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

I have felt first hand the impunity large businesses feel they have to use materials any way they desire copyrighted material or not. In many instances the chance of actually getting caught by a corporation infringing on a creators work is so slight that they often do not even think twice about using something for their own gain or there businesses gain.

Many corporations are willing to take the chance that the creator or copyright holder will never see the infringement and if they do see it and decide to pursue action the claim can be handled as an insurance claim and considered just part of doing business. There are countless trade shows, internal corporate publications, brochures, internet and technology applications that are produced using unauthorized copyrighted material every day. It is often a fluke that the creator or copyright holder will ever see any of this material or know that their work is being infringed upon, and many large business and corporations are more than willing to take what is often a minimal risk. I discovered that my work was being used in just this way when I attended an international trade show with an audience base of approximately 30,000 people a day for 5 days in a major US city. My work was located in several key locations on the shows floor being used to help drive traffic to the actual show promoter's booth, mine for business contacts through a premium incentive program and help increase the overall value of the show for the promoter. When approached about the infringement they sighted ignorance and accident but never intentional.

Although I had excellent legal representation the claim settled for far less than it should have. After spending over 18 months dealing with the matter, I just wanted the case settled, the economy stinks and I needed the money. I was told by my attorney my case was very typical in that big businesses and corporations that infringe on copyright know that it is in there interest to drag there feet in settling with small individual creative content providers as they are often in no position to fight a long drawn out battle, and often settle for far less than what they should. Even if legal fees can be recouped many attorneys are not that keen on having to fight on long drawn out contingency cases unless the payout is going to huge. It should be noted that most of the cases individual creators bring are not the million dollar award cases that one reads about in the New York Times, or the Wall Street Journal. they are often smaller less glamorous cases like mine. was. A definite actionable infringement case that was winnable but one that no attorney nor myself was going to retire on easy street with from an award or judgement. Currently justice does not seem to be all that swift or concerned about the individual creator.

It is important to remember that even if an award is made in favor of the artist-creator it does not mean that the money owed will be forth coming anytime to soon. If the accused party is not happy with the verdict they have the ability to appeal a verdict thereby stalling the payment of any monies for a very long time while the case works its way through the appeal process. if one factors in time the case may take to fight, and for it to work itself through the legal system any monetary gain that the creator might have hoped for, awarded, or deserved can seem almost non-existent. In many ways the cards are stacked against the creator because they are often fighting against such big interests that have much deeper pockets to fight with and time is often very much in the favor of the party that infringed on the work not in the corner of the creator, and it is relatively easy for them to stall or drag out the process in hopes that the creator will just give up, go away, and settle for less.

I hope that any new copyright protection plans can be put in place swiftly so that all creators are protected from unscrupulous tactics big businesses, publishers, and corporations often use to usurp or get around the current copyright laws. Something needs to be done to level the playing field so that all creators big and small are protected fairly not just the giants. Size should not matter here. It needs to be a fair system for all. Copyright should not be wrestled out of the hands of any creator from fear that

they wont get any more work from a corporation or business if they don't sign away all there rights to the business, this is a rampant trend that has gotten way out of hand ( especially with publishing and the rise of material on the internet) just so a big business can get more rights or use to a creators work without fair and just compensation.

Additionally something needs to be done so that those that do infringe on a creator's work cannot drag their feet and stall a case or process when they have been caught infringing on a creators work. Legal fees should always be something that can be recouped fully, regardless of when the copyright registration process began. The work should and must be registered but once done legal cost should be added to any award made, so that the small creator has a fair chance and that businesses know that they will have to pay if they continue to abuse the system the way they many currently do. An automatic punitive amount for damages should be awarded to the creator for cases that take longer than what the court should see as reasonable amount of time for a case to reach a conclusion.

As is often the case it is not big business that needs the best protections to continue in the business marketplace in order to grow and survive. it is the small creator or business that needs the help and protection of government in order for growth to occur for all not just titans of industry.

Sincerely,

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