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

WASHINGTON, D.C.

REQUEST FOR COMMENTS REGARDING COPYRIGHT OFFICE FEES

**37 CFR Parts 201 and 203, 2012-18742, Vol. 77, No. 60 at 19742
[Docket No. 2012-1]**

**COMMENTS OF THE
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION**

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Summary

On behalf of the NPPA, we thank the Register of Copyrights for this opportunity to provide our comments regarding the proposed new fee structure. While there are other areas of concern to news photographers, being able to afford to register works is of paramount importance if they are to remain in business. Our comments will focus on the proposed fee increase for a “registration of a basic claim in an original work of authorship,” in its various forms, as this is the primary concern of our membership.

As both staff photographers and independent photojournalists, members of the National Press Photographers Association (NPPA) create original intellectual property for publication and broadcast in all media. Our images and video help Americans – and others – understand their world. As the news media have trimmed their staffs, more and more of our members find themselves working as independent contractors, licensing their images and footage. With this shift, copyright infringement takes a more direct economic toll on these small business owners, who must shoulder the burden of policing infringements while at the same time seeking and fulfilling photographic assignments, working on self-initiated projects and maintaining all of the tasks of running a 24/7 business. For them, increases in Copyright Office fees will decrease the likelihood that they will register their images.

Most photojournalists view the profession as a calling and while few expect to become wealthy pursuing that passion most do expect to earn a fair living, support themselves and their family, and contribute to society.

The NPPA conducted a survey to which nearly 600 photographers responded. NPPA's research indicates that the increase in fees will cause an immediate decrease in image registrations among photojournalists, which are already disappointingly low. For this reason, the NPPA strongly recommends that the U.S. Copyright Office adjust its plan for a proposed new fee structure for the registration of works. We ask that the Office reconsider those increased fees as they will further deter photographers and other copyright owners from registering their work, to the detriment of the Office, the owners and the public. For these important reasons, the NPPA respectfully submits this comment regarding the proposed increase in fees.

COMMENTS OF THE
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION

INTRODUCTION & BACKGROUND

Founded in 1946, the National Press Photographers Association (NPPA) is a 501(c)(6) non-profit professional organization dedicated to the advancement of photojournalism, its creation, editing and distribution in all news media. NPPA encourages photojournalists to reflect high standards of quality and ethics in their professional performance, in their business practices and in their comportment. NPPA vigorously promotes freedom of expression in all forms. Its more than 7,000 members include still and television photographers, editors, students and representatives of businesses serving the visual journalism industry. The NPPA vigorously promotes the constitutional rights of journalists as well as freedom of the press in all its forms, especially as it relates to photojournalism. With the enormous impact that recent economic woes have had on news organizations and their staff levels, a larger percentage of in-depth reporting and community coverage is being created by independent journalists. The NPPA believes strongly that the future of journalism, critical to our democracy and economy, lies with the independent journalist. Indeed, we believe that these authors are the type of person referred to in the notice, which stated that “[m]any of the works that come from independent creators are critical to the Nation’s economy and the Library of Congress’ mint record and collection of American creativity.”¹ These journalists cannot sustain their work unless they can reasonably rely on the ability to

¹ Copyright Office Fees, Notice of Proposed Rulemaking, 77 Fed. Reg. 18743, March 28, 2012 (to be codified in 37 C.F. R. pts. 201 and 203).

defend and protect their copyright. It is for this reason that we remain focused on the protection of intellectual property as an essential part of the future of the Fourth Estate.

Photojournalists work on extremely tight deadlines and low profit margins covering events of great national and international interest, including matters of public concern, wars, politics and significant news and sporting events. Today, a news photographer has the capability to transmit an image within moments of taking it. That image can be posted immediately to the Internet by the photographer or the photographer's client. These types of images are of interest to a large number of publishers and individuals and are widely infringed as a matter of course. Within moments of their creation these works can and do fall prey to infringement. It is therefore incumbent upon the Copyright Office to make the registration process more streamlined and affordable, not more complicated and costly. Economic disincentives to copyright registration will further undermine the ability of our members to protect the value of their work and their ability to remain a viable part of the industry.

For photojournalists, copyright infringement is a pernicious problem. Not only has it reduced the profitability of our members, resulting in layoffs and budget cuts for outside contractors, but it also has created overly burdensome legal costs which act as an impediment to pursuing legal remedies in federal court. An ever-increasing number of our members find their future not as employees but as independent contractors. Most operate as sole proprietors. Copyright infringement takes a direct economic toll on these small business owners, who must shoulder the burden of policing infringements while at the same time seeking and fulfilling photographic assignments, working on self-initiated projects and maintaining all of the tasks of running a 24/7 business. Photojournalists do

things in the same business climate that has forced many of their former employers and clients to the brink of bankruptcy – and beyond. For many, losses due to infringement have been devastating. Too often, rights holders find it difficult to justify enforcement – and difficult to find an attorney willing to take their cases. The difference in getting an attorney to accept a case is often whether or not the image was registered prior to the infringement. Likewise, as most infringement cases are settled long before seeing a courtroom, the difference between obtaining an equitable settlement from an infringer versus being summarily ignored when asserting a copyright claim is often based upon whether or not the image was registered prior to infringement. As a result of this dynamic, registration is one of the single-most important actions that a photojournalist can integrate into their workflow.

A photojournalist in 2012 typically takes a photo and transmits it to their client within hours, if not minutes, for immediate publication to the community through websites and social networking outlets. Adding to this equation, compensation for a typical news photo assignment can be as low as \$200.² Within these dynamics, registering each work prior to publication is simply not practical or financially viable. A partial solution that currently exists is the availability of group registration of published works. With the 90-day registration grace period for the availability of statutory damages and attorneys fees, it is a feasible solution for photojournalists to group-register their works. In fact, 75% of respondents to our survey who register their images indicated that electronic group registration was the method they typically use. When group registration via paper method is included in that calculation, over 82% of those who register, group register.

² At least two respondents to our survey noted that the going rate among their clientele was \$65.

The proposed fee changes would increase the cost of electronic filing of registration of a “basic claim in an original work of authorship” of a group of images (because it is not a “single” work) from \$35 per registration to \$65 per registration. This nearly doubles the cost of the most effective and useful method of registration among photojournalists, will have a devastatingly negative impact on the rate of registration and subsequently will curtail the ability of photojournalists to enforce their copyrights.³

THE INCREASED FEES WILL LEAD TO FEWER REGSITRATIONS

The Copyright Office has stated that “[i]ncreasing participation in the national registration and recordation systems is an important national objective.”⁴ Raising fees for registration will only reduce participation. To assist the Copyright Office in understanding the potential impact of increased fees on photojournalists, the NPPA conducted a survey of photographers, including members and non-members. Current pricing is already an obstacle to registration. Only 33%⁵ of all respondents had ever registered their images with the U.S. Copyright Office. Among photojournalists (those respondents who identified themselves as “Editorial Photographers”⁶) only 35% had ever registered their copyrights with the U.S. Copyright Office. Nearly half of those who have never registered (46%) stated that one reason was that while they understood the

³ The NPPA believes that under the plain language doctrine, group registration of images does not fall under the category of “single author, same claimant, one work, not a work made for hire, filed electronically,” for which the proposed increase from \$35 to \$45, because a group of images is typically not perceived as “one work.” However, in the event that group registration of images would be considered “one work,” the NPPA still objects to the increase as it is nearly a 30% uptick in the cost of registration.

⁴ Maria Pallante, Register of Copyrights, *Priorities and Special Projects of the United States Copyright Office October 2011–October 2013*, <http://www.copyright.gov/docs/priorities.pdf>.

⁵ Percentages have been rounded to the nearest whole number.

⁶ The term “editorial photographer” is used in the industry to refer to photographers who take pictures for publication.

protections provided by registration, the cost simply outweighed that benefit.⁷ Among editorial photographers who have never registered their copyrights, 64% said that lower fees would make it more likely that they would register in the future.

