Pat Thomas Medical Illustration
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Maria Pallante, Register of Copyrights
In reference to Docket No. 2015-01, Copyright Protection for Certain Visual Works, Notice of Inquiry
July 9, 2015

Dear Ms. Pallante

I'm writing to provide commentary on how my medical illustration business will be impacted by proposed changes would affect my copyright protected images.
I have owned my own business, Pat Thomas Medical Illustration, since 1983. During that period as sole proprietor and sole employee, I have created countless medical illustrations to be used in publications, courtroom litigation and now web sites. Managing control over my images on the internet is a significant issue for me. As a sole employee and owner, the illustrations I have created are an investment in my retirement. Part of my retirement plan is to re-sell them as stock. If they are not protected, I loose all value and my retirement cushion.

Stock houses are not an option as they are often sold or enter into agreements with larger image distributers. Contracts over-written without notice, copyright notations are changed.

My biggest issue is how to create fee schedules and protect images that will be published on the web. I do not want to loose control over the images as they are my future. My buyers don't want to pay a lot for images so it is difficult to charge enough to cover uncontrolled future use and still provide a competitive proposal. We live in a time when there is little respect for the concept of intellectual property. Modern technology has made it easier for individuals to steal copyrighted works with no compensation to their rightful owners. Our society seems to feel that if something is "out there" on the Internet, it is free for the taking. My clients do not want watermarked images so if I add a copyright notice within the work it is easily cropped off. The images if downloaded may contain metadata but this is easily avoided by doing a screen grab. Although screen grabs are not high resolution, they are fine for anyone who wants to repost on their personal or business website. This is not fair use.

Another concern is the issue of orphan works, which would have a particularly devastating effect on individual artists. Big publishing companies can ensure that

their works are never orphaned. Through unique identifiers such as ISBN, it will always be possible to trace a published work back to its owner. The Copyright Clearance Center, established by the publishing industry, helps ensure that their member companies are compensated for every use or reproduction. However, it is often difficult to identify the contributors to a collective work, even though the individual contributors may retain the rights to their work. Publishers rarely allow an author or artist to post a copyright notice and they often remove signatures from artwork as a matter of policy. Despite the directives in my contracts with the contracting editor, the work is often redistributed without my knowledge and notices are removed. There is no easy way for me to police this unauthorized use.

Litigation for a small business like mine can be devastating in time and fees. You hope that infringers will mediate without using an attorney but it is often a David and Goliath situation.

I strongly oppose this replacement of existing copyright law. The new legislation is essentially the same as previous versions of Orphan Works bills, written so broadly that is does not confine itself to orphan works. Instead, this is a radically new copyright bill. It would legalize infringement of visual art, including my work.

Respectfully submitted,
Pat Thomas
Owner Pat Thomas Medical Illustration
Past president Association of Medical Illustrators
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