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Library of Congress
U.S. Copyright Office

RE: Docket #2015-01, Copyright Protection for Certain Visual Works

Thank you for the opportunity to comment on the potential serious impact of the proposed copyright reform measures on my survival as a professional illustrator and fine artist.

Briefly, my educational background includes seven years of higher education culminating in a Master of Science in Medical Illustration degree (the terminal degree in this field). My undergraduate years were spent in premedical sciences and graphic art/illustration training. Graduate courses included medical gross anatomy, neuroanatomy, pathology, histology, surgical observation and drawing, and a host of courses related to the dual pursuits of medical knowledge and artistic rendering of medical and surgical subjects.

Following graduation from the master's degree program at the Medical College of Georgia, I spent a year and a half working in a medical communications department at a major university. In 1981, I established an independent illustration studio, deriving my professional income from the creation and licensing of my medical artwork. My clients have included medical and dental product companies, pharmaceutical firms, hospitals, law offices, medical magazines, medical textbook publishers, private physicians, and biomedical research professionals. I am a Certified Medical Illustrator, and a past Secretary and past member of the Board of Governors of the Association of Medical Illustrators.

Additionally, I am an Artist Fellow of the American Society of Aviation Artists, having served the organization as its secretary for six years. The designation "Artist Fellow" is granted to artists who make their living in significant measure from the creation and sale of aviation art. Since the publication of my first limited edition aviation art print in 1983, my aviation artwork has been distributed nationally and internationally through my own studio, and through galleries and dealers both in the United States and Canada. I currently have ten limited edition prints published and registered with the U.S. Copyright Office, four of which are sold out and available only on the secondary market. More than 9000 of my limited edition prints have been sold. My prints are displayed in corporate offices, private collections, airports, military bases, and public buildings worldwide. Among my clients and collectors are personnel from NASA, Lockheed Martin, McDonnell Douglas, General Dynamics, Air/Ground Equipment Supply, and the Gorman-Rupp Company. I have donated two paintings to the Air Force Art Collection, as well as several framed works (original and print) to the U.S. Air Force and U.S. Air Force Charity functions.

I continue to derive my professional income from the sale of limited edition prints and licensing fees for my illustration work. For more than 35 years, I have relied on the integrity of the Copyright Act of 1976, and have been privileged to work during the decades when this law has been in effect. It is the basis for the contracts into which I enter with clients seeking to use my commercial (medical) artwork as content for their textbooks, websites, advertising materials, electronic publications, and more. Under this copyright law, I am able to construct mutually beneficial licensing agreements between myself and my clients.

The Copyright Act of 1976 is also foundational to the business of fine art limited edition prints, and this business has supplied a major part of my income for the past 32 years. The essence of "limited edition" – meaning that only a limited number of reproductions of a work of art are made – is that the scarcity of those reproductions gives them their monetary value, not only at the time of release of the edition, but later when the edition is "sold out" from the original publisher. In many instances, my prints have demonstrated higher value on the secondary market after "sell out." This value is predicated on a system that assumes 1) that I own copyright to the artwork, and 2) that I can guarantee that this is the only print reproduction of the artwork that will be made. The specifics of copyright ownership and print edition information are spelled out in my Print Certificate which accompanies each limited edition print, and the customer purchases the artwork in good faith that these claims are true. Under current law, if some unscrupulous entity engages in an unauthorized reproduction of one of my artworks and attempts to market and profit from that activity, the Copyright Act of 1976 makes that illegal and provides recourse for me, the artist, to stop that infringement. This protects the collectors of my artwork and their investment, and it provides some guarantee that I will be compensated for my creative effort.

And this brings me to my primary point as I challenge the proposed "reforms" to the current copyright law. **The Copyright Act of 1976 was written for one singular, important purpose: to protect and encourage creative work**. The law does this by guaranteeing to the creator the right to profit from his/her effort, and the right to pursue legal action if his copyright is infringed by another party. Under this well-crafted law, illustrators and fine artists have collectively produced an immense body of work over the past four decades. The creative output has been massive, and the benefits to our culture have been enormous.

It baffles me that you would seek to jettison the system that has worked so well for decades. The proposed legislation – the "Next Great Copyright Act" – would wipe out the legal protection afforded by the Copyright Act of 1976 and promote, in effect, the outright THEFT of visual art. **If this legislation is enacted, all of the current legal protections will effectively be eliminated**, and visual artists will lose their financial remuneration from their work while having to comply with impossible new dictates. We will lose our constitutional right to control how and by whom our work is used. We will be pressured into registering our work with commercial registries, costing us unaffordable time and money (why isn't the Library of Congress Copyright Office sufficient as a "registry" for all this work? We've already spent time and money registering our work there for decades!). Any unregistered "orphan" work will be free for use by commercial infringers. And ultimately we will be robbed of our rightful compensation by some lazy opportunist who stocks an internet database with images snagged from our websites, selling our work for his profit without compensating us for our creative effort.

Under these conditions, **what incentive will we have to continue creating?** This overhaul of existing copyright law will not stimulate more creativity. On the contrary, it will drive creative people OUT of visual art, because the very basis of their income-producing business will have been undermined and destroyed.

For anyone who has never attempted to survive in this world as a freelance artist, it is worth sharing at least some insight into the lifestyle. There are no guarantees in this business, even under ideal circumstances. Non-artists may think that we just dream up our images, that pictures appear by magic or happy accident on the canvas, and that our monthly incomes just show up in our checking accounts from some electronic sugar daddy. I can assure you that it is not in any way that easy. We artists get paid only when our artwork goes out the door to a client. What goes into that final product is a tremendous amount of behind-the-scenes effort, both mentally and physically. To bring something into existence that did not previously exist – which is what we artists do – is a demanding effort. In the case of medical and aviation art, which are extremely information-intensive in their subject matter, a high level of knowledge is needed, often requiring hours of research before a single line is drawn on paper or on the computer screen. The manual dexterity and skill we use in our work takes years to develop. In addition, we bring executive skills to our work, without which we could not organize and run a business or negotiate our contracts. Freelance artists have no "safety net" of a guaranteed salary and benefits. We basically earn our living by our ingenuity, discipline, and hard work.

I provide this insight, not to elicit sympathy for the artist's plight (because most of us willingly choose this career path), but to encourage some respect for the difficulties and challenges faced by freelance visual artists, even under the best of circumstances. In light of this reality, any additional blow to our survival – such as this proposed legislation – will discourage and hurt the successful artists, and drive the already "starving artists" into extinction. Is this really what you want?

I urge you, with all the experience gained from 35 years as an artist and businessperson, to reject the proposed overhaul of constitutional copyright protection for visual art. Please, for the sake of artists currently working in this country, as well as future generations aspiring to careers in visual art, do not change the Copyright Law of 1976. If this "Next Great Copyright Act" goes into effect, every talented young artist would be well advised to pursue a different career.

Thank you for your attention and your consideration.

Sincerely,

Jody F. Sjogren, M.S, CMI, ASAA
Medical Illustrator and Aviation Artist
Metamorphosis Studios, Inc.