Among those photographers who had registered their images, 74% reported that an increased fee for electronic registration of group images from \$35 to \$65 would result in them registering their images less frequently.⁸ One respondent noted, “I have just started to use the system as I move from amateur to professional photographer. This proposed increase is simply another burden on a stretched start up budget and will discourage registration of copyright by all but the most savvy and successful photographers.” Another wrote, “[i]ncreasing the fees for copyright registration, something we need to help us earn a living from our work, is an increased financial burden for many. Increased fees will only decrease the number of artists registering their work with the Copyright Office.”

As noted in an earlier footnote, the NPPA has interpreted the language of the proposed increase to indicate that group registration of images would not be “one work” and therefore would not be eligible for registration at the \$45 fee. Even if the group registration of images is considered “one work,” 62% of those who have registered in the past said that the proposed increase in fees for a single, “simple” registration would result in them registering their images less frequently.⁹ However, this would be less objectionable to at least some respondents. Photographer David Wells wrote, “I fully understand the need to raise fees to keep up with costs and so raising the form VA fee to

⁷ See Exhibit A. Thirty-five per cent said one of the reasons was that the process is too complicated and 26% responded that it never occurred to them to do so and 18% said that they don’t retain their copyright (respondents were permitted to check all that apply on this question).

⁸ See Exhibit B.

⁹ See footnote 3 about NPPA’s interpretation of “one work.”

\$45 for an electronic form, through eCO, (which is all I use) would be annoying but not insurmountable.” Another respondent who currently takes advantage of the registration system wrote,

We need a much clearer definition of "group" and "work." Is a collection of photos such as "April 2012 unpublished photographs by Robert Smith" a work? or a group? Under existing rules, we can electronically register this collection for a \$35 fee. If that is a "work" and increases to \$45, there would be little impact to me. If that jumps to \$65, the increase is too large. I will register less frequently, with larger collections.

In the notice of proposed rulemaking and request for comments, the Copyright Office noted that “pricing that is unaffordable or which exceeds the reasonable expectation of a copyright owner will discourage or prevent participation in the system—to the public’s detriment”¹⁰ NPPA’s research has determined that the proposed fee structure will do just that.

The NPPA agrees with the statement in the notice of proposed rulemaking that “No author or copyright owner should be deterred from registering a copyright because the cost of registration is too high”¹¹ If “[t]he copyright law itself is designed to promote and protect authorship and this includes facilitating registration for the establishment of a public record of copyright claims and to enable the copyright owner to seek all the remedies available in the Copyright Act”¹² then the Copyright Act will be weakened further by the reduced registration that results from a substantial increase in fees. The impact of photographers failing to register is not just on the photographers themselves.

¹⁰ Copyright Office Fees, Notice of Proposed Rulemaking, 77 Fed. Reg. 18744 , March 28, 2012 (to be codified in 37 C.F. R. pts. 201 and 203).

¹¹ Copyright Office Fees, Notice of Proposed Rulemaking, 77 Fed. Reg. 18743 , March 28, 2012 (to be codified in 37 C.F. R. pts. 201 and 203).

¹² *Id.*

“If individual authors do not register and are therefore not part of the public database, they more than any other group of copyright owners may be difficult to find.”¹³

It is clear that the proposed increases will have the exact result that the Copyright Office wants to avoid – deterring copyright owners from registering because the cost is too high. This will also have the undesirable effects of both making it more difficult for copyright owners to seek all the remedies available in the Copyright Act and making it difficult to find copyright owners.

THE PROPOSED FEES WILL RESULT IN FINANCIAL HARDSHIP FOR PHOTOJOURNALISTS

As stated above, cost is an impediment to registration for this important group of creators. A deeper look illustrates why. Offered the opportunity to comment, NPPA member Jeremy Hogan noted that “Photojournalists, especially, are some of the lowest paid and most economically disadvantaged photographers in the market place.” He also added that he doesn’t register now because the cost is too expensive. Another respondent who has never registered wrote, “[t]his hurts the photography business in general as a majority of us are small business owners struggling to survive. An additional tax to our business will hurt especially start-ups and all of us tremendously.” Another wrote “For those of us who are not being compensated enough for our images, this would be a real hardship and personally doubt I would be submitting anymore images.” Yet another stated, “as freelance news photographer I'm not paid well for my work, so the fees HAVE to be affordable.” Stated once again – the Copyright Office must consider the effect that an increase in copyright registration fees will have upon photojournalists, who are small business owners operating on a tight budget.

¹³ *Id.*

THE PROPOSED FEES WILL RESULT IN INDEPENDENT PHOTOJOURNALISTS SUBSIDIZING OTHER COPYRIGHT HOLDERS

One glaring portion of the Copyright Office Fees Notice of Proposed Rulemaking was the section that discussed Renewals. In this section, the Office did three things. First, it noted that renewal registration was primarily used for parties who “need a certificate of registration for various commercial purposes.”¹⁴ This appears to indicate that renewal registration is directly connected to a financially beneficial transaction and is part of the cost of engaging in such business deals. Second, the Office reported that “the cost study reveals that the actual cost of processing these claims is quite high. To set a fee to recover full cost would be prohibitive.”¹⁵ Finally, instead of balancing the high cost of providing the renewal service with a higher fee, or at least a fee that is commensurate with the other proposed fee increases, the Office instead actually proposed a reduction in the fee for filing a renewal claim and a renewal addendum.¹⁶ The proposed reduction is not small, with the fee for filing a Renewal Addendum being reduced from \$220 to \$100. The NPPA believes that the cost of renewal registration should be borne by those who benefit. It is hard to understand the rationale behind a 50% reduction in renewal registrations for those engaged in commercial enterprise, while almost doubling the cost of basic registration of original works by those struggling to make ends meet. While the Office’s statements encourage both types of registrations, its proposed pricing policies do not reflect that sought-after outcome, but rather appear to have independent photojournalists subsidizing better situated copyright holders.

¹⁴ See Copyright Office Fees, Notice of Proposed Rulemaking, 77 Fed. Reg. 18744, March 28, 2012 (to be codified in 37 C.F. R. pts. 201 and 203).

¹⁵ *Id.*

¹⁶ *Id.*

Photojournalists are acutely aware of the challenges of budgets and the fact that the Copyright Office has certain expenses and a limited income stream, which is why the NPPA finds it incredulous that the fee for renewals is being lowered, knowing that renewals, which provide a direct financial benefit to those who request the service, is “quite high.” If the Office lowers the cost of a high service, it must recoup those costs elsewhere. Given that the cost of registration of group images is nearly doubling, we cannot help but conclude that the increased fees for photojournalists is helping to make up for the shortfall in income from renewals. The NPPA believes this is patently unfair. More importantly, it flies in the face of the stated goals of the Copyright Office to increase participation in the national registration and recordation systems.¹⁷

SIMPLIFYING THE PROCESS WILL INCREASE PARTICIPATION

Because the Copyright Office has expressed its desire to increase participation in the registration system, and a substantial increase in fees will have the opposite effect, the NPPA would like to take this opportunity to clarify that a small increase in fees could coexist with an increased participation in registration if the registration process were simplified at the same time.

Photographer Leif Skoogfors, a Pennsylvania photographer who has asserted his copyrights in court, told NPPA, “The current registration process takes too long and creates a burden for registrants.” Photographer David Robert Farmerie of Nashville, Tennessee, wrote, “[t]he system is already confusing enough, and the only saving grace is that the fees are reasonable. The only thing that would cause me to be accepting of an

¹⁷ The Copyright Office might look to the cautionary example of the U.S. Postal system which requires higher participation levels in order to be self-sufficient but has driven customers to use alternate means of shipping and mailing, due in some part to an increase in postal fees.

increase, would be a more efficient registration system and, most of all, a strengthening of the copyright laws - when it comes to protection enforcement.”

The NPPA is aware that a subscription system has been proposed in the past and we believe it would be a successful means of increasing participation in the registration system. For this reason, respondents to our survey were asked if they would register more often if a subscription service were available. Over 67% of respondents told us that if the Copyright Office started a subscription-based system that cost less than \$500 per year, they would register their images more frequently.

