MIT’s soldier draws book artists’ ire

By Jenna Russell, Globe Staff, 8/28/2002

When the Massachusetts Institute of Technology won a $50 million grant from the Pentagon to outfit the ”soldier of the future,” researchers used a vivid image to spark the public imagination: an armored urban trooper suited up in the high-tech battle gear the university was being paid to develop.

Only problem was, the MIT soldier was cribbed from a $2.95 comic book.

Ray and Ben Lai, Canadian brothers who draw a comic called ”Radix,” say that they are outraged and that MIT pirated their character, Valerie Fiores, to win the university’s largest-ever military funding, without asking permission or giving them credit. The grant money will establish the Institute for Soldier Nanotechnologies at MIT, where scientists plan to develop military uniforms that sound like science fiction - potentially able to block bullets, recycle water, or change color on command.

But before it outfits a space-age Army, MIT should apologize, say the brothers.

’’They destroyed what we had and put a label on it saying it’s theirs,’’ Ray Lai said. ’’It’s up to the people to decide, but they have the right to know what MIT did.’’

The brothers say they are considering a lawsuit against MIT for copyright infringement, but mostly they want the world to know that ’’Val’’ belongs to them.

MIT, which won national attention when its future-soldier project was announced, says the use of the Radix character was unintentional. Ann Hammersla, an attorney for the school, said yesterday that a professional artist provided the illustration, a last-minute addition to the grant application that was later sent out as part of the university’s official news release.

She said no one on the research team knew it was based on the comic until April, when an attorney for the Lai brothers wrote a letter to MIT’s president, Charles M. Vest, asking the institute to stop using it.

Hammersla would not say who the artist was.

The illustration was credited by MIT to ’’H. Thomas.’’ Shortly after the grant was announced, Ned Thomas, an MIT professor and the director of the new institute, told the Web site CNET.com that his daughter drew the soldier based on his description; last week, Thomas declined a reporter’s request to comment on the drawing.

Hammersla said MIT removed the image from its Web sites and has no plans to use it again. She
said, however, that MIT was within its rights to use it, because reproduction for noncommercial research and educational purposes is protected under copyright laws.

"It was less than half a page in a 75- to 100-page proposal," she said. "The proposal was peer-reviewed on its technical merits, and the award was not based on that illustration."

The drawing was meant as an example of what a futuristic soldier might look like, she said, not a description of actual gear that might result from MIT’s research, she said.

In "Radix," an entire society loses its memory until Fiores - a 5-foot-9-inch, 120-pound security officer - starts having flashbacks and tries to uncover the past. The soldier in the MIT news release wears the heroine’s body-hugging suit of armor - minus her mane of auburn hair, which is replaced by a helmet like one that appears elsewhere in the comic. In the MIT version, the soldier carries Fiores’s boxy gun with the words "US Army" added to it.

The brothers, Montreal natives who launched "Radix" last December with colorist Brian Reber, learned MIT had used their work when some of their fans called to tell them they’d seen the comic book character on the news.

"It's no different than Superman and his costume," Ray Lai said. "Val’s the main character, and her costume is unique to her."

Jonathan Zittrain, a Harvard Law School professor who specializes in Internet law, said the brothers’ case is not a "slam dunk," but "if their goal is to get the word out [about the comic], MIT is doing them a great service.''

Andrew Beckerman-Rodau, a law professor in the intellectual property program at Suffolk University, said it’s possible a case could be made against MIT for unlawfully reproducing, altering, and distributing the Lais’ work.

An Army spokeswoman said the grant award was based on the substance of the proposal, and no illustration was required.

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