

**AMERICAN SOCIETY OF ARCHITECTURAL ILLUSTRATORS**

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Copyright Office

Re: Artist's Copyright

To Whom it May Concern,

The American Society of Architectural Illustrators support the paper submitted by our colleagues at the American Society of Illustrators Partnership by adding the following comments regarding every artist's exclusive right of copyright:

An artist's work is created for commercial or non-commercial purposes. Sometimes it is commissioned by another person; purchased by another person or given away to another person as a gift. When completed it should be considered the personal property of the artist, who should hold all rights to what is to be done with that work.

Third parties can appropriate the work, and if taken, is considered by any definition: theft. The value of that work is sometimes enough to call it grand theft. With digitization, an image of the work can be appropriated by a third party who has not made contact with the artist. That sort of appropriation is similar to theft that occurs when a movie is copied. Anyone will know that from the well-publicized warnings that appear at the start of a digital version of a film. We are constantly warned that video piracy is theft. The same warnings accompany music and music videos.

Work that is taken without the artist's knowledge or express approval, whether for money or given away as a gift - that act of taking is considered theft in the accepted practices of the film industry, the music industry, as well as in the precedents of common law. If an artist is not aware of the appropriation of work, it remains theft. If an artist is deceased, there may be estate ownership of the work and the estate should provide approval for the appropriation of the work. Work created by an artist who is deceased, whose work would become "orphan works" does not relieve the act of taking something that belonged to the artist and may now belong to their estate or other assigns from being considered theft.

We are asking the superior courts, state or provincial lawmakers and federal legislators to refrain from undermining the basic considerations of artists that have been enjoyed by any citizen of the free world in protecting their commercial or intellectual property.

We thank the Copyright Office for the opportunity to comment on this matter.

Yours very truly,

Jon Soules  
President  
American Society of Architectural Illustrators