Pixure
NewMedia

July 23, 2015

TO: UNITED STATES CONGRESS
WASHINGTON, DC

RE: US COPYRIGHT ACT, 2015

Dear Senator, Congressman, Congresswoman:

Regarding proposed legislative changes, the discussion and description in:
Federal Register / Vol. 80, No. 79 / Friday, April 24, 2015 / Notices, (pg.)23055...
...are true and valid. Some excerpts are noted in the following:

"**Despite the protections afforded** by the Copyright Act and the prevalence of such works in society, authors face significant challenges in the modern era."

As a photographer, graphic artist and newMedia film/video producer, I can personally attest to the claim 'the average revenues for working photographers declined over the past year . . . [and] visual artists remain the group most vulnerable to the unauthorized uses of their works while being the group least financially able to bear the resulting economic losses...Finally, photographers, graphic artists, and illustrators face challenges when registering their copyrights."

From 1977 to the present, as an independent creative, I have supplied works to the market – and won numerous awards such as a GOLD MEDAL at the NEW YORK FILM FESTIVAL and been published in prestigious periodicals (PRINT) and books for my efforts.

During the time 1999 through 2013, I was a full-time employee of **Bell Helicopter, a TEXTRON Company** in both their **IT** and **Communications Departments**, where – among other labors - I acted as a procurer of creative works for the corporation through purchasing activities for both our external marketing and internal communications needs. I have also had numerous occasions where copyright protections <u>saved my business</u> – or <u>reduced corporate costs</u> - and enabled a level playing field for more fair negotiations.

In short, I've seen both sides – and for periods of time long enough for me to know the issues. At present, I am no longer in corporate employment but once again a full-time independent.

Now, more than ever, I realize **copyright law is not an abstract legal issue**, but the basis on which my business – and my future viability as a creative - rests. My productivity is manifest in the copyrights of my creative works. Infringement steals money from me and corrupts fair market processes.

It is paramount to a creative's business model that we remain able to determine VOLUNTARILY how and by whom our work is used. Speaking for myself, I know that my works do NOT LOSE VALUE UPON PUBLICATION. Quite the contrary – in many instances my images have increased in value due to increased visibility. <u>Everything</u> I create becomes a part of my business inventory – and in this digital era, inventory is more valuable than ever before. You should also know that I understand and have worked extensively with the concept of "FAIR USE" – I understand news and educational use of my content.

I also understand the workings of business - and I agree with capitalism, the profit motive – and when commercial considerations regarding creative works enter in...

Consequently, as you consider new law:

- **Please do NOT void my constitutional right** to exclusive control of my work, nor "privilege" the public's right to use my work without negotiation or remuneration.
- **Please do NOT enact legislation** that would "pressure" me to register my work with commercial registries.
- **Please do NOT enact legislation** which would "orphan" unregistered work.
- **Please do NOT enact legislation** that would make orphaned work available for commercial infringement by "good faith" infringers.
- **Please do NOT enact legislation** that would allow others to alter my work and copyright these "derivative works" in their own names.
- **Please do NOT enact legislation** that would, in these manifestations, affect all creative copyrightable works, especially those in visual art, drawings, paintings, sketches, photos, etc.; past, present and future; published and unpublished; domestic and foreign.

This will be difficult, I know – but just because it is hard, doesn't mean it's not the right thing to do.

Sincerely,

Kipp Baker, Producer & Creative - Pixure NewMedia

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