To Maria Pallante, Register of Copyrights

I have been a creative professional my entire life. I have earned a good living as a creative director, art director, writer and photographer. I have a Bachelors degree in Visual Communication, and have been active as photographer since I was seven years old. Working for various advertising and marketing agencies for thirty years, I was responsible for hiring photographers, illustrators and designers, and licensing their work for commercial use.

Since leaving the commercial field ten years ago, I have worked as a fine art photographer, selling my work at over 200 venues across the country. My work is online, and published on social media, to attract and remind past, future and potential buyers that my work is available, FOR SALE, and not for THEFT. My entire income is generated through personal sales at art shows, galleries and online via my own websites and blog, and through commercial assignments and licensing of images.

My photographs are unique. They are the product of over fifty years of study, training and hard work. While bad actors may steal my ideas, giving them permission to freely use my published work after a brief, “diligent” search is not fair to me as an artist or a business person. It is too easy to circumvent this requirement and claim forgiveness after the fact. Proposed Orphan Works legislation may make it easier for large companies to benefit from the fruits of my labor, especially under the Extended Collective Licensing idea, but would not provide any additional income to me, especially if my work is included without my knowledge.

After reading extensively on both sides of the argument, I believe that allowing ANYONE to use my work without my express written permission should remain unlawful, and subject to more than “reasonable usage fees” in compensation for copyright infringement. Better for the US Copyright Office to make it illegal to remove metadata, copyright watermarks and identifying information from published work.

From my point of view, registering my work with the US Copyright Office is and continues to be cumbersome and awkward. Putting in place additional barriers to the legal remedies now available to me would hurt my business in the long run, and only benefit those with no skin in the game. Streamlining the current system of copyright registration would do more to benefit current content creators. Asking me to register work in order to gain protection now offered under current copyright law places an additional burden of time and money on me, neither of which I have in great supply.

More importantly, allowing extended collectives to digitize and monetize unregistered, or orphaned work, will dilute an already diluted market, and drive licensing fees even lower. The advent of micro-stock, photo-sharing services such as Flickr and Instagram, and an overabundance of amateur content creators has already made it difficult to license high-quality, unique work for a fair price. Adding massive amounts of “free”, public-domain and “orphan” works to the mix will only dilute the market further.

Reading over the proposed language gives me the willies. Giving “potential users” equivalent rights to those of the content creators assumes that the potential users contributed as much to the work as the original creator. I don’t want my images used by anybody else without my express written permission. My images are my own, and I wish to

continue to be able to direct their potential use, licensing and printing. If a corporation, business or individual wants to use one of my images, or hang it on their wall, they can contact me, or my heirs and assigns for permission to do so. Or they can hire me to create an entirely original work on assignment.

Thank you for the opportunity to provide input.

James W. Parker

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