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To Whom It May Concern:

I am a scientific illustrator who creates illustrations and visualizations for research scientists who wish to convey their work to colleagues, students and the general public. I have been a professional illustrator for 15 years and have had a freelance business doing science-related illustrations and sculpture since 2006. My work has appeared on the covers of *Nature* and *Science*, in numerous media outlets online and in print, and tens of thousands of textbooks that educate our nation's students. I have illustrated three best-selling non-fiction science books by prominent evolutionary biologists Neil H. Shubin (*Your Inner Fish* and *The Universe Within*) and Jerry Coyne (*Why Evolution is True*) and continue to work with our most ground breaking scientists in communicating their work. There is not a lot of money in what I do, but I am passionate about making it my career because I believe we can increase science literacy through broadly accessible illustrations and visualizations.

I am concerned that the repeated attempts to change Copyright Law to address the problem of "orphan works" will ultimately succeed and undermine my ability to run my business. You have requested that people affected by the proposed changes respond to the following five questions. My answers are below:

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

With science budgets decreasing across the board and models of print media being turned on end, it is very difficult to get a living wage from producing illustrations for science outlets. As such, it is more important than ever for me to create each new illustration with careful thought as to how I might be able to use it and/or sell it in the future. This cuts down on the time I require to create new images (thus making them more affordable to people commissioning them) and allows me to make a more complete wage off illustrations I can license as they are. If copyright changes, it will be easy for people to take my images and make derivative works without fear of infringing. In the sciences in particular, where images can be tweaked endlessly to make a variety of points, this would

greatly affect my bottom line. Why pay for a new illustration when you can just alter one you find on the web?

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

The amounts I collect for image reuse rarely exceed $250. If I factor in the opportunity cost of searching out infringements and hounding people for payment, I quickly exceed the amount of time I should be spending on infringements to justify what I would collect. Furthermore, these types of infringements almost never result in me getting paid for the unauthorized use. Rather, most people just take down the unauthorized images and give a half-hearted apology.

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

VOLUME - if we switch to a registration-based copyright instead of passive copyright, how are we to register every draft and every version of every illustration in our portfolios? Ignoring the copious drafts that precede each finished illustration, I often produce multiple versions of the same diagram - with text, without text, for press releases, or for powerpoint slides… The expense, the time, and the enormous task of being required to register every version of every image would be overwhelming. It would quickly consume all my creative time and my business is simply not lucrative enough to justify hiring someone to help me with it.

Furthermore, as a parent of two young children whose identities I wish to protect until they are old enough to handle their online personas themselves, I would be concerned about images of them uploaded to social media sites without my consent (as many friends routinely do). How would a registration-based copyright system handle these types of images? Could my children end up in a national ad campaign for something I did not consent to because they appeared in an image that was uploaded to the internet and became part of a database of images some corporation has rights to? Understanding copyright is a critical part of my livelihood, but for friends and family who are unaware of what is at stake, I have deep reservations about what this would mean for the trillions of personal photographs uploaded to the internet without identifying information.

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?

There is very little excuse for unauthorized use of images. The internet is swamped with relevant images that would fit all but the most specific historical uses and it is almost always simple to follow the bread crumb trail back to the original image maker. I illustrated and managed the image rights for both of Neil Shubin's best-selling popular science books: Your Inner Fish and The Universe Within. It took very little effort to find the rights holders for the majority of the images we sourced that I did not illustrate. For those that required a little more sleuthing, all that amounted to was a few more emails and inquiries. Out of hundreds of images that I researched, only one image proved to be truly orphaned… so we didn't use it. It's that simple. Was it disappointing? Yes. Did it cripple the project? Certainly not.

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

As traditional sources of income for illustrators dry up and morph, it is more critical than ever for us to get our work online and leverage the significant benefits that social networks provide. By having our work online, we can advertise our work beyond our brick-and-mortar neighborhood at very little upfront cost. This is especially useful for niches and specialties like science illustration. Unfortunately, the same mechanisms that allow our work to be shared hundreds and thousands of times are the ones that allow us to be ripped off just as easily. Lazy sharing on powerful sites like Twitter, Pinterest, and Instagram can strip our names and identifying information from our work and quickly renders a beneficial act - sharing a cool image far and wide - from useful to useless as a marketing tool. But if there were a way to always link our images back to us - similar to how YouTube and Vimeo videos can be shared and embedded but never stripped of their attribution, that would eliminate a lot of the angst we professional image creators harbor. In the absence of that technology, I fear I would have to exit the illustration business if passive copyright were abandoned. The only marketing I know how to do is online, but without copyright protection, having my work online becomes too risky. What then?

CONCLUSION:

I strongly encourage the Copyright Office to acknowledge the disproportionate harm changing the copyright law would inflict on our nation's creatives. Twice we have rejected versions of this law because of the undue burden it would place on artists, yet it keeps resurfacing without adequately addressing our concerns. The creative community is a vital part of America's innovation and success. Don't cripple us by weakening our rights to the work we create.

Sincerely yours,

Kalliopi Monoyios