Eliminating the designation between “published” and “unpublished” images would also improve the participation. Currently, published and unpublished images may not be registered together in a group. Complicating this, the concept of “publication” is not clear in the digital age of self-publication with restricted access options. “Publication” is defined in the Copyright Act as “the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication.”¹⁸ Under this definition, sharing images with a single client in a password protected web gallery might render the image “published” even though it is never seen by the general public. But the American Society of Media Photographers wrote in a tutorial on registration that if images are in a private area of a website the image is “probably not published.”¹⁹ Confusion is created by the fact that “[t]he definition of publication in U.S. copyright law does not specifically address online transmission,” and “the Copyright Office therefore

¹⁸ 17 U.S.C. § 101

¹⁹ <http://asmp.org/tutorials/published-or-unpublished.html>

asks applicants, who know the facts surrounding distribution of their works, to determine whether works are published.²⁰ Determining not just whether an image is published, but when the date of first publication occurred, as well as separating published from unpublished images is one of the factors that makes the registration process intimidating and cumbersome to photographers. In practical terms there appears to be little or no difference whether an image is published or unpublished and thus the NPPA recommends that the distinction be removed from registration requirements and that published and unpublished images be permitted to be registered together. Indeed this was a concern among our survey respondents, one of whom wrote, “I would love to see the published v non-published decision removed for individual (non-corporate) submissions.”

CONCLUSION

We believe it is not an overstatement to say that photojournalism as a profession is in trouble. Ours is not a quaint trade that should be protected for sentimental reasons but rather, photojournalism is and has been an integral part of our democracy for more than a century. Measures that assist in the economic viability of the photojournalism industry should be given serious consideration.

Copyright registration is seen by many photojournalists as an almost unaffordable luxury rather than a basic tool to protect one’s work. Increasing the cost of registration fees will almost guarantee that fewer of these images will be registered, thus contributing to both the inability of photojournalists to enforce their copyright and the lack of access to deposits of valuable historical records. Photojournalists would benefit from either significantly lower fees for single work registration, a subscription-type program that did not require fees per-work, or both.

²⁰ Copyright Registration of Photographs, U.S. Copyright Office, <http://www.copyright.gov/fls/fl107.html>

The NPPA acknowledges the Office’s fiscal responsibilities as a federal agency, including its responsibility to set sound monetary policies and develop a budget derived primarily from fees for services. We also appreciate the Office’s recognition of its responsibility to creators, owners, and users of copyrighted works, to price services in a manner that encourages participation in the registration and recordation process. We also agree that this system should ensure a robust database of copyright information for purposes of commerce and the public good. But we must respectfully submit that the methodology to used calculate to changes to the fess structure appears to be more than a little flawed in its conclusions. We also assert that the proposed changes do not live up to the Copyright Office’s statutory mandate that fees “shall be fair and equitable and give due consideration to the objectives of the copyright system.”²¹

Therefore, the NPPA respectfully suggests that if the Copyright Office is truly committed to maintaining an affordable and participatory copyright registration system it will reconsider and revise its rulemaking proposals based upon the results of our survey and recommendations.

Thank you for your time and consideration.

Respectfully submitted,

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²¹ 17 U.S.C. § 708(b)(4).

Exhibit A

Reasons why responding photographers, filtered for those who have never registered their images, have not done so. Forty-six per cent indicated that, “While I understand that there is a benefit to registering my copyright, the cost outweighs that benefit.”

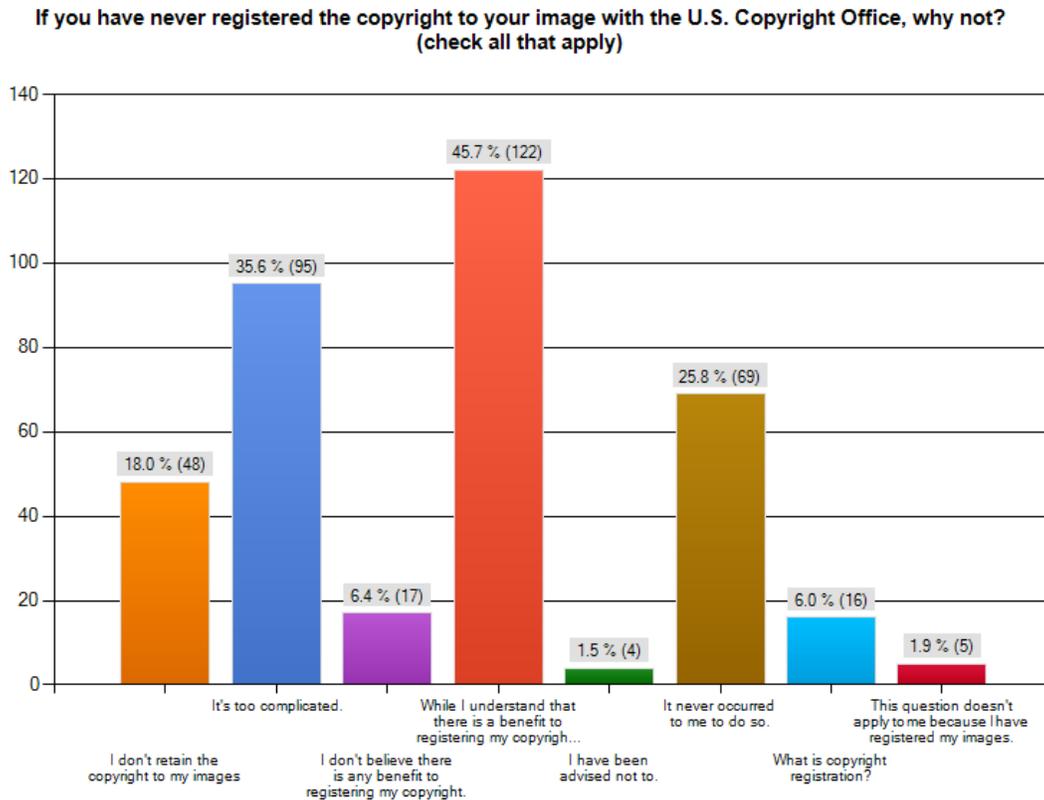


Exhibit B

Among Photographers who have registered their images in the past, 74% said that an increase in the fee for group registration of images from \$35 to \$65 would cause them to register their images less frequently.

Electronic registration fees are set to rise from \$35 to \$65 for claims that are not "basic". Group registration of images will fall under this new category. How will this impact your registration habits?

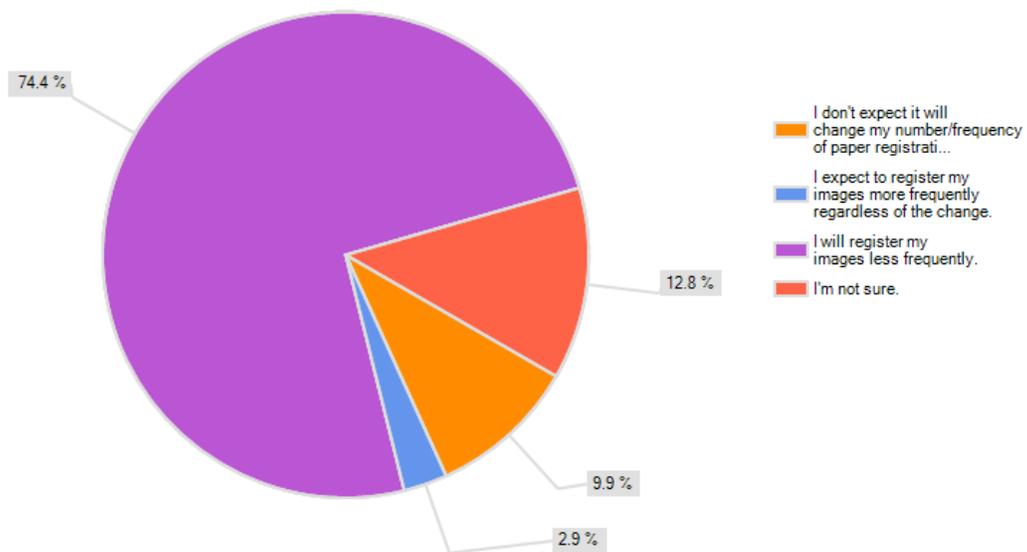
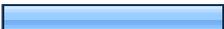
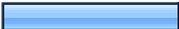


Exhibit C

The statistical results of NPPA's May 2012 Survey on the proposed fee increase (begins on following page). These results were not filtered for any variables.

