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Dear US Copyright Office

As a photographer it has become virtually impossible to protect my copyright.

The issues are:

IGNORANCE OF THE LAW ; NON-PROFESSIONALS DOING BUSINESS
- today commercial uses of photography are not necessarily handled by professionals who know the law. Any association or small business that needs photos feels free to use anything without asking or crediting or paying.
-Photographers have no easy way to find unauthorized uses of their photographs.
- If a photograph is used for a commercial purpose without the rights having been acquired, the photographer can be sued for any model releases, etc. that were not obtained…when the photographer never intended her photograph for commercial purposes!!
We have to play by the rules ; so should consumers of photography.

Solutions: Widespread education. On web platforms, websites, public service announcements…
Unauthorized use – the user should bear all responsibility for indemnifying the photographer. Users should also receive a penalty fine for unauthorized use. There is no excuse for ignorance of the law! The penalty fine could go into a collective rights organization to be distributed to member photographers.

DEVALUATION OF PHOTOGRAPHY
- In general professional businesses don't want to pay for photographs anymore, and/or press or customers want to take ownership of the copyrights.

Solutions: Copyright to an original photograph should not be transferable, nor should moral rights. Specific rights should be purchased. Work for hire could still exist, if both parties agree to it up front and in writing.
It should simply be illegal to use any photograph for commercial use without first obtaining the rights.
"Clip art" illustration photographs could still exist- but would need to obtained under legal means.

SHARING ON THE INTERNET
- Individuals are raiding my website and various unofficial sources and sharing my photographs on facebook, instagram, twitter, etc.
A big problem is that these sites strip the metadata from the photographs!

Solutions: Require "sharing" web platforms to retain metadata. Facebook and others are thieving by removing the data.

Future software for web posting should retain metadata. Technology is advanced enough now that metadata should be an integral part of an image.

Require internet service providers to collect a fee from each subscriber that would go into a collective rights organization to be distributed to registered member photographers. This would be a bit like the “private copy” tax for books and music, but specifically for photography. The phenomenon of sharing images is much much larger than sharing music was!

“RIGHTS FREE”, COPYRIGHTED, etc. – TOO MANY TYPES OF “RIGHTS”

- As a photographer in order to inform and protect my rights I clearly indicate in the metadata of all of my photographs that they are copyright all rights reserved, full contact info, etc. When sending to potential clients and if I share for my own promotional purposes on the web or via email, I always put a copyright and website copyright on my photographs. I believe that shows enough good faith that I am trying to claim ownership and protect my work. However, if someone strips the metadata, or obtains an unauthorized copy of a photo without watermark, it becomes unidentifiable.

<u>All photographs should be considered to be copyrighted by the photographer unless permission is specifically granted by the photographer.</u>

This is a WORLDWIDE issue – there needs to be a global standard about copyright ownership. That’s why it should be innate.

Solutions: Copyright should be innate once an image is created. As mentioned I take some basic precautions to identify my copyright. Photographers should be required to identify their copyright ownership in the image metadata ; it’s a responsibility that should be required. However, responsibility goes both ways – so potential users need to verify whether of not they can use or share the photo.

Copyright registering for images should not be required – it’s too complicated and costly both for the photographers and for the government. Registration would no longer be necessary if copyright is innate. There can still be an expiry date, years after the photographer’s death.

There should be no such thing as “rights free” or “orphaned works” I do not subscribe to the Creative Commons practice. Anyone could post one of my photos to instagram and label it with Creative Commons as rights free.

How to separate the amateurs from the pros? “Pro” photographers would subscribe to a collective rights organization which manages “sharing” and unauthorized rights. This organization would collect and divide these rights among its members. That way, non-professionals could freely share their snapshots if they want to. Definitely there should be a separation between pros and amateurs. However, anyone who decides they want to

protect and own their copyright could label their photos and join such collective rights organizations.

Thank you for your attention!