

Prepared Food Photos Intellectual Property

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By Prepared Food Photos

Prepared Food Photos, Inc, a company specializing in top-quality, high-resolution photographs of food, for use in grocery store retail food establishment advertisements, has a solid history of protecting their Intellectual Property rights through claims of copyright infringement. This effort has been designed to effectively protect the exclusivity afforded to licensed subscribers of the largest independently owned food image library in the United States. In 2021, Prepared Food Photos moved from Rhode Island to Florida and contracted the services of Florida attorney Daniel DeSouza, through a firm called Copycat Legal.

DeSouza is a professional with extensive knowledge and experience representing his clients in the protection of their Intellectual Property rights.

A demand letter from Copycat Legal is not intended to infer anything illegal has taken place due to the use of a Prepared Food Photos photograph. Receiving a demand letter simply means that an image, that has been copyrighted by Prepared Food Photos with the Library of Congress, has been identified in an advertisement for your business. If the photograph was licensed for use, there is nothing to be concerned about. If the photograph is being used improperly, meaning without a license, then responding to the demand letter is the best course of action. Whether or not a response is made, with or without an attorney, is up to the letter's recipient. Responding to the letter with a copy of the license, whether through an internal network or through a third-party vendor who created the ad, will negate any further action on any possible claim.

Prepared Food Photos has been unfairly criticized in the past for these efforts. Although many photographs in the Prepared Food Photos library have been available in the past through third party licensees, every one of those licenses included a digital receipt for the purchaser to save and avoid any issues with the photographs use. With the exponential growth of the Internet, many properly licensed uses have simply been copied and pasted by parties either not willing to pay for a photograph or who did not realize the repercussions of such a decision. Prepared Food Photo's work in trying to locate those unlicensed uses has placed the moniker of

“Copyright Troll” on them. For many years now recipients of a demand letter, and those who claim to represent potential infringers, have misaligned the Prepared Food Photo name to detract from the fact that Prepared Food Photos has every right to look for and lay claim against any unlicensed use of its protected property. Third party vendors that once licensed a small number of the overall image library have refused to share their licensing data with Prepared Food Photos, which makes the enforcement process complicated.

Prepared Food Photos has expended a considerable number of resources building its image library, an investment which has spanned decades. Until the advent of desktop publishing and the copy and paste mentality took hold the only way an image could be used was by purchasing it from a third-party vendor. It was not until 2016 that it was discovered that many of the photographs in the Prepared Food Photos library were being displayed in advertisements that were not licensed uses. Third party vendors, who benefited from the initial licensing fees paid by users, had no interest or intent to assist Prepared Food Photos in determining what was a licensed use they were compensated for, and an unlicensed use. Therefore, Prepared Food Photos was forced to take on the issue of locating unlicensed use of its own images. All third-party licensing ceased, and Prepared Food Photos began its own Intellectual Property Rights Protection efforts.

Copyrights on all the images in the library

began in 2016 and continues to this day.

The Prepared Food Photos library of photographs was created initially for retail food businesses, like supermarkets. Prepared Food Photos has taken the time to format its images to be used in both print and online, which facilitates a much smoother process for weekly advertising campaigns, which food retailers are accustomed to doing. With no Third-Party vendors working for Prepared Food Photos anymore, the company began its own website, licensing subscriptions for access to all the images in the library, some of which were available previously, and some that were not. Subscriptions were designed to be exclusionary as retailers were looking for images that would foster its Brand in the marketplace. A monthly subscription fee of \$999 would help to assure retailers that the Thanksgiving Turkey image which has become part of their branding was not used by their competitors.

Individuals, businesses, and their respective counsel, with no, or limited, knowledge of the time, energy and expense associated with branding, the proper formatting of images, and the protections afforded to copyright holders through statute, have found it easier to label Prepared Food Photos as "Trolls" simply looking to cash in on unsuspecting small businesses, which could not be further from the truth.

How Copycat Legal pursues possible infringement claims has been described by many as too aggressive. For many years while

Prepared Food Photos worked to defend its rights without counsel, many of those contacted simply refused to cooperate with the process and ignored any notices they received. With the advent of Prepared Food Photos association with Copycat Legal, the notice of possible infringement and remedies associated with it have not gone ignored.

So called "Social Justice" advocates expound on the fact that the only official judgements supporting Prepared Food Photos claims and affirming their rights and compensatory amounts are part of the public record as Default Judgements. This is true only because those infringers decided to ignore notices and demand letters, which has only hurt their ability to formally defend their actions. All that have responded to the notices and demand letters have had the ability to provide a copy of any potential license associated with the image or work with Copycat Legal to negotiate a fair and equitable settlement that is beneficial to both parties.

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