kai-ou tang
BIOMEDICAL ARTIST

July 19, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

To Whom it May Concern,

Thank you to the Copyright Office for putting out a Notice of Inquiry regarding its Copyright Protection for Certain Visual Works. I am currently a graduate student at the Johns Hopkins University School of Medicine working towards a M.A. in Medical and Biological Illustration, and a student member of the Association of Medical Illustrators (AMI). This field embodies specifically the creation of arts and media for the sciences, medical community, and general public. Examples of our work includes textbook/journal illustrations, educational content for schools (e.g. biology or chemistry videos, interactive media), and also scientific commercial work. As a young student who has invested time, money, and years of education working towards an expected financially secure career in Biomedical Illustration, I find the Orphan Works and Mass Digitization legislation and its impact to be a source of great concern, as well as foreboding of things to come.

The legislature that would be introduced within the Orphan Works and Mass Digitization legislation, though aimed to facilitate the methods and protect litigation against a specific group, would have a broad impact on the creative field as a whole, regardless of the time or period in which they were originally created.

Though I find many lines of the legislative framework alarming, perhaps most notable are the exceptions and injunctive relief for, "infringements of orphan works by eligible nonprofit educational institutions, museums, libraries, archives, or public broadcasters, for noncommercial educational… purposes, provided the eligible entity promptly ceases the infringing use," (p. 10). As a scientific communications artist, a large majority of my clientele are precisely those nonprofit entities, and this clause effectively would provide a legal loophole to just compensation by these institutions. I believe this line and extensibly the new legislation overall to be, in essence, a devaluation of the work created for educational or communicative purposes, and a deterrent for future medical illustrators as they would not be fairly compensated for their livelihood.

I ask the Copyright Office, as well as other parties, to acknowledge that the force driving the Orphan Works and Mass Digitization legislation is the notion that creative works are indispensable in the service that they provide to the public good. Consequently, that the exclusive rights of its creators, past, present, and future, should therefore be considered precious, respected, and immutable alongside the rapid tides of the digital future.

Thank you for your time. Please feel free to contact me if any questions arise.

Sincerely,

Kai-ou Tang

Kai-ou Tang

510.387.8917 | kaiou.tang@gmail.com