

From:
To: [FN-OMB-IntellectualProperty; info@copyrightalliance.org](mailto:info@copyrightalliance.org)
Subject: Importance of Intellectual Property 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.

I recently wrote a widely-read blog post on this very subject called © Is for Copyright at <http://bcphotoadventures.wordpress.com/2010/01/13/%C2%A9-is-for-copyright/>

If you are wary of links, search, using this string for your search words:

+wordpress +bcphotoadventures + "c is for copyright"

I'll quote part of it here, but to get the full impact of why copyright is important to my husband and me, both professional photographers, please read the whole blog. It deals with why copyright is important, what recourse you have (or don't have) if someone steals your image, etc.

[Without copyright protection] If someone steals your image, you have no recourse except to trust in the goodness of the thief's heart and his wonderful ethics. A lot of good that will do you ... that and a cup of overpriced coffee.

With corporate America trying to get more for less, we creators will not be able to afford being photographers. Our expenses are higher than those who are not self employed. We must pay for 100% of our health insurance (always more expensive than with a company), the high cost of insuring our equipment, 100% of our FICA, 100% of our retirement (what retirement?), etc.

Studies have shown that since we instituted No Child Left Behind and cut the arts from our schools, the test scores of our children have plummeted. The arts feed the right side of the brain which is also the problem-solving, brain-storming side of the brain. This, in turn, feeds the left side of the brain. We need the arts and people in the arts for the educational health of our children. No copyright? No arts!

The Value of Photography has gone down, and because many do not value the creative arts and try to get it for free, new online scams have arisen, encouraging people to freely filch photographs off the Internet with flagrant disregard for copyright laws. I wrote a blog on The Latest in Scumbaggery <<http://bcphotoadventures.wordpress.com/2010/01/29/the-latest-in-scumbaggery/>> that addresses one such entity. I am happy to say that my blog, along with that of others, brought such adverse attention to Pilfered, that they amended their original verbiage on their website. Pilfered is not the only online "magazine" out there like this. Again, with no value and protection given to creators, we cannot afford to be creative.

Copyright protection allows us creators to say, "You may not publish this until you have paid our invoice in full." Corporate America ignores this, and creators are often not paid for six to nine months. In effect, independent, small businesses are acting as bankers for multi-million and multi-billion dollar corporations. Advertising photographers can potentially carry hundreds of thousands of dollars in debt until Corporate America decides to pay them. This is not fair. We need our copyright laws to be effective so that we can insist on being paid in a timely manner without the risk of losing the client.

The proposed Orphan Works legislation has backing from Corporate America as well as major universities. The original idea of it being only for education and libraries has long gone. Universities want it, because they can make money off photographs in their bookstores, text books, etc., etc. Corporate America wants it, because it gives them more power.

Photographers and writers need protection from the currently proposed Orphan Works legislation which will only be fair if there are stringent requirements of "paper" trails showing that a corporation or university has not just paid lip service to finding the owner of a photograph or other creative work, but can show a responsible search has been made to find the copyright owner. Even more important, there must be severe penalties for those who use a work and cannot show evidence of an in-depth search for a copyright owner. The way the legislation is currently written, the copyright infringers get a mere slap on the wrist, if that. In other words, they can (and already do), take the attitude that, "Hey, use it. If we get caught, no big deal."

It should also be noted that major corporations and universities have deep pockets for legal fees that can put the single creator out of business. And the BIG guys know this and use it to their advantage.

ASMP has worked on some precedent-setting cases, but the last administration threw some of that out the window.

Please, President Obama, protect the owners of copyrighted materials. Give us the respect we deserve. If you don't, we will become a sterile land of little art, and what art is produced will only be done by those who can afford to do it for free.

Sincerely,

Margo Pinkerton, President ASMP/North Carolina
<http://www.ASMP-NC.org>

Zann and Pinkerton Photography, LLC
<http://www.ZannPinkertonPhotography.com>

Barefoot Contessa Photo Adventures
<http://www.BCphotoadventures.com>
<http://BCphotoadventures.wordpress.com>