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To whom it may concern.

I am a professional aerial photographer resident outside of the United States in Great Britain. The proposed reproduction of so called "Orphan Works" will deprive me of my lawful income and is a breach of my Human Rights under article 27 of the Universal Declaration of Human Rights. It is also a breach of international law and the Berne Convention on Copyright.

Although I am not a US resident, this legislation will have a great effect on me as the world is a much more connected place than it once was. Like many artists, I sell world wide including to many US image users.

There is no need for any legalizing of Orphan Works and since the invention of the internet artists, writers and musicians have never been easier to trace. Almost all Orphan Works can be un-orphaned with 5 minutes on an internet search engine. While the opponents of copyright will pretend Orphan Works are dusty paintings hidden for decades in museum basements, the reality is the vast majority of works affected by any Orphan Works legislation will be current works created in the last few years. Any allowance of their use will be depriving current artists of their lawful income.

The greatest weakness of any Orphan Works legislation is its inability to adequately compensate for their work. Only the free market can truly decide the value of an artistic work. Orphan works schemes with their Marxist one price fits all can never reflect the real value of the works used and will therefore have a particularly harmful effect on those whose work is worth more than average prices. In the photography market prices vary tremendously from free to millions of dollars depending on how good the artist is and how difficult or expensive it is to obtain the work. A war reporter for example, should always be able to charge a higher price than a child photographer and in my own specialization, aerial photographs taken from planes and helicopters will always cost more than ground based photography. No Marxist Orphan Works scheme can ever reflect all the price differences found in the free market.

The inappropriateness of Orphan Works legislation is also compounded by the state of copyright registrations with the US Copyright Office. Their current arrangements make it extremely difficult and time consuming to register new unpublished works and virtually impossible to register any significant number of previously published works. I take 40,000 to 80,000 photographs per year, yet the USCO wants me to register in batches of just 250 and each of these batches must have an individual title for each image and an individual publishing date. With an archive of over a quarter of a million unpublished images it would take many years working full time to comply with their procedures.

Yours sincerely,

Jonathan C K Webb, aerial photographer

