July 22, 2015

LIBRARY OF CONGRESS
Copyright Office [Docket No. 2015−01]
Copyright Protection for Certain Visual Works
Notice of Inquiry - Comments Submitted by PLUS Coalition, Inc. by electronic filing

Re: Federal Register / Vol. 80, No. 79 / Friday, April 24, 2015 / Notices

The non-profit PLUS Coalition thanks the Copyright Office for the opportunity to offer our opinions and suggestions. For more information about the PLUS Coalition, see www.PLUS.org.

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

Market forces present the single most significant challenge, but commentary on market forces serves no purpose in this context. The next most significant challenge is the inability to connect to the marketplace in a meaningful, efficient, sustainable manner. This challenge arises in part from the lack of a robust, persistent link between visual works and their copyright owners. Books, music, motion pictures, and the majority of products throughout the world are linked to production information through the use of identifiers, databases and technology. This allows for the automation and efficiencies necessary to managing and exchanging product information at scale, across global networks, and across the global marketplace. Until this challenge is solved, copyright owners in visual works will continue to struggle. The PLUS Coalition was founded to allow all stakeholders to collaborate in addressing the challenge of identifying visual works on a global scale.

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

The PLUS Coalition is a neutral organization serving the shared interests of all communities in creating, distributing, using or preserving visual works. We do not engage in enforcement activities. However, we understand from our visual artist members that one of their greatest enforcement challenges arises from a present inability to ensure that any person or machine encountering a visual work has ready access to rights information sufficient to allow the work to be identified, and sufficient to facilitate an informed decision regarding the display, reproduction and distribution of the work. For this reason and others, the PLUS Coalition developed an image rights language to allow for global communication of image rights information between people and machines, and is currently developing a non-profit image rights registry paired with a hub designed to connect all registries and databases worldwide.

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

The PLUS Coalition is a global organization and works closely with government agencies in all countries. Throughout our twelve year collaboration with the US Copyright Office, we have encouraged the Office to make an API available to PLUS and others, permitting (a) submission of copyright registrations, and (b) queries of the public information stored in the Office's database. We are confident that the availability of such an API will spur innovation in the private sector and will ultimately result in (a) a simple, fast and easy registration process for the benefit of the public,

and (b) improved access to public information held by the Office. We further suggest that the Office should:

(a) Permit the use of a single registration form for the registration of published and unpublished images, provided that the publication status of the works is identified.
(b) With regard to published works, permit the use of a single registration application to register a group of works first published in different calendar years, provided that the publication dates are identified.
(c) Provide a subscription process whereby registrants pay an annual subscription fee in order to register works in bulk on an ongoing basis, without paying a fee for each submission.
(d) Permit registrants to amend their registrations in the event that published works are mistakenly registered as unpublished.
(e) Provide guidance to the public to assist laypersons with the determination of publication status for visual works.
(f) Amend the registration form to allow registrants to indicate that publication dates are approximate rather than precise.
(g) Amend the registration form to permit and encourage the use of globally unique identifiers for people, businesses and visual works. Allow the public to perform a lookup of these identifiers in order to determine the most current, accurate contact information for people and businesses, and in order to access rich metadata for visual works, supplementing the data available in the Office's database.
(h) Allow group registration for all types of visual works (not just photographs).
(i) Take necessary steps to ensure that the protections afforded to a registrant submitting a single work on a single registration form are identical to protections afforded a registrant when submitting multiple works on a single registration form. Specifically, ensure that the mere submission of multiple works on a single registration form will not itself result in a limitation of the statutory awards available to the registrant in the event of an infringement of multiple works included in that registration. Registrants must not be penalized for grouping images together for the utilitarian purpose of submission of a registration application.

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?

The most significant challenge for image users has arisen from the lack of a global, standardized image rights language identification system for images, together with the proliferation of works bearing no rights information. The absence of standardized, machine readable rights information frustrates attempts by image users to identify rights holders, determine the rights information and acquire rights in an efficient, frictionless, automated manner. The PLUS Coalition was formed to address this challenge.

The PLUS Coalition appreciates the support and participation of the US Copyright Office, and looks forward to continued collaboration in addressing these and other challenges.

Sincerely,

Jeff Sedlik
President & CEO, PLUS Coalition