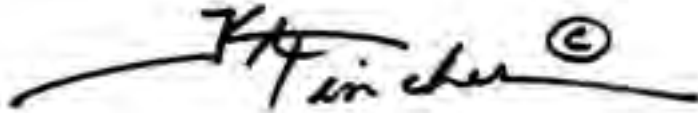


From: [REDACTED]
To: [FN-OMB-IntellectualProperty;](#)
Subject: Copyright protection for licensing Kathy Fincher
Date: Wednesday, March 24, 2010 4:06:17 PM
Attachments: [Dear Mr. Stoll.doc](#)



March 23, 2010

Kathryn Andrews Fincher LLC
1881 Calvin Drive
Duluth, GA 30097

Dear Mr. Stoll,

As a visual artist, graphic designer, writer, and creator of the popular Mama says...® collection products, my livelihood is in the licensing of my artwork to manufacturers. These licenses include paper products, sculptures, porcelains, wood, and textiles.

Today's copyright laws have been very effective in protecting my intellectual properties. I may register collections of my work so it is affordable to protect. Present remedies offer damages of up to \$150,000 per infringing article and have effectively been a deterrent. *I have avoided using the legal system and it has only been necessary to issue warnings.* Current copyright laws have protected me from:

- Rampant infringement of reproducing and selling prints, cards, misc. products using my paintings.
- Rampant infringement of portions of my work.
- Rampant infringement of my work being manipulated for personal copyright or use.
- Internet fraud-work uploaded from the internet and sold
- Internet fraud-using work freely to promote personal or business websites.
- Vendors selling my artwork with their own personal text devaluing the intent of my art by harming the integrity of its message. (i.e., a written message that associates the artwork with

an opinion that is objectionable.)

- The *quality* of the art being compromised.
- Unknown use.

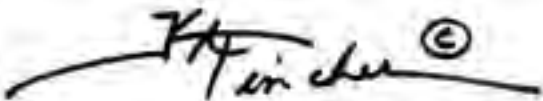
A licensing contract is a relationship that is often **exclusive** between the artists and manufacturer. It is vital that both parties are empowered to have complete ownership of a work and the authority to challenge anyone using the artwork without permission. Unauthorized use of personal property should always have consequences.

The **Orphaned Works Act** introduced last year removes these damages and opens the door to profits for an infringer that may claim artwork as their own with a “reasonable” search. This bill will downgrade my day in court and requires me to spend money openly *marketing* my ownership so I can be readily “found”.

Since 1978 (when it was enacted), many creators have relied upon the Copyright Act of 1976 and employed business protections guaranteed by Congress. ***The Licensing Industry depends on these protections.*** Should I be required to protect each individual work, and derivatives of each work, (of which there would be too many to visualize), I will not be able to protect my personal intellectual property.

Thank you for your serious consideration of the important business principles that afford me the protection of my personal property so that I may continue in my career as a successful licensing artist.

Respectfully,

A handwritten signature in black ink that reads "Kathy Fincher" followed by a copyright symbol (©). The signature is written in a cursive, flowing style.

Kathy Fincher

www.kathyfincher.com