1. What type of professional photography do you typically shoot (please only include work that you get paid for):

		Response Percent	Response Count
Editorial (photography for publication, including news, portraits, sports, etc.)		75.2%	449
Weddings and portraits for consumers		33.0%	197
Advertising		12.9%	77
Corporate photography (photography for corporate marketing purposes)		26.1%	156
I am not a professional photographer		6.5%	39
Other (please specify)		9.5%	57
		answered question	597
		skipped question	0

2. Are you an NPPA member?

		Response Percent	Response Count
yes		66.2%	395
no		33.8%	202
		answered question	597
		skipped question	0

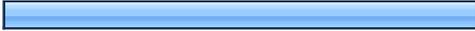
3. Have you ever registered your images with the U.S. Copyright Office?

		Response Percent	Response Count
yes		32.7%	195
no		67.3%	402
answered question			597
skipped question			0

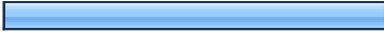
4. If you have never registered the copyright to your image with the U.S. Copyright Office, why not? (check all that apply)

		Response Percent	Response Count
I don't retain the copyright to my images		13.7%	51
It's too complicated.		36.7%	136
I don't believe there is any benefit to registering my copyright.		5.7%	21
While I understand that there is a benefit to registering my copyright, the cost outweighs that benefit.		47.2%	175
I have been advised not to.		2.2%	8
It never occurred to me to do so.		25.9%	96
What is copyright registration?		5.9%	22
This question doesn't apply to me because I have registered my images.		3.0%	11
	Other (please specify)		61
		answered question	371
		skipped question	226

5. If you have never registered the copyright to your image with the U.S. Copyright Office, what changes would make it more likely that you would register in the future?

		Response Percent	Response Count
Higher fees		0.8%	3
Lower fees		65.0%	241
A subscription based registration system		34.8%	129
A simpler registration system		71.4%	265
Nothing would make me more likely to register my images		5.9%	22
	Other (please specify)		25
		answered question	371
		skipped question	226

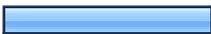
6. If you register the copyright to your images with the U.S. Copyright Office, which method do you typically use? (check the one used more frequently)

		Response Percent	Response Count
group registration- electronic with physical deposit		4.8%	26
group registration- electronic with electronic deposit		28.3%	153
group registration- paper		3.0%	16
registration of a single work- electronic		5.0%	27
registration of a single work- paper		1.1%	6
n/a		57.9%	313
	Other (please specify)		7
answered question			541
skipped question			56

7. If you register your images with the U.S. Copyright Office, are there any changes that would make you register more often?

		Response Percent	Response Count
Higher fees		0.2%	1
Lower fees		33.6%	182
A subscription based registration system		16.8%	91
A simpler registration system		31.2%	169
Nothing would make me register more often.		1.5%	8
Nothing would make me register more often because I already register all of my images.		2.6%	14
n/a		49.9%	270
	Other (please specify)		13
answered question			541
skipped question			56

8. Electronic registration fees are set to rise from \$35 to \$45 for a "Basic" claim in an original work of authorship in a SINGLE work created by an author who is the claimant. How will this impact your registration habits?

		Response Percent	Response Count
I don't expect it will change my number/frequency of paper registrations.		13.5%	69
I expect to register my images more frequently regardless of the change.		1.8%	9
I will register my images less frequently.		53.6%	275
I'm not sure.		31.2%	160
answered question			513
skipped question			84

9. Electronic registration fees are set to rise from \$35 to \$65 for claims that are not "basic". Group registration of images will fall under this new category. How will this impact your registration habits?

		Response Percent	Response Count
I don't expect it will change my number/frequency of paper registrations.		8.8%	45
I expect to register my images more frequently regardless of the change.		1.8%	9
I will register my images less frequently.		63.2%	324
I'm not sure.		26.3%	135
answered question			513
skipped question			84

**10. Paper-based registrations are set to increase in cost from \$65 to \$100 for visual works.
How do you think this will impact your registration habits?**

		Response Percent	Response Count
I don't expect it will change my number/frequency of paper registrations.		14.0%	72
I will start registering electronically		15.4%	79
I expect to register my images more frequently regardless of the change.		0.6%	3
I will register my images less frequently.		39.0%	200
I'm not sure.		31.0%	159
		answered question	513
		skipped question	84

11. One of the stated goals of the Copyright Office is to encourage participation in the Nation’s registration and recordation systems. If the Copyright Office started a subscription-based registration system (in which you paid an annual or monthly fee rather than a fee each time you registered) would you register your images more or less frequently?

		Response Percent	Response Count
More frequently, as long as it was less than \$500/year		67.4%	346
More frequently, as long as it was less than \$1000/ year		1.4%	7
More frequently, as long as it was less than \$1500/year		0.4%	2
More frequently, as long as it was less than \$2000/ year		0.6%	3
It would not change my registration habits		30.6%	157
answered question			513
skipped question			84

12. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below. [you may also submit your comments to the copyright office directly at <http://www.copyright.gov/docs/newfees/comments/>]

	Response Count
	122
answered question	122
skipped question	475

Exhibit D

The comments of over 100 respondents to NPPA's May 2012 Survey on the proposed copyright office fee changes (begins on following page). Respondents were given the option of writing additional comments.

Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below. [you may also submit your comments to the copyright office directly at <http://www.copyright.gov/docs/newfees/comments/>]

	Response Count
	122
answered question	122
skipped question	475

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

[you may also submit your comments t...

1	With the current tough economy, I think increased fees is ill advised.	May 10, 2012 9:21 PM
2	Copyright logo should be enforced and embraced so photographers can be paid and credited like any other business, writer, artist, corporation...branding is critical to support professional from iphone photographers....and I shoot iphone camera...but respect the industry...we all cook but we are not all chefs!	May 10, 2012 8:28 PM
3	What are we supposed to do when we have thousands of images yet to register, the new fees will create a burden	May 10, 2012 10:14 AM
4	It shouldn't cost more.	May 9, 2012 4:48 PM
5	It is so difficult to use the current system, if there is a price increase, please fix the system so it works properly.	May 9, 2012 9:30 AM
6	I would love to register my images with the Copyright Office. The professional photography industry has taken a very hard hit over the last 5 years. I am among the photojournalists (a company employee for 21 years) that has recently been laid off. Even a \$35 per image fee is not affordable to me. I would certainly not be able to register my work at \$65 per image. This is not the time or place to extract income from artists. There is already too much loss of income and loss of employment in our industry. Laura Mueller, Charlotte, NC. Photographer - Self Employed. lauramueller@windstream.net	May 9, 2012 5:39 AM
7	Is the Copyright Office raising fees for word-based documents? If not, why not?	May 8, 2012 1:48 PM
8	if one uses electronic registrations that had some automated features it should cost less, maybe a one time start up charge to help changing over and then a lower yearly fee.	May 8, 2012 11:18 AM
9	Image theft on the internet is rampant & on the rise. Pro photographers are getting paid much less frequently or for lower rates than ever before. You want to encourage copyright protection. An almost 100% increase in fees is the wrong way to go. The copy right office should automate image copyrights & reduce the fees for electronic image submission especially when large numbers of images are submitted. I shoot daily & can't afford to register new images in a timely fashion & will not be protected. I will submit images on semi-annual basis exposing me to lack of adequate legal protection if theft occurs. Adam Ebihara Gelfand New York, NY 10025 Semi-professional Documentary Photographer adam.ebihara@gmail.com	May 8, 2012 8:11 AM
10	Doubling the fee for online registration seems excessive for a system which relies on computers rather than waged humans to do the work.	May 8, 2012 3:44 AM
11	If the fees are raised, I will register zero images. Unrealistic way to increase revenue. No. No. No. Look elsewhere (within) to eliminate waste and duplication. Will increase income of attorneys and hurt struggling freelancers who are already being squeezed out. A visual record of our Nation is priceless. Important bits of daily history will be lost forever. Whatever happened to the paperwork reduction act. Anyone recall that?	May 8, 2012 12:59 AM

