many	8/5/2020 7:44 PM
13	Continuously	8/5/2020 6:40 PM
14	Five x or more. Usually state or other university professors	8/5/2020 6:39 PM
15	Three	8/5/2020 6:34 PM
16	Multiple publications—doctoral dissertation (plagiarism); multiple peer reviewed medical journals	8/5/2020 6:21 PM
17	Copying text pages for classroom use - multiple	8/5/2020 6:05 PM
18	Dozens	8/5/2020 6:02 PM
19	At least 3 times to my knowledge.	8/5/2020 6:00 PM
20	numerous times	8/5/2020 5:57 PM
21	often found sites on the net that offered pdfs of my books	8/5/2020 5:47 PM
22	Myktuple	8/5/2020 5:44 PM
23	As a student at a journalism school, I was required to produce news pieces that were published and allowed to be repurposed both by the school and by major news organizations, including one of the largest newspapers in the world. A similar scenario arose in the school's radio journalism program. The school seemed to be using these projects to improve its public image, and students were required to work at levels that went beyond "education.".	8/5/2020 5:38 PM
24	numerous times since material is often Xeroxed and used in class	8/5/2020 5:36 PM
25	I don't know how many times, but it's more than twice.	8/5/2020 5:34 PM
26	100s	8/5/2020 5:29 PM
27	Don't remember.	8/5/2020 5:28 PM
28	Too many to count	8/5/2020 5:26 PM
29	Innumerable times	8/5/2020 5:25 PM
30	Over 300	8/4/2020 2:57 PM
31	Not sure, but more than twice	8/4/2020 9:34 AM
32	On-going matter, distribution by library's services	8/4/2020 4:50 AM

Survey on State Copyright Infringement

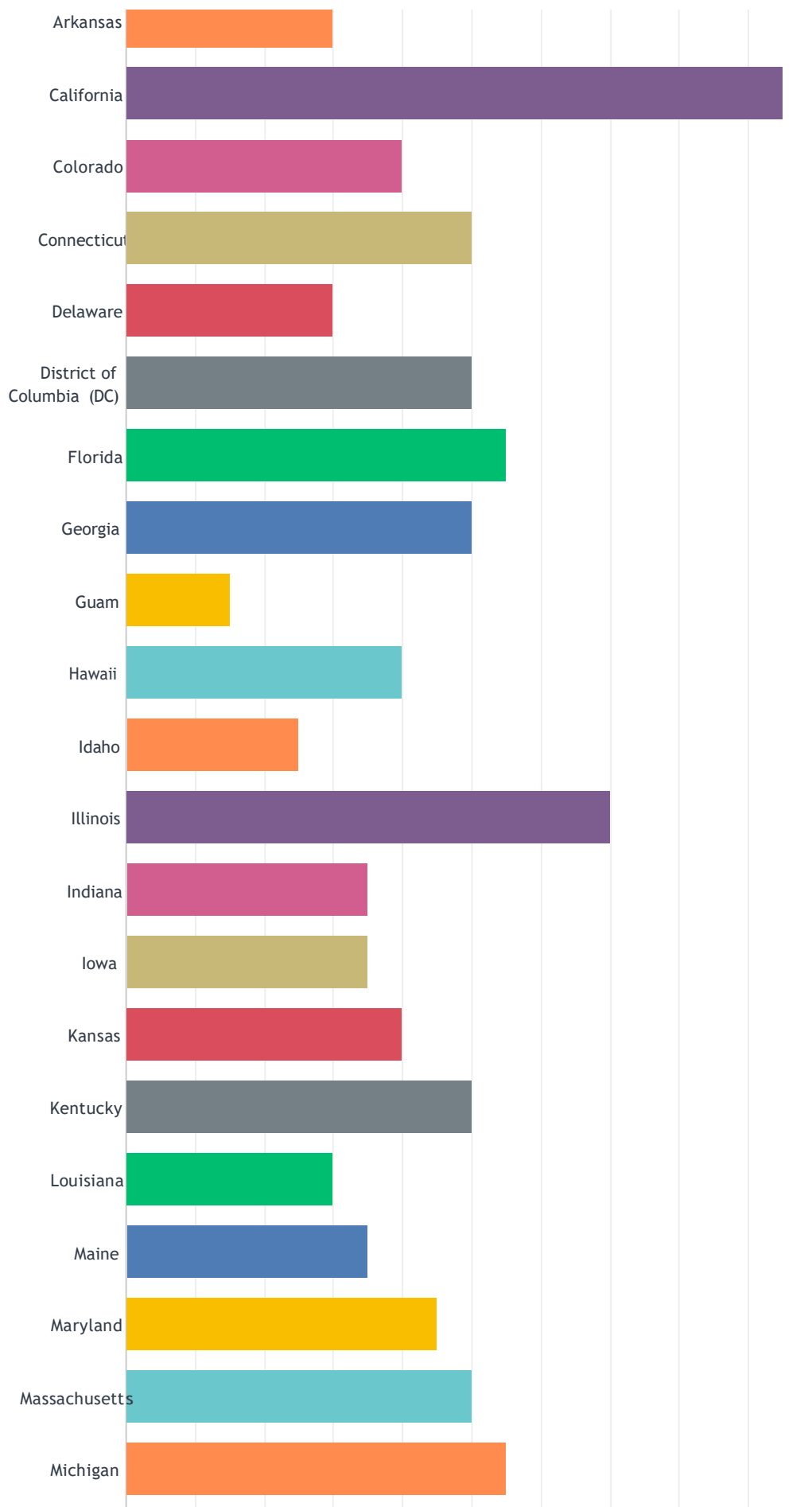
33	At least 5	7/29/2020 4:58 PM
34	4	7/28/2020 9:29 AM
35	2006 still this present day	7/22/2020 7:16 AM
36	many times	7/20/2020 2:29 PM
37	Multiple offenses	7/16/2020 12:06 AM
38	Plenty	7/15/2020 8:56 PM
39	College radio stations in California	7/13/2020 8:18 AM
40	Numerous, many times and in different ways.	7/10/2020 1:59 PM
41	10	7/9/2020 9:56 PM
42	5-10 times	7/9/2020 10:20 AM
43	Tunecore CD baby Revebnaion Song Cast	7/9/2020 7:01 AM
44	the Detroit Visitors Bureau used my trademarked slogan "Welcome to the D" multiple times for promotions including the 2012 World Series	7/8/2020 1:13 PM
45	four	7/8/2020 11:18 AM
46	100000	7/8/2020 10:28 AM
47	12	7/8/2020 9:10 AM
48	hundreds of times	7/7/2020 10:26 PM
49	many over the 70+ years of our business	7/7/2020 2:45 PM
50	I've found 5 so far	7/7/2020 12:10 PM
51	thousands	7/7/2020 9:47 AM
52	Multiple	7/7/2020 9:43 AM
53	Many times by a university	7/7/2020 9:36 AM
54	I have caught two infringements and both were settled by my lawyers.	7/7/2020 9:27 AM
55	5	7/7/2020 6:38 AM
56	Entities taking our IP material, posting it online, making profit based on our IP.	7/6/2020 7:51 PM
57	Possibly multiple	7/6/2020 6:00 PM
58	3 or 4 times	7/6/2020 4:45 PM

Q3 What state did the state entity reside in? Select all that apply.

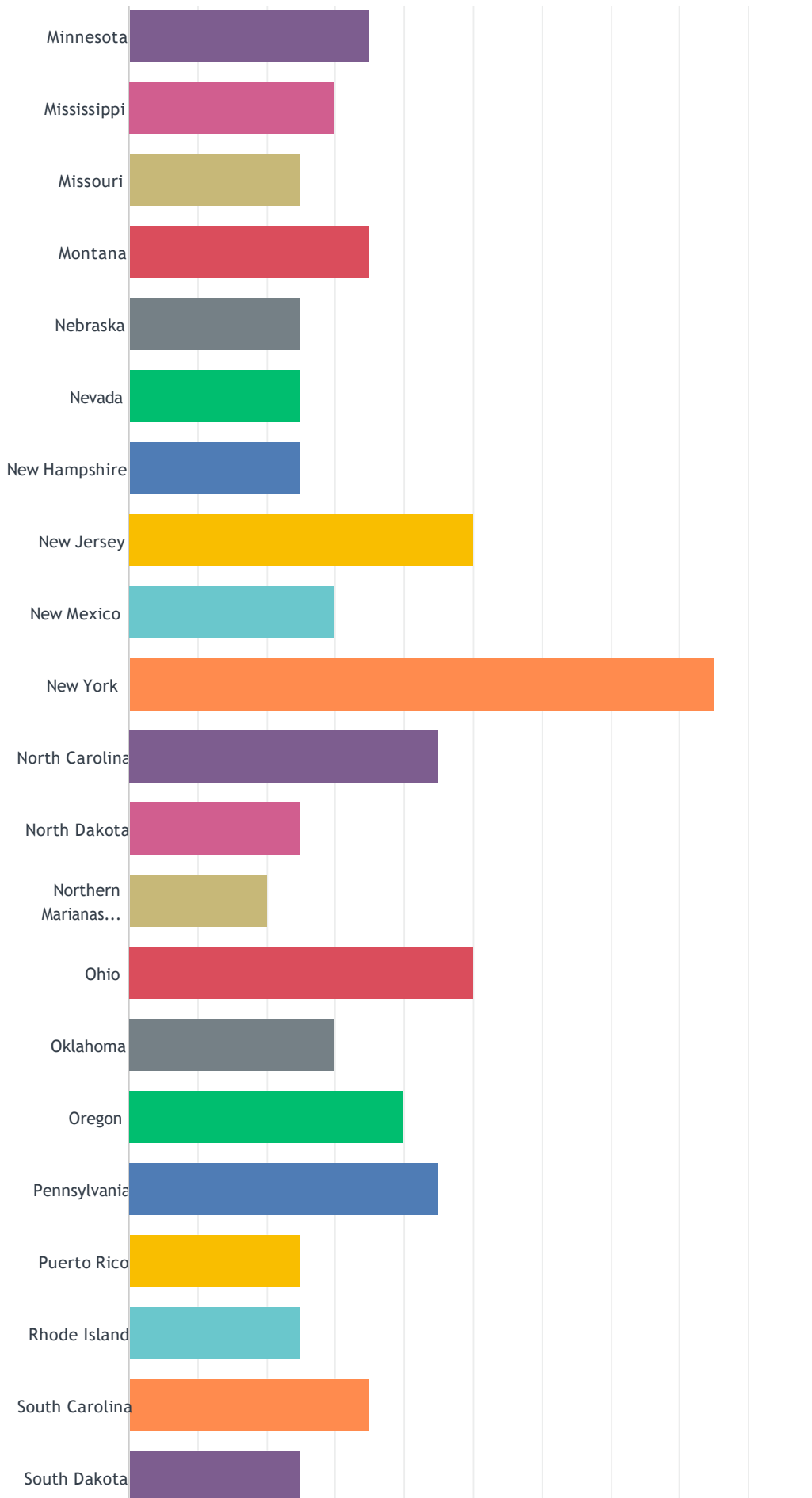
Answered: 89 Skipped: 568



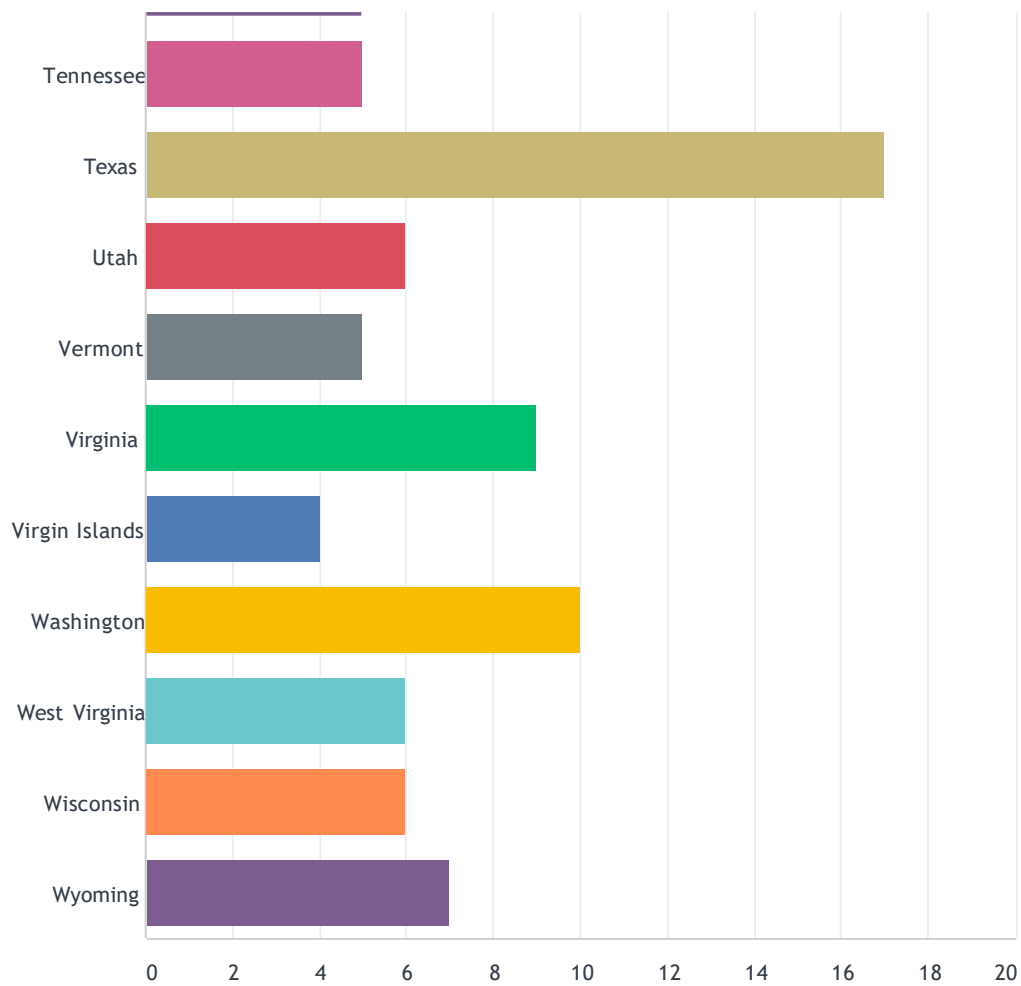
Survey on State Copyright Infringement



Survey on State Copyright Infringement



Survey on State Copyright Infringement



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
Alabama	7.87%	7
Alaska	6.74%	6
American Samoa	4.49%	4
Arizona	8.99%	8
Arkansas	6.74%	6
California	21.35%	19
Colorado	8.99%	8
Connecticut	11.24%	10
Delaware	6.74%	6
District of Columbia (DC)	11.24%	10
Florida	12.36%	11
Georgia	11.24%	10
Guam	3.37%	3
Hawaii	8.99%	8
Idaho	5.62%	5
Illinois	15.73%	14
Indiana	7.87%	7
Iowa	7.87%	7
Kansas	8.99%	8
Kentucky	11.24%	10
Louisiana	6.74%	6
Maine	7.87%	7
Maryland	10.11%	9
Massachusetts	11.24%	10
Michigan	12.36%	11
Minnesota	7.87%	7
Mississippi	6.74%	6
Missouri	5.62%	5
Montana	7.87%	7
Nebraska	5.62%	5
Nevada	5.62%	5
New Hampshire	5.62%	5

Survey on State Copyright Infringement

New Jersey	11.24%	10
New Mexico	6.74%	6
New York	19.10%	17
North Carolina	10.11%	9
North Dakota	5.62%	5
Northern Marianas Islands	4.49%	4
Ohio	11.24%	10
Oklahoma	6.74%	6
Oregon	8.99%	8
Pennsylvania	10.11%	9
Puerto Rico	5.62%	5
Rhode Island	5.62%	5
South Carolina	7.87%	7
South Dakota	5.62%	5
Tennessee	5.62%	5
Texas	19.10%	17
Utah	6.74%	6
Vermont	5.62%	5
Virginia	10.11%	9
Virgin Islands	4.49%	4
Washington	11.24%	10
West Virginia	6.74%	6
Wisconsin	6.74%	6
Wyoming	7.87%	7
Total Respondents: 89		

Q4 What type of government entity was involved? (e.g. "state university," "state penitentiary")

Answered: 84 Skipped: 573

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	University presses	8/14/2020 3:08 PM
2	High School	8/8/2020 1:52 AM
3	"state university,"	8/7/2020 7:51 PM
4	Work place	8/7/2020 6:24 PM
5	state University	8/7/2020 4:06 PM
6	State university	8/6/2020 9:29 AM
7	Universities and junior colleges mostly.	8/6/2020 2:41 AM
8	Federal	8/6/2020 2:09 AM
9	state university	8/5/2020 8:57 PM
10	University (not sure about state above). Book bought, copied and returned.	8/5/2020 8:31 PM
11	state university	8/5/2020 7:46 PM
12	The Supreme Court of the Unites States	8/5/2020 7:46 PM
13	State Medical University, a state authority	8/5/2020 6:41 PM
14	state university but it has happened a lot and I don't keep track. They're not the worst offenders.	8/5/2020 6:40 PM
15	State university	8/5/2020 6:35 PM
16	University	8/5/2020 6:22 PM
17	State Universities	8/5/2020 6:03 PM
18	State University	8/5/2020 6:01 PM
19	state university	8/5/2020 5:58 PM
20	I honestly forget. I got them to remove it.	8/5/2020 5:46 PM
21	State university	8/5/2020 5:45 PM
22	state university	8/5/2020 5:39 PM
23	state university; high scholl AP courses	8/5/2020 5:38 PM
24	State university	8/5/2020 5:38 PM
25	State universities	8/5/2020 5:30 PM
26	School district	8/5/2020 5:27 PM
27	NYPD used my video without permission as a wanted poster, gave it out to everyone as a free to use.	8/5/2020 12:45 PM
28	The Chicago Police Department, Members of the U.S. Congress	8/5/2020 12:18 PM
29	univ	8/5/2020 11:24 AM
30	state agency	8/4/2020 6:21 PM
31	A county.	8/4/2020 2:58 PM
32	State University	8/4/2020 4:50 AM
33	City of Montezuma (http://montezuma.in.gov/the-halls-of-montezuma-indiana/)	7/28/2020 9:51 AM
34	Dept of Natural Resources	7/28/2020 9:30 AM
35	All related to government in every continent, country, city and town with entertainment or media.	7/22/2020 7:21 AM

Survey on State Copyright Infringement

36	state univ	7/22/2020 1:44 AM
37	state university	7/20/2020 2:30 PM
38	museums	7/20/2020 3:47 AM
39	State University	7/19/2020 5:38 PM
40	State University	7/16/2020 1:55 PM
41	State University	7/16/2020 12:06 AM
42	Several	7/15/2020 8:57 PM
43	State university	7/15/2020 11:48 AM
44	State Universities	7/13/2020 8:19 AM
45	District attorney and city police	7/11/2020 2:53 AM
46	Public High school, Independent School District	7/10/2020 2:00 PM
47	My music was used for professional recordings. The IL Federation of Music did not compensate me for Any of my work. Then the other artists/producers involved Stole my publishing. Chicago, IL IS A VERY CORRUPT PLACE WITH ATROCIOUS SYSTEMS.	7/9/2020 9:58 PM
48	State University	7/9/2020 4:04 PM
49	State university; tourism board	7/9/2020 10:20 AM
50	state university	7/8/2020 6:27 PM
51	Visitor Bureau	7/8/2020 1:13 PM
52	state university	7/8/2020 11:49 AM
53	state university and public affairs office of state govt,	7/8/2020 11:20 AM
54	State university	7/8/2020 11:08 AM
55	Mainly University	7/8/2020 10:29 AM
56	state university	7/8/2020 7:50 AM
57	state university	7/7/2020 10:27 PM
58	State Cultural Resources Departments	7/7/2020 5:15 PM
59	High School	7/7/2020 5:00 PM
60	State Tourism	7/7/2020 3:52 PM
61	Hawaii Visitors Bureau (aka state of Hawaii)	7/7/2020 2:46 PM
62	a state university	7/7/2020 2:28 PM
63	State Government	7/7/2020 12:50 PM
64	State DOJ	7/7/2020 12:44 PM
65	state university -- Texas A&M University	7/7/2020 12:35 PM
66	multiple state universities	7/7/2020 12:12 PM
67	state university, government entity, public school district,	7/7/2020 9:54 AM
68	State colleges, public school systems, universities	7/7/2020 9:44 AM
69	city	7/7/2020 9:43 AM
70	University	7/7/2020 9:36 AM
71	University and a government department's website	7/7/2020 9:27 AM
72	State University, State Utility	7/7/2020 7:33 AM

Survey on State Copyright Infringement

73	state university, police dept	7/7/2020 6:39 AM
74	State penitentiary	7/6/2020 11:56 PM
75	State Government	7/6/2020 9:19 PM
76	e. g. State pen	7/6/2020 8:04 PM
77	Kerala	7/6/2020 6:43 PM
78	Internet radio station	7/6/2020 6:19 PM
79	State fusion centers, state attorneys, state police possibly.	7/6/2020 6:06 PM
80	university	7/6/2020 4:46 PM
81	Game Commission	7/6/2020 4:39 PM
82	State Publication	7/6/2020 3:49 PM
83	school	7/6/2020 3:47 PM
84	n	7/6/2020 11:39 AM

Q5 If you are willing and able, please list the specific state entity involved (e.g. "St. Cloud State University")

Answered: 54 Skipped: 603

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	The University Press of Mississippi, The University Press of Kentucky, The University Press of Kansas	8/14/2020 3:09 PM
2	University of Virginia	8/7/2020 7:51 PM
3	I don't have a list of them all. University of Cincinnati was one. There were many others.	8/7/2020 4:06 PM
4	I didn't keep track. It happened many times that my articles in The New Yorker on archaeology and anthropology were printed without my permission or copies and placed on websites.	8/6/2020 9:31 AM
5	I'm uncomfortable "exposing" those I know that have used my work in their classes. I'm just grateful they're using my writing at all	8/6/2020 2:43 AM
6	Hathitrust at Michigan, I think.	8/5/2020 8:58 PM
7	When SCOTUS allowed the Authors Guild v. Google lower court decision to stand, thus widening fair use to include big tech piracy.	8/5/2020 7:49 PM
8	University of California at Los Angeles	8/5/2020 7:47 PM
9	Medical University of South Carolina	8/5/2020 6:41 PM
10	U of Washington, I think. But memory vague.	8/5/2020 6:40 PM
11	University of Alabama at Birmingham	8/5/2020 6:22 PM
12	Columbia university	8/5/2020 5:58 PM
13	I believe some outside company had deal with University of Michigan to copy their catalog of books. I believe there was a lawsuit or some collaboration for reimbursement that I never saw.	8/5/2020 5:41 PM
14	pretty much every institution offering a creative writing program	8/5/2020 5:39 PM
15	I can't keep track. It's ongoing. Educators on Teacher-Pay-Teachers, YouTube, etc. all across the country	8/5/2020 5:28 PM
16	Crime stoppers, nypd	8/5/2020 12:45 PM
17	The Chicago Police Department, Ohio Rep. Jim Jordan, House Judiciary Committee Republican Caucus.	8/5/2020 12:18 PM
18	Puerto Rico Ports Authority	8/4/2020 6:22 PM
19	Lee County Commissioners Board	8/4/2020 2:59 PM
20	San Diego State University	8/4/2020 4:51 AM
21	http://montezuma.in.gov/	7/28/2020 9:52 AM
22	Dept of Natural Resources	7/28/2020 9:30 AM
23	I live in Washington d.c. I know all institutions.	7/22/2020 7:25 AM
24	Georgia State Univ	7/22/2020 1:44 AM
25	University of Minnesota	7/20/2020 2:30 PM
26	Texas State University	7/19/2020 5:39 PM
27	The University of Texas, School of Business and School of education.	7/16/2020 1:56 PM
28	University of Kentucky	7/16/2020 12:07 AM
29	Not able	7/15/2020 8:57 PM
30	Purdue University	7/15/2020 11:49 AM
31	UC Berkley USC UCLA UCSD	7/13/2020 8:24 AM
32	2nd District of Bernallio County. Albuquerque Police Department.	7/11/2020 2:54 AM
33	Lewisville ISD/Flower Mound High School	7/10/2020 2:00 PM

