

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Orphan Works Bill  
**Date:** Wednesday, March 24, 2010 3:05:14 PM

---

Dear Ms. Espinel,

I'm writing as a member of the Board of Governors of the Association of Medical Illustrators (AMI). I'm also a self-employed artist in Seattle Washington, where I create illustration and animation for the advancement of the understanding of science and medicine.

As a medical illustrator and animator, I need to protect my copyrighted work from intentional or mistaken infringement. This is because as the creator, those works belong to me unless I sell their copyright. Because I'm a self-employed entrepreneur, I do not have a guaranteed pension or 401K. What I do have are my creative assets which I can use to secure my financial future.

I have found cases where my copyrighted work was used without my permission. Unauthorized use hurts my ability to formally license these works and grow my business. In the digital world this is very easy to do. I need the ability to stop this practice and use copyright law as it is written in the present form.

The Association of Medical Illustrators (AMI) sees the greatest threat to the ability of creative americans (and creative people worldwide) 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 saw 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—a derivative work from my original illustration—even if copyright holder to the original work, object.

Thank you for your time. I hope you can carefully watch this legislation and make sure it protects the rights of all visually creative entrepreneurs.

Kindest Regards,

Tami Tolpa

-----

Tami Tolpa  
TOLPA STUDIOS, Inc.  
Illustration and Animation for Science and Medicine  
Mailing Address:  
6523 California Ave SW #110  
Seattle, WA 98136  
phone: 206-420-1754  
cellular: 206-436-9214  
fax: 206-299-3598  
[tami@tolpa.com](mailto:tami@tolpa.com)

