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**September 30, 2015**

**Submitted By Online Submission Procedure**

Maria A. Pallante  
Register of Copyrights  
U.S. Copyright Office  
101 Independence Ave., SE  
Washington, DC 20559-6000

**Re: Copyright Protection for Certain Visual Works: Reply to Responses to  
Notice of Inquiry  
(80 F.R. 23054) (Docket No. 2015-01)**

Dear Register Pallante:

The Digital Media Licensing Association, Inc. (“DMLA”) appreciates the opportunity to reply to the comments submitted with respect to the initial Notice of Inquiry (“NOI”) concerning copyright protection for visual works. DMLA filed an initial response to the NOI.

We have had an opportunity to review some of the direct responses and a sampling of the general responses. There is broad agreement among the various visual art associations that the digital environment, while offering great potential for image usage, has also created significant challenges to maintaining an economically viable image licensing industry model. These challenges are described in detail in each of the responses but in sum include registration burdens, enforcement hurdles, impracticability to impossibility of using the DMCA take down process to combat infringing uses, the expansion of fair use by the courts and the circumvention of licensing by the use of framing. In addition we all agree that the Copyright Office should have more autonomy and control over its budget and technology, and note that recently the Office’s electronic registration system was offline for more than a week due to routine maintenance conducted by the Library of Congress. Many of our suggestions, such as a copyright small claims court, an API for registrations, and a more active role by the Copyright Office, would require a more robust and independent Copyright Office ready to lead the 21st century.

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Many of the responses from organizations and individuals who use copyrighted visual works online mentioned the difficulty in locating copyright owners or their representatives in efforts to license works. It is clear that some of the monetary challenges would improve if the ability to locate and find rights holders were easier. We do not agree that a mandatory registration system should be required to retain copyright benefits. As an industry, the various visual rights associations support voluntary registries that take advantage of image recognition technology to make it easier for users to contact the appropriate licensor. In particular, the industry supports the PLUS image registry.

We disagree with the comments claiming that most imagery displayed online is created by parties who do not expect compensation. While there are certainly many snapshots by individuals on social media sites, the Internet is enriched by professional imagery used in publications, advertisements, and documentary works, among others, that have been licensed to users by DMLA members. The Copyright Act is intended to protect these works and provide economic incentives for the contributing creators. It is unreasonable that once an image or video is online, that it can never be licensed again because of technology measures that allow the display of the image for other purposes without licensing.

We also note that many of the responses submitted by individual artists appear to be based on misinformation and do not provide constructive feedback on the specific legal hurdles visual artists and members of DMLA face today.

We thank you for this opportunity to respond to your NOI and welcome the opportunity to either meet with the Copyright Office or respond to additional questions on this important issue.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Nancy E. Wolff'.

Nancy E. Wolff  
Counsel for  
Digital Media Licensing Association, Inc.