Geoff Coe's Wild Images
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Fine Art Photography & Workshops

I am a fine art photographer based in Fort Myers FL, and have been a writer and photographer for most of my 35 year worklife: freelance photographer, occasional camera columnist for The Washington Post, and most recently a photographer who makes his living selling fine art bird photographs online and at art festivals throughout the east coast and Florida. I have received numerous awards for technical and visual excellence, and have also received awards from online artist communities for my writing on photography, the art fair industry, and technology. l

I view with great concern the proposed changes to existing copyright law. If enacted, it will greatly compromise my ability to control who may use my work, and under what conditions—the very principle on which rests my ability to make a living.

Nearly every image I have offered for sale through art fairs since 2007 is posted to my website so that existing and new customers may view and purchase them. Most are also posted to various social media sites as a way of marketing my business to a wider audience. Each new work does NOT lose value when it is created; indeed, quite the contrary: It becomes a part of my business inventory and a source of recurring income.

Every image has digitally embedded copyright information; most are protected from download. Nonetheless, on dozens of occasions I have found my images used without authorization by individuals who have used photo editing software such as Photoshop to remove copyright information, resample images, and use them for their own purposes without compensation to me.

Further, the proposed changes to copyright will enable anyone else who found my pilfered image to conduct a rudimentary search and—were they unable to identify me as the creator—to consider this image "orphaned work" and thus, fair game for future appropriation.

This opens a new and dangerous playing field in which entrepreneurs could search the web for images that meet the criteria for being "orphaned", catalog them, and create independent stock agencies filled with orphaned images from which they may then profit. If caught, they need only claim that they searched for the creator and didn't find one. For independent photographers such as myself, the time expended in copyrighting each individual image through a government or yet-to-be-determined licensing agency would surely be cost- and time-prohibitive.

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In the marketplace, this would dampen demand for new original work: It would be far cheaper for a photographer's clients to go to a pirate stock agency for images, purchased for pennies on the dollar, than to pay a photographer to create new ones--for in this new world the risk, however small, would be borne by the agency, not by the client.

In the near future, it is quite likely that a new way of displaying art digitally, on wall-mounted flat screens, will begin to supplant traditional framed work as a display medium. Such works are likely going to be distributed by companies that purchase digital licensing and distribution rights from the photographer/artist. In that world, the ability of a photographer, or any visual artist, to control their images is going to be more important than ever.

In sum, the Orphan Works act gives anyone with a scanner and minimal photo editing skills a way to subvert a photographer's livelihood, regardless of any copyright protection the creator may have placed on the work at the time it was created, with little downside risk for the pirate, even if they get caught. I urge that this ill-conceived act never see the light of day.

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