

March 24, 2010

Ms. Victorial Espinel  
U.S. Intellectual Property Enforcement Coordinator

Re: Copyright Infringement and Intellectual Property Theft

Dear Ms. Espinel,

I write as a professional arranger, music producer and composer who has lost my royalty income and had my intellectual properties severely damaged due to copyright infringement in four ways:

- 1. My Public Performance royalties have been transferred to others without my knowledge and permission through the backdoor at BMI;*

BMI's contract with its writers is written to imply that BMI will safeguard our registered works, yet, as the counsel for BMI has testified, BMI has "the right, but not the obligation" to refuse subsequent registrations to an existing song. Subsequent registrations existing songs via cue sheet submissions, substituting writer names and/or diminishing writers' percentage of royalty entitlement, have robbed me and many others of much of our broadcast royalty income.

BMI is a not for profit organization. Perhaps they can be made to be more responsible in protecting registered works of composers and lyricists.

- 2. Third party licensees have been authorized to use my work without regard to my rights to receive royalties for my songs and instrumental compositions, causing me now more than 10 years of litigation at the state and federal level;*

I have all contracts and underlying documentation and third party agreements from around the world, yet, the courts participate in denying me any justice by delaying me at every turn; they would just like my case to go away; they don't understand it.

May I suggest that a boutique section of the court system that understands this specialized area of Intellectual Property Law would go a long way to leveling the playing field and improving the outcome for an honest plaintiff whose heavy burden is to first explain the concepts, standards and practices of royalty payments to a court that has no experience with this kind of property, [even as

the plaintiff has all contracts granting the right to receive royalties]. I speak of a HUGE monetary theft here.

3. *And, my own 100% created, produced and owned entertainment properties have been unbundled, [discarding the art, packaging and book text, all clearly, abundantly marked with © (p) and ™] and had their individually copyrighted songs stripped out of them and given away for free as premiums by THE ORCHARD, [a major online distributor;] and also sold worldwide by online sellers such as iTunes and their counterparts around the world—displaying the distributor’s copyright marks and claims to be the artist and creator!*

Again, I believe a boutique section of the courts would be of value in streamlining the process of a Statutory Infringement claim. In clear-cut cases such as in #3. above, Arbitration by an experience panel of copyright specialists could bring a swift and less expensive resolution for the Plaintiff, the injured party, who must go to the trouble and expense to bring an action in order to defend his/her own copyrights. The fees and guidelines have been established. An Authorized Intellectual Property Arbitration Panel could evaluate the infringement claim [*willful v. innocent*] and impose established fine, saving the Plaintiff costs and unnecessary angst!

4. *And, hundreds of my songs and themes are posted on YouTube and their competing online social media sites without my permission and without any compensation to me. These postings include hundreds attributed to my TRANSFORMERS MAIN THEME, composed in 1984 and still widely used ever since all over the world as the Transformers signature theme, as well as the entire JEM AND THE HOLLOGRAMS TV Show Main Theme and 200 feature song score, all of which are not only posted in their original, animated musical performances, but also posted with revisions and edits and extended versions of my songs, arrangements and productions that have been cobbled together by fans who are musical amateurs.*

*Perhaps most who use social media to post copyrighted works are just well-meaning enthusiasts, but I meet young people everyday who tell me that they actually believe that our copyrighted works are there for the taking; they actually believe that they can take my work, even though they would never dream of stealing my car or my purse. So, clearly, the emergence of social media posting sites makes it an imperative that our society be made aware that copyright infringement is a crime.*

Perhaps an education campaign, coupled with a realistic, but painful fine, [\$500-\$1,000.] would cause an amateur to think twice about posting a copyrighted work without permission.

Another thought would be to establish a royalty scale for the use of music on YouTube and other sites. The Online posting sites could buy a Blanket License from BMI, ASCAP and SESAC and their international counterparts; then, they could use their sophisticated "hit counters" to submit clearance of performances for payments to composers and songwriters at an agreed upon scale. Many of my songs have more than ½ million hits on them, but I do not receive any royalties for them. It leaves the creator with the sorry question: "If they can enjoy my work for free, why should they part with money to buy it?"

In closing, I thank you for calling for comments in your efforts to improve our situation as creative people who have lost our incomes to Intellectual Property theft.

Sincerely,

A handwritten signature in cursive script that reads "Anne Bryant".

Anne Bryant