

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: Comment on the value of copyright to me
Date: Monday, March 22, 2010 12:42:36 AM

Dear Ms. Espinel,

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.

This is my 34th year as a full-time independent commercial photographer working out of my studio in metropolitan Kansas City, MO. Over the years, my work has been infringed countless times. Recently, websites have become available to which I can upload an image and their software combs the web, reporting where the photograph is found online. Every test image that I have run has been found in unauthorized use, somewhere on the planet, often multiple times. If I had been paid for even a fraction of these uses, my financial life would look very different than it does today.

My experience in dealing with most of these infringements has been that the infringer "thumbs his nose" at me, knowing that the cost and complexity of bringing an infringement suit is prohibitive. Even if all the planets are aligned--I have registered the image with the copyright office, the infringement is blatant and willful and the infringer is financially capable of paying a sizable judgement--I know, from following the results of others' infringement filings, that many judges, apparently, do not understand the law sufficiently or exhibit a bias for large corporations or, for whatever reason, rule in favor of the infringer. To have invested filing and legal fees in a federal court, and lose, is a higher degree of risk than I can afford to take. Such an outcome would be instantly fatal to my very small business.

I am grateful for the benefit that the copyright law extends to me, a small independent creator of intellectual property. But I sorely need easier, less expensive, more practical and more effective means of dealing with the unauthorized use of my creations.

Sincerely,

John Mutrux
Mutrux & Associates Photography
Merriam, Kansas