



February 4, 2013

Maria Pallante  
Register of Copyrights  
US Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress  
**Orphan Works and Mass Digitization (77 FR 64555)**

- Illustrators' Partnership of America
- Association of Medical Illustrators
- American Society of Architectural Illustrators
- National Cartoonists Society
- Guild of Natural Science Illustrators
- San Francisco Society of Illustrators
- Pittsburgh Society of Illustrators
- American Society of Aviation Artists
- Society of Illustrators of San Diego
- Society of Illustrators of Los Angeles
- Illustrators Club of Washington DC,  
Maryland and Virginia
- Association of American Editorial Cartoonists
- Illustrators-at-Large (nonaffiliated)

**Comments of the American Society of Illustrators Partnership**

On behalf of 4,500 of the most prolific and widely published cartoonists and illustrators in the world who are members in the 12 organizations comprising our partnership, we, the American Society of Illustrators Partnership (ASIP), unanimously endorse and adopt the Orphan Works comments submitted under separate cover on this date by our colleagues at the Illustrators' Partnership of America (IPA). Please also note that many officers or representatives of ASIP's member organizations previously submitted individual papers regarding this legislation to the U.S. Small Business Administration's *Orphan Works Roundtable* in 2008. Those informed expert comments are included in the Appendix to the IPA's document.

In brief, we respectfully ask you to carefully consider the following key points from the IPA paper:

- 
- *Board of Directors* –
- Brad Holland
- Cynthia Turner
- Dena Matthews
- Frank M. Costantino
- C. F. Payne
- Dolores R. Santoliquido
- Michel Bohbot
- Ilene Winn-Lederer
- Keith Ferris
- Ken Joudrey
- Joe Cepeda
- Joe Azar
- Nick Anderson
- Donald Kilpatrick

[www.asip-repro.org](http://www.asip-repro.org)  
9 Foster Place  
Pleasantville, NY 10570

- That the “legislative blueprint” for the proposed Orphan Works legislation was improperly conceived and inconsistent with U.S. and international copyright conventions;
- That no solicitation and communication about proposed “copyright reform” has been made by lawmakers to the market professionals who will be most drastically impacted by such legislation;
- That the Illustrators Partnership, Artists Rights Society, and the Advertising Photographers of America submitted amendments to the proposed Orphan Works Acts of 2008 that would have made that legislation a true Orphan Works bill, while harmonizing U.S. law with orphan works legislation in the European Union;
- That there has not been any manner of market survey of professional practices across the diverse spectrum of illustration to justify the extension of Orphan Works legislation to commercial markets;
- That based on past and recent experiences, commercial registries inevitably engage in abusive, exploitative practices which eliminate artists’ control of their works, and thereby any deserving potential revenue;

- That the high cost of preparing and registering an artist's body of work with commercial registries would make compliance impossible for all but the wealthiest visual artists;
- That a fair and due process for adapting existing copyright legislation be more narrowly focused and framed to protect and respect the market interests of our organization's members, and a half million artists, writers, photographers, songwriters, musicians, performers and other related creative small businesses.

Under the banner of ASIP, American illustrators have worked intensely for the last seven years to create a collective licensing organization to license the use of their works and to distribute due royalty revenue to individual artist copyright holders. The unique images of these artists illustrate a wide spectrum of general and special-interest publications. The majority of our members, and numerous professionals in this country, are independent contractors – small businesses – who have reserved reproduction rights on a substantial, if not entire, body of their published work.

While there is a collecting society that licenses and distributes blanket royalty revenue to print publishers, unfortunately at the present time there does not exist a collective licensing entity to generate royalty payments specifically to visual artists in the United States. Illustrators today are in the same position songwriters were in the early 20th century when ASCAP – and later BMI – were created.

The rapid developments in technology have permitted broad secondary use of recording artists' work, and now also visual artists' work. The Internet and other streaming sources have the increasingly easy capacity to seize images and send them around the world in digital form, which can then be produced with original quality.

ASIP recognizes the music societies' model, as well as Europe's, for licensing the use of their works. The principal efforts of ASIP have been focused on creating a similar entity that can effectively grant the kind of blanket license common in Europe. The Partnership's unity among visual artists constitutes the relevant rights-holder class of the rights of the American illustration repertoire of published works.

*"We believe there is a solution to the problem of locating the authors of visual artworks, orphaned and otherwise, affording creators copyright protection for their work, while giving potential users the means to locate and clear the rights they want for their own creative purposes. We invite Congress to act creatively to implement a solution for tracking and clearing the rights to visual art, orphaned and otherwise, while expanding its existing registry to include published illustrators."*  
*Terry Brown, ASIP Founding Member*

In consideration of the above facts alone, we prevail upon you to further weigh the extensive critical aspects of our appeal, and arrange a suitable process of evaluation on any legislation that attempts to amend or compromise the workings of this country's copyright law.

Respectfully Submitted,



Frank Costantino, ASAI, FSAI, JARA  
ASIP Founding Member, 1st Vice-President  
Representative for  
American Society of Architectural Illustrators (ASAI)



Joe Azar, Esq.  
ASIP Founding Member, Director  
Representative for  
Illustrators Club of Washington DC, MD, VA (IC)



9 Foster Place • Pleasantville, NY 10570 • [www.asip-repro.org](http://www.asip-repro.org)

Brad Holland  
Co-chair, The American Society of Illustrators Partnership

Cynthia Turner  
Co-chair, The American Society of Illustrators Partnership

Michel Bohbot  
Treasurer  
Representative for San Francisco Society of Illustrators (SFSI)

Dolores R. Santoliquido  
Secretary  
Representative for Guild of Natural Science Illustrators (GNSI)

Dena Matthews  
Representative for Association of Medical Illustrators (AMI)

Ilene Winn-Lederer  
Representative for Pittsburgh Society of Illustrators (PSI)

Ken Joudrey  
Representative for Society of Illustrators San Diego (SISD)

C.F. Payne  
Representative for the National Cartoonists Society (NCS)

Nick Anderson  
Representative for the Association of American Editorial Cartoonists (AAEC)

Keith Ferris  
Representative for the American Society of Aviation Artists (ASAA)

Don Kilpatrick  
Unaffiliated Illustrators at Large