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To: FN-OMB-IntellectualProperty
Subject: copyright protection

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"The Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator." My name is Gregory J Ockerman, Certified Professional Photographer, Craftsman Photographer, and I have been a professional photographer, making my families living and employing over 15 people over the past 20 years, and a photographer now for over 30 years. During the 80 & 90's era of film copyright infringement of our photographic works of people, families, and weddings was only a minor irritation because the method of copying our works was difficult, expensive, and time consuming. Much fewer attempts were made to copy our work rather than pay us to create the finished images we had been hired to create. With the coming of the inexpensive digital scanners, digital technology in general, and unscrupulous companies advertising for the consumer to send them the 'proofs' to be copied and reproduced, this problem became a very serious and costly issue. The Professional Photographers of America successfully sued several of these unscrupulous companies, and as I understand it it went all the way to the US Supreme court in one instance to establish firmly our right to sell our creative works without threat to theft. That has only led to off shore, and Internet based theft, and local photo stores providing the high resolution scanners for the consumer to do it themselves. They have even put up signs telling the consumer that they have the "Right" "to Fair Use" provision of the current law to copy images they are in, despite the repeated court rulings specifically to the contrary in their use of the laws language to do this.

Since then the PPA, and several other intellectual property advocates, have had to fight back the US Congress who continually have tried to water down our protection by diluting the "Orphaned Works" definition, and making ridiculous rules and administrative hurdles for photographers and others to even be able to "register" their right to a work. But most importantly they have made it for the small business person creating individual copyrighted works, like family portraits, impotent when trying to recover damages when they discover even very clear cut theft of their works. The current law of having to have filed the image with the Library of Congress BEFORE the infringement to get punitive damages makes the exercise of recovery a mockery of justice. The thief has no incentive to not steal the works. They have to be caught, a very unlikely circumstance with all the inexpensive manners of copying images today, the be actually sued and lose, and then they can only be penalized for the "actual" damages. The government will not prosecute an infringer even though it is still a Federal crime. We the individual have NO reasonable way to prevent or receive compensation for the theft of our works.

How can I as an individual business person, making my living selling my creative photography, continue to survive if the laws only make it easy and perfectly immune for the theft of my images. The laws have to be strengthened. Why did Congress try so hard to water down these protections when the music industry when the Internet theft of all their works was so prevalent and the FEDERAL COURTS had established the Napster was a clear and violation of the law. Just because the Internet has created a manner that makes the theft of these works easier does not justify us throwing up our hands and saying we can't stop it.

If something isn't done soon to simplify the registration processes, provide for a MEANINGFUL way to bring to justice the infringers that are caught, and provide penalties PAINFUL enough to discourage this kind of behavior, all intellectual properties will continue to be lost. Artist will be forced to find other sources of making a living, and art will be diminished, and new and innovative solutions from art will be diminished as well. Please make reasonable rules and procedures for the small working professionals to protect their works. Provide a clear and direct manner for us individuals to recover from those we are able to detect stealing our lively hood. Make a law so simple and clear that I can go to a local District court, or even Small claims court, and recover the actual sale's loss, and a factor of 5 or 10 times the sales loss to discourage this behavior. Don't keep writing laws that make it a fruitless, expensive, and administrative nightmare for us to even try and defend our rights.

Gregory J Ockerman
Professional Photographer
Michigan