

From: [REDACTED]
To: [Rick Gersony](#)
Cc: [FN-OMB-IntellectualProperty](#); [Jill Gregory](#)
Subject: Re: PRO-IP Act of 2008: Comment from The Association of Medical Illustrators (AMI) Artist Rights Committee
Date: Wednesday, March 24, 2010 4:59:47 PM

Thank you for doing this, Rick!

-Dena

Quoting Rick Gersony <rick@medmovie.com>:

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