To those at the US Copyright Office:

RE: Copyright Protection for Visual Works (Notice of Inquiry)

FROM: Kevin A. Somerville

July 13, 2015

I've been a self-employed medical illustrator for over 30 years now, and am continually amazed at the liberties taken with our images/intellectual property so that others can benefit from their use without any concern for compensation for those uses or for recognition of the validity of our copyright.

Mine is a very specific field of artwork, and requires extensive education and training to be able to do successfully. I have a 3-yrs. Masters degree in the discipline, have done an internship, and have been employed by educational institutions, corporate producers of continuing medical illustration, textbook/journal publishers, law firms involved in personal injury and malpractice litigation and individual physicians. I have won awards in our national professional organization (AMI), as well as presented workshops and career programs portraying the field of medical illustration.

While musicians and authors seem to enjoy considerable protection from copyright infringement and unauthorized use of their work, artists seem to habitually be the poor, red-haired stepchild when it comes to protection of our work.

Copyright protection is the major product we preserve and license when we create our imagery. Standard copyright law has stated for many years, that, even if we don't formally register our artwork (at considerable expense), the copyright to it belongs to and is held by us by merely signing our art and including the universal copyright symbol. What is it that consumers of our artwork don't seem to understand?

Infringing our work, without compensation and recognition, is virtually robbing us of income we deserve and depend on. We need to be afforded the respect to have personally and professionally control how and by whom and to what purpose our images are used and conveyed.

Once published, our work does not lose its value and ability to generate further future income for us as practicing artists. Repeat usage and licensing of our images may cover different markets and be relevant to different audiences, be they educational, commercial or private.

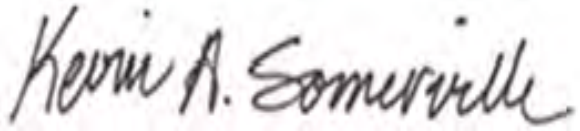
Each piece we create naturally and deservedly becomes part of our business inventory … a stockpile from which we should be able to benefit in terms of our income, our professional visibility and our reputation among both our clients and our peers.

It is already increasingly ever more difficult to police the unauthorized usage of our art in this digital age. Piracy is rampant … with out any consideration by those pirates who simply are enhancing their own profit margin or marketplace visibility and reputation at our expense and without either our knowledge or consent.

As regards orphan works legislation, there is no valid excuse in this day and age, when most illustrators have their own professional web sites readily viewable via any number of search engines, for those wanting to use our artwork to not be able to find us and contact us regarding usage of those images… even if those images are not officially registered with the Copyright Office. If they profess to not being able to "find" us, then they simply aren't looking hard enough. They simply want a quick, cost-free solution to their needs without showing any respect to the creator(s) of the images they desire use of… even if they somehow profess to be "good faith infringers." And the ability to alter our work to create "new" images and then to even copyright these "new" derivative images as their own just adds salt to the wound.

I hope these comments help you to understand the perspective of a medical illustrator, … or of any visual artist, …when it comes to the issues relevant to the upcoming congressional discussion on revisions to the copyright law and orphan works.

Respectfully submitted,



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