

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](mailto:FN-OMB-IntellectualProperty)  
**Cc:** [info@copyrightalliance.org](mailto:info@copyrightalliance.org)  
**Subject:** Theft of Creative Media (Solutions)  
**Date:** Wednesday, March 24, 2010 3:59:17 PM

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Dear Ms. Espinel:

Thank you for permitting members of ASMP (American Society of Media Photographers) and the Copyright Alliance to share our thoughts on infringers who threaten our creative livelihood.

As an editorial photographer, I'm in the business of licensing my images to third parties. Notwithstanding constructive commentary on my photography and other "fair use" exceptions afforded to the public in 17 USC § 107, every time someone takes my on-line images, copies, publishes, posts publically, distributes, or creates derivatives without securing a paid license, I go out-of-business.

Photography is no longer a sustainable livelihood as the piracy of images is pandemic. It seems that pretty much everyone profits off my photography, except me! Consequently, I'm reluctant to display my best work on-line, as it's almost a guarantee that it will be unlawfully taken.

Solutions:

- 1) For the last ten years, I've made my best effort to "timely" register all my images with the Copyright Office in order to preserve my rights afforded under 17 USC §§ 411-412, 504-505 (actual damages & infringer's profits OR statutory damages & the "ability" to recoup attorney fees). To further deter infringements, the statute should be modified to make attorney fees much more readily available to the prevailing party.
- 2) In addition, the creation of a "small claims" federal copyright court could further deter the use of unlicensed images if creatives were allowed to pursue pro-se actions (up to \$35,000) against infringers; both sides could avoid a costly legal battle.
- 3) To help identify the author of on-line photographs, illustrations, paintings, music, poems, and other art media, statutory language should be modified to heighten the requirement that the licensor is liable not to strip-out metadata (or watermarks) on posted creative media. This would help mitigate the orphan works headache.

My comments are not only shared by ASMP and the Copyright Alliance, but also by other creative groups including the Advertising Photographers of America, Editorial Photographers, and the Travel and Outdoor Photographers Alliance. I hope you'll consider our voices as you look to develop a solution to combat the theft and blatant disregard of artists' economic intellectual property rights.

Sincerely,

Aneal Vohra  
Photographer  
ASMP, EP  
Overland Park, KS  
cnli(at)hot\_mail(.)com]

"Information & Intellectual Properties are the Currencies of the 21st Century." --Aneal Vohra