Before the Copyright Office Library of Congress

In the Matter of)	
)	
)	Docket No. 2011-10
Remedies for Small Copyright Claims)	

Additional Comments of The Songwriters Guild of America

The Songwriters Guild of America ("SGA") submits these additional comments in response to the Notice of Inquiry issued by the Copyright Office on August 23, 2012 concerning Remedies for Small Copyright Claims. 77 FR 51068. SGA submitted comments in response to the original Notice of Inquiry in this matter issued on October 17, 2011. These comments are intended to supplement those we previously submitted.

SGA continues to strongly endorse the concept of establishing a forum in which individual copyright owners could pursue infringement claims that have a relatively small economic value. As we stated in our original filing, such small claims and random infringements may seem unimportant, but taken in the aggregate, they have a pronounced effect on the livelihoods of individual creators.

We understand that some other organizations in the music industry believe that the existing federal court system suffices for the prosecution and defense of music copyrights and that it may make sense to limit the jurisdiction of any new small claims tribunal to photographic works, at least initially. While, as we stated in our initial comments, SGA is mindful of the significant structural, legal, and practical issues surrounding the establishment of a small claims forum, at this point in the Office's proceeding we do not believe that sound recordings and musical works should be excluded from its jurisdiction. Although the issues involved are unquestionably complex, SGA continues to believe it would be extremely important for individual songwriters to have an alternative to the current legal system through which they could enforce their rights effectively and inexpensively when a small claim is involved.

At present an individual songwriter with an infringement claim involving a small monetary amount essentially has a right, but no remedy. As SGA emphasized in our original filing, that is not to say that a remedy does not exist; it is simply a recognition of the fact that the challenges and expense of bringing an action in federal district court put the remedy out of reach for most songwriters. Given that, we believe that excluding sound recordings and musical works from further consideration regarding inclusion in any newly established small claims tribunal is premature and would be grossly unfair.

Respectfully submitted,

/s/

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Dated: October 19, 2012