July 23, 2015

To: Catherine Rowland, Senior Advisor to the Register of Copyrights, U.S. Copyright Office

As an architect and owner of my own architectural firm, I create architectural illustrations for a variety of purposes in the course of my projects. These illustrations can sell a proposal for a project; more clearly illustrate a project to clients, financiers, or local authorities; and illustrate to the public what is to come once construction is completed. As such, I have been in the business of creating images and licensing subsequent rights to those images since the early 1990s. These illustrations are a portion of the basis of my income and ability to support my business. Copyright of these illustrations is the only way I have to protect the integrity of my work and is a significant source of my marketing for future projects. If others were to be able to freely use these illustrations to promote their own architectural businesses, it would significantly impact my own business.

As such the biggest challenge is to keep control of who may use my images and to keep my copyright notice and contact information associated with the work. Although I attach metadata to my electronic image files and watermark them visibly, I often find that such data is removed and the images appear elsewhere on the web. Metadata is erased and watermarks are cropped out or edited off of images. A simple search of YouTube will provide one with tutorials to remove such data and watermarks using commonly available - even free - software. As such, there is little that I can do to prevent my works from becoming “orphaned.”

In an effort to protect the rights of creators, I feel that the Copyright Office should take a more strict approach toward making it illegal to remove copyright information, watermarks, and metadata that would show ownership of a created piece. Further, mass digitization of works not in the public domain should only be with written permission of the content creators. Infractions of these regulations should be met with stiff financial penalties. The idea that someone may appropriate a work merely because they do not know who the creator is should not absolve them of these regulations. Further, towards the purpose of determining ownership, the Copyright Office should make these visual images searchable by those images - not merely by text. Online search engines allow the ability to search by image, so it is certainly not outside the realm of the available technology.

I have to admit that the general tone of the proposed language is very concerning to me as it puts the rights of users of an image above those of the creators of the images. Just as a patent protects inventions and intellectual property from being copied to the benefit of their creators, so should a copyright protect creative works to the benefit of their creators. In each case, such protections are protections of the creator’s livelihood.

Sincerely,

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