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12 The value of the service that the Copyright Office provides is very valuable and an increase in fees, in my opinion, is justified but I think improvement for group registrations would further warrant such an increase in fees. With the increasing abilities of cameras to take many pictures and the bandwidth of the Internet to transmit many images, improving the group registration process and system would be helpful. I am participating in the pilot program to include contents titles on group registrations of published photos. I would like to see an automated system that would give photographers the option to directly batch upload individual photos and to implement a system that could automatically list the contents titles for each of those individual photos that were part of a particular batch upload. Currently, I am able to only upload many photos at once if they are zipped in a folder. If a automated system was able to unzip the folder upon deposit to extract and include contents titles on the registration, that would be another way to go about it. I know that under current procedure the application is finalized before deposit so when and how to add contents titles automatically could be achieved in several ways. For instance, once could have the files for a particular registration prepared in a folder or set of folders so that the contents titles could be also "batch uploaded" or more like "batch extracted" from the set of folder(s) while preparing the application using Eco. Flickr and other online photo services allow for batch uploading of many individual photographs. A great feature of Flickr is that it will extract the title, description and keywords from the metadata of photographs that have those metadata fields completed and automatically use that metadata to fill in the corresponding fields upon upload. This would be a very useful feature to allow photographers and registrants of other media to choose to enable when creating a registration. I am concerned about the definition of a single work registration not covering group registrations of multiple photographs so that instead of the proposed \$45 fee, photographers that want to register numerous photographs will have to pay the \$65 fee for "All other claims". There has already been discrepancy in the courts over the validity of individual photographs qualifying for statutory damages in infringements. I am counting on you to work to solidify a process for batch registering groups of photos so that they will hold up in courts as individual works, which for me, they are. This includes, in my opinion, clarifying the procedure with legislators so that statues and the process for registration leave little room for interpretation. I think this would be helpful to registrants of other media that provide photographs of that media for registration, such as paintings. That being said, although the current fee of \$35 keeps me selective in my registrations in groupings and timing, I respect and appreciate the value of the service that you provide. To conclude, I propose having a fee of \$50 but implementing the technology, procedures and policy to smooth the process for batch uploading and group registration of photographs with an automated system to extract and list the contents titles on the application or at least off this as an option. I would also propose charging a base fee of \$50 and perhaps \$1 per page for registrations with many deposits and contents titles to cover cost of printing and mailing additional pages. Sincerely, David Oppenheimer -- David Oppenheimer
Concert Photos Magazine Performance Impressions, LLC Surpass Marketing,
LLC P.O. Box 8105 Asheville, NC 28814 USA (828) 273-9339
dave@performanceimpressions.com www.performanceimpressions.com
www.surpassmarketing.com www.concertphotosmagazine.com

May 7, 2012 10:47 PM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

[you may also submit your comments t...

13	We need a much clearer definition of "group" and "work." Is a collection of photos such as "April 2012 unpublished photographs by Robert Smith" a work? or a group? Under existing rules, we can electronically register this collection for a \$35 fee. If that is a "work" and increases to \$45, there would be little impact to me. If that jumps to \$65, the increase is too large. I will register less frequently, with larger collections. Either way, I will register the same number of images.	May 7, 2012 9:40 PM
14	I think authorship of one work should mean one group not just a single image.	May 7, 2012 11:53 AM
15	I wouldn't be able to afford to register my personal images, even at the lowest amount here.	May 7, 2012 10:48 AM
16	as long as its less then 300 a year for group,	May 7, 2012 10:23 AM
17	We have to pay more now because, there is much more infringement due to the internet. With almost 10 years of war in the middle east, Why not further destroy the rights and resources of artists?	May 7, 2012 10:10 AM
18	The process should be as simple and as inexpensive as possible. Ann Arbor Miller, Fargo, North Dakota, photographer + visual storyteller, annarbormiller@gmail.com	May 7, 2012 8:13 AM
19	I had never thought to pursue federal copyright protection of my photographic images, but have been better educated through this process and now am interested in pursuing this option. Unfortunately, the high level of fees would preclude my participation at this point. I would be very interested in the idea of a subscription based rate, and believe myself and many more of our small town style photographers would be more apt to take advantage of such affordable copyright protection . Wendy Pearce Nelson Colorado Springs Colorado Private sector portrait photographer wpn@bluefoxphotography.com	May 7, 2012 7:21 AM
20	Photographers can't afford these high fees, may this accessible. For the people, of the people, by the people.	May 7, 2012 5:05 AM
21	If you want to encourage participation, why are you raising the rates?	May 6, 2012 7:31 PM
22	Photography is very expensive as it is. More Government fees just make it harder to earn a living. So much for Job creation if the Gov. just charges more fees!! Carol Schurtz, Lauderhill, Fl., retired nurse, Photomermaid @gmail.com	May 6, 2012 6:09 PM
23	Creatives in general are already over burdened with paperwork, taxes and LOW pay...so this entire discussion and proposal irritates me.	May 6, 2012 5:24 PM
24	I have just started to use the system as I move from amateur to professional photographer. This proposed increase is simply another burden on a stretched start up budget and will discourage registration of copyright by all but the most savvy and successful photographers. In my opinion, increases discourage any activity not encourage it. I will save up as many images as possible forva single filing in order to achieve the best possible return on my hard earned dollar. A more modest increase of say \$5 for the original filing option would be far more	May 6, 2012 3:30 PM

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equitable. Please reconsider what is a huge increase for uncertain benefit.

25	Making it more expensive for people to protect their images is a really stupid idea.	May 6, 2012 3:28 PM
26	Not sure how raising the fee has any benefits for me. I want to register my photographs, but honestly if it is going to cost me more money to do so, there is less of a chance of me doing this.	May 6, 2012 3:23 PM
27	just another increase that doesn't have any basis to justify itself and makes it harder for "us" to continue with integrity and basic rights of protection	May 6, 2012 1:22 PM
28	Due to the increase in Internet piracy of original images, it is even more important than ever to keep individual copyrights these days. Please do all that you can to retain copyright of images in the realm of affordability, with convenience of registration. And above all, do not raise rates.	May 6, 2012 12:22 PM
29	I don't understand how raising fees encourages participation in the nation's registration and recordation systems. In fact, it discourages it. I really don't see any justification in costs to raise these fees at all, and certainly this much.	May 6, 2012 11:36 AM
30	A rise in prices would mean that less people register their work, adding to the many problems photographers already have. Higher prices would affect our industry in a negative way, leading to more copyright infringement of images that have already been copy righted. Struggling professionals would have more trouble copyrighting their images.	May 6, 2012 8:32 AM
31	It is hard enough in today's world and economy to make a living being a professional photographer. Everyone has their hand out to take money, when less money is being made. Now, to have the copyright office wanting to dig their hand deeper into the pockets as well, it is just too much. The Copyright office is supposed to be their helping, protecting, and governing. Not taking more money, helping to further cause financial hardship on photographers whose career is in demise due to financial strains.	May 6, 2012 7:01 AM
32	The proposed increase will hurt new studios starting out. Typically our prices are lower than the more established studios, but we still need (and have the right) to be able to protect our images just like they do without going broke trying to do so.	May 6, 2012 4:17 AM
33	For new photographer who is just out of school and has no extra cash there is no room to spare and I want to protect my one of a kind shots. I have just added copy rite into my budget but if it goes up in price then I will have to forget it.	May 5, 2012 8:05 PM
34	In an age where stealing of images has become nearly a standard practice through the internet, copyright becomes more important. The current system is so complicated, and wordy, just reading the form is a 'project'. But it becomes a necessary project considering the dire attitude toward the 'free' use of images. I have my own 25 year archive, as well as that of my father's, with 60 years of images, to 'protect'. A system that is as simplified as possible would be	May 5, 2012 6:48 PM

