

December 2007

People Profile: Eugene H. Mopsik

Editor

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Recommended Citation

Editor (2007) "People Profile: Eugene H. Mopsik," *Against the Grain*: Vol. 19: Iss. 6, Article 16.

DOI: <https://doi.org/10.7771/2380-176X.5329>

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When the Copyright Owner ...
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right Office and the publishing community have said that it is the responsibility of the creative community to digitize its archive of analog images and deposit them in private databases accessible on the Internet. In theory, that position seems to make sense. However, it ignores some crucial realities. First, we are talking about fundamental changes in the Copyright Act upon which business models have been in place for decades. As a practical matter, the legislation that was introduced last year would have the effect of making visual artists retroactively lose much of their previous copyright protection for any of their images that are not posted on the Internet with robust identifying information. There is a certain basic unfairness about that approach.

Second, and perhaps more significant, is the fact that most artists, illustrators and photographers are sole practitioners or tiny enterprises. They have little or no support staffs. They work full time to earn an income that averages something in the area of \$30,000 - \$40,000 per year. Each of them has an archive of analog images that probably numbers in the hundreds of thousands. For them, having to edit, digitize, and keyword their existing archives of analog images would mean having to pay someone else money that they don't have, or stop working for a long period of time to accomplish those tasks, themselves. That is, the choice is to protect their existing copyrights by ceasing to work, or abandon those copyrights in order to continue making a modest living. This is, at best, a **Hobson's** choice. The cost of a project of this magnitude is clearly demonstrated by considering the resources of the two entities that have already attempted it on a limited scale: **Corbis**, owned by **Bill Gates**, and **Getty Images**, started by the **Getty** family and publicly traded.

Probably the most logical candidates for creating a digitally searchable archive of images currently in analog form are the **U.S. Copyright Office** and its parent, the **Library of Congress**. They already possess a substantial archive of images through deposit copies of registered and/or published works. They also have access to the resources of the

against the grain
people profile

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Eugene Mopsik

PROFESSIONAL CAREER AND ACTIVITIES: Worked for 32 years as a corporate/industrial photographer.

IN MY SPARE TIME I LIKE: Sail, garden, and cook.

GOAL I HOPE TO ACHIEVE FIVE YEARS FROM NOW: For the future, I want **ASMP** to continue as the premier association for publication photographers with expanded information, education and advocacy efforts and a membership grown to over 7000.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: Would like to see photographers take back control of the sale and license of their images through the use of the Web. Concerned over the dilution of copyright protection for visual artists. 🌱



U.S. government, at least to the extent that **Congress** will allow. Since helping users to locate copyright owners is a public service, it is a task that should be well within the charges of both entities. However, the **Copyright Office** has taken the position that it will not, under any circumstance, allow online searches of deposit copies, even after it has completed implementation of its online system for registering copyrights and depositing copies. That is a **Gordian Knot** that appears to be too strong for any sword to sever.

Where does all of this leave us? The goal here is to provide a solution that will allow users to have access to copyrighted works in spite of the inability to locate the copyright owners while not sacrificing the rights of photographers, artists and illustrators on the altar of orphan works. One elegantly simple solution would be to take the previous legislation and limit the scope of the protection afforded under it to non-commercial uses that are non-revenue producing or are works of non-fiction. This would leave intact copyright protection where

uses are for things like advertising, product packaging, t-shirts, coffee mugs, etc. However, it would provide a safe harbor for uses such as non-fiction books, articles, special interest Websites, documentary films, etc. As always, the devil is in the details, but we believe that this concept paves the way to a fair and workable solution to this quandary.

Currently, social networks and other file sharing Websites have created tremendous pressure to make images free and accessible to all. This makes the ability to identify a rights holder and track the various uses made of a particular image of paramount importance. Growing public pressure may, over time, lead to a diminution of the copyright protections currently afforded to creators. It is the interests of the public that drive legislation, not the concerns of rights holders. We need an equitable solution to the Orphan Works dilemma — particularly for images — and the maintenance of copyright protection in order to ensure the viability of photography as a profession. 🌱

Rumors
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When **Tjptowidjojo** repeatedly refused to stop the illegal activity, the publishers sued to halt the sales and seek damages.

www.pearsoned.com
www.wiley.com
www.cengage.com

Sage and the **Westchester Academic Library Directors Organization (WALDO)** have signed an agreement to offer participating member libraries access to **Sage's** online

journals. Researchers at participating **WALDO** libraries in New York, Connecticut, New Jersey, Massachusetts, Pennsylvania, New Hampshire, and Vermont can now explore content in over 400 journals (including backfiles to 1999) via **Sage Premier**. **WALDO** is a not-for-profit multi-type library membership consortium supporting the procurement and administration of electronic information services for libraries in the Northeast United States since 1982. **Robert Karen** is the Director of Member Services.

www.sagepublications.com
www.waldolib.org/

Bill Easton has been promoted to Senior Director, Asia-Pacific Sales at **Innovative Interfaces**, effective January 1, 2008. Since joining **Innovative** in 2006, he has served as a Customer Sales Representative in the Midwest region of the U.S. **Bill** has over two decades of experience in library automation, having held positions in systems support, system installation, and sales. He has also worked in all types of libraries — academic, public, and special.

www.iii.com

The **Council of Graduate Schools (CGS)**

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