

**From:**

**Subject:**

**Date:**

Public feedback regarding international copyright act

Sunday, February 28, 2010 3:46:52 AM

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Dear Ms. Espinel,

I am writing in regard to the article written in the National Press Photographers Association wherein you asked for specific feedback and recommendations. My wife and I are artists who earn our living creating digital pictures and selling them in various forms online at sites such as CafePress, Zazzle, and eBay. Over the years we have had several instances of other people, and occasionally businesses, profiting from our images without our consent. Therefore, my recommendation will address your second point of improving the government's intellectual property enforcement efforts.

A Print On Demand (POD) site such as CafePress allows the artist to create and upload an image and then apply it to different products for sale. Unfortunately once an image is available online, there are ways to obtain a version of it no matter how good the site's security is. Someone can then steal the image and sell it elsewhere. (Or sometimes, even on the same site!) Ebay is unfortunately used by thousands of people who have no idea what the term "copyright" even means, as there are unofficial, unauthorized images from large business entities (Disney, popular movies, actors' images, etc.) flooding the site on a wide variety of products. Since eBay doesn't issue 1099s or other notice of earned income, the sellers who are profiting from stolen images are doing so tax-free.

These sites have employees whose function is to deal with copyright violators. However, they typically only deal with the violators after the true copyright holder contacts them. The sites also have some sort of checkbox prior to uploading the image that asserts that the uploader is the original artist or creator of the image. The person uploading the image must also have an account which consists of not only a name, but also a credit card or bank card. These are all points for my suggestion, which is: engage companies such as CafePress, Zazzle, eBay, etc. as part of your enforcement efforts. They are at the forefront of where copyright infringement is occurring. They could actively police their products for sale for those who infringe on easily-recognizable images (Disney, popular movies, actors, etc.), record the number of infringements made and at what time(s). They would continue with their current duties of responding to copyright infringement notifications from artists such as myself. The upload checkbox dialog would be changed so that it clearly states that fines would be levied against those who willfully violate the copyright of another. Fines would increase based on the number of offenses, and increase again if the individual or entity was a repeat offender.

The businesses who are reporting the violations to you would probably have to receive some sort of tax break to fully comply, as they somewhat rely on the system as it is to turn a blind eye to copyright violations so they can still make their cut of the profit so they could potentially lose business because of it.

Thank you for your time and consideration of this matter.