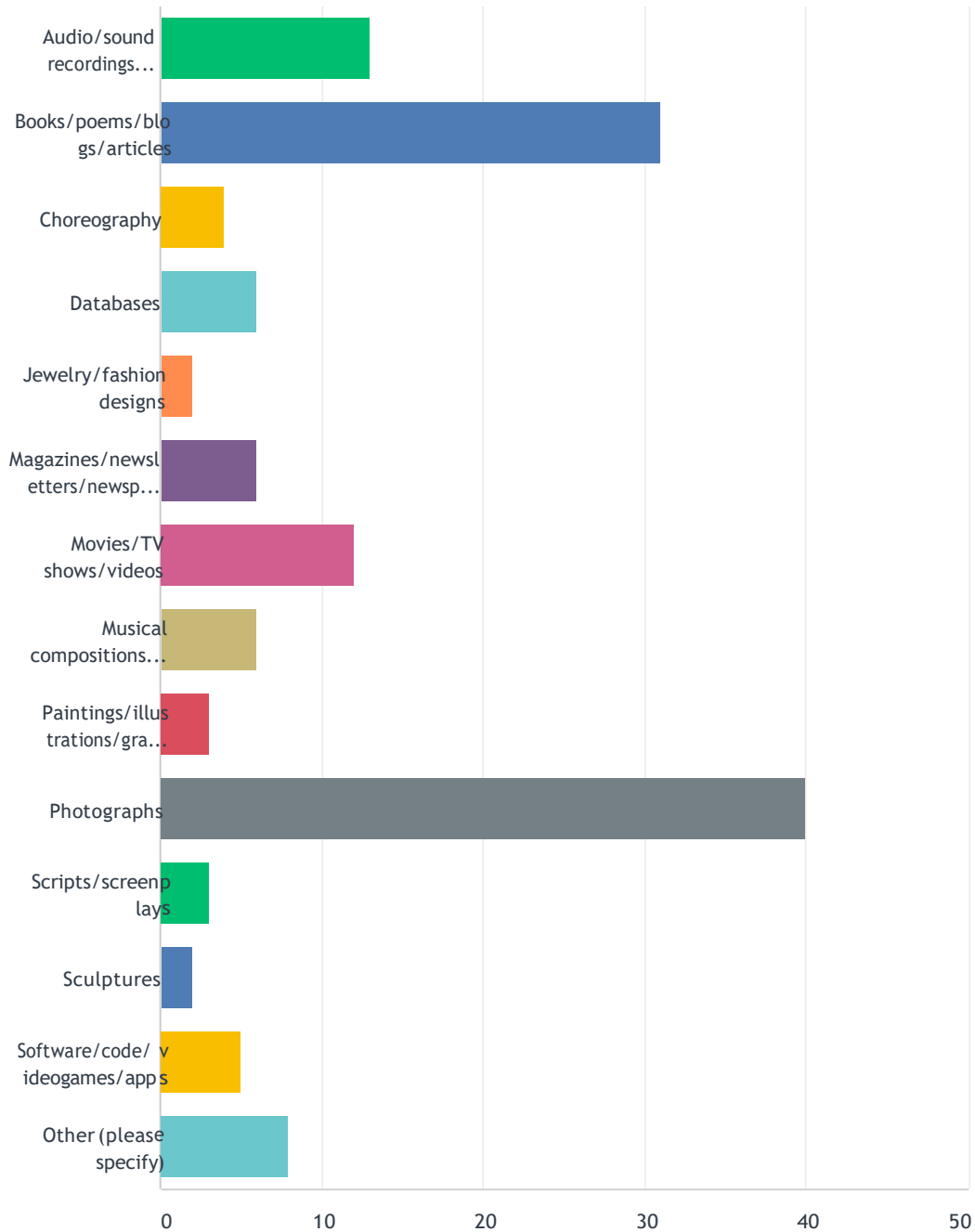
Survey on State Copyright Infringement

34	No	7/9/2020 9:58 PM
35	Radford University located in Virginia	7/9/2020 4:05 PM
36	I don't recall: there have been several.	7/9/2020 10:21 AM
37	University of Maine - Extension	7/8/2020 6:28 PM
38	Detroit Visitors Bureau	7/8/2020 1:14 PM
39	Kansas State University	7/8/2020 11:51 AM
40	Western State Colorado University	7/8/2020 11:08 AM
41	Alabama Department of Conservation and Natural Resources & the North Carolina Department of Natural & Cultural Resources	7/7/2020 5:18 PM
42	https://travelwyoming.com https://ohio.gov	7/7/2020 3:54 PM
43	University of Houston	7/7/2020 2:28 PM
44	State of Utah	7/7/2020 12:50 PM
45	DOJ	7/7/2020 12:45 PM
46	Texas A&M University	7/7/2020 12:36 PM
47	would take much too long. I can send an almost complete spreadsheet of public universities, but gathering all of the school districts has yet to be done and more of both are happening regularly	7/7/2020 9:55 AM
48	UNC Charlotte	7/7/2020 9:36 AM
49	Can not	7/6/2020 8:05 PM
50	Kerala	7/6/2020 6:43 PM
51	Another hosting provider that designs internet radio stations	7/6/2020 6:20 PM
52	State of Connecticut Fusion Center. Many other fusion centers in different states.	7/6/2020 6:07 PM
53	Florida Fish and Wildlife Commission	7/6/2020 4:40 PM
54	n	7/6/2020 11:39 AM

Q6 What type of work(s) was infringed by the state? Select all that apply.

Answered: 81 Skipped: 576

Survey on State Copyright Infringement



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
Audio/sound recordings (including recordings of songs)	16.05%	13
Books/poems/blogs/articles	38.27%	31
Choreography	4.94%	4
Databases	7.41%	6
Jewelry/fashion designs	2.47%	2
Magazines/newsletters/newspapers/periodicals	7.41%	6
Movies/TV shows/videos	14.81%	12
Musical compositions/song lyrics	7.41%	6
Paintings/illustrations/graphic designs	3.70%	3
Photographs	49.38%	40
Scripts/screenplays	3.70%	3
Sculptures	2.47%	2
Software/code/videogames/apps	6.17%	5
Other (please specify)	9.88%	8
Total Respondents: 81		

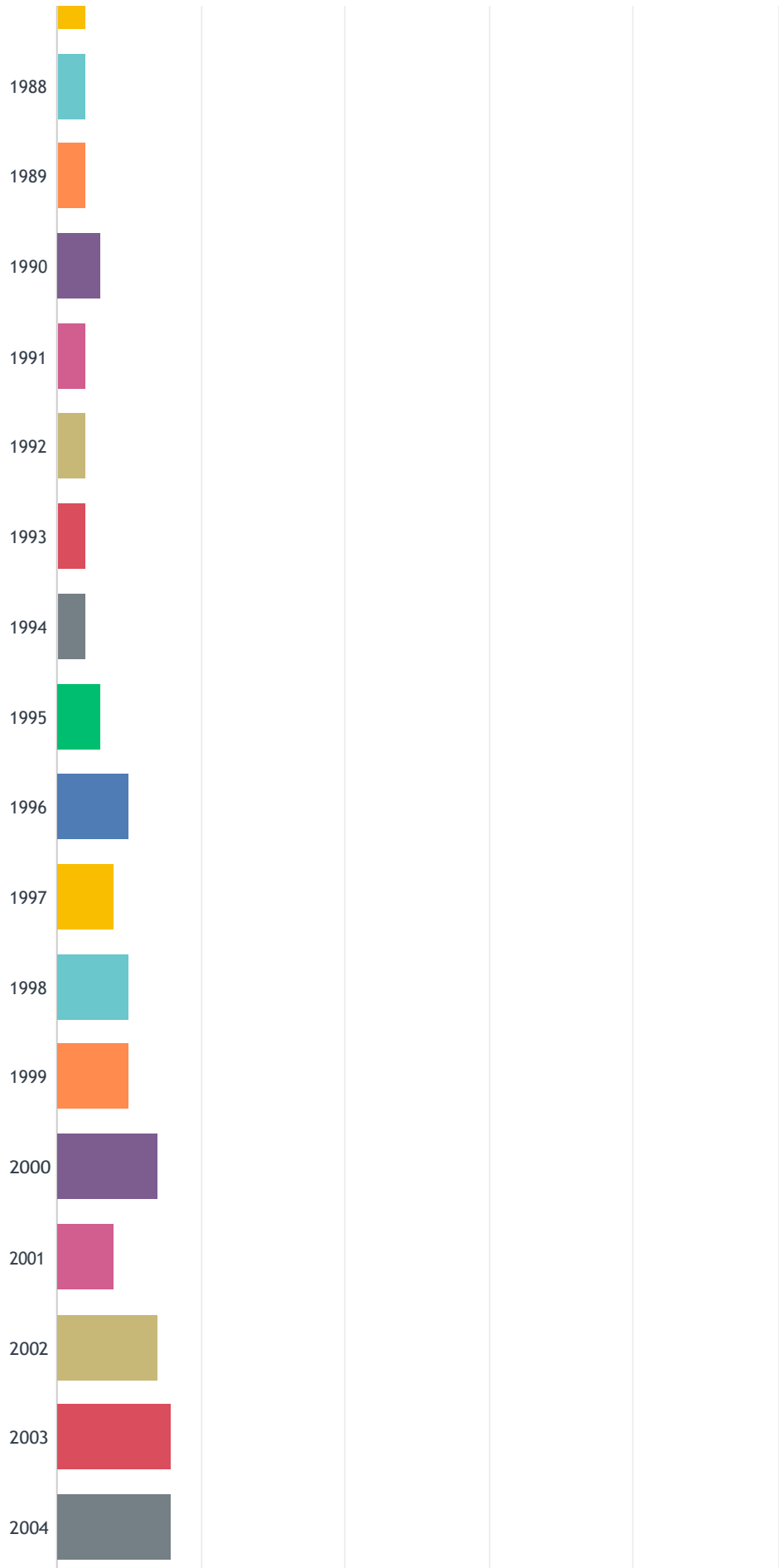
#	OTHER (PLEASE SPECIFY)	DATE
1	course curriculum and syllabus	8/5/2020 7:48 PM
2	Doctoral research from Cornell	8/5/2020 6:23 PM
3	CD-ROM version of printed thesis project publication	8/4/2020 4:53 AM
4	Privacy invasion and legal rights as a native American.	7/22/2020 7:28 AM
5	trademarked phrase "Welcome to the D" used on all World Series promo material	7/8/2020 1:15 PM
6	My brand name	7/7/2020 12:45 PM
7	Yes	7/6/2020 6:43 PM
8	Radio station name and design	7/6/2020 6:21 PM

Q7 In what year(s) did you discover the infringement(s)? Select all that apply.

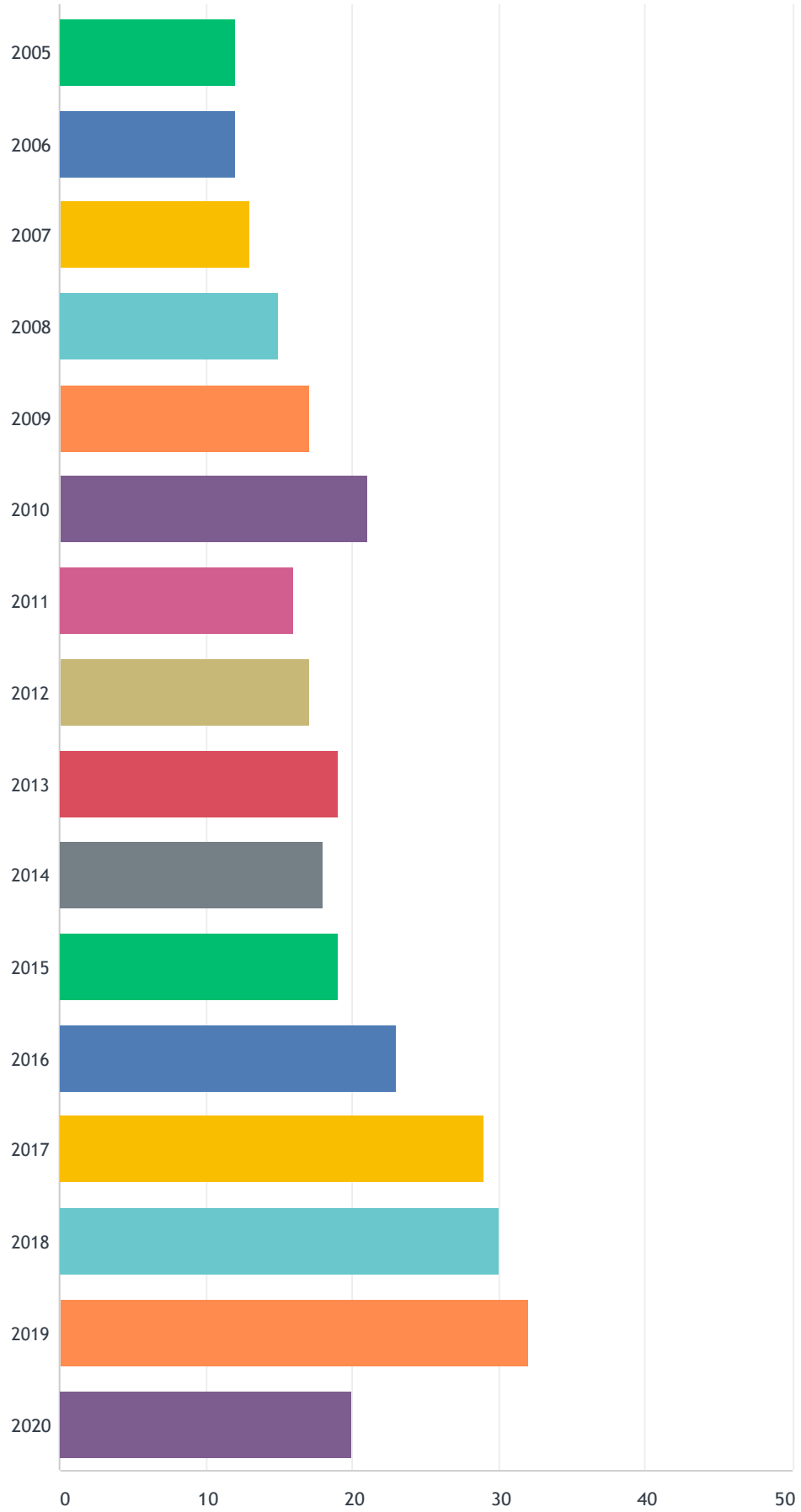
Answered: 79 Skipped: 578



Survey on State Copyright Infringement



Survey on State Copyright Infringement



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
1978	2.53%	2
1986	2.53%	2
1987	2.53%	2
1988	2.53%	2
1989	2.53%	2
1990	3.80%	3
1991	2.53%	2
1992	2.53%	2
1993	2.53%	2
1994	2.53%	2
1995	3.80%	3
1996	6.33%	5
1997	5.06%	4
1998	6.33%	5
1999	6.33%	5
2000	8.86%	7
2001	5.06%	4
2002	8.86%	7
2003	10.13%	8
2004	10.13%	8
2005	15.19%	12
2006	15.19%	12
2007	16.46%	13
2008	18.99%	15
2009	21.52%	17
2010	26.58%	21
2011	20.25%	16
2012	21.52%	17
2013	24.05%	19
2014	22.78%	18
2015	24.05%	19
2016	29.11%	23

Survey on State Copyright Infringement

2017	36.71%	29
2018	37.97%	30
2019	40.51%	32
2020	25.32%	20

Total Respondents: 79

Q8 Please describe the details of the infringement(s) of your work(s) by the state entity.

Answered: 72 Skipped: 585

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	University Presses using copyrighted interviews of my late husband [REDACTED] without permission and, in fact, without even consulting me, the copyright holder.	8/14/2020 3:12 PM
2	Publication of story in university newspaper	8/7/2020 7:53 PM
3	Professors/instructors copied my columns and pages from my books for class.	8/7/2020 4:10 PM
4	My articles in The New Yorker magazine on anthropology, archaeology, and paleontology were copied and put up on open websites or printed and distributed, mostly for teaching and educational purposes. While I probably would have given permission for free for such use, I was never asked.	8/6/2020 9:33 AM
5	Typically professors and teachers will photocopy work from my memoirs on addiction and the many pieces reprinted in various magazines from the NYT Magazine, LA Times Magazine, GQ and others, and distribute these copies, thereby saving the student from having to buy the books themselves	8/6/2020 2:50 AM
6	Reproduction of illustrated text	8/6/2020 2:10 AM
7	Copied my book as digital file "to the extent allowed by UScopyright law," for non-profit, scholarly permanent digital record.	8/5/2020 8:59 PM
8	Book had been bought, copied and turned in the US and abroad.	8/5/2020 8:34 PM
9	The university paid me to create and offer an online screenwriting course, with the promise that I be paid every time it was offered. After the course had been offered for the first time, they informed me that they believed that not I but they owned the copyright and could offer it into perpetuity with no compensation to me. I was able to convince them to retreat; they ultimately surrendered, agreeing to compensate me each and every time the course was offered.	8/5/2020 7:51 PM
10	Fair use now means pretty much whatever Google wants it to me, because the CDA is absolutely worthless at protecting author's rights from big tech.	8/5/2020 7:50 PM
11	I authored a book in cooperation with but not under the auspices of the Medical University of South Carolina. I have been made aware that MUSC negotiated the sale/release of my copyright to another publisher in 2016. I was never consulted and I have been unsuccessful getting a response from the publisher and MUSC.	8/5/2020 6:44 PM
12	The focus on the state here is misplaced. They make pdfs of my articles or book chapters. Printouts for classroom use are fine but not when they put them on the internet	8/5/2020 6:42 PM
13	Audio recordings made of my books for a service for the visually impaired	8/5/2020 6:37 PM
14	Theft of intellectual property; conversion of intellectual property; False Claims Act (National Institutes of Health). This became a federal lawsuits filed in Baltimore MD. Berge/United States of America v University of Alabama at Birmingham and senior scientists	8/5/2020 6:26 PM
15	upload videos to servers without permission; copy and distribute articles and book chapters; copy audio recordings of workshops taught. In general, distribution of copies or rebroadcast of copyrighted materials without permission	8/5/2020 6:06 PM
16	used in Powerpoints and on university websites	8/5/2020 6:02 PM
17	Sections of my books were handed out in xerox copies in classes.	8/5/2020 5:59 PM
18	As previously stated, the state-funded graduate school of journalism in question required that every student, regardless of their level experience (some entering students had already been paid employees of established news organizations, both in the U.S. and internationally) would work for a group of public-facing "startup" news sites that it established around 2008/2009. Working conditions were similar, if not more intense, than working for regular metro newspapers, with immense pressure to work long hours and produce professional-quality stories on matters such as crime and immigration policy on tight deadlines. For some students, this was not a "learning experience" but rather a forced return to work they had previously done for a paycheck. There were no stipends or tuition reductions offered for this work. Similar conditions occurred at required internships with local news outlets where professors of the school had editorial and managerial positions. Students would produce projects of a professional quality that would sometimes be traded around with other established, for-profit news organizations, and students who objected were told to be thankful	8/5/2020 5:51 PM

Survey on State Copyright Infringement

for the "exposure." Though these required work assignments were considered "educational," the stories were often being used to bolster the journalism school's fundraising endeavors, or to supplement the content produced by local newsrooms as they underwent staffing reductions. On occasion the stories were also sold to major international news outlets and used either as standalone stories or as supplements to their projects. Stories were also used as object lessons and incorporated into classroom curricula for students years later. Students were not compensated for their work or for reprint rights. Arguably, they were being used as unpaid employees with no ability to defend copyrights.

19	they put my book, [REDACTED] on the internet.	8/5/2020 5:46 PM
20	Unauthorized photocopy/ unauthorized electronic use of portions of book texts	8/5/2020 5:46 PM
21	Scanning my books (before digital books were widespread) and offering them for free, which tons of companies around the world still do.	8/5/2020 5:43 PM
22	Xeroxing or pdf offering of magazine articles and excerpts from books, including pix.	8/5/2020 5:41 PM
23	Chapters of books, and entire books, have been turned into pdfs and distributed to students and faculty.	8/5/2020 5:33 PM
24	Unauthorized recordings of full readings of my books, in particular [REDACTED], materials sold through Teachers-Pay-Teachers	8/5/2020 5:30 PM
25	NYPD used my video without permission as a wanted poster, gave it out to everyone as a free to use.	8/5/2020 12:45 PM
26	After denying broadcast networks the rights to use my footage for free, the Chicago Police Department took copyrighted material I posted to the internet and held a public viewing of my material and implied that my copyrighted footage was their own creation. U.S. Rep. Jim Jordan (R-OH) then aired my footage during a hearing of the House Judiciary committee with a credit to the Chicago Police Department.	8/5/2020 12:20 PM
27	They used a photograph without authorization.	8/4/2020 6:23 PM
28	The Board of Lee County Commissioners displayed my copyrighted art sculpture without my consent as well as took my copyrighted sculpture from me.	8/4/2020 3:02 PM
29	A reference entry on the "References" page had been materially altered to misrepresent the location of the particular conference's presentation of my paper; in effect, changing it to a place where it clearly had not occurred.	8/4/2020 4:59 AM
30	Photo I took was copied from my blog, and posted on the City of Montezuma's web site. They didn't even change the file name.	7/28/2020 9:53 AM
31	The government is designed to steal from nonwhite citizens. And Grant's foreign policy more power than to protect my life. The government has allowed hacking to become a business tactic. And allow corporations more power over my information. I notice over time my work has been incorporated in to all other media production no consented by me. Now using entire projects I composed as well as data I have composed	7/22/2020 7:33 AM
32	Georgia State allowed the illegal copying of our scholarly materials	7/22/2020 1:45 AM
33	I had granted certain employees at the University of Minnesota a non-exclusive license to use my unpublished software. I revoked these licenses in April 2017. The university legal office defied my cease and desist letters, claiming based on false premises that the university jointly owned the software. In September 2018 I filed suit against the university in federal court asking for injunctive relief and damages. I withdrew the suit when the university agreed to sign a settlement stipulating that the software was written and owned entirely by me, and agreeing to cease using and destroy all copies. I was unable to obtain damages because the university invoked sovereign immunity.	7/20/2020 3:19 PM
34	reproduced outside of contract	7/20/2020 3:47 AM
35	They used a photo in an online "classroom" multimedia program. It was used in several places. They paid, but did not remove from their server as instructed. Server glitch several years later and it went back online again. They refused to pay the second time.	7/19/2020 5:42 PM
36	1. Austin skyline image – Filename: Austin-skyline-from Trail-D80-5490.jpg Registration number - VAu001259726 / 2015-10-06 Found on, UT Texas School of education	7/16/2020 2:02 PM

Survey on State Copyright Infringement

<http://www.vivecampus.com/english/utexas/english-courses-austin-texas-university-esl-ut.php>
 2. Austin skyline infringement Downtown-Austin-DSC03876 Registration number -
 VAu001259726 / 2015-10-06 Face book page for UT texas Red McCombs School of Business
<https://www.facebook.com/pg/UTMcCombsSchool/posts/> the image is in a post from Oct 10,
 2018 and loaded in the photos section.

