Dear Ms. Espinel:

The ASMP and the Copyright Alliance have informed me of this welcome invitation from the Obama Administration to share my thoughts regarding my rights as a creator, for which I personally thank you.

As an architectural and commercial photographer since 1982, I am sad to testify that I discover copyright infringements on a regular basis. While a US citizen, I am based in Europe, and do work with clients and locations both in the US and wordwide. Not only do the US laws affect my work over there, but they consequently set the market standards that trickle out to affect the rest of the world, both economically and legislatively.

I frequently discover infringements ranging from the relatively innocent to the blatantly flagrant, and attempt to protect my intellectual property accordingly. As an independent and small business, this is a major distraction from my work along with the cost of the time lost in research, contacting and prosecuting these unlawful acts. This creates a loss of potential and real income from the very images that we generate. Another reality is the fact that these corporations and individuals pirating our images create the potential of our images being swept into public domain.

Once discovered, seeking resolution is time consuming and a challenge. The potential penalties and consequences for the infringers actions or others do not seem to be a consideration on their part. An educational campaign, targeted both at the consumer and the industrial markets might help. So far I have been able to settle these cases outside of Federal Court and I will try to avoid it as long as I can. These cases can take years, creating a huge financial burden to defend our intellectual property, and I believe the larger firms with deep pockets are counting on this.

We are under tremendous pressure with many firms demanding that we agree or consent to "work for hire" or "buyout" terms, turning our copyright over as part of doing business, especially with larger firms, corporations, publishers and advertising agencies. Many of these firms use similar terms in their purchase orders or their contracts and as a result, I turn down these demands and have lost many potential assignments.

The irony is that in fact by law only a legal employee can sign a WFH contract, rendering this entire issue moot for freelancers and self employed professionals, but nonetheless the situation carries on in the "real world" through continiued ignorance. The pending Orphan Copyright Act is not helping the situation and it could easily make it worse.

ASMP and the Copyright Alliance are currently engaged in a campaign to educate members, nonmembers, emerging photographers alike in the value of copyright registration. ASMP has created and given us wonderful tools to work with and even more, ASMP's General Council has defended many of our members in landmark cases. The 1976 Copyright Act was created for an author or creator's protection.

I appreciate your help and President Obama's Administration, in taking a serious interest in defending our intellectual property and the potential for keeping our industry and profession alive. Without these protections, the enormous challenges that we face will only accelerate, and the negative impact of this will be the final straw for those of us still managing to make a living from photography or similar professions that are equally affected by rights erosion.

Your new position and the potential of your office to maintain a reasonable methodology for copyright protection is a tremendous boost to all of us.

Thank you once again for your attention in this matter; I am looking forward with great enthusiasm to see where this leads. President Obama has my vote, and you have my gratitude, for leading this charge!

Sincerely,

Wayne Chasan
Photography by Chasan

info@chasan.com
www.chasan.com
USA: (646) 502-8730