

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](mailto:FN-OMB-IntellectualProperty)  
**Cc:** [info@copyrightalliance.org](mailto:info@copyrightalliance.org)  
**Subject:** Comments on intellectual property violations.  
**Date:** Wednesday, March 24, 2010 3:00:15 AM

---

Ms. Espinel,  
The

Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

I am a semi-professional photographer that specializes in rodeo and equine related events. I wish to express a few of my concerns with the present state of copyright law and how it affects me.

I place, as do many photographers today, my photos on-line for viewing by potential buyers. No matter what I do, I find that my photos are taken by various means to be used without my permission. Short of completely removing them from my website, which would severely limit my ability to sell my photographs, there are no means to completely prevent thefts.

I find my stolen photos on Facebook and Myspace as well as other websites and the methods required to have them removed is often quite onerous. Repeated attempts are normally required to have removed just one photo and the amount of time involved in multiple offenses adds up quite quickly. Requiring websites such as Myspace to provide prominent copyright violation reporting links as well as on-line forms such as Facebook does, would afford copyright holders a faster way to report violations to these websites. Most sites require an email for each violation. Allowing the combination of multiple violations into one email or on-line form would also help greatly.

On most of the sites like Facebook and Myspace, the owner of a set of pages is allowed to only show all of their content to "friends". Even when I find a photo that violates my copyright on the front page, unless I become a "friend" with the person, (and I must admit that I have no desire to become a "friend" with someone who has stolen from me), I have no way to tell if they have stole other photographs of mine. This is a situation that needs to be changed. Once a violation has been found on a "locked" site, the rest of the site should be made searchable in the area of concern in order to discover if additional violations have occurred.

Another major concern of mine is the cost of prosecuting a violation. I specialize in rodeo and equine photography and though not lucrative, I normally am able to break even on costs versus expenditures.

I am at this time attempting to prosecute a violation of my copyrights. Four photos that I took at an open to anyone, pay to play event, to which I was invited to attend and photograph, were stolen from my website. In an attempt to recover reasonable fees for the theft, I was threatened with being sued by the father for taking photos of a minor without permission. (There is no statute, State of Oregon or Federal, that prohibits this.) It seems quite obvious that the offender knew that I was there and saw nothing wrong with me taking their photo at the event, then going to my website and taking my photos without paying for them. At least until they were caught.

I am now \$5000 deep in lawyer fees and without another \$5000 I cannot move forward to even recover the attorney fees I have already paid. All because someone would not own up to their responsibility. This is money that I could ill afford to spend but felt it was necessary in order to defend my copyright. Having to do this, however, could very well force me to close my website and move away from the

service I provide. This is not the only instance of a violation of my copyrights but I can not afford to pursue more than one case at a time because of the extreme costs

I feel that if the maximum recoverable from a copyright violation is \$150,000, and in my case it is a minimum of \$750 per photo, \$3000 total for the four, why is copyright violation only a civil case?

Someone breaking into my car, if caught, would at least be booked into a county or city jail, make bail and have to appear for trial at a future date. All for the theft of a \$200 or \$300 car stereo. Why is it that a copyrighted work is not treated the same?

Is not a theft a theft, regardless of the type of property stolen?

For far too long this country has treated the rights of the creators of intellectual property as second class to the cases of real property owners, especially in this digital age that we now find ourselves. All of the photographs on my website can be made into a hard-copy, or physical print, that if someone were to steal those, would be a property crime and subjected to the same penalties as the car prowler above. It is time to make the theft of a digital product an arrestable offense. One that, once accused, they would be required to defend themselves in the proper court venue.

I am not advocating imprisoning copyright violators, but if they were forced to face their thefts in a court of law with less of a financial burden on the creators, then maybe, just maybe, people would once again come to realize that everything has value.

Even if it is found on the world wide web.

So to recap,

Make it easier to have copyrighted material removed from offending websites.

Make locked offending sites searchable for additional violations.

Make a violation of copyright an arresting offense, forcing the violator to defend themselves in a court of law.

Thank you for your concern and your time in reading my comments

Alex McCreary  
Portland, Oregon  
Photographer