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	appreciated. Maria Chandoha Valentino MCV Photo 48 W 21st St NYC, NY 10010	
35	n/a	May 5, 2012 2:20 PM
36	Many photographers can not afford the increase and to keep their standard registration process going - you'll see people go from monthly to bi-monthly which could hurt them in the process. Making things more difficult to register copyrights is not the answer, it's not cost effective for many to register their images now and this will make it worse. Subscription fees for an entire year so someone like myself can register frequently without having to pay each time (say each week) would be best.	May 5, 2012 1:23 PM
37	This is just on act that is making it harder and harder to work as a photographer.	May 5, 2012 12:13 PM
38	Increased cost of fees hurt the creators, who are artists or other more lowly paid professionals, and who need fed. protection against rich corporations with lawyers.	May 5, 2012 11:50 AM
39	It it was easier to do and less expensive, I'd do it for all my images. I would not buy into a subscription service for hundreds of dollars a year. I am a small studio and can't afford it.	May 5, 2012 10:54 AM
40	We subsidize oil companies who make billions and thrust external costs upon us. It seems individual creators, who generate far more value to society than we ever receive, can be subsidized in their efforts to register with the LOC, preserving our culture and enabling commerce.	May 5, 2012 10:08 AM
41	It costs to much to register images as an emerging photog trying to start an editorial freelance business. After all the money and time spent I don't even think it would be that helpful if a problem were to arise.	May 5, 2012 9:45 AM
42	I don't think the proposed fees are unreasonable given how much is at stake by not registering, especially since I always register groups of images, not individually. I would like to see a more efficient process in terms of how long it takes to actually receive the registration confirmation - it's about a 6 month wait time. If the new fess would speed that up, it's definitely worth it.	May 5, 2012 9:40 AM
43	It sucks!!! Registering or not I would still held the copyrights!!!!!!!!!!!!!! so make it a \$99 or less year subscription.	May 5, 2012 6:51 AM
44	There should be no fee at all	May 5, 2012 12:15 AM
45	In this time of the game, there is to much competition and any increase in fees would be a hardship on ant one trying to make ends meet.	May 4, 2012 11:00 PM
46	There are so many taxes and fees let's try to make it more affordable for upstart busniesses	May 4, 2012 9:22 PM
47	Bonita Bing Washington, D.C. Professional Photographer	May 4, 2012 9:00 PM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

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48	I understand the importance of Copyrights and after having been out of the industry for several years, I do fully plan to copyright all of my images but do find it upsetting that they would DOUBLE the fees.	May 4, 2012 8:32 PM
49	Our cost are high enough as it is, it is getting harder to be a photographer this day in age don't make it any worse. -Anonymous	May 4, 2012 8:29 PM
50	The copyright office has us over a barrel and knows it. We have to register our images to protect our rights so they can charge anything they want and we will have to pay. That really doesn't equal "public service". Images sell now for an average of around \$65 now. Registering them at \$65 will net us a total of 0\$ return. How can we do that?	May 4, 2012 8:18 PM
51	To whom it may concern: . I write in reference to the proposed fee increases at the United States Copyright Office. I am a publication photographer with almost 30 years of professional experience (membership in ASMP, NPPA, etc.) I have been registering my work diligently since 2001, when bulk registration was implemented. I register about once a month, submitting 400 to 800 images per registration. When I teach workshops I encourage all my students to do the same. The proposed new fees will adversely impact this. I fully understand the need to raise fees to keep up with costs and so raising the the form VA fee to \$45 for an electronic form, through eCO, (which is all I use) would be annoying but not insurmountable. I am quite concerned that increased fees will deter me and other photographers from registering their images because of the higher cost. Even if I can afford the cost, getting the average young photographer to register their work is real hard sell, and raising the price so high will make that even more difficult. Making the registration process more expensive is not a way for the Copyright Office and the Library of Congress to fulfill its mission "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries" Thanks for your attention David H. Wells	May 4, 2012 7:52 PM
52	As a student, even \$500/year for a subscription-based registration system would be difficult. But I would register if there were a discounted rate for student photographers.	May 4, 2012 7:27 PM
53	Raising the fee for group filings means I will increase the number of images I register in one filing, so as to keep my costs down by filing less frequently. But larger groups become more awkward to handle and increase the possibility of error. If the purpose of the law is to protect my IPR, and to encourage me to be creative, increasing fees seems to counteract the desired goal of the law. I shoot editorial stock on spec; no sales are guaranteed. Increasing my costs makes it more difficult for me to continue my work. Charles O. Cecil/Alexandria, Virginia/Photographer/ chuck@cecilimages.com	May 4, 2012 6:19 PM
54	An increase is morally and ethically wrong. Other countries subsidize the arts and support artists. The United States is socially irresponsible-- and desensitized in terms of culture.	May 4, 2012 5:01 PM

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55	I would love to see the published v non-published decision removed for individual (non-corporate) submissions. At least one IP attorney has told me it isn't really needed and the published version is way too difficult.	May 4, 2012 4:46 PM
56	I work for a newspaper as my full-time job and they retain all copyright for my work. However, I am looking to transition into business for myself, doing both photography and visual art/design. Once it is my sole income, copyright becomes very important for my financial viability. And as a small business owner, doubling the cost of copyrighting my work -- protecting my work from thieves -- is just another added barrier to starting my own business. Sara Gettys photojournalist / artist Yakima, WA 509-901-2767	May 4, 2012 4:17 PM
57	Photos are quite different than short stories or other types of intellectual property. Especially with stock photography but even with editorial photography - two of the most frequently stolen/appropriated image types - you may end up with 20 or so images from a single shoot or series of related shoots/stories that you would want to register. A short story writer does not end up w 20 short stories. Likewise, photographers are likely much more prolific in terms of individual items than other professionals or artists. A photographer can easily produce over 500 quality images that are good enough for others to steal - and consequently good enough to be worth registering - but doing so is cost-prohibitive already. A painter or novelist or even a graphic designer is unlikely to be producing 500+ pieces worth registering in a year, every year. The new prices may not be too big a deal for those other professions. For photographers, it's an untenable price structure. -Tara Haelle, currently Austin, TX but moving to Peoria, IL; freelance editorial photographer, microstock photographer and baby/toddler portrait photographer	May 4, 2012 3:57 PM
58	I find it amazing that we have to pay so much to protect our own work....	May 4, 2012 3:39 PM
59	only in the event of a photo or set of photos of such immense magnitude that I would find world wide recognition, would I register my photos.	May 4, 2012 3:15 PM
60	I wish the process was simpler.	May 4, 2012 2:36 PM
61	Copyrighting IMHO is like insurance, you pay for it but hope you don't have to invoke it. Some artists are luckier than others selling their work to recoup their expenses and most artist by nature don't have much expendable funds so as where copyrighting may be a necessary tool, making it more expensive may just cause an unnecessary burden to them. Thank you for consideration for not raising the fees. Markanthony Izzo 328 Olivia Street Derby, CT 06418 markanthony_izzo@yahoo.com	May 4, 2012 2:29 PM
62	Make process LESS CUMBERSOME and lower fees.	May 4, 2012 2:23 PM
63	The combination of challenging economic times and the rapid devaluation of professional photography services have created a difficult environment for many professional photographers to earn adequate wages and fees above their costs and expenses of doing business. The proposed increase in copyright	May 4, 2012 2:21 PM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

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registration fees serves to add additional costs to professional photographers, many of whom are already struggling to maintain their profession. Also, Congress has failed to present and enact updated, fair, and effective legislation regarding copyright protection, piracy prevention, and intellectual property theft, legislation which is desperately needed to cope with the profound changes that technology have created. The proposed increase of copyright registration fees without the addition of desperately needed, revised copyright protection and piracy prevention legislation results only in harm to professional photographers without any benefits.

