COPYRIGHT QUESTIONS FROM APA

If the Orphan Act gets passed, photographers will have no recourse for getting paid for their work. The government spends millions of dollars trying to police and retain what is theirs. Each individual does not have the resources that a huge government or corporation has. Since digital photography, the internet and social media; the value of our work has decreased tenfold. We are trying our best to stay a float. The drastic evolution of technology only hurts our fight. We are constantly having to upgrade equipment and consumers are constantly getting upgraded to what we are throwing to the waste side. It is creating a saturated market with customers who are naively stealing our goods. How do we put a price on stolen items that we don’t know are gone? When will I be able to call the Police or some other authority and tell them that more than $500 worth of goods has been stolen from me and they need to fingerprint the internet to arrest the culprit for grand theft? When will the internet be a fair marketplace?

The American Photographic Artists sent out an email asking us to answer the following questions. I enlisted the help of some of my

friends in the industry to get a bigger take on this issue…

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

SOCIAL MEDIAS & BLOGS - REPOSTING OF PUBLISHED ARTICLES THAT HAVE LEGALLY PURCHASED A LICENSED WORK

The challenge I normally encounter is about people or websites where others are using my images on say Facebook and some small companies are using images without me knowing it and finding out later. With no copyright visible, it is difficult to get paid after the fact.

Keeping up with people who screen grab from websites or download from social media platforms and make use of photos without permission or even a written request.

How do Photographers and Illustrators protect their work from people using a section or part of an image and then changing it to create their own version of "art". They posterize a section of the image and say that it is not stolen from someone else. It is hard for photographers to plan usage rights for upcoming new types of media usage. 10 years ago we did not worry about Instagram and other social media using images.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

DEFINITELY PUBLIC ASSUMPTIONS THAT WHEN SOMETHING IS AVAILABLE ON THE WEB IT'S IN THE PUBLIC DOMAIN.

There are no cease and decist for Instagram and Facebook. International clothing manufacturers with millions of followers can post our photos with no recourse. Even if we try and comment on the photo, it gets buried and no one cares.

It's simply too easy in our digital age for people to steal our work. Even in the hands of magazine or newspaper photo editors, art directors, and other end users our work is vulnerable. Metadata is only so helpful in protecting our work. We need copyright laws that recognize creators of the work and protect their copyrights from being infringed. The whole world of creative content can not simply be public domain.

Who do photographers call when they do find their images misused? Who enforces these laws? How do we track the actual usage of an image? Or should an image be used per time, like a rental?

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

Making sure that they register their images in the correct way and on time.

It is very useful that we can register bodies of work. Having to register each individual photograph would be a disaster.

Most people don't know about the copyright registration website and find it daunting. I have done it many times and the auto-population is great but people are still scared. Maybe add a plug-in to photoshop or Lightroom that uploads directly to the copyright website…

4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?

Sometimes companies use photos without regard for who took the image or who has ownership of the original image. I have heard that they shun the owner of the image and say we will see you in court, and even if they decide to play nice, all they have to do is take it down and are told not to do it again but never have to pay for what they got away with. It's like the border crossers. Why stop trying if all you get is a slap on the wrist.

Perhaps contacting the creator of the work. But there are a myriad of ways to do that, and contact info can almost always be found in the image's metadata.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

The company www.imageprotect.com should be incorporated into the copyright site or at least have a direct link to them.

The office should be using resources to make people aware of the copyright office. If you could add a search engine like google images to your site where someone can upload an image and get the owners information, we can start calling out people that try to play dumb when they are caught illegally using images.

POSSIBLY A WAY TO IMPLANT © REGISTRATION DIRECTLY INTO DIGITAL IMAGES THROUGH DIGIMARC OR ANOTHER STAND ALONE PRODUCT.

Simply that we need to maintain our copyrights and be able to register them in an efficient manner. It's hard enough making a living with a camera without constantly having issues almost completely out of our control making it harder. We can not spend most of our time attempting to police the use of our own work. That's why we have copyright laws in the first place!