37	The entity allowed corporate sponsors to use the photographs in their marketing campaigns, including corporate sponsor's advertising.	7/16/2020 12:10 AM
38	Stolen and heard on the radio and media TV and basically my whole identity.	7/15/2020 8:59 PM
39	Unauthorized use promoting classes.	7/15/2020 4:07 PM
40	They used them in a press conference.	7/11/2020 2:55 AM
41	Editorial Photographs were either distributed, published, copied/printed, or otherwise claimed to be property of the state entity (and not my own) in a coercive manner despite my protests to the contrary and in a number of cases without my permission to would-be clients. I was forced to cease selling and sharing my own work until I was able to obtain legal assistance.	7/10/2020 2:07 PM
42	There are numerous Sick, Greedy artists, song Composers and music Producers in Chicago IL. I am a signed producer with [REDACTED] now. My work was used on professional recordings for artists, in movies, commercials ETC.	7/9/2020 10:00 PM
43	Radford University used my photographs beyond the scope of 1 time use without paying for additional uses.	7/9/2020 4:07 PM
44	Unlicensed music use in promo videos and web advertisements, dance concerts by universities posted to Youtube, University staff training videos on Youtube.	7/9/2020 10:22 AM
45	Copy images of wildflowers from a personal website and used for a university extension page on herbicide applications.	7/8/2020 6:32 PM
46	They had tv commericals and hundreds of banners, posters, etc plastered around Detroit to promote the World Series to everyone around the world to see	7/8/2020 1:16 PM
47	Copied a photo from a newspaper and published it on the U's website.	7/8/2020 11:52 AM
48	As a former employee, several of my personal pictures - used previously with my permission for specific projects - remained in digital files. They were clearly identified by unique file numbers differing from the university's schema and with creator, copyright and caption metadata. The communications department ignored these and used the picture prominently on its website.	7/8/2020 11:13 AM
49	offerings on P2P platforms	7/8/2020 10:31 AM
50	I cannot due to settlement agreement	7/7/2020 10:42 PM
51	I have been victimized twice by States infringing my copyrighted work. The first infringement in March of 2010 by the Alabama Department of Conservation and Natural Resources and the second time as the plaintiff in Allen v. Cooper. In 2010 the Alabama Department of Conservation and Natural Resources (ADCNR) misappropriated an underwater image I created of a Sand Tiger shark and posted it to their website. The ADCNR grabbed the image from my website, with a prominent © embedded in it, photoshopped the © symbol out of the image and reposted my intellectual property on their website without permission or attribution. Upon discovery of this violation I emailed the ADCNR a complaint letter and invoice requesting a minimal payment for use of my image on their website. The ADCNR refused payment, and removed my doctored image. Lacking any viable or affordable enforcement vehicle I was forced to let the matter drop.	7/7/2020 5:20 PM
52	Both infringing parties placed the images on their websites	7/7/2020 3:55 PM
53	The Bauer College of Business at the University of Houston infringed on my aerial photograph of the Houston, Texas skyline at dusk to use on their website.	7/7/2020 2:29 PM
54	My USCO-registered photograph of a wild bison.	7/7/2020 12:51 PM
55	I had allowed Texas A&M to see a PDF of my 12th Man Book that was to be published in Fall 2014. Texas A&M had a secretary to retype the book into their computer system, then put in on the Texas A&M Athletic Dept. website for their fans to read and copy, then they sent it to	7/7/2020 12:40 PM

Survey on State Copyright Infringement

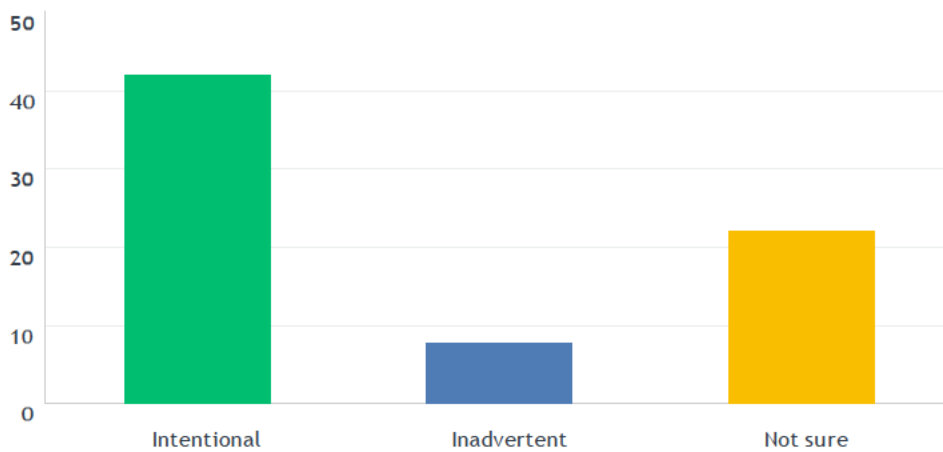
75,000 by email and to another 155,000 by Twitter links. 700 of those who received the Twitter link, then resent this stolen book to approximately 125,000 others

56	registered iconic photographs used in books and digital media instructional materials	7/7/2020 12:14 PM
57	copying and distributing the heart of my book and virtually 100 % of the abridged registered passage, publicly, performing the passage, creating derivatives, publicly displaying my work,giving away my rights, stealing my identity	7/7/2020 9:59 AM
58	Mostly used for their websites	7/7/2020 9:45 AM
59	Using photographs without proper credit sited or giving other credit for my work. Giving proper credit was part of the licensing agreement.	7/7/2020 9:40 AM
60	They used photographs of mine without contacting me and without any permission. One infringement was from my photos on Flickr and the other was from my personal website.	7/7/2020 9:30 AM
61	In both cases, my registered photographs were used without license or permission, and with my watermark mechanically removed, on the entity's website.	7/7/2020 7:34 AM
62	use of photographs on web pages	7/7/2020 6:40 AM
63	Publishing, licensing rights and Copyrights	7/7/2020 12:00 AM
64	Both infringements were on state government websites and social media	7/6/2020 9:20 PM
65	I believe they made shows and songs	7/6/2020 8:09 PM
66	Ok	7/6/2020 6:44 PM
67	They used my internet radio station and created another design for it when my radio station was on another server and with a different hosting provider without my permission	7/6/2020 6:23 PM
68	Various agencies have broken into my storage units to collect information pertaining to in progress manuscripts and book projects. Presumably in order to develop movie and book projects of their own, for monetary gain while I am alive or after a plan to murder me. Several years ago, I learned of a woman in Los Angeles writing a screenplay on the subject of my life and the lives of my grandmother and fatger based on my book, "The Loveliest Woman in America," published by Morrow. She was quite far along. I took note of her name but her name has subsequently disappeared. State and local agencies were also used (undercover) to appear alongside moving companies, automobile dealers, doctors, hospitals, and other entities claiming rights to my material. I've been falsely accused of being a terrorist, suffering from "mental disorders" in various locations so that I can be robbed of intellectual property, have assets stolen or seized, including highly personal documentation of my travels and relationships.	7/6/2020 6:19 PM
69	multiple use of photos with out permission	7/6/2020 4:47 PM
70	Used one of my photographs in a press release that was then used by multiple other outlets	7/6/2020 4:41 PM
71	Published, then offered token payment and stated they were immune from copyright	7/6/2020 3:50 PM
72	test	7/6/2020 3:48 PM

Q9 In your view, was the infringement(s) intentional or inadvertent?

Answered: 72 Skipped: 585

Survey on State Copyright Infringement



ANSWER CHOICES	RESPONSES	
Intentional	58.33%	42
Inadvertent	11.11%	8
Not sure	30.56%	22
TOTAL		72

Q10 Why do you feel that the infringement(s) was intentional?

Answered: 42 Skipped: 615

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	My attorneys informed the presses of their infringement and the presses ignored the attorneys' warnings not to proceed without permission.	8/14/2020 3:13 PM
2	My works are copyrighted, and it's stated so in the books and articles. Certainly professors and students know the work isn't yet in the public domain. Or they should, anyway.	8/6/2020 2:53 AM
3	They copied it without my permission --along with thousands of other works.	8/5/2020 8:59 PM
4	Students commented on having used my at University, and purchases with subsequent returns corresponded to the dates. To be honest, I am not sure about the dates above. It has been a long time.	8/5/2020 8:37 PM
5	See previous slide. They told me in express and explicit terms that, contrary to earlier assurances, the copyright suddenly belonged to them.	8/5/2020 7:52 PM
6	Because Google has bought and paid Congress off. No court decision that went contrary to Google would have stood any longer than it took some "remedial legislation" to be jammed through.	8/5/2020 7:51 PM
7	Because it was a part of its retaliation against me for having been a whistleblower against the university and associated entities fraud. They also discredited me and my works claiming them to be their own, which is completely false.	8/5/2020 6:45 PM
8	Defendants had access to multiple drafts of my PHD dissertation and all the raw data that I compiled for my research.	8/5/2020 6:27 PM
9	Because no one made an attempt to contact me, and I have a website and now 72 published books and lots of published bios. from different entities. Not at difficult task.	8/5/2020 5:44 PM
10	most profs consider ripping off a writer as common practice	8/5/2020 5:42 PM
11	This is being done by people with phds.	8/5/2020 5:33 PM
12	My books are used specifically in the furthering of curriculum goals in permanent ways (recordings, videos, etc.)	8/5/2020 5:31 PM
13	I would not release the footage to broadcast networks for free, despite repeated requests. The footage went viral on the internet after it was shared by white supremacist blogs that falsely attributed the footage to the Chicago Police Department, or other white supremacists. Several days later, the Chicago Police Department aired the footage to broadcast networks, implying that the footage was their own during a press conference that was built around surveillance camera and helicopter footage.	8/5/2020 12:20 PM
14	Lee County Board Of County Commissioners would not give my art sculpture back to me for over 3 years even after I sued them in Federal court.	8/4/2020 3:06 PM
15	Had the locale for the paper's presentation been preserved as originally submitted and intended, it may have drawn attention to the precipitating events surrounding my trip to Wisconsin. At that time, I had been directed to stay at a hotel where [REDACTED] was a guest with the U.S. Secret Service personnel, in the fall of 2000. The reasons for this alteration had been surreptitiously created, I believe, to deflect from circumstances having relevance to particular, secret military- programs—which may be subject to censure as illegal activities.	8/4/2020 5:12 AM
16	The photo was copied from my site (blog), which includes a "copyright" notice at the top of the page. They didn't even change the filename.	7/28/2020 9:56 AM
17	It was intended to violate my freedom of speech, rape women on the merits of my work, defame, deformation, my image and character. To deform the liberties of men and women of all colors. Took all of my materials in copies. And destroyed the originals. I was told that the mafia runs the entertainment industry. From my research persons like or related to sug. Night. Are enforcers. My work spans over every genre. Even video games, movies and animated works. Related to my cartoon and video game project. Stop my music production and distribution contracts. All parties interfered with the production process. Copies of the same songs also used. Being that there are different variations of the same songs. My production methods have never been used in anyway I have seen. Most of my works are mistakes. That includes different forms of production that are considered trade secrets. So for anyone to have	7/22/2020 8:13 AM

Survey on State Copyright Infringement

material familiar to me of my data base is an infringer. Through plugins presets pitches sounds and features. Also composition. My business designed to create new material in a limited circumstances. Not having alot of funds to distribute. So by interfering in the development process. My works have been hacked and stolen. Used and abused in many songs since 2013. I am certain that my business card being in circulation. In colleges like Howard university and others. Have created a connection between similar commonalities. I have contacted Donald Trump's Twitter as well about the issue long before more work was published. Asking for assistance financially being the person the brand that he is. I have contacted local artist aswell about collaborations. And adversely more negative things started happening. Just looking up accounts and having an associated email is enough for a person to locate accounts. Cyber bullying and cyber stalkers. Other places I posted my work like Facebook and YouTube and sound cloud. Companies like spotify and worldstarhiphop Instagram and Tiktok. Come to find out today that everything I have invested time in to is being documented and abused. All a my work associated with products I've invested in to. Down to what i going shopping for in stores. In fact I tried to contact companies that used media like my own to develop a contribution to their work. Every thing I attempt to do or document or that has an information related or considered my interest. I my self am a mechanical engineer. Basically means that I enjoy building things. That can change the future. Which is a dangerous thing to put in the wrong hands. I planned my life according because everyone else is sinful. I separated myself from wasting my life anywhere else. Nothing was getting me anywhere. No ones giving fair chances in life. If I didn't create all the music and sounds I had. And Copyright them. Anyone could have done the same thing behind me. I had to make is so that if they made it after me. I can take the others work. If they made it themselves to hire them. After a stripped them of all their material and wealth. And this will continue until all interested parties release all that they have stolen, gained from my materials and developed from the credit of my work. Within my own genre. This sounds to be what it is. A Trap The best legal strategy the world of men have ever seen or heard of. My company was designed through legal information. That I learned on my own time. And working with many lawyers and government employees. I believe any agency that has not assisted in my reports are infringement institutions and are associated with the acts. As well as law makers. Also those oath to uphold the constitution.

18	They defied my cease and desist letters based on false premises. They refused to acknowledge my evidence of ownership. They acted haughty towards my attorneys. Then they ran and hid behind sovereign immunity.	7/20/2020 3:22 PM
19	Because they could have secured a legal license for a photo of the person. Instead they looked on the internet and "took" mine and displayed it with no credit and no permission.	7/19/2020 5:44 PM
20	The entity has boasted of using sovereign immunity as a way around be held accountable for copyright infringement. They were aware that I owned the images.	7/16/2020 12:16 AM
21	All of my works were stolen right before I became illegally evicted.	7/15/2020 9:00 PM
22	They ripped it from our site and they asked permission. We denied.	7/11/2020 2:55 AM
23	I personally printed out Title 17 copyright law, every law on the books, explained to them how copyright works, even got legal assistance to write formal letters and documents on my behalf and the refusal to acknowledge or respect my copyrights continued in some ways, months, and in others, years, always with more and more technical infringements with no shame.	7/10/2020 2:07 PM
24	Because All Parties involved refused to adhere properly regarding the business terms. It was a Great Loss for me. I am well educated, a musician and composer. Chicago individuals as a whole are BEASTS.	7/9/2020 10:01 PM
25	Music was specifically chosen for these things and then not licensed. In the case of university training videos they were set to Unlisted or Private by the university, thinking that status would evade detection.	7/9/2020 10:23 AM
26	Copyright watermark was cropped out of the images	7/8/2020 6:33 PM
27	I had presented my ideas to them and the Detroit Tigers and they worked together to use my slogans that I have trademarks, owned for over a decade and have incontestibility	7/8/2020 1:17 PM
28	Users knows what they do	7/8/2020 10:31 AM
29	they didn't want to continue the yearly license	7/7/2020 10:42 PM

Survey on State Copyright Infringement

30	In the case of Alabama the state removed my copyright/watermark from the image before reposting. North Carolina passed a law that converted my images & video to a public record.	7/7/2020 5:21 PM
31	The University of Houston removed all my metadata and my copyright.	7/7/2020 2:30 PM
32	They changed the name of the story, removed my copyright information and then identified themselves as the new copyright owner	7/7/2020 12:41 PM
33	photographs were registered prior to use in an iconic national advertisement. photographs were available online for licensing by my current agency and my predecessor agency and easily found. photographs were used without any contact either with my agency or original advertiser, when state users contacted to pay for licensed usage and to remove otherwise infringing uses, refused to do so explicitly citing "sovereign immunity"	7/7/2020 12:24 PM
34	some of them wrote they were stealing it; all had at least constructive knowledge; all knew they weren't the author, all volitionally used my work; many put their names on it; most violated tou,tos,rules in order to use my work; stole my identity in order to use my work	7/7/2020 10:03 AM
35	I'm a photographer. On my website it reads at the bottom of the page, "All images © [REDACTED] [REDACTED]. All Rights Reserved." My copyright is also listed on my photos on my flicr page.	7/7/2020 9:32 AM
36	removal of my © statement, removal of metadata,	7/7/2020 6:41 AM
37	Watermark removed	7/6/2020 9:20 PM
38	Well because I was not smart at anything computers and I didn't realize that they were doing it.	7/6/2020 8:11 PM
39	Yes	7/6/2020 6:44 PM
40	Because someone wants to write books and make a movie about my life. They want to steal my ideas to bankrupt me.	7/6/2020 6:21 PM
41	They knew the photo was not theirs	7/6/2020 4:42 PM
42	They stated they were immune from copyright	7/6/2020 3:51 PM

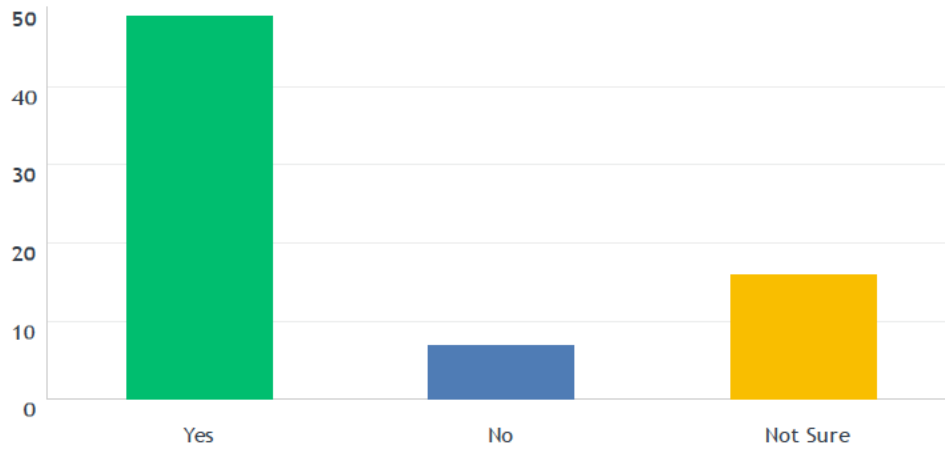
Q11 Why do you feel that the infringement(s) was inadvertent?

Answered: 8 Skipped: 649

#	RESPONSES	DATE
1	When I contacted them, they almost always said the same thing: "Oh, I didn't know I couldn't use it...I figured it was OK..." Once in a while, they got defensive saying, "I wasn't making money on it" or something to that effect. They didn't seem to understand that they couldn't/shouldn't do this.	8/7/2020 4:13 PM
2	They just don't think about it. There is a pervasive ignorance that the rights of the original creator matter, not just in terms of copyright, but for keeping the creator in business to create	8/5/2020 6:44 PM
3	They think they have the right do copy my stories and dont think about it.	8/5/2020 6:00 PM
4	because no one reads contracts	7/20/2020 3:48 AM
5	They had paid for other use.	7/15/2020 4:08 PM
6	They blamed it on a student employee who didn't know better. (A common response on a university campus.) Naturally, the u could train its staff appropriately; the lack of proper training is a deliberate choice.	7/8/2020 11:55 AM
7	They find images online and just grab them, or hire designers that grab them and remove the copyright and use it	7/7/2020 9:46 AM
8	people involved were totally ignorant of © rules	7/6/2020 4:47 PM

Q12 Did you lose revenue or opportunities because of the infringement?

Answered: 72 Skipped: 585



ANSWER CHOICES	RESPONSES	
Yes	68.06%	49
No	9.72%	7
Not Sure	22.22%	16
TOTAL		72

Q13 Please provide additional details about your loss of revenue or opportunities.

Answered: 47 Skipped: 610

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	I had to file an injunction to stop The University Press of Mississippi from publishing a collection of my late husband's interviews without permission. It was a necessary but very expensive exercise and one that also involved considerable time and energy. I had to pay attorneys to notify The University Press of Kentucky that the copyrights were held by me and that they needed to obtain permission for the usage in a book about my husband. And now I have again engaged attorneys to pursue my rights with The University Press of Kansas regarding yet another book about my husband. The investment in attorneys has been well over 100K and months of valuable time and energy.	8/14/2020 3:19 PM
2	My articles/writing were my income. By someone just plucking it out of the paper or my book and using it for their use to enhance a class, a document or for marketing purposes, they gain. I get no payment or credit, in some cases.	8/7/2020 4:15 PM
3	Loss of book sales	8/6/2020 2:54 AM
4	Provided above	8/5/2020 8:38 PM
5	Instead of browsing on a store front website, my books can now be browsed without limit--the entire book if you're patient enough--in Google's portal. This is true of copyrighted books not available without compensation to the author ANYWHERE--except Google of course.	8/5/2020 7:52 PM
6	Initially, the royalties I was paid by the original publisher dried up after the publisher stopped marketing it. Then, in 2016, the publisher (Thompson Publishing Group) sold my title in a series of sales to another publisher. It obtained whatever rights to sell from MUSC, not me.	8/5/2020 6:47 PM
7	When people can find my articles online without permission, they don't pay to read them, nor do they visit sites like my blog, or magazines to which I have given reprint permission.	8/5/2020 6:45 PM
8	Loss of academic career (I was advised not to file under copyright infringement because of sovereign immunity; won federal jury trial, case was reversed in 4th Circuit and it was stated in their brief that I should have filed copyright infringement but didn't).	8/5/2020 6:29 PM
9	If the entities had not been part of the State government, they would have had to pay me a licensing fee.	8/5/2020 6:02 PM
10	The students did not buy the books they were reading or did not take them out of the library to read.	8/5/2020 6:01 PM
11	Objecting to these potential copyright infringements seemed to carry negative career consequences and create interpersonal conflicts. The experience was difficult on an emotional level and made me want to quit the industry.	8/5/2020 5:54 PM
12	Lost book sales for. classroom use, lost rights sskez	8/5/2020 5:46 PM
13	my books have been downloaded for free more than 45k ; all are/were used in class work	8/5/2020 5:43 PM
14	Sales of my books have dropped precipitously.	8/5/2020 5:34 PM
15	Every channel, newspaper and online outlet used that video for free because nypd posted it as theirs	8/5/2020 12:46 PM
16	Because the Chicago Police Department took my footage, the broadcast networks that had initially declined my licensing fee began to run the footage. Fox News changed the chromakey on my footage to black and white, and began airing the footage during misleading news reports about the incident. White supremacist blogs, believing the footage to be of fair-use, began to air the footage as political propaganda. Several days later, the footage was aired by Ohio Republican Rep. Jim Jordan during a House Oversight committee hearing and credited to the Chicago Police Department.	8/5/2020 12:22 PM
17	N/A	8/4/2020 6:24 PM
18	My business involved using my art sculpture as a tourist attraction for my guided tours and events, for promoting my book, as well as selling tee shirts and other gift items.	8/4/2020 3:13 PM
19	I lost the promotional opportunity for tenure, track as adjunct faculty in the university. Without the benefit of informed consent to material alterations to my publication, I was not afforded the ability to access the property rights' infringement and secondary gain occurring which had	8/4/2020 5:21 AM

Survey on State Copyright Infringement

financial repercussions tied to courts and judicial proceedings previously adjudicated; and, yet to come.

