



**COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES**

**SUBCOMMITTEE ON COURTS, THE INTERNET,
AND INTELLECTUAL PROPERTY**

HEARING ON PRESERVATION AND REUSE OF COPYRIGHTED WORKS

APRIL 2, 2014

**TESTIMONY
OF
PROFESSOR JEFFREY SEDLIK
PRESIDENT AND CHIEF EXECUTIVE OFFICER
PLUS COALITION**

**PLUS COALITION
2797 EAST FOOTHILL BOULEVARD
SUITE 120
PASADENA, CALIFORNIA 91107**

866.669.7587 or 626 405 8100

info@usePLUS.org

www.usePLUS.org and www.PLUSregistry.org



Chairman Goodlatte, Chairman Coble, Ranking Member Nadler, Members of the Subcommittee, thank you for the opportunity to testify today on the preservation and reuse of copyrighted works.

In addition to my role as President and CEO of the non-profit PLUS Coalition, I am an independent professional artist, a professional photographer with nearly thirty years of experience. I am also an educator, having served for the past twenty years as a Professor at the Art Center College of Design in Pasadena, California.

Visual artists are not in the business of making artworks. Most visual artists are not in the business of selling their artworks, nor are they in the business of selling the time involved in creating their artworks. In reliance on the exclusive rights afforded to authors for a limited time under Title 17, visual artists ARE in the business of licensing the copyrights in their artworks. While much of the discussion and debate on copyright issues focuses on big business, we must not forget that copyright is the engine of free expression for independent visual creators, and that licensing the use and reuse of their copyrights is very often the only means by which such creators support themselves and their families.

The smallest of small businesses, visual creators often operate as the sole employee of a sole proprietorship. Tasked not only with continually creating and licensing new works but also with marketing their businesses, bookkeeping, managing their archives and all manner of other business management tasks, artists have little time to dedicate to identifying infringements and to protecting and enforcing their rights. Despite significant efforts by visual artists to protect their works by adding identifying information upon distribution, this information is often lost or removed upon distribution of the works, injecting millions of newly orphaned images into the global ecosystem on a daily basis.

As a result, publishers, museums, libraries, researchers, historians, documentary filmmakers and the public are often forced to dedicate considerable time and resources to endless searches aimed at identifying and contacting visual creators in order to seek necessary permissions to make use of visual works. With demand for visual content increasing exponentially, and with technology enabling instantaneous worldwide distribution of images upon first publication, the challenge of identifying and managing image rights seems an impossible challenge. But solving this challenge is entirely possible.

Let us not forget that in the not too distant past, there were no bar codes on any product, in any store. There were no ISBNs in any book, on any shelf. These and other standardized persistent identification systems are now ubiquitous, providing instantaneous global access to information and successfully serving as the backbone for commerce and other activities. The lack of a similar identification system for visual



works is at the root of many of the most significant challenges facing all communities involved in creating, distributing, using and preserving images. All communities will benefit from persistent attribution of rightsholders, employing identifiers, image recognition and other technologies to facilitate the discovery (and if necessary, the recovery) of image rights information. Without such a solution, publishers and other image users will continue to struggle to manage the millions of images in their systems, museums and libraries will continue to struggle to identify rightsholders for preservation and cultural heritage purposes and visual creators will continue to struggle to support themselves and their families.

At the suggestion of the Copyright Office, the PLUS Coalition was founded in 2004 to address this challenge. The PLUS Coalition is a multi-industry, non-partisan, non-profit organization operated by and for all communities engaged in creating, distributing using and preserving images. Members of the Coalition include publishers, photographers, illustrators, museums, libraries, educational institutions, advertising agencies, design firms, stock photo libraries and other interested parties, spanning 117 countries.

While it is inevitable that stakeholders from such a diverse spectrum of communities will disagree on many issues, they have established common ground by founding and jointly operating the PLUS Coalition as a vehicle for intense collaboration on issues of critical importance to all concerned. This Subcommittee has consistently reminded and encouraged stakeholders to cooperate in addressing and resolving the ever present challenges at the nexus of copyright and technology. The PLUS Coalition is a remarkable example of the success that can be achieved by such cooperation.

The PLUS Coalition maintains a tightly focused mission. Simply stated, our mission is to connect images to rights holders and rights information on a global scale. To accomplish this mission we first created a system of standards facilitating the identification of rightsholders and the communication and management of image copyright information. With a global rights language in place, we are now developing the PLUS Registry, a non-profit, international “hub” for image rights information, so that anyone, in any country will be able to instantly identify the creator, rights holder and other rights information associated with any registered image, even in the event that an image bears no identifying information. Using any application, registry or search engine connected to the PLUS Registry Hub, the public may search for and instantly access information about any image registered with any resource connected to the Hub.

Creators and other image rightsholders will use the PLUS Registry to ensure that they can be easily found and contacted by anyone seeking information about their visual works. Publishers and other businesses will use the PLUS Registry to identify and contact image rightsholders and to seek and manage image rights at scale. Search engines will use the PLUS Registry to automate rights management and to allow



individuals and businesses to make informed decisions about using visual works. Museums and libraries will use the PLUS Registry to facilitate preservation and to maximize public access to visual works.

Persistent attribution is not only the key to ensuring the survival of independent visual artists, but is vital to the success of all rightsholders and distributors engaged in licensing the use and reuse of visual works. Importantly, persistent attribution is also the key to ensuring that museums, libraries and archives are best able to preserve and maximize public access to our cultural heritage.

Thank you for your time and consideration.

Respectfully submitted,

Professor Jeffrey Sedlik
President & CEO
PLUS Coalition