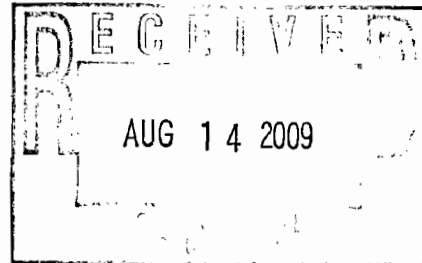

NIPRA

National Intellectual Property
Researchers Association

August 10, 2009

Office of the General Counsel
Library of Congress
U.S. Copyright Office
Room LM-401
James Madison Building
101 Independence Avenue, SE
Washington, DC 20559



FR Doc. Vol. 74, No. 133 page 33930, ELECTRONIC REGISTRATION FOR DEPOSIT
ACCOUNT HOLDERS

Dear Sirs:

The Copyright Office is proposing to amend its regulations to require that deposit account holders make use of the electronic Copyright Office registration system (ECO) for applications paid for by debits. The National Intellectual Property Researchers Association (NIPRA) is opposed to the proposal as the amendment will have an adverse impact on its members, persons and firms who conduct a considerable amount of business with the Copyright Office and maintain deposit accounts as a means of payment designed to be more efficient and less expensive for both the Copyright Office and applicants. NIPRA asserts that the proposed amendment is unsupported by any meaningful data, does not address the potential adverse impact on the public users of the systems and is arbitrary and capricious.

The National Intellectual Property Researchers Association, Inc. (NIPRA) is a not-for-profit trade association of individuals and businesses that conduct copyright, patent and trademark searches for attorneys, inventors, businesses and other entities. NIPRA is dedicated to the maintenance and improvement of the United States Copyright Office with particular emphasis on improving the ability of its members to access information and effectively support the Intellectual Property Community.

In its July 14, 2009 Federal Register notice, the Copyright Office notes that deposit accounts maintained by those who frequently use its services were designed to ensure a process that is efficient and less expensive for both the Copyright Office and the applicant. Although NIPRA recognizes that the deposit account system as established furthers those goals and concedes that under the proposed changes the Copyright Office's administrative costs may be reduced, it maintains that the proposed amendment will have an adverse impact on the efficiency and expense borne by its members and other applicants, particularly those deposit account holders that file varied applications for diverse media. Further, NIPRA asserts that the Copyright Office has provided no support for its assertion that the proposed change would ensure a more efficient

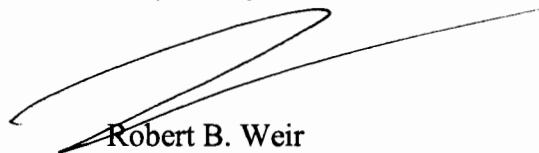
processing of applications for registration, a circumstance that in our experience is not limited to the ECO system. NIPRA notes that similar concerns, subsequently proven valid, were raised with regard to the Voyager and Siebel systems.

Similarly, NIPRA asserts that the electronic Copyright Office registration system is inadequate for many types of some filings and that its limitations will render it use inefficient or unfeasible. Given the Copyright Office requirement for deposits consisting of the "best edition" of works, the physical limitations of the electronic system will render compliance with the requirement impossible for works such as voluminous texts, motion pictures and many software filings. Likewise, given recent security and performance issues, NIPRA is concerned that the Copyright Office's electronic system may be prone to attack and thus many of its members are reluctant to introduce their intellectual property into cyberspace. Thus, although the electronic Copyright Office registration system may demonstrate some administrative advantage for the Copyright Office, the proposed amendment would force many deposit account holders to maintain accounts for those limited number of applications that could comfortably be filed electronically and provide for the separate payment of the fees for others, a circumstance the deposit account system was designed to eliminate.

Lastly, although the Copyright Office asserts that the proposed amendments will ensure the efficient processing of applications for registration, it has provided no documentation supporting that assertion. It should be noted that in the twelve month period following the introduction of the electronic Copyright Office registration system in July 2008, the estimated processing time for an application has increased from approximately six months to an estimated processing time of two years. Given the adverse impact that the electronic registration system has had on processing efficiency to date, that increased usage will realize some measure of administrative benefit would seem implausible.

Thus, given the adverse impact upon current deposit account users and the unsupported assertions regarding processing efficiencies, NIPRA recommends that the Copyright Office withdraw its proposed amendment .

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert B. Weir". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert B. Weir