Todd Bigelow Photography

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Dear US Copyright Office,

I'm grateful for the opportunity to submit my thoughts on the current copyright registration process as well as the multiple obstacles photographers face in the digital era.

As an educator who teaches workshops revolving around the business of photography, I draw on my personal experiences to educate other photographers about many issues relating to freelance photography. Chief among them is copyright, licensing and infringement because these are the overwhelmingly daunting obstacles that freelance photographers face on a nearly daily basis. My speaking engagements as the workshop founder allow me to hear firsthand of the considerable frustration and disenchantment with the copyright process and protections currently in place. There are several changes that could be made to allow photographers to simply register their work while also allowing for pursuit of copyright infringers of all kinds.

First, I respectfully ask that the US Copyright Office give serious consideration to updating the byzantine manner by which visual artists copyright their work. One of the questions that is most often asked at my workshop is "*how do I know if something is published*?" With the digital era clearly redefining published work (which not long ago was easily defined as a image printed in a periodical), I feel it is time to eliminate the Published or Unpublished category for registration. Allowing for a more streamlined and unambiguous approach to copyrighting will encourage more artists to register their work.

Just as important as the registration process is the process by which photographers can pursue violators of the copyright law. The digital era has resulted in the copyright law becoming almost meaningless. Photographers are at such as disadvantage that it is nearly impossible to quantify. The reason is simple; the proliferation of digital publishing means that bloggers routinely use copyrighted work without authorization. If caught, many simply taunt the photographer by invoking "Fair Use" doctrine and challenging the artist to sue them. These are not large infringements in the sense that they would result in big settlements, yet the volume has directly impacted the licensing and marketability of my photography. The infringers know exactly how to play the game, and to them it is nothing but a game. To the photographers whose work is infringed (like mine), it is our livelihood at stake. Infringers know that a photographer must register their work, hire a lawyer and sue in federal court. The digital era, however, makes many of the infringements not enticing enough for lawyers to spend hours and hours in preparation for a potentially low court settlement, so there are virtually no options available for photographers to pursue the majority of infringers. However, the solution is simple. Allow for photographers to sue in Small Claims court so we can protect our work against the incessant infringement by websites without having to hire expensive lawyers. Without the Small Claims court option, photographers simply can not pursue most infringement in the digital age. The infringers know this well and

exploit that knowledge to their benefit, thus the US Copyright Act has been rendered nearly toothless in the digital world.

In closing, please give these factors serious consideration so that I can protect and earn a living from my work. I count on the licensing revenue to support my family and my photography.

Thank you,

Todd Bigelow
Photographer/Educator
The Business of Photography Workshop.