

Comments on Copyright Office Proposed Fee Increases

Increase in Price Will Lower the Number of Registrations

Since registering works with the Copyright Office is optional, the significant cost increase of registration will very likely lower the volume and number of registrations the Copyright Office will receive. It would seem that this would just further widen the gap between registration income and the overhead cost of processing, eventually requiring the Copyright Office to increase fees even more, thus compounding the problem. Additionally, successful large infringement cases are rare and with the option to register a work with special handling when needed, there is less incentive to register works at the time of publication. The cost/risk ratio will be more closely scrutinized by copyright holders.

Incremental Increase of Fees

Almost doubling the cost of registration in one fiscal year creates significant financial challenges for companies who register a large volume of copyrights and who have to work within budgets that are already determined for the coming year based on the current rates. If a rates increase **MUST** be implemented, we suggest that the increase is staged incrementally over several years (at the most, at the rate of \$10 per year).

Tiered pricing for multiple registrations corresponding to the same deposit copy for Musical Compositions

The increased cost per registration significantly affects those who register Musical Compositions. Due to the vast number of authorship combinations for titles corresponding to a single deposit copy, numerous forms must be submitted in order to register musical compositions according to existing guidelines for what can and cannot be placed on the same form. A deposit copy product may potentially need a separate form for each individual underlying musical composition, resulting in multiple forms and increased cost, as opposed to other mediums which would only require one form to register the Sound Recording of an entire album, or one form to register a Major Motion Picture.

In light of this, we would like to propose that a tiered discounted pricing structure be considered for instances of multiple registrations that correspond to the same deposit copy, if all submitted at once. If multiple forms are included with the deposit copy, the entire submission would befall one Registration Specialist. The time this Specialist would spend researching and becoming familiar with the case to register *one* form, would aid and expedite the process to register *multiple* forms that have similar histories and information, but only slightly different authorship or claimant information. Since the research would be applicable to the multiple titles, this can quicken the process to register the multiple

titles without requiring significant additional time or labor from the Registration Specialist. Thus, the tiered discounted pricing would not hinder the recovery of costs for the Copyright Office, while still being cost-effective enough to motivate clients to register their intellectual property.

Overhead Cost Reconsiderations

In today's U.S. market and with improved technical solutions available, as with most businesses, it would follow that the Copyright Office should be reducing registration fees, not increasing them. The Copyright Office does not have an income problem, it has an overhead problem. Frankly, we believe the Copyright Office is doing too much manual processing. Since copyrights automatically vest in the author at the point of creation in a tangible medium, the Copyright Office's role should simply provide verification of the existence of a copyrightable work, not; a) evaluation of the merits of its copyrightability, or b) evaluation of conflicts with another claim, or c) the creation of an exhaustive and authoritative works database. The courts address a) and b), and private enterprises are addressing c). Regarding deposit copies for the Library of Congress, why would you want to make it harder to get people to send deposit copies? The opposite strategy should be considered. Consider what might happen if it cost just \$10 to do a registration (perhaps per song) to cover the cost of the Copyright Office registration database (of which most registrations could be auto loaded without any human intervention) and archiving of the deposit copy in the Library. It would seem like the Library would get all the copies they ever wanted and the registrations (including scanned or digital copies as evidence) could reside in the Copyright Office database for public reference as needed.