

Reprographic Royalties

Efforts are being made to compensate American illustrators for the reprographic usage of their works

by Cynthia Turner

Many artists don't know it, but they may be entitled to reprographic royalties any time their published work is photocopied by libraries, institutions, corporations and other users. Reprographic royalties are monies earned when copyright collecting societies license secondary rights to users to photocopy or digitally republish previously published material anywhere in the world. Reprographic royalties may derive from articles, cartoons, illustrations, photographs, maps, charts, and other works in various published media.

Reprographic rights are held individually by each artist but are licensed collectively by a collecting society that artists have mandated to administer these rights. Regrettably, there is no collecting society to represent American illustrators, and therefore they do not receive any compensation for the exploitation of their reprographic rights.

Worldwide, the visual artists' share of reprographic collections averages 15 percent of total collections. This is expected to increase dramatically with the growing digital republication of published material. Germany is reporting 40 percent of collections attributable to visual art when digital licensing is available.

Status of domestic royalties due visual artists

In the United States, total collections of reprographic licensing by the Copyright Clearance Center (CCC) exceed 130 million dollars annually. CCC distributes some of this money to writers, but it doesn't return any to visual artists because it does not acknowledge illustrators, fine artists or photographers as authors.

Status of overseas royalties due visual artists

Foreign countries do collect royalties for American illustrators, but they can't pay them because there's no properly chartered reprographic rights organization in the United States to track usage and distribute the money properly. Some money is being returned to the United States but is going unaccounted for. American fine artists' overseas reprographic rights have been protected; fine artists are paid their foreign-earned reprographic royalties through an appropriately chartered organization: The Artists' Rights Society (ARS).

An American illustrators' collecting society

Illustrators were advised to claim their own reprographic royalties at the first Illustrators Conference in 1999. The advice came from intellectual property expert Bruce Lehman, former director of U.S. Patents & Trademarks and principal author of both the 1976 Copyright Act and the Digital Millennium Copyright Act. Lehman endorsed the conference founders' proposal for a visual arts collecting society and he compared the digital revolution in visual arts licensing to that of songwriters at the dawn of the radio age. Just as songwriters had united to form

the American Society of Composers, Authors and Publishers (ASCAP) to protect their rights collectively, Lehman advised illustrators to do the same. At the invitation of conference founders, Lehman then agreed to become a founding board member of the Illustrators' Partnership of America (IPA).

Since then, the IPA has united 12 U.S. illustration associations to form The American Illustrators' Partnership Reprographics Coalition (AIP). Their combined members include more than 4,500 of the most prolific and widely published cartoonists and illustrators in the world. Their pictures illustrate a wide spectrum of general and special-interest publications. The majority are independent contractors who have reserved reproduction rights on a substantial body of their published work. All of the associations in the Coalition admit members who are working illustrators that pass portfolio reviews to professional standards. The AIP Coalition seeks to establish the proper claim on illustrators' reprographic royalties and to establish a relationship that will result in a collecting society to represent the collective rights of the American illustration repertoire of published works.

On October 31, 2006, at the annual meeting of the International Federation of Reprographic Rights Organizations, the AIP made a statement before the General Assembly, which said in part:

"Our organizations have not transferred our members' mandate to collect print or digital reprographic rights to any other U.S. organization, nor have the majority of our individual members knowingly or willingly given any U.S. organization such a mandate.

"The great body of American illustrators wishes to participate in the sharing of reciprocal rights agreements in the international reproduction rights community. Until now most American artists were even unaware that reprographic royalties are being collected and distributed throughout the world.

"The Board of Governors of each organization supporting the Illustrators' Partnership affirms their intent to unite to constitute the relevant rights-holder class of the collective rights of the American illustration repertoire of published works. In this regard we have expressed our willingness to work with the Copyright Clearance Center."

The statement was presented by artist Brad Holland, speaking on behalf of the Illustrators' Partnership of America (IPA), the Association of Medical Illustrators (AMI), the Society of Illustrators New York (SI), the American Society of Architectural Illustrators (ASAI), the National Cartoonists Society (NCS), the Guild of Natural Science Illustrators (GNSI), the San Francisco Society of Illustrators (SFSI), the Pittsburgh Society of Illustrators (PSI), the American Society of Aviation Artists (ASAA), the Society of Illustrators, Los Angeles (SILA), the

Society of Illustrators of San Diego (SISD) and the Illustrators Club of Washington DC, Maryland and Virginia (IC).

Learn more

To read more about visual artists' reprographic rights please see the short, informative articles at illustratorpartnership.org/01_topics/index.php and choose "Reprographics." Any of these articles may be posted or republished in their entirety to any interested party, provided attribution is given to Illustrators' Partnership.

To read the entire statement presented to IFRRO please see illustratorpartnership.org/downloads/AIP_Coalition_White_Paper.pdf

For detailed reprographic rights information please see the comprehensive article about the state of illustrators' rights, "First Things about Secondary Rights," by Brad Holland, Columbia Journal of Law & The Arts, Volume 29, No. 3, Spring 2006, illustratorpartnership.org/downloads/Holland_ColumbiaLawJournal.pdf

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