



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 Copyright Office Staff:

Thank you very much for providing the opportunity to respond to the initial comments submitted in response to the Notice of Inquiry on Certain Visual Works. As a visual arts professional I appreciate being able to express how important U.S. Copyright Law is to my livelihood, and how the proposed changes to those laws could negatively impact visual artists. Also, as a Certified Medical Illustrator I directly support the comments submitted by both the Association of Medical Illustrators (AMI) and the Illustrators Partnership of America (IPA). These organizations raise many of the same issues, concerns, and questions that I raised in my own comments.

1. The AMI provided many representative statements and real-world examples of how current copyright law burdens the artist and how many are taking advantage of the law at the expense of visual artists. Their statements identified four significant challenges that visual artists face when their work is intended for publication:

*“(1) the inability to obtain secondary licensing revenue collected by publisher-dominated copyright management organizations, both domestically and internationally; (2) the practice of publishers using their market power to demand that freelance artists sign work-made-for-hire contracts in spite of a long record of Congressional intent to the contrary; (3) the burden of registration and its impact on the ability of artists to initiate infringement actions; and (4) the costs of bringing infringement actions in federal courts.” (Pg. 2)*

After writing my own comments, and reading the letters submitted by my visual art colleagues, these comments express concerns I share as a visual artist and small business owner.

2. The IPA raised Constitutional concerns regarding several concepts presented in many of the recent publications and reports from the U.S. Copyright Office. The most recently released report is the *Orphan Works and Mass Digitization Report* (OWMDR).

Article 1, Section 8 of the U.S. Constitution grants me, the artist, exclusive rights to my work. (IPA Comments Pg. 1) Many of the changes suggested by the OWMDR would require a Constitutional amendment, if it is to be presented and passed as legislation, since they would effectively remove my right to exclusive rights to my original work.

Proposed changes also conflict with the Fifth Amendment. (IPA Comments Pg. 3) I should not be forced to give up what Article 1, Section 8 establishes as my private property without “just compensation.” Likewise, no one should be able to use, sell, license, or collect and retain fees from any property that is not their own.

As a visual artist I very much appreciate the complex issues that the U.S. Copyright Office must navigate. However, I would like to express that I, along with many other visual artists, have serious concerns about the proposed changes. Most of the benefits proposed in the OWMDR do not benefit or protect the visual artists who create and own the original works.

3. In addition to my support of the above comments, I would like to thank Rutgers University Libraries for their balanced comments in support of creators:

*“Art and culture is compromised when creators are unable to benefit from their own works because economic gains accrue instead to third parties directly through infringement and indirectly through other forms of third-party monetization. The most significant challenge is the idea that monetization of copyrighted works should be the privilege of digital technology entrepreneurs rather than of creative people or other copyright holders.” (Pg 1)*

It is my sincere hope that the copyright office take steps to protect and maintain the exclusive rights of artist over the work they create. I am hopeful that this Copyright Office will work with visual artists as we move forward together.

Again, thank you very much for issuing this Notice of Inquiry, making comments publicly available, providing the opportunity to respond, and for taking the time to read my letter.

Respectfully,

A handwritten signature in black ink that reads "Elizabeth N. Weissbrod". The signature is written in a cursive, flowing style.

Elizabeth N. Weissbrod, MA, Certified Medical Illustrator  
Weissbrod Studios