

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: Response to Request for Submissions - Intellectual Property Protections
Date: Wednesday, March 24, 2010 3:48:02 PM

Dear Ms Espinel:

ASMP (American Society for Media Professionals) and the Copyright Alliance have informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

I am an independent freelance photographer living in Baltimore, MD. In the six years since I began my business, my work has been both fulfilling and lucrative. At the same time, I have also seen a number of troubling signs and trends that make me wonder if this career will continue to be viable in the future.

Like many in my profession, I rely on collecting licensing fees from users of my images for a substantial part of my income. I routinely register the images I create with the U.S. Copyright Office in order to protect my work from unauthorized use. Laws protecting the rights of creators to profit from their own work – and the enforcement of those laws – make it possible for me to earn a living.

Over the last several years, my work has evolved from traditional (analog) photography to digital. Similarly, the images I create are increasingly used in electronic formats, mainly on the internet. The migration of my work onto the web has made it far easier for others to copy and duplicate it for their own use without my permission. I have personally seen examples of my images that have been reproduced without my knowledge or consent. I can only assume that for every unauthorized use I have personally found, there are dozens (or hundreds, or thousands) that I know nothing of. The lost revenue from my inability to protect my copyrighted images is a serious problem I face as a professional photographer, and I fear it will only become worse.

Further, I believe that the very concept of copyright itself is under attack. The recent efforts to rewrite copyright legislation (and 'fix' the Orphan Works 'problem') and the efforts by Google to digitize all books – including those protected by copyright – are just two examples. Perhaps more disturbing still are the signals from the public at large. There appears to be a growing disregard for – and even hostility toward – the concept of copyright. The prevailing attitude seems to be that 'content' – whether it be music, video, news or images – should be free, and that the authors of those works have no right to protect them. Such thinking might prove to make for an interesting academic argument, but as an artist who earns a living from the sale of this work, it is totally incompatible with my livelihood.

In my view, these factors are combining to create a poisonous environment for artists in this country, and indeed, throughout the world. Unless meaningful steps are taken to preserve the individual artist's right to control and profit from their own work, I believe we will see a precipitous decline in the numbers of those who chose to make their living as creators.

I am encouraged that the Obama Administration has chosen to take action on this important issue. I sincerely hope that your work will strengthen intellectual property protections for people like me: the community of independent artists, musicians, writers and photographers as we continue to innovate, create and inspire.

Sincerely,

Paul Burk
Baltimore, MD