July 19, 2015

The United States Copyright Office
101 Independence Ave., S.E.
Washington, D.C.

Dear folks,

Thank you for asking about our experiences as visual creators with your services. I have also shared the following with Mickey Osterreicher of NPPA, who is preparing a reply to your inquiry, based on input from NPPA members, such as I.

Interestingly, I am in the midst of catching up on the past two years of registration. Distracted by a full-time job beyond my personal photography work, I again find myself in the mire of collecting, organizing and converting more than 20,000 images, paying $110 for a service that would have been $70 a couple years back, and which has not improved in any measurable way commensurate with its increased price.

The process I follow for such a registration, and have written down, includes 17 steps (with more needed, based on a careful examination of this past week's effort), many of them highly technical, involving checking tiny details of export methods in PhotoMechanic and a very clunky ECO system, in which it is extremely easy to make a misstep.

I have many hours invested in these two group registrations of unpublished images. The work toward registration has stretched across some six months, with fits and starts, to ensure unique file names, complete metadata, coherent naming schemes and complete documentation (I also, based on legal advice from ASMP, supply a complete list of every file name involved). Then there is the issue of determining which images were published, separating them out and paying even higher fees, with more complex documentation, to register them.

And all this is for a deposit that I understand the office will discard after several years, if not much sooner.

All I want to do is get this over with.

But that wish was thwarted by an interesting twist involving the ECO system. We successfully prepared both years' collections, and after three or four passes through the online steps for the first deposit (2013), we managed to insert my correct contact information in four or five different places, pay the $55 fee, and using my fast university connection, since both my home systems were not fast enough to complete the uploads (I organize and deposit my image files by calendar quarters) before they timed out, we completed uploading all files.

The online system explains that once an upload is complete, I may not make changes. Yet when I set out on a similar process for 2014's unpublished collection, I somehow managed to commingle its title with the 2013 application. The title line on that deposit now reads "Greg Smith Unpublished Photographs 2014 - Approximately 11,426 Images." If I click on that title, it also lists, below it, a similar title for my 2013 images. However, the deposit includes none from 2014, I cannot correct the title and I can't now combine the two years worth of images (which I understand is legal but not particularly tidy) into the one deposit that purports to include both collections.

I spent 15 minutes on hold Thursday, trying to connect with someone in the CO. Then I had a meeting, followed by more and couldn't call again before the office closed at 3 p.m. my time (MDT). I sent them a message via email form Friday afternoon. The automated reply says to look for a real reply in my spam box and advises that such a reply will likely suggest I contact the office by phone

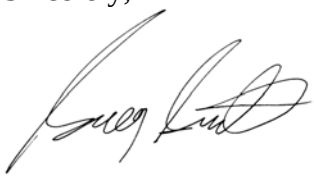
Hence, I am stalled. I dare not upload the 2014 deposit when its title is paired with the 2013 deposit. I can't fix the title myself, since it's locked. I can't figure out how I managed to insert the wrong title into a locked deposit. And I have no idea how or when I might eventually get "help" from a CO employee, nor whether such will be helpful.

So … the updating of my website (now years overdue) continues to wait on the registration of these images, despite perhaps 100 hours of work (nights and weekends) involved in trying to register the images in question.

And again, once they are registered, will anyone ever see that deposit again? I've built it to be search friendly, with unique file names, carefully input metadata and a complete list of files. But to what end? How will this actually protect my images? Why is it that the FBI only investigates infringements against the largest of copyright holders, companies who have entire floors filled with attorneys, while small holders, such as I, must go through such a cumbersome process, conduct our searches for infringements and invest our meager incomes in trying to prosecute such abuses?

I'm told it's important I register my images. I understand the reasoning why. But is it any surprise that I am among a very tiny percentage of professional visual artists who actually register their work? And is it any surprise that infringements of visual works are many times more common than licensed uses?

Sincerely,



Gregory W. Smith
Westcliffe, Colo.