

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** The PRO-IP Act of 2008 Comment Submission  
**Date:** Wednesday, March 24, 2010 5:01:51 PM

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Dear Ms. Espinel,

RE: The PRO-IP Act of 2008 Comment Submission

It is with great passion I describe to you the importance of strong copyright protection to my small business.

I am a medical illustrator with a Masters Degree in Biomedical Visualization from the University of Illinois at Chicago. Together with my husband, Craig Kiefer, also a medical illustrator, we started our small business, Martens & Kiefer, a medical illustration studio in the mid-90's. Our business is 100% based on the ability to license our work for the education of physician's and patients. Yes, that is right, 100%. There are many countless creators out there tirelessly contributing to the cultural and educational framework of our society, who earn their living based on strong copyright law, and it is of the utmost importance that they be able to protect, manage and exploit their intellectual property rights as guaranteed under the Copyright Act.

The biggest threat to our ability to earn a living is the ongoing problem of digital theft of creative work and the past proposed Orphan Works Bill. As written, it would have made it virtually impossible for us visual artists to successfully protect our work. It would burden me by requiring that I attempt to protect my works, at my expense, by requiring registration in potentially for profit, expensive digital database systems of which no such system currently exists. We have several thousand artworks in our files and we would face the choice of either paying tens of thousands of dollars in registration fees going to large, aggressive corporations or allow our valuable intellectual property to be "orphaned" and possibly fall into the public domain. 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 and it will allow for an infringer (including non-profits) to create—and copyright separately—a derivative work from my an illustrator's original illustration—even if copyright holder to the original work, objects.

Please protect the strength of current copyright law and if changes to current law are made, make sure the intellectual rights of all visual creators and creative entrepreneurs are maintained.

Sincerely,

Kimberly Martens

Partner/Medical Illustrator  
Martens & Kiefer  
Naperville, IL 60540