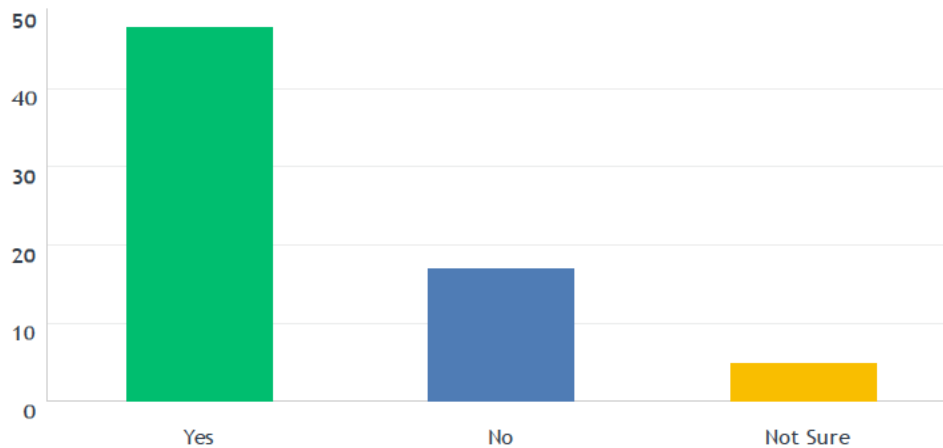
20	Hours of labor. 24hour day shifts. Deformation all my clients left my company, my employees left unpaid. My family "investers" stop supporting. The community change since. And negative allegations against me published throughout the world. All my female employees attacked by competitors using biological weapons. To compromise my health. Enlisting local thugs to reck havoc in the matter to reform human trafficking. FCC supports communication technology companies to violate the rights of citizens. Which I call it my control, human consciousness control and manipulation. Using products to conform the information, economy and peoples sense of judgement. I have lost money in just the confusion. And taking care of my child. I lost a few jobs over freedom of speech. Or just not being apart of a mafia or gang. When I understood that the worst of a few. Would attack the hood of alot of people. These people are children. I a man living my dream . Trying to live my dream as a native American in my own land. Which I own the north American continent. I am the last existing member of native American royalty in the United states or world. I own the west and the east of the United states. With this survey stating I should own it again. Legally twice.	7/22/2020 8:28 AM
21	lost subscriptions and licensing fees	7/22/2020 1:46 AM
22	Ownership of the software, and credit for its creation, was part of a larger battle for professional prestige between me and my former supervisor at the university. My former supervisor's misrepresentations cost me opportunities for professional consulting and licensing of my software.	7/20/2020 3:25 PM
23	higher usage fees	7/20/2020 3:48 AM
24	If a photo is used/displayed on a site that grants a creative commons license, that is bad!!! They are giving away the photo!	7/19/2020 5:45 PM
25	Loss of licensing for image use.	7/16/2020 2:03 PM
26	There had been a history of corporate sponsors negotiating usage rights for my work. The entity decided that this was no longer necessary and that they could provide the images without compensation to myself.	7/16/2020 12:19 AM
27	I lost everything including my oldest son.	7/15/2020 9:01 PM
28	Refused to pay for use.	7/15/2020 4:08 PM
29	We lost revenue due to them handing out to other media entities. Subpoena was delivered and our revenue was lost.	7/11/2020 2:56 AM
30	Customers I would sell photos to could no longer purchase my photos due to threatening action from state entity against my legal claims to my copyrights. Further, at least some, and I reasonably expect many, photographs of mine were shared or published online without permission or given directly to the customers that I intended to sell to them for profit. Loss of ability to sell or post some of my work harmed potential opportunities. Further, other photographers were then hired in my place.	7/10/2020 2:09 PM
31	I lost a huge amount of money; due to the stealing of others. But, some of them are jailed and in court for several reasons. My career is soaring. It is Illegal and Unfair to cheat anyone. My career was Never based upon these individuals. I Cut my losses and proceeded to move on.	7/9/2020 10:04 PM
32	I didn't get a license fee. I had to negotiate those fees as settlements after the fact. Had I not been a user of detection technologies I would not know about any of these commercial uses.	7/9/2020 10:24 AM
33	After they used it, it became a free for all for everyone around Michigan and the country to use it because they thought it was public domain but I own it	7/8/2020 1:18 PM
34	Re-publication comes at price!	7/8/2020 11:56 AM
35	people don't buy the movies	7/8/2020 10:32 AM
36	they continued use without a license	7/7/2020 10:42 PM
37	Lost licensing fees. Could be anywhere from \$500-\$1000	7/7/2020 3:56 PM
38	Forbes/Mexico took the image from the UH website and used it online for their publication and gave the UH the credit line for my image.	7/7/2020 2:32 PM

Survey on State Copyright Infringement

39	Because they gave this book away for free to 355,000 Texas A&M fans -- the core of my potential sales audience, this effort destroyed my sales of this new book .	7/7/2020 12:44 PM
40	State users refused to pay for any usage licenses, and digital media and printed class materials given away online for free.	7/7/2020 12:25 PM
41	they didn't pay for what they took and gave away, hurt my reputation, purchases of my books/passage lead to purchases of my other books, speaking and consulting engagements, personal appearance, participating in the events I put on and in other of my business activities	7/7/2020 10:07 AM
42	The images should have been licensed	7/7/2020 9:46 AM
43	licence fee unpaid, opportunity to make additional sales lost	7/7/2020 6:41 AM
44	I do not allow the use of my images without a paid license	7/6/2020 9:20 PM
45	Yes	7/6/2020 6:44 PM
46	Was used multiple times with out compensation	7/6/2020 4:42 PM
47	insufficient payment and opportunity to market first rights	7/6/2020 3:53 PM

Q14 Did you or someone acting on your behalf attempt to contact or notify the state organization about the infringement?

Answered: 70 Skipped: 587



ANSWER CHOICES	RESPONSES	
Yes	68.57%	48
No	24.29%	17
Not Sure	7.14%	5
TOTAL		70

Q15 How did the state respond?

Answered: 48 Skipped: 609

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	They ignored our assertion of copyrights.	8/14/2020 3:19 PM
2	I'd send an email. They either apologized, saying they were ignorant of the law; some seemed to feel that a university or classroom had the "right" to use anything they wanted. Or they got defensive. Some said they'd look into it.	8/7/2020 4:17 PM
3	Said they'd made it not readable, just preserved.	8/5/2020 9:00 PM
4	See earlier slide. They retreated, and then totally surrendered.	8/5/2020 7:53 PM
5	SCOTUS denied cert. Too bad for authors! Yay for Wall Street.	8/5/2020 7:53 PM
6	Professors are usually embarrassed and take down the article. But THEY ARE NOT REAL THIEVES. [REDACTED]	8/5/2020 6:48 PM
7	It did not.	8/5/2020 6:47 PM
8	Pending	8/5/2020 6:37 PM
9	We have no problem; this is not plagiarism—go away.	8/5/2020 6:30 PM
10	They said they were exempt because of government immunity.	8/5/2020 6:03 PM
11	They did not take any action.	8/5/2020 5:54 PM
12	They removed the book	8/5/2020 5:47 PM
13	Legal negotiations, some AG perhaps did.	8/5/2020 5:45 PM
14	They stopped using the photo.	8/4/2020 6:24 PM
15	First year and a half they ignored me. Then when I hired an attorney to sue them, they bullied me and spread fake news about me in the media.	8/4/2020 3:16 PM
16	I feel the state deflected my concern for academic licensure to creative works. Furthermore, the faculty union's representatives were not engaged with helping me in this matter. The pattern of neglect was, in my opinion, indicative of influence peddling in business and academic affairs, running contrary to sound public policy directives affecting students and their academic opportunity with regards to discrimination.	8/4/2020 5:29 AM
17	I sent several emails, they did not respond. This was shortly before pandemic broke out, I have not followed up / escalated (yet).	7/28/2020 9:57 AM
18	They responded unprofessionally like it was a joke or game. Wasn't taking seriously or responded too. Some do not believe, don't listen or violate my rights. By sharing that information. Mostly I hear about my attempts in life in a deformation way as a tool. To alter the perception of person psychology status. And through the ignorance of the consumers that by that brand of deformation infringement product. Response through disbelief fo to the nature of content that has been over product before my knowledge. I found out in 2017. It's been going on since my first sample was published. The Microsoft windows media app . Adds all songs in the their database like iTunes and spotify. Which is illegal. So no matter what a companies can get the information as fast as I created them. Or even can watch in real time each notation or action on my interface. Through a nother computer.	7/22/2020 8:36 AM
19	there was a lawsuit	7/22/2020 1:46 AM
20	They defied cease and desist letters from me and my attorneys, and ultimately they invoked sovereign immunity to evade responsibility for reckless infringement.	7/20/2020 3:26 PM
21	contacts had changed	7/20/2020 3:48 AM
22	They paid the first time, did not pay the second time.	7/19/2020 5:45 PM
23	Terminated my contract with the entity, we then filed suit for copyright infringement against the state and the corporate sponsors of the athletic department.	7/16/2020 12:22 AM
24	Stopped using images.	7/15/2020 4:09 PM
25	Claimed fair use.	7/11/2020 2:57 AM

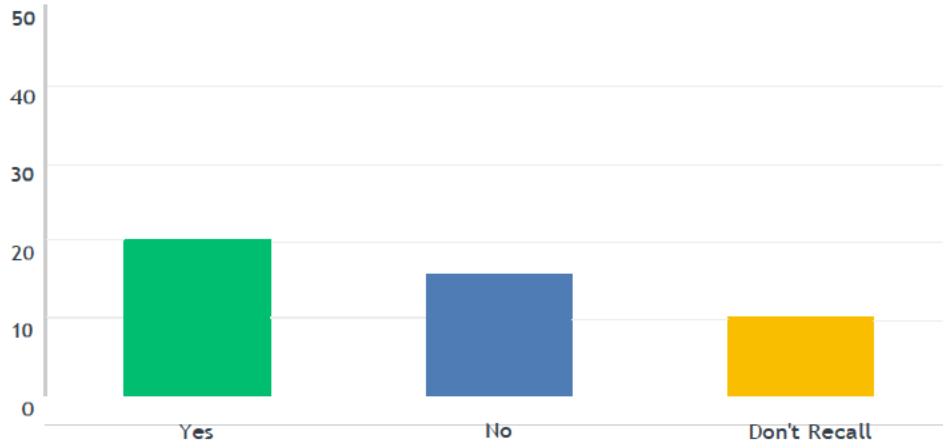
Survey on State Copyright Infringement

26	It denied wrong doing. It threatened to counter-sue. It continually dragged me along an "appeals process" which lasted for months, even years. At the end of three years it still barely acknowledged my copyrights.	7/10/2020 2:10 PM
27	Illinois was in cooperative. They refused to assist. Even the Union claimed I needed to be a member of their Federation. That is very untrue.	7/9/2020 10:05 PM
28	They disputed that they were liable and we did not get paid for the additional uses.	7/9/2020 4:09 PM
29	They settled.	7/9/2020 10:25 AM
30	State of Maine was served with a DMCA take down notice and removed images	7/8/2020 6:33 PM
31	went to federal court, then to Circuit court of appeals. the Director of the Visitors Bureau is Chris Ilitch- owner of the Detroit Tigers. Two of the 3 judges were from Detroit and had a ribbon cut on a baseball field in their honor. So they knew each other quite well and they should have recused themselves from the case	7/8/2020 1:20 PM
32	Acknowledged the error and asked a lot of questions about what she didn't realize s the DMCA.	7/8/2020 11:58 AM
33	They removed the picture.	7/8/2020 11:14 AM
34	claimed fair use despite a previous license agreement	7/7/2020 10:43 PM
35	Alabama took down image but refused to pay for infringing use. North Carolina appealed to the Supreme Court in Allen v. Cooper.	7/7/2020 5:23 PM
36	Take down.	7/7/2020 3:56 PM
37	The state responded that they had no responsibility to pay for the use of my image due to the State of Texas having sovereign immunity.	7/7/2020 2:33 PM
38	Still waiting	7/7/2020 12:51 PM
39	Yes	7/7/2020 12:44 PM
40	"we have sovereign immunity" or no response at all	7/7/2020 12:26 PM
41	sometimes they didn't, sometimes they claimed sovereign immunity, some school districts negotiated settlements	7/7/2020 10:08 AM
42	My lawyer handled the situations.	7/7/2020 9:33 AM
43	The state did not negotiate and refused to pay a license fee.	7/7/2020 7:35 AM
44	I didn't know exactly what to do so I got the run around	7/6/2020 8:11 PM
45	24	7/6/2020 6:44 PM
46	removed images	7/6/2020 4:48 PM
47	Denied they were the source of the infringement	7/6/2020 4:43 PM
48	Stated they were not bound by copyright	7/6/2020 3:54 PM

Q16 Did the state assert that it was not liable for the infringement due to the fact that states are generally immune from being sued under the 11th Amendment to the Constitution?

Answered: 48 Skipped: 609

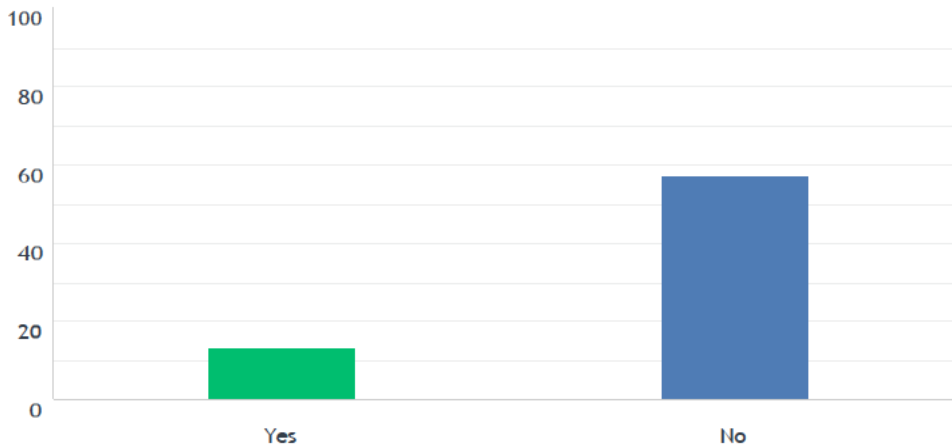
Survey on State Copyright Infringement



ANSWER CHOICES	RESPONSES	Count
Yes	43.75%	21
No	33.33%	16
Don't Recall	22.92%	11
TOTAL		48

Q17 Did you sue the state entity for the infringement?

Answered: 70 Skipped: 587



ANSWER CHOICES	RESPONSES	Count
Yes	18.57%	13
No	81.43%	57
TOTAL		70

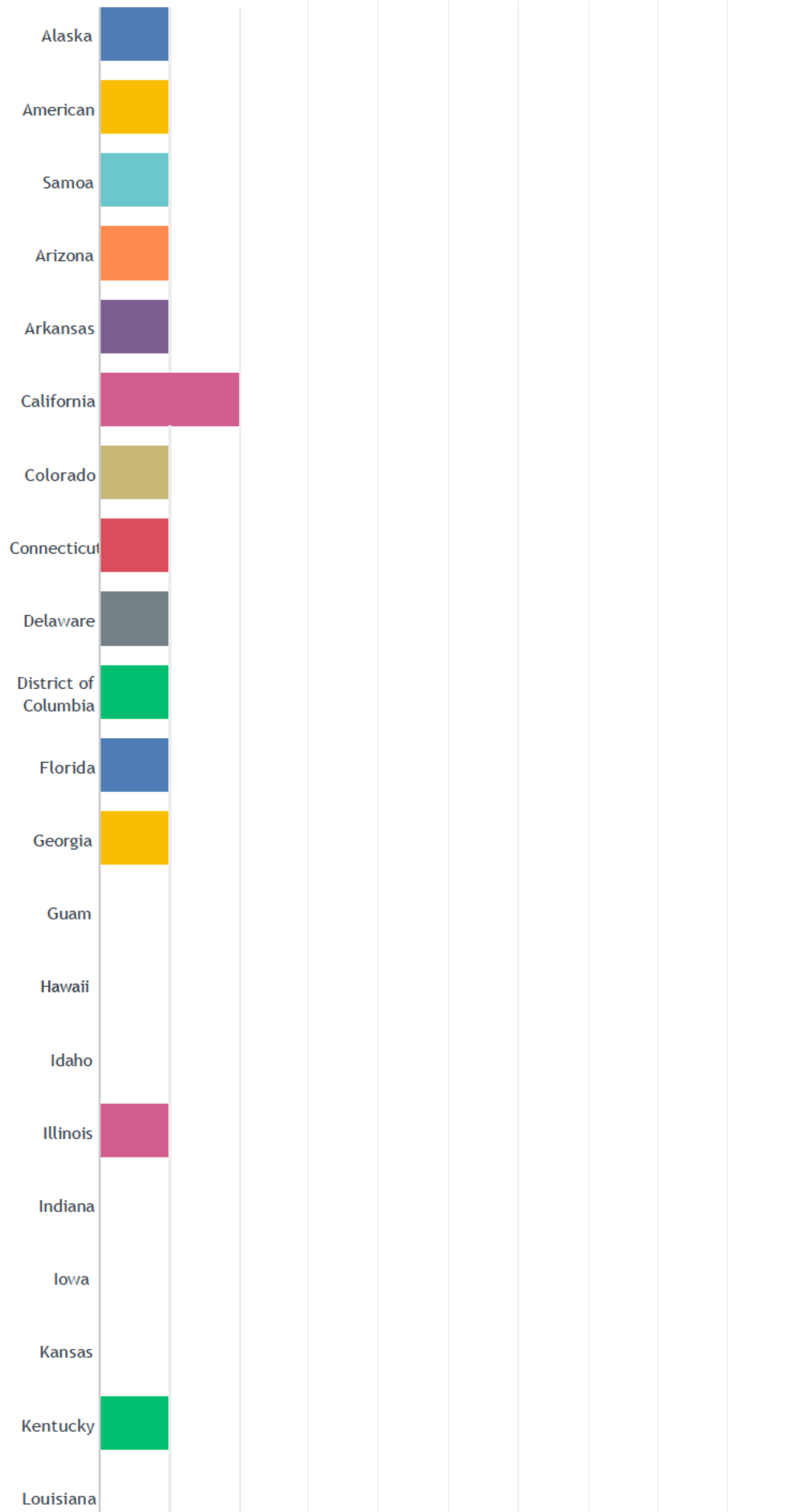
Q18 Where was the case was filed? Select all that apply.