64 While I register all my work, I know raising the fees will make those who don't less likely to register. If the Copyright Office could convince more to register (more volume) then they wouldn't have to raise the fees. May 4, 2012 2:21 PM

65 Why the need to increase fees in the first place? For those of us who are not being compensated enough for our images, this would be a real hardship and personally doubt I would be submitting anymore images. I figure if i put my work on my web page, that is enough to protect me and don't see the need to pay anyone else. May 4, 2012 2:14 PM

66 It is unfortunate that registration fees are set to increase so drastically. As a full-time freelance photographer, I rely on federal copyright protection to secure income from the images I create. Not only has the downturns of the photographic industry affected my income, but the current state of the economy also makes running a photography business even more challenging. Although similar reasons may have caused the government's decision to increase the registration fees, I believe there must be some added benefit in the system for those of us who rely on copyright protection to secure our livelihoods. Making us pay higher registration fees for a service that truly has no substitute seems like adding insult to injury. Alvin Jornada Multimedia Photographer Windsor, California May 4, 2012 1:42 PM

67 I regularly register all of my work as Unpublished, at least twice a month, or more often if some of the work will be published sooner than that. I spent about \$1,000 last year on registering my images through the online, electronic copyright registration system. Considering that so few photographers (even pros) currently register their work, this significant proposed fee increase doubtless will DECREASE the number of filings. Perhaps the ultimate goal is to eliminated copyright registration by small entities, opening up more room for large corporate entities to steal work. May 4, 2012 1:39 PM

68 I have always wanted to copyright my images but have found the process too complicated. I would like to see it become simpler. Also, as freelance news photographer I'm not paid well for my work, so the fees HAVE to be affordable. Maybe there could be a different scale for commercial enterprises who actually have some hope of making a profit with their images. For someone like me it's more about trying to keep whatever small profit there is. May 4, 2012 1:37 PM

69 \$65. fee is almost the going rate for services for a single photo from a buyer. May 4, 2012 1:33 PM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

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70	Nearly doubling the cost of Group registration of images from \$35 to \$65 seems outrageous!! Seems like yet another way for government to increase revenue in a down economy. VERY disappointing, and quite transparent. Photographers are STRUGGLING to make ends meet already! Those that are still in business, that is.	May 4, 2012 1:14 PM
71	A subscription service would give much desired flexibility	May 4, 2012 1:10 PM
72	PLEASE DON'T RAISE OUR FEES. PHOTOGRAPHERS WORK HARD AND ARE PAID VERY LITTLE. THIS WOULD TERRIBLY IMPACT OUR TRADE.	May 4, 2012 1:02 PM
73	I haven't registered any photos yet but have been advised to to protect myself from Copyright Infringement. I am a student and therefore have less money to be able to register and so the rise in fees is definitely going to impact my decision to register photos as frequent, if at all. Christopher Reeves Bountiful, Utah Photo Editor/Photojournalist supercj.reeves@gmail.com	May 4, 2012 1:01 PM
74	Raising fees discourages participation and disproportionately affects freelance photographers.	May 4, 2012 1:00 PM
75	The fee increases are absurd-I have had numerous go-arounds with the copyright office over registrations that include errors on the part of the copyright office on the registration. It is pretty hard to justify the increase in cost when, at this point, the website that is supposed to allow you to type in the required info often doesn't work work-I am also appalled that the increase for group registration is almost doubling. How can the Copyright Office justify raising the cost of registering when they are, simultaneously trying to encourage more people to register? How do those two things happen at the same time?	May 4, 2012 12:51 PM
76	Another way for the government to raise there rates on starving artists trying to make a honest living.	May 4, 2012 12:35 PM
77	I support the government being self-sufficient but it must be balanced against the economic situation for the artists and the proposed increases are way out of balance with our economic position.	May 4, 2012 12:27 PM
78	Price increase would not encourage people to register their images!	May 4, 2012 12:21 PM
79	Is an abuse increase the fee.	May 4, 2012 12:21 PM
80	Freelance editorial photographers and photojournalists are already under intense pressure both from a lack of ability to raise fees and a public that thinks their work is "public domain" even though it is not. Photojournalists, especially, are some of the lowest paid and most economically disadvantaged photographers in the market place. Therefore, if photographers are not making much money and then people are stealing their work with impunity (which is exactly what's been happening because photographers can't afford to sue them) raising the fees on copyright protection makes it less affordable to register the images. For example, an editorial photographer might make 200-300 dollars per assignment and if they work 100 days per year then that's 20,000-30,000 per year in income.	May 4, 2012 12:21 PM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

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Factor into that the cost of living and buying cameras and other equipment. So, if the Library of Congress wants to create even more of a disincentive for editorial photographers not to register images then almost doubling the fees seems like a good way to do so. Personally, I already don't copyright my images because the prices are already too expensive. If I were an advertising photographer then I might think differently but I am not an advertising photographer. The editorial photography I do is aside from a regular job at a newspaper and it's to supplement my income from a job that already doesn't pay very well. If I have an extra 65-100 dollars it's probably going toward the expensive cameras and lenses I'm required to buy every 2-3 years. I hope I don't have to freelance anytime soon, it's almost an impossible way to make a living these days for the reasons I just described not to mention rampant theft of intellectual property from photographers. Last week I was having lunch in a restaurant when I saw on a band's t-shirt a famous news photo from the 70s by a famous Pulitzer Prize winning photographer. I'm almost positive the rock band that put it on the shirt didn't license the image. That's what I'm talking about --- and what editorial photographer has the cash to sue them anyway? Theft of photography for unauthorized use is so common now with the internet that most photographers have no idea who is stealing their work --- it's become a game of trying to make it so images are harder to steal but then that mean's it's harder to market images. Perhaps the copyright office ought to make fees dependent upon the annual income of a photographer or perhaps by the number of images submitted. I mean that's how the tax system is supposed to work. Why is it anyway that independent freelancers who often make less than 40,000 per year pay the same fees as multi-billion dollar media companies - it's a regressive system to say the least. These are just my immediate thoughts upon reading the price of copyrighting images is going to nearly double. Jeremy Hogan
Photojournalist JeremyHoganPhotographer@gmail.com

- | | | |
|----|---|----------------------|
| 81 | We are struggling. also. A fee increase would hurt the viability of registering, which the copyright act gives us a right to do! Lee Balgemann Lee Balgemann
Photographics Lee@Balgemann.com | May 4, 2012 12:06 PM |
| 82 | Eli Reed, Austin, Texas/New York, NY, Photojournalist/University of Texas
Professor The proposed fee would cause more useless legal programs in the end and an artist who produces a large amount of images will be put in a bind that could possibly end with the loss of important work that could have been a benefit to society. It will encourage a dumbing down of visual acuity to our collective culture. Only those who can afford the fees will be able to have work that may or may not be something that is useful to the democratic process in action. It doesn't take any full blown politics to see the negative side of this financial problem to those who are not able to afford protection of their own work. | May 4, 2012 12:04 PM |
| 83 | Fees of this nature will do nothing to ensure that one's creative work is not stolen. Dealing with government agencies is atrocious and cumbersome at best; almost always involving the hiring of a lawyer to deal with the agency (the one the professional paid to safeguard one's work). The agency needs to provide a stronger ethic in protecting the work of artists as well as assisting the artist/photographer should their copyright be violated, etc. Only in that way will a | May 4, 2012 11:53 AM |

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

[you may also submit your comments t...

