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To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: Creative Rights
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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. Thank you for this opportunity.

My name is Tony Blei and I'm a photographer in Phoenix, Arizona. I've been shooting for more than twenty years and copyright protection is more important now than it ever was. I say this because with a simple click of the mouse, my work can be; and has been secretly stolen.

Today is Friday, March 19, 2010. On Monday, March 15, 2010 I discovered that six of my images had been stolen and posted on the Internet. My images are registered with the US Copyright Office, which on the surface seems like a good thing. But in the end, it seems that the only ones who've benefitted are: The Infringer, and the US Copyright Office. The infringer got to use my image without compensating me, and the US Copyright Office received payment of \$35 so that my images could be registered and further "protected." Only the wealthy are afforded protection.

I've sent a Demand Letter to my infringer. He has removed the images, yet I'm certain he will refuse to pay for stealing my images. The person who stole the images is the President of a large organization. He should know better. But he knows I'm a little guy and have more bark than bite.

What's funny is that I'm required to pay sales tax on the work I do. Unfortunately I don't get the same legal protection that a convenience store owner receives when someone comes in and steals beer. The convenience store owner can call the police and have the thief arrested. When I notice that someone has stolen something, I can't call the police. I have to call an attorney. Unfortunately, I can barely pay to register my images, let alone pay an attorney.

Since discovering that my work has been stolen, I have been calling and writing to attorneys who deal with Intellectual Property. Unfortunately for me, attorneys rarely work on a contingency. Brandt Madsen, a copyright attorney in my area, wrote to me earlier this morning and said his firm would be "thrilled to help [me] in this matter." That was until I told him that I had no money. He responded by letting me know that he would need a retainer between \$10,000 and \$20,000. Do you have that kind of money to give to an attorney?

The cost of defending my copyright is too high. I don't have the resources to defend my intellectual property. Copyright protection is only for the wealthy — and the attorneys who represent them.

Here is a solution that I feel would put copyright protection back into the hands of the artist: You could make it a crime. Part of the Criminal Code. All an artist would need to do is call the police, show proof, and have the infringer arrested. The penalty would be the same as if he had stolen my car from my driveway.

Or maybe (another solution), for small businesses and artists such as myself, attorneys should be taken out of the equation. Seriously, if intellectual property is registered, it should be an open-and-shut case. It should be as simple as showing a receipt at the store when you want to return merchandise. Penalties could be increased if the Internet is used to infringe copyright because a mouse click can be done in secret. I should be able to go something as informal as Small Claims Court, show my original files and registration certificate. The Defendant could be there to explain his side, but just like Photo Radar. The case would be open-and-shut.

Copyright and Copyright Registration are great tools to protect Intellectual Property. It's imperative that copyright protection and enforcement become affordable for everyone.

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