My wife, Andrea Brooks, and I are creators of visual imagery, self-employed medical illustrators, and have been in the business of creating images and licensing subsequent rights to those images since 1980. We have won national and international recognition for our original work. Copyright is the basis of our income and ability to support our business. It is the only way we have to protect the accuracy and integrity of our work, and to negotiate an appropriate fee for re-licensing.

The biggest challenge to monetizing/licensing our work is to keep control of where it appears and who uses it, and to keep our copyright notice and contact information associated with the work. We require that our names and copyright information be included with the image by our clients - they will do so, but often the image is appropriated by someone else and that information is cropped off. There is nothing I can do to prevent our work from being 'orphaned'. If the Copyright Office is sincere about protecting rights of creators, it should make it illegal to remove a watermark, illegal to remove metadata, illegal to remove copyright information, and also illegal to mass digitize any works not in the public domain without written permission from the creator, all with stiff financial penalties. The Copyright office should make all of its registered images searchable by image, not just by textual data. If Google and Bing can do it, so can the Copyright Office.

In addition, the suggestion of a text-based 'Notice of Use' of a work assumed to be 'orphaned' would be useless. 'Potential users' do not have rights to my images, I do. If a 'potential user', individual or company, wants to further their business by using imagery, and can't find an image they can legally use, then they can do what individuals and companies have done for the decades before electronic file sharing - commission a new one, and keep illustrators working.

Sincerely,

Dennis Kendrick

Andrea Brooks

NY, NY 10014