Alex Wild Photography
www.alexanderwild.com

Comments in response to Notice of Inquiry on Copyright Protection for Certain Visual Works.

July 21, 2015

I am a professional photographer, and while I earn a living from multiple different streams related to photography (teaching, print sales, commissions), copyright-based licensing remains the largest portion of my earnings, comprising over half of my business income. It is the only source of income that is sufficient, in and of itself, to ensure that I have enough resources to continue producing new works.

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

Commercial infringements of my work outnumber licensed commercial uses by a factor of at least 10x. I spend 10+ hours per week dealing with infringements, and this forces me to reduce my photographic output by hundreds of photographs per year. I have written about this problem here: http://arstechnica.com/tech-policy/2014/09/one-mans-endless-hopeless-struggle-to-protect-his-copyrighted-images/

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

The astronomical cost of enforcement of commercial copyright violations is so high that, in effect, copyright no longer exists for anyone but large corporate rights-holders. The enforcement system is largely unavailable to myself and the vast majority of photographers. I am in favor of creating an efficient small claims tribunal that streamlines the process, creates reasonable damage caps, and is funded by copyright registration fees.

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

The lag time between submission and processing is too long to be practical, and the distinction between "published" and "unpublished" is too vague. I would appreciate a faster system with clearer guidelines. A new registry database that tracks individual photos would be a vast improvement as well, for both creators and users of content.

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?

n/a

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

Clearer Fair Use guidelines would help both image creators and users alike.