

Subject: PRO-IP Act of 2008: Comment from The Association of Medical Illustrators (AMI) Artist Rights Committee
Date: Wednesday, March 24, 2010 4:52:34 PM
Importance: High

Dear Ms. Espinel,

RE: The PRO-IP Act of 2008 Comment Submission

Our story:

I am writing as the chair of the Artist Rights Committee of the Association of Medical Illustrators (AMI). The Association of Medical Illustrators is an international organization founded in 1945, and incorporated in Illinois. The AMI is made up of ~700 talented communicators working in the realms of cutting edge medicine and science. These individuals are highly trained artists who create visual materials designed to facilitate the recording and dissemination of medical and scientific knowledge. Members are involved in the creation of illustrations, models, animations, and interactive programs, and also serve in consultant, advisory, educational and administrative roles in all aspects of scientific communications and related areas of visual education.

Why intellectual property rights are important to medical artists:

As medical artists we are employed by others and often by ourselves, as entrepreneurs, to create visual products like videos or multimedia programs to educate patients as well as medical professionals. To sustain our careers, we wish to protect our copyrighted work from intentional or mistaken infringement. With the onset of digital technology and decreased public awareness, this is task becoming harder and harder to do.

How piracy and infringement affect medical artists:

Many members of our organization have found cases where their copyrighted work was stripped of signature and used as part of an unauthorized stock collections or other infringement for another party's gain. Activities like these, hurt our ability to sell our media and grow our businesses. Furthermore, if someone creates an unauthorized derivative of one of our copyrighted artworks and then reregisters it as their own we risk losing copyright control of that image forever. Another problem is that unauthorized changes to our medically-accurate content could pose harm to others who are searching for reliable health information. In the digital world these threats are all too real. We need the ability to stop these practices and be able to count on the US Copyright Act in its current form.

What the U.S. government can do to better protect the rights of creative Americans:

The Artist Rights Committee of the Association of Medical Illustrators (AMI) believes the greatest threat to the ability of creative americans (and creative people worldwide) **to survive and prosper is the past proposed Orphan Works Bill pushed forward during earlier administrations. As the Bill was written it did not balance the public good with the rights of creators of visual copyrighted media. We do not see a need to fix a functioning and growing business sector from within the United States. There has been no complaint of a market failure and no study of a market failure in this sector. The main problems we believe existed with this Bill were:**

1. It undermines the 1976 U.S. Copyright Act (enacted in 1978), in ways that will make it virtually impossible for visual artists to protect their work.
2. It will burden me to attempt to protect my work, at my expense, by registering it with a digital database system --when no such system currently exists.
3. It will eliminate statutory damages wherever an infringer can successfully claim an orphan works defense, thus removing the only tool the law provides to deter deliberate infringement.
4. It will allow for an infringer (including non-profits) to create—and copyright separately—a derivative work from an illustrator's original illustration—even if copyright holder to the original work, objects.

We hope you can carefully watch this legislation and make sure that if changes are made to the current law, **the**

intellectual property rights are protected for all visually creative entrepreneurs like medical illustrators. We also hope the US government will consistently promote public awareness of copyright rules and restrictions.

Regards,
Rick Gersony MFA CMI
Chair of Artist Rights Committee
The Association of Medical Illustrators (AMI)

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