Answered: 13 Skipped: 644

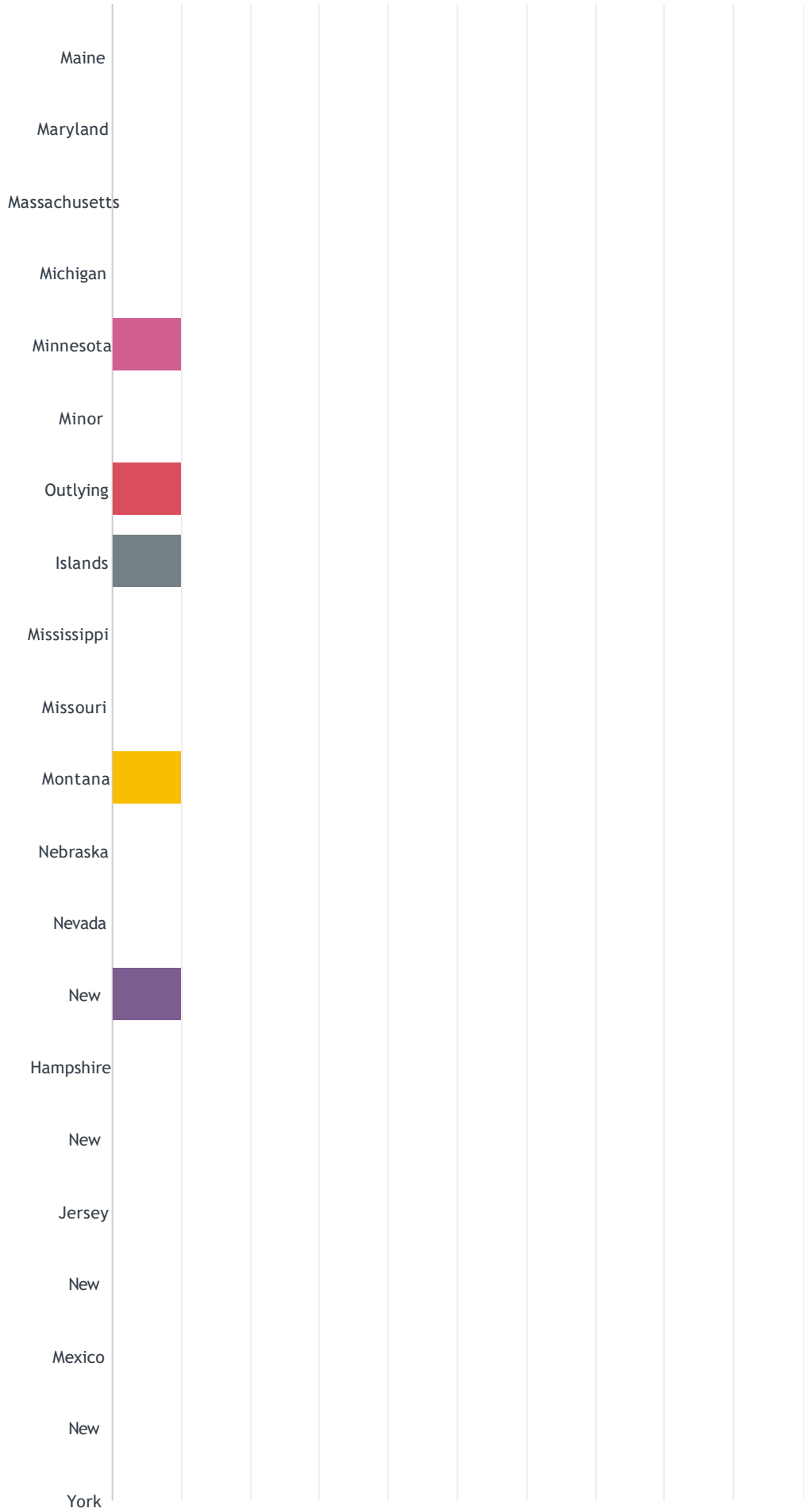


36 / 72

Survey on State Copyright Infringement



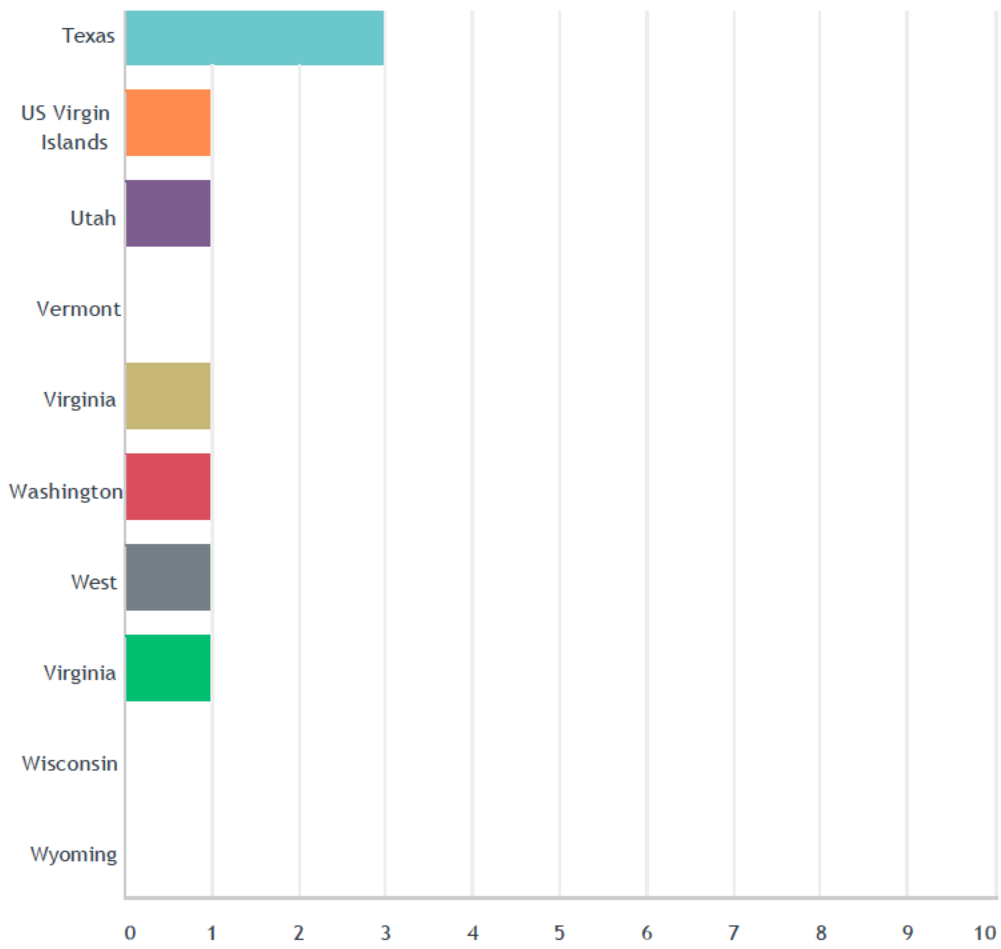
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ANSWER CHOICES	RESPONSES	
Alabama	7.69%	1
Alaska	7.69%	1
American	7.69%	1
Samoa	7.69%	1
Arizona	7.69%	1
Arkansas	7.69%	1
California	15.38%	2
Colorado	7.69%	1
Connecticut	7.69%	1
Delaware	7.69%	1
District of Columbia	7.69%	1
Florida	7.69%	1
Georgia	7.69%	1
Guam	0.00%	0
Hawaii	0.00%	0
Idaho	0.00%	0
Illinois	7.69%	1
Indiana	0.00%	0
Iowa	0.00%	0
Kansas	0.00%	0
Kentucky	7.69%	1
Louisiana	0.00%	0
Maine	0.00%	0
Maryland	0.00%	0
Massachusetts	0.00%	0
Michigan	0.00%	0
Minnesota	7.69%	1
Minor	0.00%	0
Outlying	7.69%	1
Islands	7.69%	1
Mississippi	0.00%	0
Missouri	0.00%	0

Survey on State Copyright Infringement

Montana	7.69%	1
Nebraska	0.00%	0
Nevada	0.00%	0
New Hampshire	7.69%	1
New Jersey	0.00%	0
New Mexico	0.00%	0
New York	0.00%	0
North Carolina	7.69%	1
North Dakota	0.00%	0
Ohio	0.00%	0
Oklahoma	0.00%	0
Oregon	0.00%	0
Pennsylvania	0.00%	0
Puerto Rico	0.00%	0
Rhode Island	0.00%	0
South Carolina	7.69%	1
South Dakota	0.00%	0
Tennessee	7.69%	1
Texas	23.08%	3
US Virgin Islands	7.69%	1

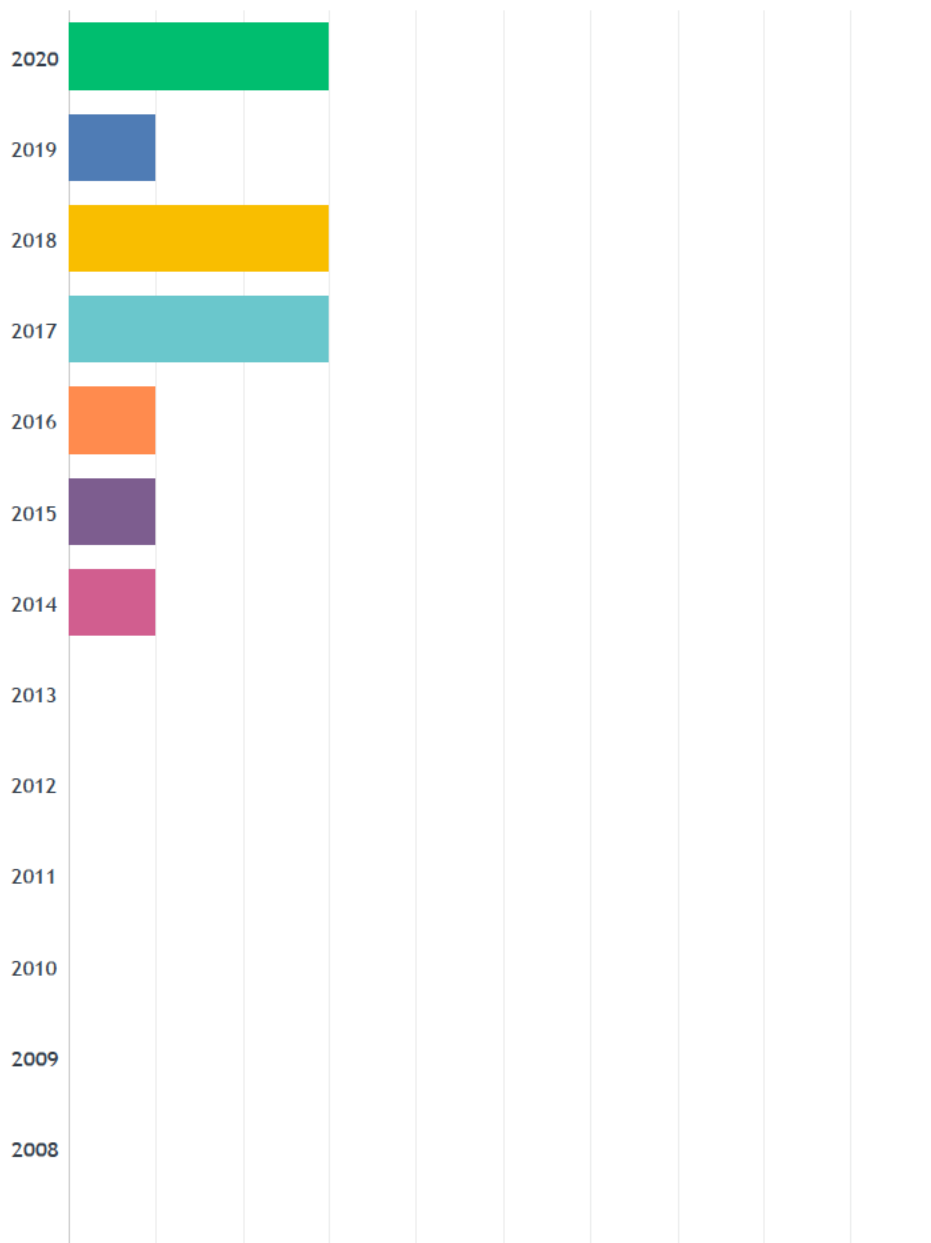
Survey on State Copyright Infringement

Utah	7.69%	1
Vermont	0.00%	0
Virginia	7.69%	1
Washington	7.69%	1
West	7.69%	1
Virginia	7.69%	1
Wisconsin	0.00%	0
Wyoming	0.00%	0

Total Respondents: 13

Q19 When was the case filed? Select all that apply.

Answered: 13 Skipped: 644



2007

Survey on State Copyright Infringement

2006

2005

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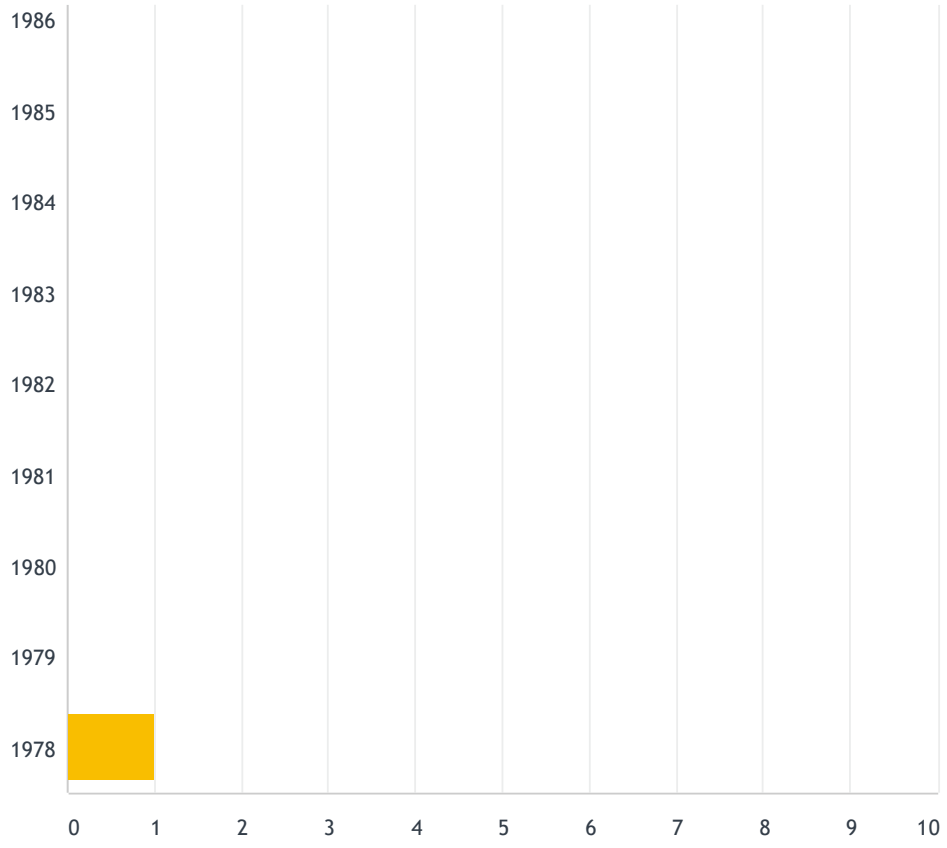
1990

1989

1988

1987

Survey on State Copyright Infringement



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
2020	23.08%	3
2019	7.69%	1
2018	23.08%	3
2017	23.08%	3
2016	7.69%	1
2015	7.69%	1
2014	7.69%	1
2013	0.00%	0
2012	0.00%	0
2011	0.00%	0
2010	0.00%	0
2009	0.00%	0
2008	0.00%	0
2007	0.00%	0
2006	0.00%	0
2005	0.00%	0
2004	0.00%	0
2003	0.00%	0
2002	0.00%	0
2001	0.00%	0
2000	0.00%	0
1999	0.00%	0
1998	0.00%	0
1997	0.00%	0
1996	0.00%	0
1995	0.00%	0
1994	0.00%	0
1993	0.00%	0
1992	0.00%	0
1991	0.00%	0
1990	0.00%	0
1989	0.00%	0

Survey on State Copyright Infringement

1988	0.00%	0
1987	0.00%	0
1986	0.00%	0
1985	0.00%	0
1984	0.00%	0
1983	0.00%	0
1982	0.00%	0
1981	0.00%	0
1980	0.00%	0
1979	0.00%	0
1978	7.69%	1

Total Respondents: 13

Q20 What claim(s) were brought regarding the infringement?

Answered: 11 Skipped: 646

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	We filed a complaint alleging that the University Press of Mississippi and ██████████ willfully infringed upon copyright intellectual property, by moving forward to publish an unauthorized collection of ██████████ Interviews and by asserting that they have the rights to do so. ██████████ and the Director of the University Press of Mississippi, ██████████ ██████████ were informed of the infringement, but repeatedly ignored written requests to cease and desist. (Note: ██████████ subsequently became Director of The University Press of Kentucky, representing another book about ██████████. My attorneys contacted her by letter and, again, she ignored our assertion of copyrighted intellectual property. ██████████ ██████████) Now, upon learning of a book about ██████████ planned for publication by The University Press of Kansas, attorneys are preparing a response to ██████████ for failure to obtain necessary permissions to use copyrighted intellectual property.	8/14/2020 3:31 PM
2	N/A, process is on-going.	8/5/2020 12:23 PM
3	Copyright infringement Unjust Enrichment Replevin	8/4/2020 3:25 PM
4	not sure	7/22/2020 1:47 AM
5	I asked for injunctive relief, legal fees, and financial damages for 18 months of unauthorized use of my software by several employees of the university	7/20/2020 3:29 PM
6	State entity illegally coerced and deprived students of copyright and even published photos without explicit permission.	7/10/2020 2:12 PM
7	copyright violation and possibly contract violation.	7/9/2020 4:10 PM
8	1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA Western Division Civil Case No. 5:15-cv-627 FREDERICK L. ALLEN and NAUTILUS PRODUCTIONS, LLC Plaintiffs v. PATRICK LLOYD MCCRORY, Governor of the State of North Carolina, in his official capacity; SUSAN WEAR KLUTTZ, Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KARIN COCHRAN, Chief Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KEVIN CHERRY, Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; CARY COX, Assistant Secretary, Marketing and Communications of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; STEPHEN R. CLAGGETT, State Archaeologist, individually and in his official capacity; JOHN W. MORRIS, Deputy State Archaeologist – Underwater and Director of the Underwater Archaeology Branch of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; JAMES W. DAVIS, North Carolina Senator, individually and in his official capacity; NORMAN W. SANDERSON, North Carolina Senator, individually and in his official capacity; NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES; STATE OF NORTH CAROLINA; and FRIENDS OF QUEEN ANNE’S REVENGE, A NONPROFIT CORPORATION Defendants FIRST AMENDED COMPLAINT (Jury Trial Demanded) Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 1 of 24 2 INTRODUCTION 1. This lawsuit involves a conspiracy to steal copyrights and misuse copyrighted photographs and media created by renowned documentary videographer Rick Allen and licensed to his company, Nautilus Productions, that Mr. Allen has painstakingly created since 1998 while documenting the retrieval of Queen Anne’s Revenge, the pirate Blackbeard’s flagship. 2. After the Department of Natural and Cultural Resources effectively admitted in a written agreement signed by Secretary Kluttz that the rights to this historically important videography belonged to Plaintiffs and were not to be used except under contract, the Defendants conspired to convert Plaintiffs’ copyrighted works into “public documents” that would be made available to the public without Plaintiffs’ consent and without compensation, in violation of the Constitutions of the United States and of North Carolina; and used and permitted others to publicly display, copy, and otherwise use Plaintiffs’ copyrighted works without Plaintiffs’ consent. 3. Defendants well knew or should have known that only Congress has the right to pass laws governing copyrights, yet conspired to craft and obtain passage of a North Carolina statute, N.C. Gen. Stat. §121-25(b) that removed Plaintiffs’ works, and those of similarly situated persons, from the copyright protection to which they are entitled. 4. While the motivation for this misconduct is yet to be fully understood, it appears that at least part of the reason was to create a defense to claims of infringement and breach of the Settlement Agreement. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 2 of 24 3 5. It appears that another part of the motivation for this misconduct was to assist the Defendant	7/7/2020 5:25 PM

Survey on State Copyright Infringement

Department, and the Defendant Friends of Queen Anne's Revenge and/or individuals associated with them, each of which would or expected to achieve considerable savings and profits from uncompensated use of Plaintiffs' work. Defendant Morris is not only an employee of the Defendant Department but also at times pertinent hereto was, and may still be, a member of the Board of Directors of the Friends of Queen Anne's Revenge, and his wife signed a contract with the Friends of Queen Anne's Revenge to produce educational and internet materials concerning the retrieval of the Queen Anne's Revenge, the very subject that had been well documented by Plaintiffs since inception of the recovery efforts. 6. Further details are set out in the paragraphs below; and each paragraph of this Complaint is incorporated by reference into each Count of the Complaint. PARTIES 7. Plaintiff Frederick ("Rick") L. Allen (hereafter referred to as "Mr. Allen") is an individual citizen and resident of Cumberland County, North Carolina. Mr. Allen has been producing documentaries and shooting video since 1983. As a video producer, director and HD videographer his work has appeared on ABC, A&E, BBC, CBS, Discovery, TLC, National Geographic, 48 Hours, ESPN, Lifetime, Turner and more. He has followed SWAT teams through the door on drug busts, traveled from Cuba to Kazakhstan with the 82nd Airborne, weathered live broadcasts during hurricanes, gone nose to nose with 14 foot Great White sharks during underwater expeditions and for nearly two decades has been the project videographer on the Queen Anne's Revenge Shipwreck Project. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 3 of 24 4 8. Plaintiff Nautilus Productions, LLC (hereafter referred to as "Nautilus"), is a limited liability company organized by under the laws of the State of North Carolina and having its principal place of business in Cumberland County, North Carolina. Nautilus was organized by Mr. Allen after he had spent more than a decade in broadcast television, to be his own video production company focused on documentary production as well as providing freelance HD production and underwater video services to broadcast, corporate and government clients. Nautilus, with Mr. Allen, has produced documentaries for the National Geographic International, the Canadian History Channel, North Carolina Public Television, Texas A&M, the Louisiana State Museum and the Bureau of Ocean Energy Management (US Dept. of the Interior) among others, and for many corporate clients. 9. Defendant Patrick Lloyd McCrory (also known as "Pat McCrory" and hereafter referred to as "Mr. McCrory" or "the Governor") is an individual North Carolina citizen, employed in Wake County, North Carolina, and on information and belief with residences in Wake County and Mecklenburg County, North Carolina and registered to vote in Mecklenburg County, North Carolina. Mr. McCrory currently serves as Governor of the State of North Carolina and has overarching control over the actions of the State and its agencies, and as a part of his official duties is responsible for those actions. He is sued in his official capacity. 10. Defendant Susan Wear Kluttz (hereafter referred to as "Ms. Kluttz" or "the Secretary") is an individual North Carolina citizen, employed in Wake County, North Carolina and on information and belief having residences in Wake County and Rowan County, North Carolina and registered to vote in Rowan County, North Carolina. Ms. Kluttz currently serves as Secretary of the North Carolina Department of Natural and Cultural Resources and supervises and controls the actions of that agency. Ms. Kluttz signed the Settlement Agreement referenced above, a copy of which is attached as Exhibit 1 to this Complaint, and Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 4 of 24 5 was responsible for its proper implementation. She at all times controlled or had the right and obligation to control use of the copyrighted works of Plaintiffs by the North Carolina Department of Natural and Cultural Resources. She is sued in her individual and official capacities. 11. Defendant Karin Cochran (hereafter referred to as "Ms. Cochran") is an individual North Carolina citizen, on information and belief residing and registered to vote in Wake County, North Carolina. Ms. Cochran currently serves as Chief Deputy Secretary of the North Carolina Department of Natural and Cultural Resources and is responsible for supervising the day to day operations of that agency. Ms. Cochran was present during the negotiations that led to the Settlement Agreement referenced above, and was responsible for its day to day implementation. She at all times controlled or had the right and obligation to control use of the copyrighted works of Plaintiffs by the North Carolina Department of Natural and Cultural Resources. She is sued in her individual and official capacities. 12. Defendant Kevin Cherry (hereafter referred to as "Dr. Cherry") is an individual North Carolina citizen, on information and belief residing and registered to vote in Cabarrus County, North Carolina. Dr. Cherry serves as the deputy secretary of the N.C. Department of Natural and Cultural Resources and director of the Office of Archives, History and Parks and oversees the operations of the divisions of State History and Maritime Museums, State Historic Sites and Properties, Archives and Records, Historical Resources (including the State Historic Preservation Office, Office of Historical Research, and the Office of State Archaeology), among others. Dr. Cherry personally participated in the negotiations that led to the Settlement Agreement. He at all times controlled or had the right and obligation to control use of the copyrighted works of Plaintiffs by those offices and divisions of the North Carolina Department of Natural and Cultural Resources

Survey on State Copyright Infringement

supervised by him, including the Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 5 of 24 6 posting of Plaintiffs' materials to DNCR's YouTube channel without Plaintiffs' consent as hereafter set out. He is sued in his individual and official capacities. 13. Defendant Cary Cox (hereafter referred to as "Ms. Cox") is an individual North Carolina citizen, on information and belief residing and registered to vote in Cabarrus County, North Carolina. Ms. Cox currently serves as Assistant Secretary, Marketing and Communications of the North Carolina Department of Natural and Cultural Resources and supervises and controls the actions of that agency. She at all times controlled or had the right and obligation to control use of the copyrighted works of Plaintiffs by the North Carolina Department of Natural and Cultural Resources in its marketing and communications, and controlled or had the right and obligation to control dissemination of Plaintiffs' copyrighted works to third parties. She is sued in her individual and official capacities. 14. Defendant Stephen R. Claggett (also known as "Steve Claggett" and hereafter referred to as "Mr. Claggett") is an individual North Carolina citizen, on information and belief residing and registered to vote in Wake County, North Carolina. Mr. Claggett currently serves as the State Archaeologist of the State of North Carolina, within the DNCR. He also during pertinent times was a member and officer of the Board of Directors of Friends of QAR and may still serve on that Board. Mr. Claggett participated in the negotiations leading to the Settlement Agreement referred to hereafter, was present when it was signed, and knew its provisions. He controlled or had the right and obligation to control use of the copyrighted works of Plaintiffs by the North Carolina Department of Natural and Cultural Resources. He is sued in his individual and official capacities. 15. Defendant John W. Morris (also known as "Billy Ray Morris" and hereafter referred to as "Mr. Morris") is an individual North Carolina citizen, on information and belief residing and registered to vote in New Hanover County, North Carolina. Mr. Morris currently serves as Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 6 of 24 7 the Deputy State Archaeologist – Underwater, and as Director of the Underwater Archaeology Branch of the North Carolina Department of Natural and Cultural Resources and he also has served during pertinent times hereto, and may continue to serve as a member (and is a past treasurer) of the Board of Directors of Defendant Friends of Queen Anne's Revenge, A Non-Profit Corporation (hereafter "Friends of QAR"). Mr. Morris is sued in his individual and official capacities. 16. James W. Davis (also known as "Jim Davis" and hereafter referred to as "Mr. Davis") is an individual North Carolina citizen, on information and belief having a residence in Macon County, North Carolina and registered to vote in Macon County, North Carolina. Mr. Davis is a Senator in the General Assembly of the State of North Carolina. He is sued in his individual and official capacities. On information and belief, based upon published admissions of codefendant Mr. Sanderson, Mr. Davis conspired and cooperated with other Defendants to cause the introduction, and contribute to the passage, of the amendment that ultimately became N.C. Gen.Stat. §121-25(b). 17. Norman Sanderson (hereafter referred to as "Mr. Sanderson") is an individual North Carolina citizen, on information and belief having a residence in Pamlico County, North Carolina and registered to vote in Pamlico County, North Carolina. Mr. Sanderson is a Senator in the General Assembly of the State of North Carolina. He is sued in his individual and official capacities. On information and belief, based upon published admissions, Mr. Sanderson cooperated and conspired with other Defendants to cause the introduction, and contribute to the passage, of the amendment that ultimately became N.C. Gen. Stat. §121-25(b). 18. The Department of Natural and Cultural Resources (formerly known as the Department of Cultural Resources and hereafter referred to as "DNCR") is a principal department and agency of the State of North Carolina, pursuant to Articles I and II of N.C. Gen. Stat. §143B. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 7 of 24 8 19. The State of North Carolina (hereafter referred to as the "State") is a state of the United States of America. 20. Defendant Friends of Queen Anne's Revenge, A Non-Profit Corporation ("Friends of QAR"), is a nonprofit corporation organized under the laws of North Carolina, and currently having its registered agent and its registered office in Carteret County, North Carolina. JURISDICTION AND VENUE 21. This action arises in part under the Declaratory Judgment Act, 28 U.S.C. §§2201-2202 and the copyright laws of the United States, 17 U.S.C. §101 et seq. as well as the Constitution of the United States of America and the Constitution of the State of North Carolina, and seeks a declaration that N.C. Gen. Stat. 125-25(b) is invalid, unconstitutional, and unenforceable as pre-empted by federal law, 17 U.S.C. §301, pursuant to U.S. Const. Art. VI, cl.2. and Art. VIII, §8, Cl. 8, and as a violation of the Takings Clause and Due Process Clause of the U.S. Constitution, Amends. V and XIV; and of the Law of the Land Clause of the North Carolina Constitution, N.C. Const. Art. I, §19; and for recovery of Plaintiffs' attorneys' fees and costs. There exists a case and controversy that is ripe for adjudication. 22. This Court has subject matter jurisdiction over the claims arising under the Constitution and laws of the United States, including those claims hereafter set forth seeking a declaration that N.C. Gen. Stat. §121-25(b) violates the United States constitution and the federal Copyright Act; and has original or supplemental jurisdiction over all

