I am a medical illustrator and a professional member of both the Association of Medical Illustrators and the Pittsburgh Society of Illustrators, serving as Board Secretary of the latter since 2013. I have worked as a medical illustrator since completing my undergraduate degree at the Rochester Institute of Technology's Medical Illustration Program in 2004, then working for The Ohio State University Medical Center before starting my sole proprietorship in 2008. My livelihood is inherently dependent upon my right to create, control and be compensated for my own intellectual property.

When I create an image, I am sometimes working directly for a client under commission or producing a product on my own that will be added to my inventory and later sold, much like a baker who will make custom cakes in addition to the attractive options already in their shop cases. There is currently a good market for my work, with patient education in healthcare increasingly important and new medical devices and instructions for their use and/or surgical implantation needed for training and clarity. Even with custom commissions, I often resell my images to multiple clients (or extend existing usage rights to the same client) through license agreements with the appropriate fees. As you can imagine, a descriptive image of basic anatomy or the illustration of a common personal care procedure can add value to any number of products and publications. By owning the rights to my art, I can be compensated for it, which makes it possible for me to continue to create and earn a living. It also incentivizes me to make beautiful, accurate, useful work that I can post online and sell again and again. Other business owners benefit from my work, because it makes their own product more appealing and effective, and they pay me for that benefit. No one should steal it.

Having read the official Register of Copyrights Report on Orphan Works and Mass Digitization, it appears the "proposed orphan works legislative framework" strongly protects infringers, offering creators reasonable compensation only if they've discovered the infringement and gone through a legal process for, at best, the compensation they should have been paid for the original use. What does this do but encourage infringers to steal intellectual property, risking only that they might have to pay for it if they get caught? If this concept applied to other goods and services, people could steal cars from parking lots, for example, remove the plates and say no one was around to claim ownership. Then at worst, they might have to give it back or just pay the Kelley Blue Book value. And only if they get caught!

I realize that digitization, technology and the internet have made it easier for people to see what other people are creating. Unfortunately for visual artists, their products are very easily stolen and used right from computer screens. This doesn't happen to business owners who do accounting or make furniture, clothing or food – not in the same way. Immoral people may steal their ideas and devastate these businesses, but they can't right-click on a can of soda and stock their own vending machine for profit the way someone can download an image and sell a JPEG or a print. Visual artists are especially vulnerable to digital theft of their intellectual (and actual) property, and we need protection.

I have little sympathy for infringers who want to be able take my work just because they found it. I watermark everything I can and have used copyright notice software, but none of this guarantees someone won't remove either and post a version without my information for others to take. A quote from the Report on Orphan Works and Mass Digitization reads, "While some users certainly may have viable defenses on fair use or other grounds, many will choose to forego use of the work entirely rather than risk the prospect of expensive litigation." So what? Just because it can be found these days doesn't and should never mean that it can be stolen. I refrain from stealing things I want all the time, because I like to avoid expensive litigation, too!

It seems to me that some unseemly people are scrambling for ways to make an unfair profit on others' work and expertise. I think they know what they're doing and know that it's wrong. I've worked hard to

learn my craft and build my business, and I hope I can continue to work as a medical illustrator and maintain ownership of my property. If I cannot create work for fear of it being stolen from me the moment it's made visible for marketing, I don't see how I or any visual artist can stay in business.

Sincerely,

Molly Thompson
Thompson Medical Illustration
www.tmillustration.com