

September 30, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallante and the Copyright Office Staff:

Thank you for this special Notice of Inquiry which allows me the opportunity to respond to the challenges I personally face as a “Doing Business As,” self-employed medical illustrator.

With respect to your question: What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

Artwork, while vital to any form of media, is frankly not valued commensurate with the time necessary to create a unique piece of art. As artists, we are somewhat resigned to this devaluation in our work, with the understanding that as the rightful owners of that work, we may re-purpose it, or charge for its future use, *unless* we have willingly assigned copyright to another entity. It is the choice to be “willing to assign copyright elsewhere” that is the part of the equation that will be further denied with Orphan Works legislation, and is what drives me to share my experiences today.

Along with the fact that artists should be recognized as the owners of their own work, perhaps there are two supportive systemic changes that need to occur to ensure copyright is enforced.

1) As one who has sought to copyright work, not only is the paperwork time-consuming, the registration fee per work can also be prohibitive when added up. While this is not part of the current legislative issue, streamlining/simplifying the process, and even giving bulk rate discounts for registering copyright on work, may help to greatly reduce the number of orphan works out there.

2) Leaving permissions to use work in the hands of the artists can be a much simpler, streamlined, and less costly solution. This can only take place if the copyright law was much simplified to state that if an artist creates something, s/he retains copyright over his/her lifetime.

Organizations like **Scientific American**, for example, who believe their artists' should retain copyright and uphold this view by sending the requestor directly to the artist for permissions, set an example for how obtaining permissions can be a smooth process. When a request comes in, they provide the e-mail for that artist to the requestor, who then asks the artist directly to obtain permission. Fee scales at the discretion of the artist can be surprisingly lower, if at all existent, when compared to rates charged by a publishing company or corporation.

Personally, I do not charge a fee to use my work for academic/presentation purposes; otherwise my fee is based on a percentage of the cost charged for the work which is well below industry standards. But the revenue stream generated by permissions is not even that important to me. What is problematic is my inability to use my own work, when I have been obliged to transfer copyright for the simple privilege of working with a company. People will always say I can choose to say no and lose the work, but this is not a true choice when it comes to every person's reality, where there are very real and regular expenses that must be met. Could there not in future be an overhaul in the laws regarding artists' rights to streamline the entire process, strip out third parties, and simply allow for artists to be able to own their own work? Is that truly so wrong a concept?

Thank you for the opportunity to voice my opinion.

Respectfully submitted,

Alice C. Kitterman, Medical Illustrator and Owner

A.Y. Chen Illustration & Design

www.aliceychen.com

www.centipededragon.weebly.com

<https://vimeo.com/user13507144>