Survey on State Copyright Infringement

other claims set out herein. The Court's jurisdiction arising under the constitution and laws of the United States is set out in 28 U.S.C. §1331, with original jurisdiction over claims relating to copyright and infringements thereof set out in 28 U.S.C. §1338 and jurisdiction over declaratory judgment Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 8 of 24 9 actions set out in 28 U.S.C. §§2201-02; and this Court has jurisdiction over all other claims pursuant to 28 U.S.C. §1367 (a) because they form a part of the same case or controversy. 23. This Court has personal jurisdiction and venue because all parties reside in North Carolina and most of the pertinent acts set out hereafter occurred within the Eastern District of North Carolina. 24. All state employees named as individual Defendants herein knew or should have known, as a similarly situated reasonable person would have known, that depriving Plaintiffs of their copyrights and providing the State with rights that purport to supersede Plaintiffs' copyrights constitute violations of a federal statutory and constitutional right. 25. Each state employee's actions constituting copyright infringement were and are clearly outside the scope of activity permitted by the copyright statute, including reasonable interpretations of fair use. 26. All state employees named as individual Defendants herein, in carrying out the actions hereafter set forth, acted with malice or with reckless indifference to the federally protected rights of the aggrieved Plaintiffs. 27. The acts of each state employee named as a Defendant herein violated, and caused the DNCR and the State to violate, the federal and North Carolina constitutions; and each of these officials are thereby stripped of any otherwise-applicable immunity and are personally liable for their conduct. 28. To the extent sovereign immunity might otherwise apply, it has been waived by the State of North Carolina at least by reason of a contract entered by the State as hereafter described. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 9 of 24 10 GENERALLY APPLICABLE FACTS 29. For almost two decades, Plaintiffs have documented the finding and recovery of artifacts from the shipwreck believed to be, and known as, Queen Anne's Revenge, the former flagship of Edward Teach, more commonly known as the pirate Blackbeard. Queen Anne's Revenge was wrecked in 1718; the wreck was discovered in 1996 and Plaintiffs' documentary work commenced in approximately 1998. 30. Over the past years, Plaintiffs have produced a substantial archive of video and still images showing the underwater shipwreck and the efforts of teams of divers and archaeologists to recover various artifacts from the wreck. Plaintiffs have been involved in live educational video webcasts, producing video for public display, as well as production of materials for licensing and/or later review. 31. Plaintiff Rick Allen has faithfully performed and continues to perform his work relating to the Queen Anne's Revenge. 32. The copyrights in all pertinent materials filmed and photographed by Plaintiffs belong exclusively to Mr. Allen and are licensed to and commercialized by Nautilus. 33. Plaintiffs registered Mr. Allen's copyrights in his creative work with the United States Copyright Office and Mr. Allen owns, and Plaintiffs control and have the right to use the works covered by, at least the following registrations: Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 10 of 24 11 Reg. # Title
PA0001694134 Queen Anne's Revenge/Blackbeard Shipwreck Underwater Footage
PA0001846427 Queen Anne's Revenge Footage 1999 PA0001846499 Queen Anne's Revenge Footage 2000 PA0001846497 Queen Anne's Revenge Footage 2001 PA0001846494 Queen Anne's Revenge Footage 2004 PA0001846473 Queen Anne's Revenge Footage 2005 PA0001846465 Queen Anne's Revenge Footage 2006 PA0001846461 Queen Anne's Revenge Footage 2007 PA0001846457 Queen Anne's Revenge Footage 2008 PA0001846462 Queen Anne's Revenge Footage 2010 PA0001846470 Queen Anne's Revenge Footage 2012 PA0001872852 Queen Anne's Revenge Footage 2013 PA0001919638 Queen Anne's Revenge Footage 2014 34. In mid-2013, the Friends of QAR entered into an agreement to pay \$70,000 for production of various educational materials, including videos, an educational website and scholastic educational packets. Among the recipients of the funding was to be Nicole Morris, spouse of Defendant John Morris, an employee of DNCR; and Ms. Morris signed the agreement on behalf of one of the participating entities. A former employee of DNCR, Richard Lawrence, signed the agreement on behalf of the Friends of QAR. 35. Prior to October 15, 2013, the State and its DNCR infringed and contributed to infringement and induced infringement of Mr. Allen's registered copyrights by uploading video to the Internet without the consent of Plaintiffs, by publicly displaying, copying, and otherwise using the registered works, and by posting the works on the Internet, allowing and making possible copying by third parties, all without the consent of Plaintiffs. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 11 of 24 12 36. In and around June and August 2013, Mr. Allen notified Secretary Kluttz of the infringements and other violations of Plaintiffs' rights. 37. On October 15, 2013, the State and its DNCR entered into a written agreement (the Settlement Agreement) with Plaintiffs that superseded all prior agreements between the parties. 38. The Settlement Agreement contained, among other things, the following Paragraph 22: Copyright Violations. DCR agrees to compensate Nautilus Productions by payment of the cash sum of \$15,000 for any copyright infringements by DCR or its support groups occurring through the date of the

Survey on State Copyright Infringement

signing of this contract, including Friends of the Maritime Museum display photograph of the pile (central portion of the QAR shipwreck), DCR's Flickr account showing anchor A1 on the pile, DCR's website showing anchor A1 on the pile, DCR's News website showing anchor A2, and Friends of the QAR website showing mapping dividers (artifact). DCR shall pay Nautilus Productions \$15,000 by 31 January 2014. 39. On or about February 3, 2014, the State and DNCR made payment to Plaintiffs of the \$15,000 required by the Settlement Agreement and, as an accommodation to the parties, Plaintiffs accepted the late payment. 40. According to the Settlement Agreement, DNCR was permitted to retain for research purposes certain materials that contained both a time stamp and Nautilus watermark, but was not given the right to use those materials for any other purpose and was required to return all other materials to Nautilus. Specifically, Paragraph 21 of the Settlement Agreement required: Return of Video. DCR agrees to return to Nautilus Productions all archival footage, still photographs, and other media, produced by Nautilus Productions, which do not bear a time code stamp and a Nautilus Productions watermark (or bug). DCR may retain, for research purposes, archival footage, still photographs, and other media that contain a time code stamp and Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 12 of 24 13 watermark (or bug), and as to such media, DCR shall provide Nautilus with a current, accurate list. 41. The Settlement Agreement expressly waived any sovereign immunity otherwise available to the State and its agencies and employees by providing (in Paragraph 32) that in the event of breach, Plaintiffs could avail themselves of "all remedies provided by law or equity." 42. Each of the individual Defendants was aware of the Settlement Agreement. 43. The State retained for research purposes, as permitted by the Paragraph 21 of the Settlement Agreement, archival footage, still photographs, and other media that contain a time code stamp and watermark (or bug), including over eighty (80) hours of such video footage contained on approximately 83 DVD's. All of these works were created by Plaintiffs and are covered by at least one of the above-referenced copyright registrations. 44. After signing the Settlement Agreement, the State and its DNCR resumed infringing Plaintiffs' copyrights. The infringements that occurred after the Settlement Agreement included at least the following works, each of which infringed at least one of the above-listed registered works and each of which was published, performed, and/or displayed at least at the location listed below, without consent of Plaintiffs: Title Of Infringing Work Published At Approx. Location David Moore On Capturing Blackbeard's 13th Cannon <https://www.youtube.com/watch?v=9KfhKYzLRJM> 3:17 min. Raising Blackbeard's Anchor, May 27, 2011 <https://www.youtube.com/watch?v=MTeDBYzo3ps> 4:25 min. Blackbeard's Queen Anne's Revenge 1718 <https://www.youtube.com/watch?v=DdOdDFnyemQ> 3:05 min. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 13 of 24 14 Title Of Infringing Work Published At Approx. Location Raising Blackbeard's Cannon From A Conservators Point of View <https://www.youtube.com/watch?v=kN3PLPMUVbE> 2:27 min. What's New At QAR Lab <https://www.youtube.com/watch?v=RkeWj1GBx0Q> 4:18 min. Maritimes, Winter/Spring 2013, p. 13 http://digital.ncdcr.gov/cdm/compoundobject/collectio_n/p16062coll9/id/189990/rec/5_n/a (still image in print material) 45. Even after the initiation of this lawsuit over three months ago, DNCR continued to publish, display and/or perform at least many of the above-listed infringing works at these and/or other locations. 46. Thus, Defendants infringed and contributed to infringement and induced infringement of Mr. Allen's registered copyrights by uploading video to the Internet without the consent of Plaintiffs, by publicly displaying, copying, and otherwise using the registered works, and by posting the works on the Internet, allowing, encouraging and making possible copying by third parties, all without the consent of Plaintiffs. 47. As a result of these actions by Defendants, including but not limited to the State and its DNCR, and which at least Secretary Klutz and Mr. Morris oversaw and either initiated or failed to prevent despite having a duty to do so, Mr. Allen's copyrighted work is now publicly viewable, downloadable and posted without permission or license from Plaintiffs. 48. Plaintiffs issued Takedown Notices in an effort to ameliorate the damage from these unauthorized infringements. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 14 of 24 15 49. Defendants, concerned about their own liability and, on information and belief, in order to enhance the private business efforts of Friends of QAR and of Mr. Morris's wife, developed a plan to steal Plaintiffs' copyright assets and convert them to the use of the State and of themselves, all without payment to Plaintiffs. 50. Defendants collectively wrote, caused to be introduced, lobbied for passage of, and obtained passage of an amendment to an existing North Carolina statute, so that the pertinent section of the statute, as amended, read as follows: §121-25. License to conduct exploration, recovery or salvage operations. (b) All photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions shall be a public record pursuant to G.S. 132-1. There shall be no limitation on the use of or no requirement to alter any such photograph, video recordings, or other documentary material, and any such provision in any agreement, permit, or license shall be void and

Survey on State Copyright Infringement

unenforceable as a matter of public policy. 51. The amendment was on information and belief drafted by Defendant DNCR and its employees. 52. The amendment was on information and belief introduced by Defendant Senators Sanderson and Davis. It was tacked on to a bill entitled: An Act to Allow the Department of Cultural Resources, Office of Archives and History, to Use the Net Proceeds of the Sale of Artifacts for Maintenance or Conservation of Other Artifacts; to Clarify the Process for Transferring Title of Unclaimed or Undocumented Property Loaned to Museums and Historical Repositories to those Museums and Historical Repositories; and to Set a Time Limitation on Confidentiality of Records.” Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 15 of 24 16 The short title of the act, prior to amendment, was “Change DCR Process for Unclaimed Property.” 53. According to published newspaper reports, Mr. Sanderson admitted on or about July 30, 2015, prior to passage of the bill, that the amendment creating N.C. Gen. Stat. §121-25(b) was introduced by Mr. Davis and Mr. Sanderson at the request of DNCR, because of a lawsuit alleging that DNCR had breached the Settlement Agreement. 54. The amendment was passed and the bill containing the amendment was signed by Governor McCrory on August 18, 2015, thereby becoming effective as Session Law 2015-218 on August 18, 2015. 55. At the time he signed the bill, Governor McCrory was or should have been aware of the earlier Settlement Agreement, and aware that the amendment creating N.C. Gen. Stat. §121- 25(b) was motivated by a desire to avoid liability on account of breaches of the Settlement Agreement and of copyright infringements. 56. The effect of N.C. Gen. Stat. §121-25(b) is to convert each of the copyrighted works of Plaintiffs that are in the possession of the State into “a public record” as to which there is now “no limitation on the use of...any such photograph, video recordings, or other documentary material.” 57. Enforcement of N.C. Gen. Stat. §121-25(b) would deprive Plaintiffs of the copyrights in their works and the benefits of those copyrights and the license to use the work to which they are entitled under the United States Copyright Act, 17 U.S.C. §101 et seq. and constitutes a Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 16 of 24 17 violation of the Takings Clause of the North Carolina Constitution and of the Fifth and Fourteenth Amendments to the United States Constitution. 58. The State of North Carolina, Ms. Klutz, and DNCR already have relied on Session Law 2015-218, in response to a different lawsuit (to which Plaintiffs are not a party), alleging violations of the Settlement Agreement, pleading among other things that: Regardless of whether the Department infringed upon Plaintiff’s alleged intellectual property rights or breached the contract, which the Department expressly denies, any relief for the alleged infringement and breach of contract should be denied because the purported contract forming the basis for Plaintiff’s action...is void, illegal and unenforceable, in its entirety or in part, as being against ... public policy... Therefore, Department is not responsible for and has no liability to Plaintiff under the alleged contract and/or its parts. 59. In October, the State of North Carolina, Ms. Klutz, and DNCR filed a pleading in the same State Court lawsuit (Wake County Civil Action 15-CVS-009995) wherein they asserted the above-quoted defense relying on Session Law 2015-218, alleging that Plaintiffs are necessary parties to that lawsuit. Plaintiffs have not agreed to join in the Wake County lawsuit and so far as Plaintiffs are aware, no action has been taken on that pleading and no motion has been filed to implead Plaintiffs. 60. State courts have no right to adjudicate claims of copyright infringement, and these Defendants’ efforts to implead Plaintiffs in their state court litigation further evidences Defendants’ attempt to prevent Plaintiffs from obtaining redress for Defendants’ copyright infringements, whether by way of injunctive relief or damages; and further emphasizes the need for prompt adjudication that N.C. Gen. Stat. §121-25(b) is invalid and unenforceable. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 17 of 24 18 61. On information and belief, taking advantage of their position that the Settlement Agreement is void as against public policy, Defendants have entered into, and/or attempted to fulfill, contracts purporting to allow third parties the benefits that formerly would have accrued to Plaintiffs under that agreement. COUNT I DECLARATORY JUDGMENT DECLARATION OF STATUTE’S INVALIDITY 62. N. C. Gen. Stat. §121-25(b) converts, without the permission of the author and without compensation, all photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions into public documents; and permits the unlimited use of such works by third parties without the consent of the author. 63. Congress is granted the right to legislate in the field of copyright pursuant to pursuant to U.S. Const. Art. VIII, §8, Cl. 8; and is entitled to provide that its legislation has pre-emptive effect pursuant to U.S. Const. Art. VI, Cl.2. 64. N.C. Gen. Stat. §121-25(b) purports to govern rights that are equivalent to exclusive rights within the general scope of copyright as specified by 17 U.S.C. §106 in works of authorship that are fixed in a tangible medium of expression and come within the subject matter of copyright as specified by 17 U.S.C. §§102 and 103. 65. N. C. Gen. Stat. §121-25(b) is pre-empted by the Copyright Act of the United States of America, 17 U.S.C. §101 et seq., which

Survey on State Copyright Infringement

expressly provides, in 17 U.S.C. §301(a), that no Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 18 of 24 19 person is entitled to any such right or equivalent right in any such work under the common law or statutes of any State. 66. N. C. Gen. Stat. §121-25(b) is additionally invalid, unconstitutional and unenforceable because it violates the Takings Clause and Due Process Clause of the United States Constitution, U.S. Const. Amends. V and XIV; and the Law of the Land Clause of the North Carolina Constitution, N.C. Const. Art. I, §19, by converting to public documents, without due process, without rights for notice and opportunity to be heard, and without compensation to the copyright owners, all photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions; and by permitting the uncompensated use thereof by third parties without due process and without compensation to the copyright owners. 67. N. C. Gen. Stat. §121-25(b) is void and without legal force and effect; and its enforcement would deprive Plaintiffs of their property and/or the benefit of their property without due process and without recompense. 68. An actual, justiciable case or controversy exists between the parties as to the validity and enforceability of N.C. Gen. Stat. §121-25(b). 69. Plaintiffs are entitled to a declaration from the Court that N.C. Gen. Stat. §121-25(b) is unconstitutional, pre-empted by the Copyright Act, and altogether void and without legal force and effect. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 19 of 24 20 COUNT II COPYRIGHT INFRINGEMENT 70. Defendants jointly and severally have infringed the copyrights owned by Mr. Allen and damaged his licensee, Nautilus, by making or authorizing copies of Plaintiffs' works and posting or authorizing the posting and/or printing of the same in locations accessible to the public, from which further copies can and inevitably will be made by viewers. 71. Defendants McCrory and Kluttz and each of the defendants employed within DNCR had the ability to prevent and halt at least many of the infringements, and collectively had the ability to prevent and halt all of the infringements, but took no steps to do so. 72. To the extent, if any, that there is no direct liability for infringement by any of Defendants, said Defendants contributed to the infringements of other Defendants and/or benefited therefrom and are vicariously liable therefor. 73. Defendants have failed to recompense Plaintiffs for use of those copyrights, including use not only directly by Defendants but also use by each third party who gained access to Plaintiffs' works and made unlawful use of them as a result of Defendants' infringements. 74. Defendants, having previously infringed the copyrights in Mr. Allen's work, for which payment was previously made to Plaintiffs, knew or should have known their misappropriations of Plaintiffs' work were unlawful, and their above-described infringements were willful. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 20 of 24 21 75. Defendants' continued unlawful conduct clearly is not deterred by the prospect of monetary sanctions and injunctive relief is necessary in addition to monetary recompense because Plaintiffs have no adequate remedy at law. COUNT III VIOLATION OF 42 U.S.C. §1983 76. Defendants have acted in concert and under color of state law to pass N.C. Gen. Stat §121- 25(b), and to threaten Plaintiffs and Plaintiffs' vendors with enforcement thereof. 77. The Copyright Act was intended to benefit persons, such as Plaintiffs, who author (whether directly or as works for hire) works, who own copyrights in those works or are the licensees of copyrights, and who seek to benefit from and to enforce their rights therein. 78. Defendants attempted to deprive Plaintiffs to access to the courts for purposes of asserting Plaintiffs' legal rights. 79. Defendants' efforts to prevent Plaintiffs from enforcing rights under the Copyright Act, by passing and seeking to enforce N.C. Gen. Stat. §121-25(b), were willful and each of Defendants knew or should have known the proposed and ultimately enacted statute was unconstitutional and pre-empted by federal law, and that its passage and enforcement would harm both generally the class of persons whom the Copyright Act was intended to protect, and more specifically would harm Plaintiffs and the other private party to the Settlement Agreement (i.e., Intersal, Inc., Mr. Allen, and Nautilus), at whom the law was directed. 80. The acts complained of herein and above constitute an unconstitutional taking in violation of the Fifth Amendment of the United States Constitution. Moreover, Defendants have acted Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 21 of 24 22 without a modicum of concern for at least the individual Plaintiff's rights for notice and opportunity to be heard, all in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. COUNT IV UNFAIR AND DECEPTIVE TRADE PRACTICES 81. Plaintiffs license, in commerce, from their location in North Carolina, the right to copy and use Plaintiff's video documentary works; and Plaintiffs are compensated for such use. 82. Defendants' wrongful actions described hereinabove were and are calculated to benefit DNCR, the Friends of QAR, and the spouse of Defendant Morris. 83. Defendants deliberately caused an unconstitutional and pre-empted statute, that any reasonable person in their position would have known violated clearly established statutory and constitutional rights, to be introduced, passed, and sought to be enforced. 84. Defendants unfairly and deceptively sought to compete with Plaintiffs in the marketing of Plaintiffs' work,

Survey on State Copyright Infringement

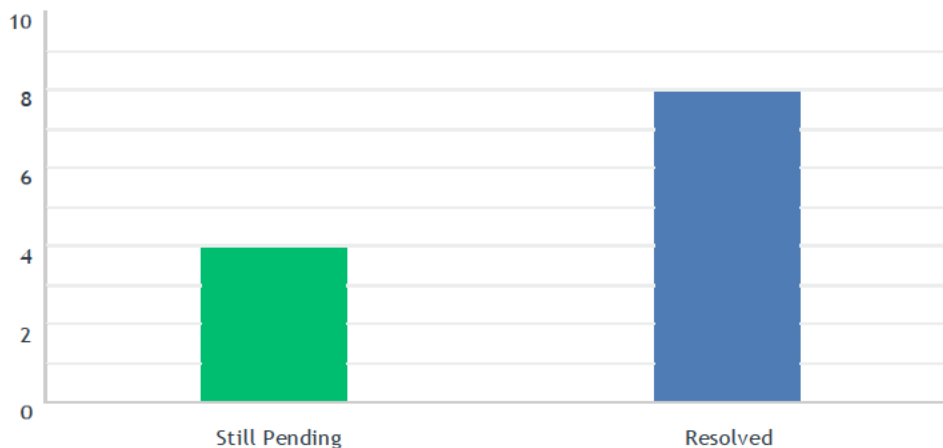
by unlawfully removing from that work the copyright protection to which it was entitled and declaring that contracts acknowledging the copyrighted status of the work were void as a matter of public policy, and by otherwise implementing the provisions of N.C. Gen. Stat. §121-25(b). 85. Defendants' actions were in and affecting North Carolina commerce. 86. Plaintiffs were harmed by Defendants' unfair and deceptive actions. Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 22 of 24 23 COUNT V CIVIL CONSPIRACY 87. Defendants agreed with each other to carry out the unlawful acts hereinabove alleged, the purpose and effect of which was to injure Plaintiffs by depriving them of property that was rightfully theirs and to prevent Plaintiffs from asserting their legal rights. 88. Each of defendants committed at least one of the overt acts taken in support of, and to achieve the effects of, the conspiracy. 89. As a proximate result of the acts committed in furtherance of the agreement, Plaintiffs suffered injury, including but not limited to those injuries alleged above. PRAYER FOR RELIEF Plaintiffs demand trial by jury as to all issues so triable; and seek the following relief: a) Declaratory judgment that N.C. Gen. Stat. §121-25(b) is void and unenforceable. b) An injunction prohibiting enforcement of said statute; c) An award of damages to Plaintiffs from defendants, jointly and severally to the extent not prohibited by the Eleventh Amendment or other immunity, sufficient to compensate Plaintiffs pursuant to each count set out above, together with their attorneys' fees and costs. d) Trebling of such damages, on account of the willful nature of the conduct and, further, pursuant to statute; e) In the alternative and/or to the extent not duplicative, an award of punitive damages in an amount sufficient to deter conduct such as that set out hereinabove; Case 5:15-cv-00627-BO Document 12 Filed 03/07/16 Page 23 of 24 24 f) In the alternative to recovery of the actual damages suffered as a result of the copyright infringements and any profits of the infringer with respect to such copyright infringements, an award of statutory damages for all infringements involved in the action as provided in 17 U.S.C. Sec. 504(c), together with an award of attorneys' fees and costs; g)

[REDACTED]

9	The State of Texas was sued for 'taking' my image.	7/7/2020 2:35 PM
10	unlicensed image use	7/7/2020 12:52 PM
11	copyright infringement, Takings and DMCA violations	7/7/2020 12:46 PM

Q21 Is the case pending or was it resolved?

