

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Intellectual Property Enforcement Strategy  
**Date:** Monday, March 22, 2010 9:01:28 PM

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Dear Ms. Espinel,

I am responding to your request for public comment, to support your efforts to build an effective intellectual property enforcement strategy.

I have been a [commercial photographer](#) for 25 years, and I am CEO of [Wonderful Machine](#), which provides marketing and production services to nearly 500 commercial photographers around the world.

I am very concerned about the creation and enforcement of effective intellectual property laws. Individuals and corporations in the U.S. lead the world in the creation of intellectual property. It is in our vital national interest to protect it. It's very difficult for any photographer (me included) to calculate the value of losses due to intellectual property theft. I'm sure the handful of cases that I discover each year are only the tip of the iceberg. I estimate the losses I know about to be on the order of \$5,000.00. If I had to guess, I'd say that might account for 10% of the total infringements to my copyrights, which would make my total losses about \$50k/year. There are about 10,000 commercial photographers in the U.S., so the overall losses to commercial photographers could be on the order of \$500 million.

Taken by itself, the economic impact of this might seem small. But when you multiply it across all of the other arts and sciences, I'm sure the aggregate costs to individuals and corporations (not to mention tax revenues) is quite significant. And if you consider that the U.S. probably creates more intellectual property than the whole rest of the world combined, you can begin to see that the loss can have an effect on our economic and cultural standing in the world as well.

On a philosophical level, many people might discount the value to society of this loss, or wonder why it's important to protect these rights at all. But when you consider that the very foundation of western civilization is rooted in the expression of ideas (whether it be art, literature, entertainment or technology), it's in our collective, as well as individual, interest to protect that resource. And while it's certainly important to protect the livelihoods of individual creators - on a macro level, that protection is what helps foster a business environment where that creation and innovation can thrive - and make all of our lives richer for it.

I think the enforcement question starts with making it easy for artists to register their work, and for clear guidelines about what is an infringement and what is fair use. As I understand it, if I do a group registration of a series of photographs from a shoot, and before I get around to registering it, my client publishes one of the photos, that particular photo is not covered by a subsequent group registration, and it must be registered separately. This rule makes it onerous for most photographers to register and protect their work.

Also, the proposed orphan works legislation makes it very easy for infringers to steal and use copyrighted material with impunity. These two situations in particular, are heavily weighted in favor of big corporations who would rather not bother compensating pesky artists. These rules need to be rectified to provide protection where it is needed.

I hope that's helpful. Please don't hesitate to contact me if there's anything else I can do to help.

Sincerely,

Bill

**Bill Cramer**

CEO

**Wonderful Machine**

[www.wonderfulmachine.com](http://www.wonderfulmachine.com)



office (610) 260-0200

cell (610) 724-1357