	justification of fee hikes be acceptable.	
84	Jack Corn, retired photojournalist ,jcorn5505@gmail.com I think it is an attempt by large publishers to obtain photos without secondary payments for digital use.	May 4, 2012 11:50 AM
85	Already time consuming & expensive... to make it more expensive means I am less likely to use their service.	May 4, 2012 11:48 AM
86	It appears they are just raising it to make more money/fees and not out of the actual cost involved.	May 4, 2012 11:47 AM
87	Journalists and photographers, especially those who work on a freelance basis, won't be able to afford such rise in costs. I know I won't.	May 4, 2012 11:41 AM
88	It's just another way of taking money out of the pockets of people who can least afford it..it's a new tax pure and simple.	May 4, 2012 11:41 AM
89	I don't like the increase because our business is going down and this price increase only hurts us further. Diego James Robles Tuba City, AZ 86045 james@roblesphotography.com	May 4, 2012 11:35 AM
90	It stinks!	May 4, 2012 11:33 AM
91	This is quite a jump in fee rate.	May 4, 2012 11:33 AM
92	Most of us don't make a lot of money. Even \$500 would be pricey!!!! PLEASE HELP US PROTECT OUR WORK -- HOW WE MAKE OUR LIVING -- ESPECIALLY FROM INTERNET COPYING, ETC.!!!	May 4, 2012 11:30 AM
93	The increase in registration fees would certainly be a detriment to me filing. The system is already confusing enough, and the only saving grace is that the fees are reasonable. The only thing that would cause me to be accepting of an increase, would be a more efficient registration system and, most of all, a strengthening of the copyright laws - when it comes to protection enforcement. David Robert Farmerie Photographer Nashville, Tennessee davidfarmerie@gmail.com	May 4, 2012 11:30 AM
94	Please do not increase the fees.	May 4, 2012 11:24 AM
95	I currently don't register my images, and lowering the fees will not be an incentive for me to start, as long as the fee is in the range of \$500 + per year. It's way too hard for an editorial photographer to cover their living expenses, and we don't see that the copyright office does that good of a job protecting photographers from theft of our images, especially now that our images are nearly always produced digitally (even if captured initially on film). So, we keep records of our work, and we digitally watermark our images when we can in order to provide some protections that do not add cost. .	May 4, 2012 11:11 AM
96	Most photographers are starving artists! I haven't been able to register any images because I'm already too poor. This would mean less protection for the	May 4, 2012 11:06 AM

Page 4, Q1. Do you have any comments about the proposed fee increase you would like us to consider including in our official comments to the Copyright Office? If so, please enter them with your full name, city, profession and email address in the space provided below.

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	vulnerable. It's not right to raise the cost of registering just to make a profit off of the poor. It's not like it's actually going to cost more. It's just greed and it's wrong.	
97	Copyright is the way we protect our property and the raising of fees will only help to consolidate "ownership" in the hands of the few.	May 4, 2012 11:05 AM
98	Now that I know this exists, and while I'm aware of copyright importance (esp. in this electronic age), a fee increase will deter me (as an upcoming professional photographer) from registering.	May 4, 2012 11:04 AM
99	In today's business and legal environment the registration process is more a hindrance than a help in protecting the ownership rights of creators. Photographers in particular are required to spend an inordinate amount of time and effort, not to mention money, to register their work. In the event that a case ever gets to court it is often thrown out in legal maneuvers. The more difficult and costly it becomes to protect ones right of ownership the fewer people will try. They will either only create things where they are assured of adequate compensation when the creation is first shown to the public, be willing to invest more in creation than they will ever receive in compensation, or give up creating all together. The U.S. Congress should modify the copyright law to bring it more in line with the Berne Convention and 21st Century reality. A 19th Century approach to how to protect creator rights no longer works. Jim Pickerell photographer, stock photo agent Rockville, MD 20850 jim@scphotos.com	May 4, 2012 11:02 AM
100	Stop increasing prices, this just mean less money in my pocket book.	May 4, 2012 10:51 AM
101	[scrambls}demJz1ztu {} }	May 4, 2012 10:50 AM
102	This hurts the photography business in general as a majority of us are small business owners struggling to survive. An additional tax to our business will hurt especially start-ups and all of us tremendously. This is pushing the profession further into a dying profession.	May 4, 2012 10:49 AM
103	This fee increase will be too cumbersome for artists and creators.	May 4, 2012 10:48 AM
104	As a single photographer who works independently, I register a relatively small number of images, and with limited frequency, so even a \$500 a year subscription fee seems excessive	May 4, 2012 10:42 AM
105	Some media outlets for whom I've worked have claimed that they owned any (or all) images I've taken, during the time of my employment. This was on a 24/7/365 basis. While employed there, I would sometimes shoot weddings, portraits, or other "commercial" jobs. I will no longer work for those entities (for obvious reasons). I think there is an inherent flaw in some aspects of the copyright process.	May 4, 2012 10:40 AM
106	In a business environment where corporate taxes are either being lowered or eliminated, why once again are creative people being asked to pay more what amounts to "taxes?" Problem here is that despite the "copyright" process for	May 4, 2012 10:40 AM

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	“redress” for unauthorized use of images, thousands of images are illegally used each year with little recourse or redress. Are we wasting our money? I think so!	
107	Independent artists are already struggling enough in our current economy. Increasing the fees for copyright registration, something we need to help us earn a living from our work, is an increased financial burden for many. Increased fees will only decrease the number of artists registering their work with the Copyright Office.	May 4, 2012 10:36 AM
108	Photography is becoming an increasingly competitive field with fewer barriers to enter the market. As such salaries are falling and photographers are getting laid off with the current economy and increasing outside fees impacts that job model even more.	May 4, 2012 10:36 AM
109	Is there add on software for Lightroom or such products to do this even easier?	May 4, 2012 10:26 AM
110	It's particularly tough on photographers/artists to have these fees nearly doubled at a time when it is harder than ever before to earn a living through one's creative work. Sarah Putnam, photographer Cambridge, MA sarah@sarahputnam.com	May 4, 2012 10:23 AM
111	It is important to give creative people an incentive to work and create new original content. If it is harder and more expensive to protect your work from being stolen or misused, there is less incentive to create new works. In this digital age where images are so easy to steal, there needs to be an inexpensive and easy way to protect my images.	May 4, 2012 10:20 AM
112	The increased fees seem disproportionate and unfair to photographers trying to protect their work from copyright theft.	May 4, 2012 10:12 AM
113	cost is a major factor for a self-employed photojournalist	May 4, 2012 10:06 AM
114	I don't really like the idea of the subscription-based registration system	May 4, 2012 9:57 AM
115	Registration should not even be a requirement for enforcement of ownership rights over created works, it should be assumed. Especially with embedded metadata in digital works (I know that data can be manipulated). We shouldn't need the government involved except in guaranteeing the protection of our rights as long as we can legally establish/prove we are the original authors of the work.	May 4, 2012 9:57 AM
116	Given everything that is happening in this profession (people increasingly stealing online content under the pretense of "sharing") and the difficult economic environment this move seems completely counterintuitive. Part of me wonders if this has been influenced in some way by photographers who make a lot of money and are simply trying to make it much harder for up and coming competition.	May 4, 2012 9:54 AM
117	ANN WATT 201 EAST 36 STREET NY, NY 10016 ANNWATT@YAHOOO.COM	May 4, 2012 9:50 AM
118	Electronic registration should lower the cost, not increase it. The copyright office	May 4, 2012 9:50 AM

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should be exploring ways to streamline the "infringement claim" process so that registration delivers an actual benefit to the many non-corporate registrants unable to retain the high priced legal hammers required to enforce their copyrights even in the face of blatant and willful infringement.

119	This increase will make it harder for me as a student to be able to secure my copyright.	May 4, 2012 9:47 AM
120	I have been registering my work for a while, this would affect my financials, especially in this economy. Yunghi Kim-photojournalist	May 4, 2012 9:39 AM
121	I think it is ridiculous they would increase the prices. We photographers are already getting shafted in other areas of our work and pay. It's just another hassle. Kristina Subsara Student/Photographer kksubsar@syr.edu	May 4, 2012 9:24 AM
122	The current registration process takes too long and creates a burden for registrants. Leif Skoogfors, 21 S. Valley Forge Rd., Unit 201, Lansdale, PA 19446 (skoogfors@gmail.com)	May 4, 2012 9:04 AM