Answered: 12 Skipped: 645



Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
Still Pending	33.33%	4
Resolved	66.67%	8
TOTAL		12

Q22 Please tell us what happened

Answered: 7 Skipped: 650

#	RESPONSES	DATE
1	In 2016, the judge denied our injunction because we could not state the precise contents of the collection of [REDACTED] Interviews that was to be published by The University Press of Mississippi and we could not state the precise date of publication (though the editors website stated that publication was "imminent"). We responded by saying that we would pursue our rights and continue our lawsuits against the parties involved if they chose to publish the book. The editor, [REDACTED], stated that she could not afford to continue the legal battle and said she withdrew the book. The director of The University Press of Mississippi, [REDACTED], left Mississippi and became the director of The University Press of Kentucky, where she again shepherded a [REDACTED] book and, again, ignored our assertion of rights to [REDACTED] intellectual property. We have not yet filed a case against The University Press of Kansas for its planned publication of a [REDACTED] book in Oct. 2020. We contacted the major collections with [REDACTED] (Boston University, SMU DeGroyler Library, Columbia University, NYPL, and all stated that they had received none of the permission requests necessary for any publication of their materials. And I received no requests for permission to use the copyrighted material.) The attorneys are determining the best course of action.	8/14/2020 3:39 PM
2	The Board of County Commissioners in Lee County Florida finally took our 6th settlement offer to give me back my sculpture - the same offer I gave them 3 years earlier before I had to hire an attorney to sue them in federal court. I lost a lot of money in attorneys fees as well as losing my business but I could not let them get away with stealing my art and let them get away with this injustice.	8/4/2020 3:33 PM
3	The university said it would invoke sovereign immunity against any financial damages or legal fees. Their litigator drew a hard line on this from the start. I would have to fight a legal motion on immunity before my suit could ever be heard. I would have to stake a large amount of legal fees with some risk of losing and it would tie the case up for years. I could not afford the risk. The University has a legal office with 20 lawyers and a full time litigator. I was bullied down by them. I withdrew the suit in return for a written settlement in which the university acknowledged that I always owned the software and that it was written by me, not be their employees. They agreed to destroy all copies of the software. So I got injunctive relief in the end, but only after 18 months of reckless infringement had occurred, and at the cost of tens of thousands of dollars in legal fees.	7/20/2020 3:41 PM
4	dismissed	7/16/2020 12:27 AM
5	Settled out of court.	7/10/2020 2:12 PM
6	the judge ruled against us citing inability for States to be sued for copyright violation.	7/9/2020 4:11 PM
7	SCOTUS ruled in favor of NC saying NC had sovereign immunity in copyright.	7/7/2020 5:26 PM

Q23 Why didn't you sue the state?

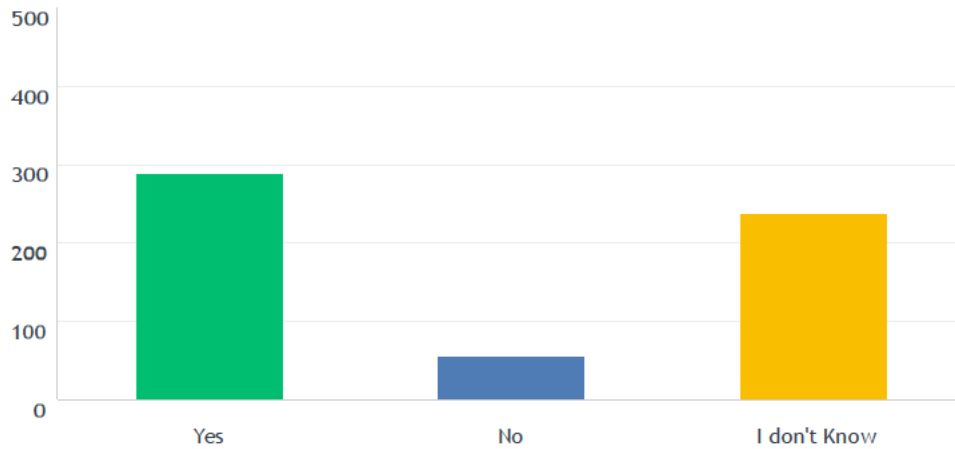
Answered: 0 Skipped: 657

#	RESPONSES	DATE
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There are no responses.

Q24 If you found out that a state entity was infringing your work and you could not obtain money damages against the state entity but could get an injunction to prevent future infringements of that work by the state, would you be willing to sue the state for infringement anyway?

Answered: 580 Skipped: 77



ANSWER CHOICES	RESPONSES
Yes	49.66% 288
No	9.48% 55
I don't Know	40.86% 237
TOTAL	580

Q25 Please explain why you would not be willing to sue the state for infringement?

Answered: 42 Skipped: 615

Survey on State Copyright Infringement

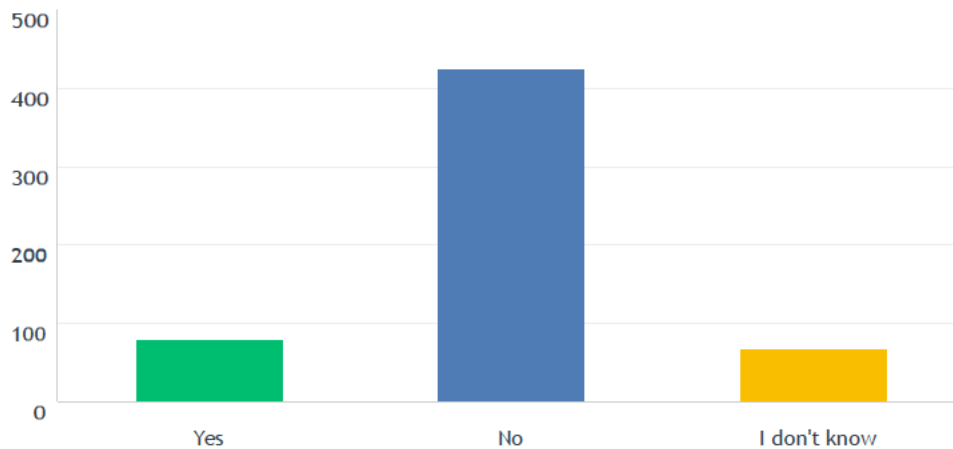
#	RESPONSES	DATE
1	Would cost too much.	8/7/2020 7:53 PM
2	Need funds just to sue in the first place.	8/6/2020 8:20 PM
3	The expense	8/6/2020 7:35 PM
4	I can't afford the legal fees.	8/6/2020 5:26 PM
5	I don't make enough money from writing to pay a lawyer.	8/6/2020 5:05 PM
6	Too much expense and trouble.	8/6/2020 1:50 PM
7	Just doesn't seem worth it. If I could get them to stop doing it, that would be enough.	8/6/2020 12:41 PM
8	Too expensive and time and attention consuming.	8/6/2020 11:58 AM
9	Not worth the trouble.	8/6/2020 10:48 AM
10	Lawsuits are expensive and usually a waste of time, and the amount to be recovered too small to justify the effort.	8/6/2020 9:35 AM
11	Cost-benefit; a lot of work to sue	8/6/2020 9:02 AM
12	I am a green card holder, not a US citizen, and I try to keep clear of any legal dealings.	8/6/2020 8:22 AM
13	Cost and trouble of litigation is prohibitive for me. Also, I write history for the purpose of distribution, which makes me insensitive to use. My publishers would, of course, disagree.	8/6/2020 7:56 AM
14	Likely to be expensive and time-consuming with good results not assured.	8/5/2020 9:07 PM
15	A settlement would show good faith, and I would not hold the state liable for the irresponsible act of the individual who executed the theft.	8/5/2020 7:33 PM
16	I don't like lawsuits.	8/5/2020 7:30 PM
17	I'm the co-author of Medicine Cards, the first animal deck that I know of. You could call it the mother of a thousand other decks. I've seen the info in the book infringed hundreds of times.	8/5/2020 6:53 PM
18	I don't think my body of work to date is all that valuable	8/5/2020 6:39 PM
19	Because there is no chance for restitution at the end of the process	8/5/2020 6:35 PM
20	It would take a lot of time and money.	8/5/2020 6:12 PM
21	IAW SUITS ARE COSTLY AND TIME CONSUMING	8/5/2020 6:08 PM
22	Takes time and effort, and if no damages are involved would take me away from my creative work.	8/5/2020 6:04 PM
23	suing every time I am infringed is impossible-- getting paid everytime I am enfringed, and the enfringers knowing that will happen-- will prevent enfringement. Right now they know they are likely to get away with. The weakest pay to try to enforce the law.	8/5/2020 5:45 PM
24	I don't have the time or emotional energy to sue. I want people to do good work. I am eventually compensated when people who have stolen my stuff call to ask me for help.	8/5/2020 5:32 PM
25	Lawsuits keep you tied to the issue forever. They are more damaging than anything I would get.	8/5/2020 5:27 PM
26	Too expensive. Legal proceedings are too expensive for private citizens to make use of.	7/26/2020 10:57 AM
27	I want to be paid for my hard work and damaged reputation and I want my music career and I want it prosperous.	7/15/2020 9:03 PM
28	I want money. Government needs to understand they can't cheat with amendments.	7/11/2020 2:58 AM
29	It would depend on the severity of the copyright infringement but I would be unlikely to pursue a lawsuit for a relatively minor infraction, such as a picture of a SUNY athlete on a college's respective website. Political pictures, however, would be evaluated on a case-by-case basis.	7/9/2020 10:18 AM
30	no chance, they own all the judges	7/8/2020 1:21 PM

Survey on State Copyright Infringement

31	Because we are a small publishing company/indie record label and would not have the funds to start a lawsuit against a state that has unlimited funds.	7/8/2020 1:03 PM
32	too	7/7/2020 10:34 PM
33	My income is not tied to my published work. My book was meant to be read; by whom and under what conditions are irrelevant to me	7/7/2020 2:13 PM
34	high costs of time and money, stress	7/7/2020 10:10 AM
35	There is no point in suing if there is no compensation, it's just a big waste of your time and energy	7/7/2020 9:48 AM
36	Their size and resources	7/7/2020 9:22 AM
37	A lot of work for no return	7/7/2020 6:42 AM
38	Legal fees would be too high to not be compensated.	7/7/2020 4:30 AM
39	Not monetarily feasible	7/6/2020 9:21 PM
40	Time consuming	7/6/2020 7:16 PM
41	i have no proof	7/6/2020 4:24 PM
42	Cost versus return	7/6/2020 3:55 PM

Q26 Do you sell or license your copyrighted works to state entities?

Answered: 571 Skipped: 86

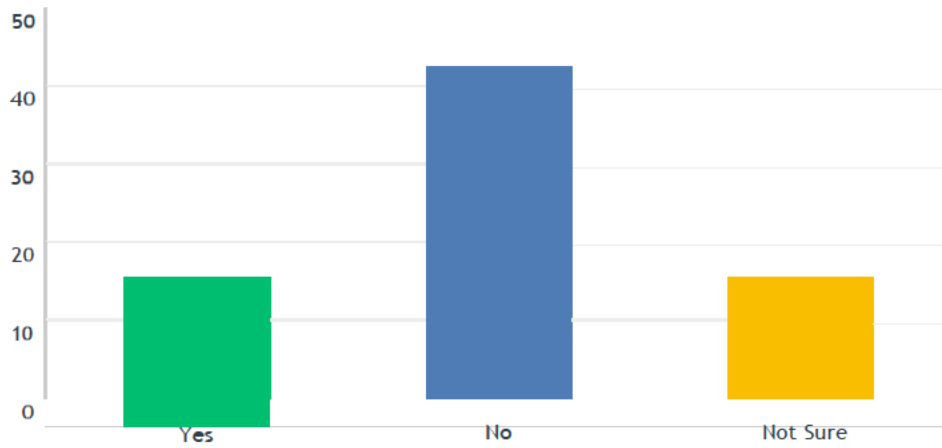


ANSWER CHOICES	RESPONSES	
Yes	13.84%	79
No	74.43%	425
I don't know	11.73%	67
TOTAL		571

Q27 Do you provide different payment or licensing terms in transactions with state entities than are provided in transactions with other parties?

Answered: 77 Skipped: 580

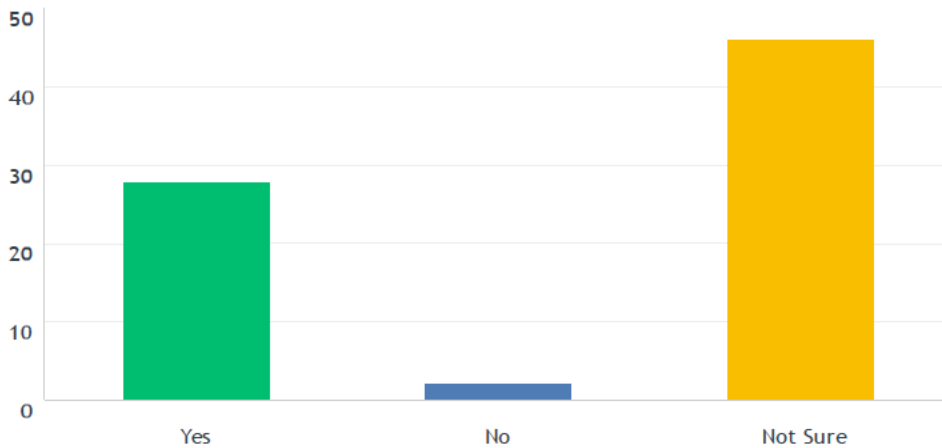
Survey on State Copyright Infringement



ANSWER CHOICES	RESPONSES	
Yes	23.38%	18
No	55.84%	43
Not Sure	20.78%	16
TOTAL		77

Q28 In your experience, do different states or state entities take different approaches to working with copyrighted material?

Answered: 76 Skipped: 581



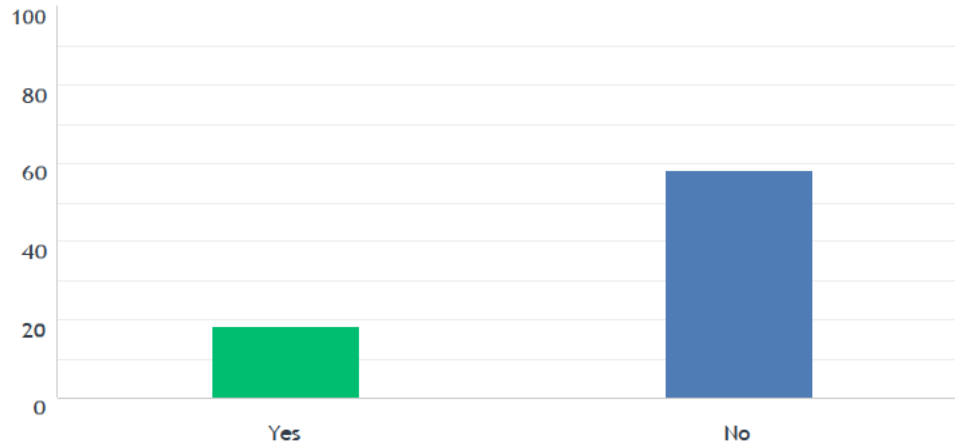
ANSWER CHOICES	RESPONSES	
Yes	36.84%	28
No	2.63%	2
Not Sure	60.53%	46
TOTAL		76

Q29 Have you changed aspects of your sales or licensing practices as a

result of state being immune to claims of copyright infringement?

Survey on State Copyright Infringement

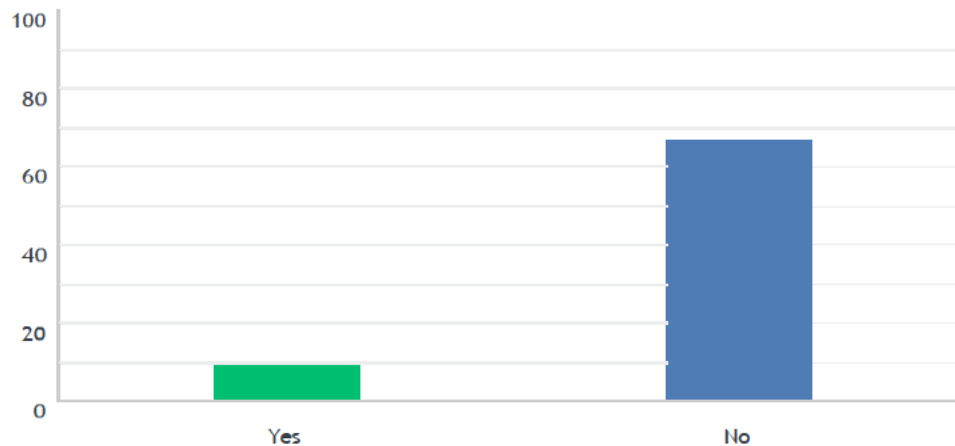
Answered: 76 Skipped: 581



ANSWER CHOICES	RESPONSES
Yes	23.68% 18
No	76.32% 58
TOTAL	76

Q30 Has a state entity ever asserted immunity to claims of copyright infringement in the context of a contract negotiation with you?

Answered: 76 Skipped: 581



ANSWER CHOICES	RESPONSES
Yes	11.84% 9
No	88.16% 67
TOTAL	76

Q31 What impact, if any, did the assertion have on the outcome of the negotiations?

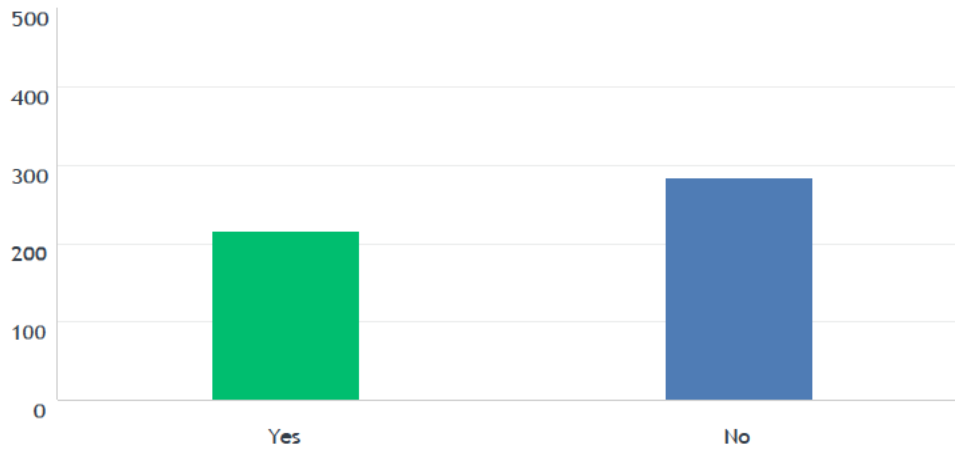
Answered: 0 Skipped: 657

#	RESPONSES	DATE
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There are no responses.

Q32 Do you monitor for copyright infringement?

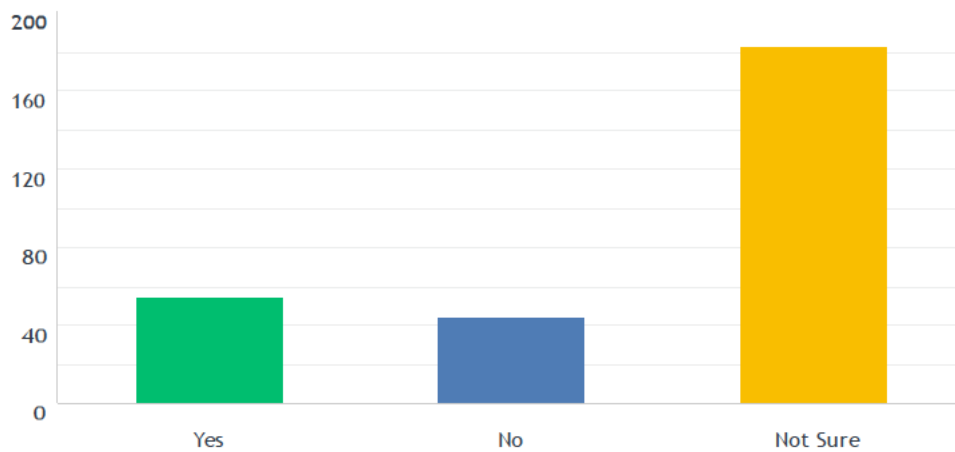
Answered: 500 Skipped: 157



ANSWER CHOICES	RESPONSES	
Yes	43.40%	217
No	56.60%	283
TOTAL		500

Q33 Do you think your monitoring efforts would detect a state infringement?

Answered: 280 Skipped: 377

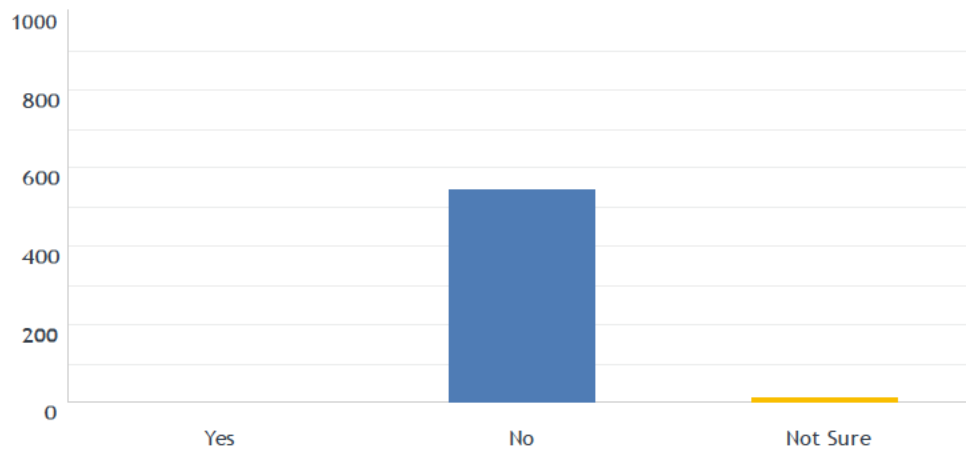


Survey on State Copyright Infringement

ANSWER CHOICES	RESPONSES	
Yes	19.29%	54
No	15.71%	44
Not Sure	65.00%	182
TOTAL		280

Q34 Have you ever been accused by a state entity of infringing a copyrighted work owned by that state entity?

