

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Copyright Protection
Date: Tuesday, March 23, 2010 3:40:10 PM

I, together with my business partner, Rob Wood, are the owners of an illustration studio. We have been in business since 1978 and over the years have employed artists as members of our staff.

Copyright protection is most important to our business as it affects our livelihood. Many times the initial cost of a commission is rather low and the profit is made with reprints of that work. It is impossible to calculate the amount of money lost due to infringement. We have created best seller book covers (hard back) for most of the major New York publishers and many times we find that they have reprinted them in paperback and audio versions without notifying us. A trip to a bookstore reveals our work used on paperbacks without our permission. The publishers, when caught, claim innocence and do pay but it is only after they are caught. We cannot calculate how many we have missed over the years. Since we are a small business we cannot afford to hire a lawyer every time this happens. And, we want to continue to work with these publishers.

A trip long ago to the ABA (American Booksellers Association) revealed posters made of our work, without our permission. Again the response was "you caught us, now we'll pay." These people are well aware of the copyright law but chose to ignore it and paid only when they were caught.

Another area is, of course, the internet. We have seen our work used to decorate web sites without our permission. And, in doing so they have manipulated our art for their purpose.

Even though this does not concern copyright infringement I felt it necessary to add. We have worked for the National Park Service for many, many years and part of their contract requires that we sign away all our rights for any work that we do and also we have to send them the original art. In this day and age all art work is scanned for future use so the necessity of having the original art is not required. The original art work is stored away in some depository never to be seen again. Any future need for the art can be obtained from the digital scan. The Park Service claims authorship of the art and not the actual artist; they remain anonymous. I feel that the artist should retain their original art.

I can't put a monetary value on our losses but I am sure that over the years it would amount to a great deal. I would encourage Ms. Espinel and her team to formulate a plan that would help protect our rights.

Sincerely yours,

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