

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
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I am self employed, a one person business with thirty years worth of visual images, most registered with the US Copyright office. I have actively marketed secondary rights in all venues available to me. I have negotiated rigorously with clients to maintain control of my rights. Over this thirty year period, the negotiation of rights has become more challenging. I would like to be specific, but the nature of the issue is that of attrition and industry wide changes. I have observed that for years the essential purpose of publishing has left the hands of people who are actual publishers and has gone into the control of corporate parents. Corporate concerns are not necessarily directed towards the individual which oddly is where corporate profits originate. The Copyright Law is the sole legal voice of the creative individual. The corporate publishing industry is seeking more rights and control of the intellectual properties they are commissioning. Even before corporate interest in publishing escalated, the individual creative had been fighting for survival. Norman Rockwell and his contemporaries received about same dollar amount payments from publishers as artists do today. (Bread cost about .05 cents a loaf when Rockwell was alive.) Having corporations making a grab for individual's intellectual property rights is going to place one of our nations leading exports - entertainment, in danger of fizzling out or becoming a pool of mediocrity.

The United States is one of the few countries in the world where an individual with talent and an ambition can express his " voice " and earn a living selling their personal achievements. A one person creative business is the American Dream. This dream can thrive in a capitalistic system, but only if the individual's rights are protected within that system. By compromising and limiting the individual's rights, imagination - which is a singular process, becomes the property of a conglomerate entity whose sole purpose is to please a board of directors (or mogul) by providing impressive bottom lines from selling "Product". Individual creativity it is not something they are inclined to nurture .

As a self employed person, I do not have company benefits, a company retirement plan, a retirement package, , a company car, I have to provide my own medical and disability insurance, there is no unemployment access to one who is essentially unemployed until a job materializes , I do not enjoy, paid workspace, paid sick days, paid medical expenses, paid holidays, paid vacations, or any such perks that come from working for a company or corporation even though I am essentially hired by them. So any aspect of being able to maintain a livelihood from my talents and rights associated with them is very important to my personal survival. I do not wish to have potential income taken from me through changes in the Copyright Law which are, in essence., power grabs by corporate institutions putting lobbying pressure on politicians to change laws that allow access to the property of American citizens under our present system. It is

difficult enough trying to fend off internet pirates seeking to exploit protected images on the internet. I do not wish to be encumbered by personally defending my property from grasping corporate litigation as well.

I am very concerned about obvious and subtle rights grabs aimed at undermining the Copyright Laws. A current example of an undermining feature is the policy of ebay to remove any posted item where the Copyright owner indicates a copyright protected intellectual property item is posted without permission. Under this policy, the Copyright owner needs to prove to ebay the item involved is his property, then it is removed. This policy is backwards. The person posting needs to prove they have permission to reproduce or sell the IP or it should not be allowed worldwide publication on the internet. Ebay chooses to put the onus of proof upon the copyright owner and not the person who might infringe the Copyright Law. Also, the person posting the IP is protected from infringement pursuit as ebay has the person posting the item's contact information is not made available. Taking control of intellectual property away from the creator and putting it in the hands of the client through rights manipulation is the current state of affairs. Facebook had tried to opt for copyright control of the contents posted on their network. And this Orphan Act being pushed by lobbying efforts sponsored by Microsoft and Google, is an inroad to gain control of intellectual properties. Straightforward copyright regulations need to be enforced to allow creatives a fighting chance to offset pressures made upon their rights through contract negotiations. Unfortunately, many artists are not aware of the vital need of protecting their rights let alone how to go about it in a legal manner. Their biggest strength is their individual vision, which by its nature, is the antithesis of the requirements needed to form a unified counter to concerted corporate mass lobbying efforts. Strong copyright laws are needed to allow a human to have and benefit from personal vision. Very few individuals can survive economically in a legal contest against a conglomerate without clear and effective rights protection.

Regards,

Don Maitz