

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](mailto:FN-OMB-IntellectualProperty)  
**Cc:** [info@copyrightalliance.org](mailto:info@copyrightalliance.org)  
**Subject:** Joint Strategic Plan PRO-IP Act of 2008  
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March 24, 2010

Wayne Eastep  
[REDACTED]

Studio' in New York, NY and Sarasota, FL

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

My perspective on this important issue is informed by thirty years as a professional photographer working on advertising, corporate communications and editorial projects.

From that experience I've come to understand one core principle, the images I create are information, i.e. intellectual property and as such have a variety of applications; ads, annual reports, brochures, TV, websites, mobil phones, billboards, etc.

The value is a reflection of how the images are used, where and for what period of time. Images I've created for a magazine story have gone on to be used as national advertisements and the same image used in corporate communications. With new powerful and exciting media outlets the potential uses continues to expand. Over recent years particular aspects of the Photographic profession have been under major stress with significant reduction in commissioned assignments in most areas; editorial, corporate and advertising. Being able to receive licensing fees for my existing work becomes more important by the year. Protecting ownership of my intellectual property, i.e. photographic images is essential to my being able to earn a living as a photographer.

During my career I've had a number of situations where clients used my images without authorization. Fortunately the protection provided by the copyright law helped me get compensation, eventually. One aspect of copyright protection which would significantly help me would be to allow me to Register my images anytime and obtain the full protection that registration provides. Right now I must either register images soon after they are created but before I've distributed them to the public or a client.

This is a hardship because my specialty is international assignments on which I'll generally create a few thousand images, and immediately upon completion of the job be under severe deadlines to deliver the images to my client. The demand to get those images to the copyright office for registration before delivery is a major hardship. There is a provision under current law whereby I can register an image within three months after of first publication. Again this is extremely difficult, often I don't know when the image actually got used. A number of times I've been in Kazakhstan, Saudi Arabia, or Japan on extended assignments for two or three months and have come home to discover that a client had been using images without authorization in major advertising. The solution would be that I can register the images anytime not just prior to publication or within three months of first publication as is now the case in order to get the full protection of the law. If I can register the images even though they were used a year ago, and I've just now found out about the usage, and I could get the various protections of copyright law associated with having registered the images, the stress, workload, cost and emotional anxiety associated with costs needed to pursue copyright infringement would go down. Right now if the image is not registered and I go to court the judge will award me payment for the use, but the court cost and my attorney fees are my obligation. The fee associated with the usage may be \$2,000. after paying a \$350 filing fee in Federal court and my attorney fees which likely will be 750 to 1,000 dollars. The party infringing knows this and will often drag their feet running up the cost with the goal of driving me away. Under the protections associated with the Registration of copyright they would have to pay court costs and my attorneys fees. When clients know the image has the Registration status and protections they alway pay quickly and in full avoiding the legal costs. Adjusting the Registration requirements will help me get paid for the value of my images and save on significant legal costs, and make me more productive making image rather than entangled in legal battles.

Please make this adjustment to the copyright law and in particular the requirements for registration.

Thank you,  
Wayne Eastep