Dear Copyright Office, July 15, 2015

I am a self-employed board-certified medical illustrator and a veterinarian. The work that I do serves humans, animals and our shared environment.

I have been drawing and working in the veterinary field from a young age. I studied at one of the top vocational agricultural programs in the nation, the Ellis Clark Regional Agriscience and Technology Center in CT. I was the first in my family to go to college. I did undergraduate studies in pre-veterinary science, zoology, and studio arts at the University of Maine. I obtained my MS in Medical Illustration from Georgia Regents University. I passed the certification exam for medical illustration and graduated from Cornell University with my veterinary doctorate. I am now a professional member of the Board for Certification of Medical Illustrators, as well as the Association of Medical Illustrators, Guild of Natural Science Illustrators, American Veterinary Medical Association, American Animal Hospital Association, and American Association of Veterinary Anatomists. I am one of only a handful of veterinarians in the world that are certified medical illustrators.

For 10 years, I have been a small business owner of Sawchyn Medical Illustration, LLC, providing medical art services, specializing in veterinary medicine. For 6 years, I have also practiced as an associate veterinarian in CT and MA. Most of my illustration clients are colleague veterinarians, professors, and researchers – many from academic and nonprofit institutions. Due to my clinical duties, I produce a small volume of highly detailed and carefully crafted visuals that elucidate clients' research and educate their audiences. My clients and I work together as partners. The art I create does more than decorate, it advances scientific knowledge, and that makes it extremely valuable. Copyright <u>is</u> my livelihood. It gives me the ability to extend value and prestige and derive income by controlling usages of my artwork. This is similar to controlling intellectual property of a software product or a veterinary diagnostic tool, a right that many of my veterinary colleagues employ.

Despite the fact that a veterinary career has been known for long hours and low pay, I enjoy practice and I stay engaged in what I draw. Practice is also an additional source of income. Veterinary medicine and medical illustration are less lucrative markets by comparison to human medicine. Economic challenges include restricted funding as well as soaring debt to income ratios. Most income I collect in the creation and licensing of my art goes to pay my student loans, which would otherwise need to be deferred. The rest is reinvested into my business to build my inventory of veterinary art. This is the only inheritance I am able to leave my family.

The most significant challenges I face related to licensing artworks include work-for-hire contracts from publishers and other institutions and predatory competition from content aggregators, like the Copyright Clearance Center (CCC), who license art without permission from artists. I cannot manage the high legal fees for pursuing infringement cases against individuals, let alone large corporations. Under the draft legislation, an infringer of my work would only be liable for a "reasonable royalty",

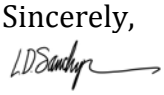
as determined by a court, no matter how much it cost me to stop the infringement. If I use a small claims court to reduce fees, there is no enforcement for unpaid claims. The infringer has the incentive to continue to exploit my work because there are limited remedies for this behavior. As a professional who respects others, I view works as inspiration but I do not appropriate, reproduce, or resell others' works of any kind. The lack of ability to do so has not dampened my creativity nor diminished my work in any way. But the lack of control on how others use artwork would diminish society's steady stream of creativity and innovation, as most creators cannot afford to give away work or rights. Nor should we be expected to do so!

I also have no way of recovering lost royalties from my work, since a U.S. copyright collecting society, that gives royalties directly to visual artists instead of to societies, has never existed, and support for a true society continues to be swept aside. Is it fair for the CCC to boast $1 billion of revenue, yet never return a cent to any artists? I support and commend Congressman Jerrold Nadler's ART Act of 2015, calling for transparency and justice to artists' secondary licensing rights.

If my work has been infringed, I do not yet know it. My registration challenges include lack of time, manpower, and finances to conduct a search. In the last 8 years, I have registered finished artworks with the Library of Congress (LIC), but it is impossible for me to register the thousands of sketches, photographs, and other fine artworks created. The cost of registration must be added to my fees, which is a burden to my clients. However, I did this acknowledging the value of the service the LIC provides. I am now appalled to find that the Copyright Office (CO) discarded many of the visual art deposits sent to them. Why would the CO abandon its mission? The legislation would make every work I have registered an orphan if it cannot be found in an outside commercial registry. And how can I trust a commercial registry, which currently does not exist for arts, when registries like PLUS accept confidential settlements for the infringement of visual artists?

This legislation makes my years of sacrifice and hard efforts worthless. It is quite frankly, deeply depressing. It seems that the CO prioritizes special interests over the copyrights of creators. Instead of rewarding an economic and societal contribution that serves the public interest, and protecting guaranteed exclusive rights under the U.S Constitution, the legislation allows my work to be stolen, identification erased, labeled an "orphan", and unable to be located in a commercial registry that I cannot afford to use. And those who have committed theft, exploit creators and gain profits after not much more than a wrist slap. This is heresy. They lack the training, passion, and purpose that I have honed. The quality, accuracy, value, and integrity of my work are degraded, and I have no effective way to enforce my rights. I find my goals, creativity, and honest labors extinguished, and for no good reason.

Thank you for reading my comments and considering my concerns.
Sincerely,



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