

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: Copyright law revision
Date: Thursday, March 18, 2010 12:49:19 PM

Dear Sir/Madam:

The Copyright Alliance has informed me of an invitation from the Obama Administration to share my thoughts on my rights as a creator. As an artist and illustrator the need to protect my intellectual property is paramount.

On several instances I've had to inform unauthorized publishers and manufacturers that my images are protected by law and cannot be used for any commercial use without my permission. A letter has normally been sufficient but one incident required I contact an internet service provider and that state's consumer affairs and tell them one of their subscribers had posted my images on their website and marked them as their work. The amount of time was more than minimal in order for me to protect my works.

It is important copyright law state quite clearly in plain language that just because an image appears on the world wide web that it is in the public domain. A revised law should also point out there are limits to the type of alteration which can be done to an image with or without the need for permission from the originator of the piece. In certain cases, the owner/originator should also be listed as the artist since it is their work which initiates or inspires another person to consider altering the original image.

Finally, the area of fair educational/non-profit use needs to be addressed with very specific language and limitations. I have received numerous requests from schools and agencies wishing to use my wildlife images. These requests are to use the image on a website or for promotional use. In certain cases I will allow use for a specific time period, normally one year, and as long as a credit line and link to my website is part of the agreement. I have the school's representative sign the agreement and follow up at the end of the time period.

Where educational/non-profit use can be a problem is when the requester wants to use the image to create a product to sell in order to raise funds for the organization. In these instances I will not allow free use of my works since it will generate funds for the school or organization. I cannot deduct fair market value from my income tax because IRS rules prohibit such deductions. Another problem in this area is that once an image is used to generate funds, for example a logo on a cap or t-shirt, someone else thinks it's in the public domain and begins to use it commercially.

Any revisions to the copyright law must make it clear to educational and non-profit requestors they cannot simply use an image without permission because of their status. If they generate funds or revenue from such use the artist/owner is entitled to their share, hence, any such use should require a license agreement between the artist and requester.

I hope this information is useful as you work to revise the copyright law. I am available to talk to you should you want more input from me.

Sincerely,

Anthony Galvan III
Goleta, CA
Illustrator/artist/photographer

Gato viejo, raton tierno

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