



The Intellectual Property Office

**Response to Industrial Strategy: Intellectual Property Call for Views**  
15 November 2017

**Association of Illustrators**  
Somerset House  
Strand, London, WC2R 1LA

AOI is a Business representative trade body

**About the AOI**

The Association of Illustrators (AOI) was established in 1973 to advance and protect illustrators' rights and is a non-profit making trade association dedicated to its members' professional interests and the promotion of contemporary illustration. As the only body to represent illustrators and campaign for their rights in the UK, the AOI has successfully increased the standing of illustration as a profession and improved the commercial and ethical conditions of employment for illustrators. AOI offers members professional and business advice.

The IP our members create contributes considerably to the value of the UK's culture, economically and culturally, creating imagery for a large area of the creative industries across the world; book publishing, newspapers and magazines, merchandising, digital content for online and mobile platforms, fashion, design, cards and giftware, animation, storyboarding, character design and much more.

Today, the AOI has some 2000 self employed members who consist of freelance illustrators, illustration agents, over 30 art colleges and individual students and commissioning bodies. Member illustration agents act for about a further 500 leading illustrators.

Dear IPO

We wish to respond to the proposal regarding a Voluntary IP register in the Call for Views. The licensing of intellectual property (IP) rights in their work is the chief way in which our members gain their income. Illustrators typically licence their commissioned artwork to clients with a fee based on usage of the image, the territory it will be used in and the duration of the licence period. Licensing 'use' rather than 'unit'. These will commissioned under business to business agreements.

## **Voluntary IP register**

While we welcome efforts to improve legal clarity for creators IP we have reservations over the proposal of a voluntary IP register.

How would any registration scheme legally ascertain the veracity of claims of ownership in registered works? Any legal requirements for registration would be a burden for individual creators or SME's.

The time and effort required to register works for individual freelancers or SME's, combined with any potential cost of registering works, which for many individual creators will be an expense they cannot afford, would be significant.

We include a quote from Brad Holland of the Illustrators' Partnership of America to the Register of Copyrights US Copyright Office (3/2/2013) which describes what an illustrator or photographer with a body of work may have to do in relation to registering images on a database.

*'In order to prepare any work of art for registration, artists would first have to carve time out of our ordinary work schedules to locate, sort, photograph and/or scan, color correct, Photoshop, format, document, keyword and catalog thousands or tens of thousands of images.*

*Based on experience, this function alone could consume as much as several hours per image, while the prospect of producing metadata for each picture would prove impossible for all but the most fastidious record- keepers among us. Moreover, most of us cannot afford to devote ordinary work time to such a massive volume of non-income producing work. The task of preparing every drawing, painting, photograph or sketch we've ever created would have to be done in our "spare time." This could take months; for many of us, years or even decades.*

*The only alternative would be to hire and train staff exclusively for this non- income producing purpose; or to have it done at considerable expense by outside suppliers – and even that could take years. '*

Increased ease of use of the Intellectual Property Enterprise Court (IPEC) could be more beneficial for creators in relation to increasing confidence in being able to challenge IP infringements.

AOI support the response to this call for Views from the British Copyright Council

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