US Copyright Office
regarding its Notice of Inquiry on Copyright Protection for Certain Visual Works.

May 5 2015

As the digital era has moved in, photographers have increasingly seen our copyright protection eroded by a variety of factors. They have become almost too prevalent to name them all, but behind them we most often find the big tech companies at work, promoting ideas that encourage others to steal creative works, refusing to address copyright violations, and making it unduly difficult to file DMCA notices when we find violations of our work… and even creating a "dangerous environment" for us when we do so by such things as threatening us with legal action if we have taken action against someone who was using the work as "fair use."

We have seen Google and other tech companies, who could do much to help us protect our copyright by such simple actions as putting notices with images searches that images are copyrighted and to contact the copyright holder before use of the image do the opposite. Instead, they have set up searches that present our images without the person searching even needing to arrive at our websites to see a large version of the image and download this. Image searches can also be done by the type of license offered: public domain, commercial, or creative commons. However, the search engines do not give the copyright holders of the images any means to specify what type of license we are offering, if any. And as I just said, the person searching for the image does not even need to come to my website to download the larger version!

We also are seeing on a regular basis Google and other tech giants organizing events to encourage destruction of copyright saying it is outdated and hinders creativity. This is not true. Without compensation we cannot produce work of any quality and everyone suffers to the degree that we cannot fund our work… even the tech entities that depend on this content to have something people come to see.

The situation has gone so far south that we have seen numerous newspapers, magazines and other publications lay off their photographers and begin simply stealing the images off of social media to fill their needs. USA Today did this during the Colorado floods a year ago, the NY Times has done it on numerous occasions. When challenged on this, they simply say that images on social media are in the public domain. This again is not true. It is also a double standard as these same organizations would not permit their work to be reprinted

in full without going after a copyright violation claim.

When I am on YouTube, I would say at least 50% of the content if not more is clearly a copyright violation. It is obvious… television shows that have been recorded and uploaded by individuals, composite works that are nothing but collections of stolen photos put into a video format with (also stolen) background music. This is not “creativity” it is theft. And google provides us no means of reporting the illegal content when we see it.

Big tech on the web operates on a business model of “other people’s content” to survive, and as a result they see copyright as a barrier to their profits and have been working hard to destroy it for us (but not for them). Facebook, Twitter, Pintrest, Instagram and all of the images sharing sites depend wholly and completely on other people’s content. In the case of those uploading iPhone photos perhaps this does not matter. But many of these encourage people to find the images they like on the web and “share” them, such as on a Pintrest board. This is theft, yet we have been trained as a society to condone it.

Photographers are facing a losing battle. Our work is now “shared” and not licensed. If we speak out, we are attacked. Our wallets are getting empty and we don’t have the resources we need to fight the battles against companies with billions of dollars in assets… money they made exploiting our content.

Copyright violation not only harms photographers, it harms the entire industry and results in untold losses in tax revenue. Photographers who are not paid can’t buy new equipment, pay location fees, get permits, etc. They don’t pay tax on the income they didn’t make when their work was stolen, and neither do those who stole it.

We need help. Using image search tools, I find that ANY image I have put online, whether on my own website, or a social media site has been stolen countless times. I’m constantly faced with the dilemma of do I spend time chasing down the violations… or creating new work.

- currently the copyright registration process is time consuming, complicated and expensive for those of us who have had our incomes pushed out the bottom. These processes need to be greatly simplified, and honestly, the creator of an image should be granted full copyright protection and legal recourse whether or not the work was registered. This simple change in the law would do a great deal toward ending the theft of our work as most who violate copyright at this

time do so on the gamble that most of us simply don't have the time and money to register our images and the damages they will have to pay if caught are small.

- YouTube, Google, and any other entity hosting content needs to provide a simple means for those who see the content to flag content that is a copyright violation (much like Facebook makes it possible to flag pornography that is posted so they can remove it). This is not saying that one person flagging it should result in removal but when work is repeatedly flagged it could then be removed. This would also serve to alert those who wish to violate copyright that it will not be tolerated.

- Currently the public has been educated (largely by the same companies mentioned) that anything on the web is free for the taking. Our professional organizations have worked hard to try to educate the public on this issues of copyright, but our resources are limited. These organizations need funding to run the education campaigns necessary to educate the public on the fact that our images are our source of income and that they are protected by copyright so we can afford to produce them. Most people are honest, they have simply been educated to believe what it good for internet tech companies who depend on other people's content is how things are.

- as work is more and more "distributed" on the web, we need a means of collecting income from this in the same manner as musicians are payed when their songs are played on radio.

Copyright is as valuable as our Constitutional right to own property. It must be protected for all creators at any cost and not be swept aside simply because it would damage the business model of companies like Pintrest who depend on work that is largely stolen from others to have their "publication".

Thank you

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