July 23, 2015

Catherine R. Rowland
Senior Advisor to the Register of Copyrights
U.S. Copyright Office

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

Dear Ms. Rowland,

I am a board certified medical illustrator with over 10 years professional experience creating visual content for the publishing and healthcare clients both in the U.S. and Canada.

The ability to license work to which I own copyright provides an important revenue source. However, infringement of copyright on this work is a constant concern and threat to my livelihood. I am writing to request that the Register of Copyright consider the rights of illustrators and the significant challenges they face, when creating policy related to copyright law.

Along with my U.S. colleagues, I routinely face considerable pressure from clients (mostly large corporations and institutions) to sign work-for-hire contracts, relinquishing not only reprographic rights, but surrendering my underlying “source” material — visual assets that I use in the creation of illustrations. Refusal of work-for-hire often results in losing a job. The illustration pricing model that most corporations follow is tenable only if consigned artists are allowed to retain their source material — for use in the creation of future work. Work-for-hire puts undo hardship on individual illustrators and I urge the Register of Copyrights to remove it from U.S. Copyright law.

Orphan works are perhaps the biggest threat facing illustrators in North America. Assigning the burden of protecting copyright to individual illustrators, while third party users need only demonstrate that they attempted to determine ownership of a visual work is grossly unfair and will result in illustrators losing control over their reprographic rights.

Finally, I urge that the copyright registration requirement be removed from U.S. copyright law. It’s an expensive, arduous process, yet necessary if creators are to have any legal recourse for the theft of their works. The United States is the only nation that still requires registration in order to protects artists’ rights, causing unnecessary hardship for creators.

Thank you for the opportunity to express my concerns.
Sincerely,

James Jason Sharpe
B.Sc. Engineering, B.Fine Art, M.Sc. Biomedical Communications
Board Certified Medical Illustrator
Governor, Association of Medical Illustrators
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"1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

"2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

"3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

"4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?

"5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?"

[Emphases added for clarity]

And we might suggest a 6th question of our own:

6. What are the most significant challenges artists would face if these new copyright proposals become law?