

First, thanks for the opportunity to voice our opinions. I have been a photographer most of my life in one way or another. I have about 500 registered copyrights and getting ready to submit more. I have also been infringed many times even within the last few months. Over 40 images were infringed, so I have some experience.

My feeling is pretty simple. There needs to be a mechanism that allows for the enforcement of the copyright that is part of the rights of the person creating the item even if it is not registered. I am going to address things as if it were a photograph as that is my area of expertise. If someone takes a photo and the federal standard is that it is copyrighted at the moment of creation, then it should be protected the same as one that is registered.

If a photo is not registered and it is infringed, the infringer should be responsible for all costs associated with getting it taken down and court costs if necessary. If an attorney is needed because of the infringer failing to cooperate then the attorney fees should also be the expense of the infringer. I think if there is more than one infringement there should be the possibility of being a criminal case. Infringing is infringing whether the work is registered or not.

There should be a tier system for repeat offenders.

The issue is the fines and damages have to be high enough to deter corporate raiders from just paying a small fee and continuing to do it.. The offender should be put in the registered copyright fee area if they do more than 5 a year. I think the damages should start at \$500 – 700 dollars per infringement of one photo or article. I think the cap per infringement of each item infringed should be \$15000.00. This puts it into the area that all will think twice concerning the matter.

The idea of a small claims court for enforcing the law is a great idea.

I have issues with the states being allowed to handle it as I do not want a local Justice of the Peace who are many times the judge in small claims courts handling something like copyright infringement. I think the law needs to be very clear and with almost no exceptions of any kind and put all emphasis on enforcing the copyright instead of giving the infringer outs.

I personally would prefer an expedited case load in the Federal Court system somehow. It would be great to have our own court system but the economics of doing that in this economy might keep it from being done. It needs to be done very badly. The little guy is having his rights and copyrights trampled into the ground because they have no way to enforce them that he can afford.

I think you need to consider the large picture on infringement as some of the corporates and large websites are basically stealing product because they are too well protected. The little guy with a small claim has the same rights but not the mechanism to enforce them.

The small claims courts should be a simple process but if the decision is appealed there needs to be a system to deal with that also and not at the state level. The appeal process would be also need to be limited instead of another legal wall for the little guy. The system is being developed to level the playing field so the system should have a limited appeal feature.