

From:

Subject:

Date:

Needed: Strict copyright infringement penalties

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I have been a full-time professional writer and journalist for more than two decades. Copyright was not much of an issue in my early years. Today, it is a huge issue.

Here's just *one* example of many: In the 1990s, I spent one summer writing and polishing an essay that was selected to run in a book. I held on to the copyright and gave the book publisher permission to use it once.

I later re-sold the essay to other publishers, earning thousands of dollars. The essay is "evergreen" -- meaning that it is timeless, in a sense. It could be re-sold and re-published for decades, much like a short story.

Recently, I went online, and found that my essay appears in full -- every single word -- thanks to Amazon.com's Search Inside the Book feature.

Instead of paying me \$2000 for re-use of my essay, as the last of many book publishers did, Amazon is paying me zero. I contacted a lawyer, who suggested I contact the publisher first.

So on February 3, 2010, I began emailing that publisher. At first, he responded that copyright law did not apply: this was considered "promotion" of my essay. No, I countered, showing my entire essay online for free is not promotion: it is illegal copyright infringement.

This went back and forth until he finally agreed to ask Amazon to change its view of the book and hide my essay.

He emailed: Amazon fixed it. I checked online: Still there. For weeks, he continued to assure me that my essay was hidden.

Well, as of 2 pm on March 2, 2010, my essay is completely visible -- every single word of it. I'm not the only one: about half the essays in this particular book are visible in full, with no text hidden.

There seems to be no real penalty for copyright infringement in the U.S.A. My choices are limited. Few lawyers would take on this case because I might win the case -- and receive as low as \$200 payment. So Amazon can show whatever it wants, with impunity.

And why not? Magazines and newspapers and websites post and sell reprints of stories I wrote, stories I legally own in full, even though they have absolutely no permission to do so.

There is little I can do, since copyright is not truly enforced in the U.S. The onus is on me, a solitary writer, to hire a lawyer and face the legal teams of the largest, most powerful corporations on earth. Technically, copyright law is on my side. In reality, I don't stand a snowball's chance in hell.

When famed Mississippi writer Eudora Welty was young, she was sometimes paid \$100 for a short story. Later, she would make thousands off re-sales and re-prints of these same stories, just as I once did. She knew the federal government protected her ownership of her work, that no one could reprint a story of hers without facing harsh penalties -- and that the penalties would not be limited to the initial \$100 she was first paid.

But today, with infringement so widespread, writers rarely have true ownership of their work, in the way that Welty had. Our current system has failed writers miserably.