

May 13, 2012

Library of Congress
Copyright Office
101 Independence Avenue. S.E.
Washington D.C. 20559-6000

To The Librarian of Congress,

I applaud the U.S. Copyright Office for taking comments on its proposed new fee schedule. I suggest the Copyright Office do a thorough review of how the proposed new fee schedule will affect businesses and ensure it does not unfairly advantage patent or copyright trolls over legitimate businesses with copyrights or patents. Patent trolls are firms that patent or copyright certain works they never intend to use and then sue firms that produce products using those methods or technology without a license. Furthermore I submit the following for consideration.

If your business discovered that its revenue covered only 60% of its costs, it would be time for a re-examination of operations. According to the Copyright Office's notice in the March 28th, 2012 Federal Register, {1} in 2011, the fees collected by the Copyright Office covered only 59.5% of its costs. Therefore, it has proposed a new fee schedule, which includes many higher fees.

Under the proposal, the fee familiar to most – the fee to apply for copyright registration for a written, visual or musical work – would increase from \$35 to \$65 for an electronic application. The Copyright Office stated that it receives

approximately 87% of new copyright claims electronically through its online filing system known as eCo (“electronic Copyright Office”). For applicants who file the most common type of applications via paper, the fee would increase from \$65 to \$100.

Recognizing that the near doubling of its most common filing fee could pose a hardship on single authors, the Copyright Office has created a new class of filers, with a new fee: “single author, same claimant, one work, not a work made for hire, filed electronically.” {2} In other words, this new category would include, typically an individual who creates a work on his or her own, and not for someone else, and who files an application through eCO. Under the current system, all authors ranging from single individuals to large corporations, pay the same \$35 electronic filing fee for common filings. Under the proposed new class, the single individual filing electronically would pay a \$45 fee rather than the proposed new \$65 fee for all other filers.

The fee for expedited handling (called a “special handling fee for a claim” by the Copyright Office) would increase from \$760 to \$800. Of particular interest to readers who have registered their website for copyright protection and who have elected to use the copyright law’s “safe harbor” for notice of infringement claims by designating an agent to receive those claims, the fee for recordation of a designated agent would remain unchanged at \$105. The notice also includes proposed changes to several other fees. I understand the Copyright Office will submit the proposed

new fees to Congress for review. If unchanged the new fees would take effect in the new federal fiscal year: Monday October 12th, 2012.