

To Whom it May Concern,

My name is Sheana Firth and I own a small but successful design firm called Breakaway Graphics, LLC. I have on multiple occasions had my original work infringed upon by other designers, publications, and clients (for whom I am an Independent Contractor). In one case, I had failed to register my work before the infringement occurred and was forced to decide whether to spend my hard-earned capital fighting with the infringer in court, knowing full well that my attorney's fees would not be recouped. Ultimately, after consulting with an attorney, it became clear that I simply could not afford to defend myself, even if I was on the right side of the law. The infringer got away with it and went on to win several awards with my artwork, claiming it as his own. In the other cases, my work was registered prior to being released and/or published however I was once again forced to decide what I could afford to do and what time I could devote to litigation while running a company. Lawyers are very expensive and, frankly many times it's simply too expensive a prospect to defend my intellectual property (often, just hiring a lawyer to write a letter to the infringer costs more than I was paid to perform the work itself). It is unfortunate, but many clients of graphic designers, web developers, photographers, writers and other creatives already know that the cost of litigation is too great for many small firms to handle so they knowingly infringe because the chances of getting caught and/or sued are slim. Please make this process easier and less expensive for the creator of the works. And honestly, since you asked for input, I don't think that registration should be a prerequisite to legally be able to defend your rights as an author. The prerequisite should simply be the creation of the work. I would understand if registration was prerequisite for collecting statutory damages at a much higher reward' but Authors should have a right to legally defend themselves and their work if their work has been infringed, period. Additionally, Attorney's fees should be on the table on ANY infringement suit so us Creators can protect our intellectual property and not have to turn the other cheek, so-to-speak, simply because the cost to prosecute is too high.

Thank you for your time,
Sheana Firth