

Comments of the Artists Rights Society in Support of the House Judiciary Committee White Paper on Reform of the Copyright Office

The Artists Rights Society (ARS) is the largest American copyright management organization (CMO), licensing the reproduction of copyrighted works of visual art. More than 80,000 artist members worldwide have authorized ARS to represent their intellectual property rights in the United States, and to issue licenses, where appropriate, for the use of those rights in a variety of media. ARS' licenses assure its artist members and users that the works are being reproduced with the authority of the copyright holder, ARS also monitors the unauthorized reproduction of its members' works, and strives to either normalize their use when appropriate, or to remove the infringing works from the marketplace

ARS supports giving the Copyright Office independence from the Library of Congress. ARS commends the Committee for its White Paper and encourages it to address these and other issues of importance to visual artists in the 116th Congress.

With regard to advisory committees, ARS believes that such committees could be useful in providing more effective input regarding the visual arts, recommends that Artists' CMOS be represented in such committees and that membership should be open only to individuals authorized by rights holders to represent them.

The Copyright Office should reaffirm its dedication to the preservation and protection of creator's rights, and its commitment to the life plus 70 years post mortem term. It is to be hoped that the Copyright Office might broaden the rights of visual artists to harmonize with those accorded artists in the European Union, including reprographic rights, cable retransmission rights etc.

ARS also supports a role for the Copyright Office in making available remedies for infringement that do not warrant the great expense of litigation in United States District Courts. However, use of such a system must be voluntary, require the consent of the author and not preclude his or her access to the full rights and remedies available by bringing infringement actions before a U.S. Federal Court.

Finally, as the United States has not yet recognized the resale royalty right, in spite of the Copyright Office support of such a right, we are unable to provide the reciprocity that would give U.S. artists the benefit of this long standing Berne Convention right, currently enjoyed by artists in over 70 nations. As pending resale rights legislation gives the Copyright Office a role in overseeing the administration

of such a right, we believe that it would be appropriate for inclusion in legislation reforming the Copyright Office.

These comments also reflect the views of the American Society of Illustrators' Partnership (ASIP) and its member professional organizations: the Illustrators' Partnership of America, the Association of Medical Illustrators, the American Society of Architectural Illustrators, the National Cartoonists Society, the Guild of Natural Science Illustrators, the San Francisco Society of Illustrators, the Pittsburgh Society of Illustrators, the American Society of Aviation Artists, the Society of Illustrators of Los Angeles, the Illustrators Club of Washington, DC, Maryland and Virginia, and the Association of American Editorial Cartoonists.

Respectfully submitted by:

Dr. Theodore Feder, President of the Artists Rights Society (ARS)
65 Bleecker Street
New York, NY 10012
Tel: 212-420-9160
Email: tfeder@arsny.com