Answered: 561 Skipped: 96



ANSWER CHOICES	RESPONSES	
Yes	0.36%	2
No	97.15%	545
Not Sure	2.50%	14
TOTAL		561

Q35 Please explain the nature of the accusation against you (Optional)

Answered: 2 Skipped: 655

#	RESPONSES	DATE
1	My mixtape was blocked due to copyright	7/22/2020 2:24 PM
2	State entity claimed by selling and publishing my own work that I was violating their copyright because entity believed my work was their intellectual property.	7/10/2020 2:15 PM

Q36 Please provide any additional information that you would like to share that may not have been reflected in your answers to the survey questions.

Additionally, if you would like to include your name and contact details, please do so in the box below, or upload a Word Document or PDF.

Survey on State Copyright Infringement

Answered: 138 Skipped: 519

Survey on State Copyright Infringement

#	RESPONSES	DATE
1	<p>In response to your question about detecting copyright infringement through monitoring, I would add that—since we are not informed of the use of the intellectual property—we often find out about it too late, either after something has already been published or is well on its way. The presses place the responsibility of obtaining all necessary rights on the authors or editors. The authors and editors fail to obtain the rights. And all ignore our assertions of rightful ownership of intellectual property. In the 24 years since [REDACTED] death, I have had only two requests to use his copyrighted materials: one from the head of the Dance Division at NYPL to use a short quote from [REDACTED] interview held at NYPL in a display at the library, and one from the author [REDACTED], for use of [REDACTED] quotes in a book about Rodgers and Hammerstein published by [REDACTED]. [REDACTED] is a legitimate scholar. He knows the correct thing to do regarding intellectual property and secures the permissions, even though he might be able to claim "fair use" in some instances. Sadly, the [REDACTED] of the world are few and far between and few are contracted with the university presses where the blatant misappropriation is rampant. I was a contributing scholar on the Northwester/Newberry authoritative editions of Herman Melville's work in the early 1980s. I was trained by the editors of the works through their absolute insistence on dotting every i and crossing every t with regard to rights. I am afraid that is a thing of the past, especially with Mississippi, Kentucky and Kansas. Thank you for the opportunity to give me comments here. I appreciate the chance to speak about this very important subject. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	8/14/2020 3:53 PM
2	[REDACTED]	8/11/2020 6:22 PM
3	Certainly my copyrights have been infringed by multiple internet-based entities. I'm not sure if or which of these are state-owned. [REDACTED]	8/8/2020 12:31 PM
4	Thank you for doing this. It is possible I don't know what you mean by state entities. I do find people infringing and I send out take down notices, per the AG	8/8/2020 8:35 AM
5	I have had my work stolen by companies and individuals, repackaged and sold on Amazon. I am trying to deal with this now. [REDACTED]	8/7/2020 10:34 PM
6	I have problems with piracy online. Very frustrating problem.	8/7/2020 7:48 PM
7	[REDACTED]	8/7/2020 4:39 PM
8	It got to a point that between private businesses, schools and other entities "stealing" my work, I couldn't keep up with it. It was so time-consuming and I rarely got anywhere. I finally gave up. (I remember that a university in Arizona was also one that used my work.) [REDACTED]	8/7/2020 4:20 PM
9	<p>I have searches set up that track some of my books, and way too often I find them offered as free or for sale PDF files that can be downloaded [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] But... BUT these aren't the copyright infringements in this survey. Instead they are private companies that seem to be fly-by-night operations. University of Oklahoma Press hasn't been able to stop this problem. [REDACTED]</p> <p>[REDACTED]</p>	8/7/2020 3:39 PM
10	Found out by accident that someone was posting a long section of one of my young adult novels online. Wasn't sure what to do about it.	8/7/2020 12:25 PM
11	[REDACTED]	8/7/2020 10:33 AM
12	<p>More than 10 years ago there was a state education dept (this is so long ago, I can't remember the state off the top of my head) that used a magazine article of mine as part of their statewide high school testing program. It was used for the reading comprehension module. I was paid X amount dollars to use the article for X amount of years. They approached me with the offer and conducted business in a fair, professional manner respectful of my copyright ownership. The system worked the way it should in that instance. Had they not notified me and chosen to make use of my work without compensating me, the odds are probably pretty slim that I would have ever become aware of the infringement. [REDACTED]</p>	8/7/2020 2:48 AM

Survey on State Copyright Infringement

13	Another author unfortunately majorly infringed on my book. He published his own book with a chapter that basically told my book's story and used much of my text. I had a great case to pursue it and a lawyer who wanted to do so but in the end didn't because I didn't want a big mess on the internet from his followers. But it was really shocking that another author would do a blatant infringement.	8/7/2020 12:12 AM
14	I cannot think of an example of when it would be fair to an author for his/her work to be used without permission or compensation, whether by the state or anyone else. How did the current law ever get passed in the first place? The law should be changed.	8/6/2020 6:02 PM
15	It's too difficult and time-consuming (and depressing) to monitor for copyright infringement, so I just hope it doesn't happen.	8/6/2020 3:14 PM
16	While I'd be willing to take legal action to defend my copyrighted works, I don't have the budget to take on a state gov't. I suspect they count on that.	8/6/2020 3:13 PM
17	In a past position as a publisher, I negotiated many site licenses with state university libraries. Sovereign immunity was often an issue, as the libraries would not accept indemnity clauses. This resulted in endless negotiations and legal expenses that far exceeded the reasonable licensing fees, leading us eventually to withdraw the highly rated product from the market.	8/6/2020 12:50 PM
18	Nothing additional to add.	8/6/2020 12:49 PM
19	I don't monitor for copyright infringement as such, but I noticed recently that it seemed to happen—but not by a state or state agency. Rather, by a private entity. [REDACTED]	8/6/2020 12:43 PM
20	Honestly, with the volume of work I have in print and online, it is nearly impossible to know whether any of it has been used without permission. I have a copyright notice on my blog and websites, but without constantly going out to look for infringement, I might never know and that causes me some frustration.	8/6/2020 11:44 AM
21	[REDACTED]	8/6/2020 11:31 AM
22	[REDACTED]	8/6/2020 11:25 AM
23	I receive *multiple daily messages* offering my books as digital downloads. Only *I* own those rights. So frustrating that this is happening. I doubt it's coming from inside the States. Since the music industry was able to stop copyright infringement, I'm hoping the Authors' Guild can stop illegal downloads of members' books. Thank you ~ [REDACTED]	8/6/2020 10:11 AM
24	I have heard of some instances where my books or copy from them, has been used without permission.	8/6/2020 9:27 AM
25	It would seem logical to sue a state for infringement, but that task might be daunting. An individual writer would not want, and usually not be able, to finance the legal challenge, let alone navigate it.	8/6/2020 9:00 AM
26	This has never been an issue for me, although I know that it is for many writers. Luckily, I've been congratulated, promoted, and left alone to continue my work.	8/6/2020 8:47 AM
27	[REDACTED]	8/6/2020 8:23 AM
28	First time author, book published and released last November, so any such issues have not come to my attention or had much time to happen.	8/6/2020 7:44 AM
29	What worries me is how my books are copied and then put on the web for free. This issue interests me deeply—how writers could gain leverage against such third parties.	8/6/2020 4:19 AM
30	Serious questions, thank you for asking them.	8/6/2020 1:18 AM
31	I have several songs that are being played in other states through you tube by people in that particular state. You tube won't stop it or give information to stop the individual from collecting royalties. I should be able to file a law suit through that state in which the party responsible for posting the song is being held liable.	8/6/2020 12:02 AM
32	I have written books used in many college courses. I am assuming that sometimes copies may have been made and put on library reserve, but have not investigated.	8/5/2020 11:14 PM
33	I'm not sure what your questions mean. What I can tell you is that I frequently get Google Alerts that appear to show that someone has copied my book into an ebook. They appear to	8/5/2020 10:44 PM

Survey on State Copyright Infringement

be websites from other countries like Russia, Canada, China and other places that I can't figure out. See example. Others just seem fake, to get me to open the email. These alerts come several times every month and have since about 2017. I haven't saved any since 2019, because it's seemed useless to do so and my publisher said not to worry about them. The Google Alerts that I've received about my book this year most frequently seem to come with web addresses ending in .ch and .ru. [REDACTED]

34	I used to be a teacher. Copyright infringement happens on a daily, ongoing basis in EVERY single school I worked in. Teachers make packets for every teacher in that grade, year after year. I often commented it was illegal and was ignored because they knew they could get away with it.	8/5/2020 10:35 PM
35	My work has been pirated to death but not by state agencies.	8/5/2020 10:22 PM
36	[REDACTED]	8/5/2020 9:58 PM
37	[REDACTED]	8/5/2020 9:30 PM
38	It's simply too hard to catch those who buy books, copy them and return them for refunds. I understand parts of mine were copied, distributed and used in classes here and abroad.	8/5/2020 8:42 PM
39	I've had 21 books published, mostly anthologies and history books. While they are directed toward the general public, I know at least one of them has been used as a college textbook. I'd be surprised if parts of another one haven't been similarly used, although I have no way of knowing if they have. [REDACTED]	8/5/2020 7:59 PM
40	Regarding suing for an injunction, I would want to sue as long as it wouldn't cost me a fortune. Legal fees prevent many authors from pursuing justice regarding all kinds of issues they face.	8/5/2020 7:56 PM
41	This is an important issue to be faced. Thanks for introducing it for consideration and potential action; it's vital to be monitoring avenues such as these for infringement.	8/5/2020 7:35 PM
42	My books have been made into pdfs that are available for free download on various disreputable sites. You send a letter having them take it down, and it's back up soon thereafter.	8/5/2020 7:19 PM
43	[REDACTED]	8/5/2020 7:17 PM
44	ok i have the rights reverted on most of my past books. i see them in various course listing in universities as part of the curriculum. i do not get a check although the students must buy/obtain the story. i do not get a check although new copies of my books are available on amazon and i do not understand why there are copies still available when the book 'went out of print' and the rights reverted to me MANY YEARS ago	8/5/2020 7:07 PM
45	I once found a copy of a short story I'd published on the website of the University of Toronto. I didn't copyright it per se but it legally is my work.	8/5/2020 6:57 PM
46	If we still had bookstores, you could go see the spawn of Medicine Cards.	8/5/2020 6:56 PM
47	[REDACTED]	8/5/2020 6:53 PM
48	I once found out that an article of mine was to be included in a textbook. I asked the editors how much they were going to pay me for the rights. "Oh, we don't pay," they said. I told them to pull the article. I'm not sure whether they did or not. [REDACTED]	8/5/2020 6:53 PM
49	My name is [REDACTED]. [REDACTED] I signed a contract in which MUSC's general counsel helped me. However, my director compelled me to allow the name of a coworker, [REDACTED], to be listed as an associate author (which was not an accurate representation of her role, which was minimal). I left MUSC in 2009 and suffered intense retaliation by various departments of the university for a period of at least eight years. When I discovered that it had negotiated the release of my copyright to a publisher without contacting me, I contacted an attorney but could not afford his services. I also feared retaliation by the state entity since it already had demonstrated its ability and will to do so. My book, as you could imagine, has been in demand amid the pandemic. It also is listed for sale through Amazon, and I have no clue how to deal with that.	8/5/2020 6:53 PM
50	Please pay attention to Internet thieves and international publications, both of which routinely steal work.	8/5/2020 6:51 PM

Survey on State Copyright Infringement

70	I have had copyrighted books and articles stolen by websites but not by a government or state agency.	8/5/2020 5:46 PM
71	state entities routinely infringe on author rights; indeed, it's now part of the landscape and accepted practice in just about every edu. institution	8/5/2020 5:46 PM
72	I taught at a state university that tried to claim they owned everything we did and deserved 50% of whatever we made from it.	8/5/2020 5:41 PM
73	Discovered a news reporter used some content of my work in an article but did not ask for permission, presented it as their work. ██████████	8/5/2020 5:40 PM
74	Some years ago I received a payment as the result of a settlement from a university that had unilaterally claimed all copyrights of articles appearing in a particular journal published at the university. If another writer hadn't found out about this and sued, I would never have known. I can't keep track of all academic programs that "lift" articles from journals, encyclopedias, anthologies to use together in a collection for a college course (in lieu of buying a textbook, for example), but I have many nonfiction pieces that are exactly what teachers like to use. Also, a professor who wants to use a chapter from a novel to illustrate certain points can pay a one-time copyright fee to a copyright clearing house and he's free to use that copy in his class--making as many copies as he has students in his class. The copyright law has many flaws. In European countries libraries pay a royalty every time a book is borrowed. Libraries are the main purchases of various types of fiction; one book may be borrowed fifty, a hundred, or more times, but the royalty is paid for only one.	8/5/2020 5:40 PM
75	██████████	8/5/2020 5:38 PM
76	My copyrighted works regularly appear online for downloading in their entirety by unlicensed vendors. I (or my publisher) sometimes send a take-down notice, but there are always new infringers. It's hopeless.	8/5/2020 5:38 PM
77	██████████	8/5/2020 5:35 PM
78	I am not aware of any infringement. I doubt my books would be taken up by state entities. Perhaps portions might be xeroxed for class handouts, but I don't know unless someone write to ask for my permission, which has happened. But I doubt most go to the trouble, probably for lack of time. When I get Google Alerts re my works, I check to make sure there is no infringement; if there's doubt, I forward to the publisher to deal with.	8/5/2020 5:34 PM
79	I have been privately plagiarized but was advised by my attorney to "let it go" because the cost of pursuing damages wouldn't be worth the money. Very discouraging. This is a real problem for lone authors who face a larger entity, such as a university. This definitely needs to be dealt with and I am grateful action is being taken. Hopefully, that action will filter down to smaller, independent companies, as well.	8/5/2020 5:32 PM
80	██████████ I live in Canada	8/5/2020 5:28 PM
81	████████████████████	8/5/2020 5:27 PM
82	████████████████████	8/5/2020 12:24 PM
83	Need more information on this please. It's very possible this has occurred, and we have reason to believe that it has, especially in light of all the new social media apps and so forth; however, intent, useage, financial outcomes, overall affected health & wellness outcomes are all factors in whether or not legal action would be needed.	8/5/2020 7:36 AM
84	I am a credentialed, private tutor and created my own curriculum for teaching dyslexic students. I wrote most of this curriculum in 1992-'93, then added more over the past 10 years. Never had a problem with students' parents trying to infringe on my work, until a parent, about 8 years ago, came along. I've had trouble ever since. I strongly suspect a local school district has infringed on my own teaching curriculum, via this original individual and later, other former parents, who have "helped" the district with creating "their own" curriculum. I am planning to hire someone to investigate this matter for me, as I do not believe I have gotten the truth from the district (spoke to the superintendent in late 2018 about there possibly being an infringement issue), so far. The first part of my curriculum was sent in physical form in Feb. 2020, but due to COVID, the US Copyright Offices were closed. So I recently sent it there digitally, through my IP attorney. Am waiting on the registration. But I strongly suspect the original infringers have made money off what they gleaned from my work. Very frustrating, as I'm single, 63 yrs.	8/4/2020 9:40 PM

Survey on State Copyright Infringement

old, and am a survivor of domestic violence and the subsequent suicide of a young adult child.
Now this. 🙄

85	I did not get any money in the settlement of my lawsuit nor did I receive compensation of my attorneys fees. I wanted my art sculpture back from Lee County after they had the audacity to steal it from me then claim they had sovereign immunity from me suing them. They should not be allowed to get away with copyright infringement through state sovereign immunity! I had to pay a big price to get my art sculpture "Shell Love Bug" back- physically, monetarily and mentally but I have my art back now and I'm left with a little dignity and self respect. [REDACTED]	8/4/2020 3:50 PM
86	Law enforcement investigations may have jurisdiction and warrant reopening case matters for good cause, shown. [REDACTED] m	8/4/2020 5:37 AM
87	Tough questions to answer since my images are represented by a stock agency. They are the ones who negotiate for me and they are the ones looking for and keeping track of any infringements.	8/3/2020 5:20 PM
88	I'm an amateur photographer, and do not earn significant income from photography, so my attitude towards copyright infringement is less assertive than it would be if I were a professional. I'm a little surprised that a question on amateur/professional status wasn't part of the survey. It does make a difference.	8/3/2020 3:37 PM
89	Regarding your question about selling to state entities: I don't currently sell/license to any state operated entities, but I have in the past (over 5 years ago).	8/3/2020 3:13 PM
90	[REDACTED]	8/3/2020 12:43 PM
91	[REDACTED]	8/3/2020 11:40 AM
92	Good Day, one of my concerns, albeit a latent issue thus far, is the political use of art by state entities. If a state is free to use a copyrighted work without worry of suit, there is nothing to stop it from employing that work in a political process, campaign, advocacy effort, advertisement, etc. on behalf of the state government's agenda. Setting partisanship aside, because of the ebb and flow of government control, likely, there are times where appropriated art by the state will run counter to the philosophical or political wishes of the creator. And to the point, the use can be seemingly innocuous on its face, yet that creator may have a particular issue with the position asserted by the state. In a trite example, say a nature photographer was a conservationist and anti-exploitation of natural resources, and a state decided to use his/her picture in a state-funded campaign to lure natural resources development, under current jurisprudence, there would be no remedy available to the photographer to enjoin the state from using the photograph and/or seeking damages (whether actual, implied, or reputational harm). Of course, the hypotheticals are endless and needless to say they could cut both ways ideologically. But overall, this I fear, in addition to deprivation of property/due process/unjustified takings, is one latent concern that could spring, particularly in this highly polar politicized environment, if Congress does not reel in state sovereign immunity. Regards, [REDACTED]	7/28/2020 11:35 AM
93	I planned to try a "take down" notice, but haven't figured out the process yet. I'm not a professional photographer, I would've been thrilled to allow use with proper attribution, but they made no effort. Image is still on their site. [REDACTED]	7/28/2020 10:02 AM
94	[REDACTED]	7/27/2020 5:52 PM
95	We've had some YouTube vids get flagged	7/27/2020 3:54 PM
96	It is outrageous that state entities can rip off creatives in this way.	7/25/2020 3:20 PM
97	[REDACTED]	7/24/2020 11:46 PM
98	[REDACTED]	7/22/2020 2:26 PM
99	I'm am in the federal district of Columbia. I am suing united states, each state and cities of the world.	7/22/2020 8:39 AM
100	[REDACTED]	7/21/2020 1:40 AM
101	I got a terrible deal. The legal office of the University of Minnesota acts like they are defending	7/20/2020 4:07 PM

Survey on State Copyright Infringement

a private corporate client. That is not their job. They work for the state, and it is explicitly part of their mission to balance the interests of the public against the interests of the university. They failed to do that in my case. Allowing their employees to steal just because they can get away with it is wrong, but they do it anyway. The University of Minnesota has a history of abusing sovereign immunity in other legal areas, and has been harshly condemned for it in the official reports and press statements of Minnesota's legislative auditor [REDACTED]. I believe that whenever sovereign immunity is available to the university as a legal tool they are going to use it indiscriminately. They know this in advance and it breeds a cavalier attitude towards following the rules. I believe that Congress needs to strip the states of immunity in copyright infringement cases. My lawyers and I looked hard for ways to bring my case into state court, and we could not do it effectively there. My case for legal fees and financial damages was a slam dunk except for their immunity. [REDACTED]

102	I believe my answers are clear. Obviously, suing a state would depend on the details of the infringement.	7/19/2020 5:48 PM
103	[REDACTED]	7/16/2020 2:05 PM
104	Here is an example of acceptable use: SANTA CLAUS - NORTH POLE - ALASKA	7/16/2020 11:45 AM
105	www.infratab.com [REDACTED]	7/16/2020 7:29 AM
106	I don't have direct knowledge of infringement of my work by state governments, but since copyright infringement is rampant around the world, I assume that states engage in it with impunity like everyone else. It's great that you are trying to address the problem involving state governments, but that is just a tiny tip of the iceberg. Any new law regulating state usage will be just as unenforceable as all the other infringement laws. It is abuse by non-government entities that must be addressed eventually if there is to be any justice.	7/15/2020 9:12 PM
107	Several foreign sellers have stolen images of mine and sell prints on ebay. Ebay does nothing about it.. even if a seller gets shut down, they come back again.. It's too out of control to pursue.	7/15/2020 11:42 AM
108	My only big worry is the "Pirate" sites which sell or even offer downloads that infringe on author's rights in a huge way. There are so many; one is squashed and it pops up under a different name. Most are overseas and *very* hard to reach.	7/15/2020 11:26 AM
109	Doing anything creative in Kentucky is difficult. The arts are very ... ah... elitist. There are many low income people who would and could participate, if they had affordable access. Programs center on cities, of which we have few. My state supporter retired, and has since died. It stopped for me. Right there.	7/15/2020 10:57 AM
110	I have not been properly compensated financially for hit songs	7/15/2020 10:38 AM
111	[REDACTED]	7/10/2020 2:15 PM
112	My name is [REDACTED] and I am a member of your noteworthy alliance. I was always informed to contact the labels regarding my matters. [REDACTED]	7/9/2020 10:07 PM
113	Would like to receive more information on this particular topic. [REDACTED]	7/9/2020 6:08 PM
114	I now license images exclusively through a photo agency and no longer deal with clients directly.	7/8/2020 6:37 PM
115	after the case i met with the son of the judge, he admitted that they were very close with the Ilitch family (owners of the Detroit Tigers) and that his Dad (one of the main judges) should have recused himself. He even went back to his Dad's office to try and reopen the case	7/8/2020 1:23 PM
116	This issue is just another David & Goliath situation where the small copyright owner is the loser. For Bob Dylan, Taylor Swift and the like it's not a problem. I don't even know why a survey is needed when all that needs to be done is — do the right thing — for copyright owners.	7/8/2020 1:08 PM
117	We work for many copyright holders around the world. Many infringements we detect in US but privacy more important than copyright and so we can't act for our members. Best regards,	7/8/2020 10:37 AM

Q37 Upload a Word Doc, or PDF

Answered: 5 Skipped: 652

#	FILE NAME	FILE SIZE	DATE
1	2BabiesDontEatPizza.jpeg	273.1KB	8/5/2020 10:44 PM
2	2018 09 07 DI 001-1 Complaint with Exhibits A-O.PDF	3.2MB	7/20/2020 4:07 PM
3	SANTA - GCI 1.jpg	4MB	7/16/2020 11:44 AM
4	E66C0262-155E-40D8-9595-F31CEA866099.jpeg	347KB	7/16/2020 5:26 AM
5	Frederick Allen Nautilus.pdf	2.5MB	7/7/2020 5:28 PM