

January 31, 2012

To whom it may concern:

The Copyright Office has asked, “Should special consideration be provided to individual author-claimants registering a single work that is not a work made for hire?”

The simple answer is yes; the current fee of \$35 per application should be reduced significantly so as not discourage any qualified registrants from applying.

Copyright law currently suffers from a crisis of social legitimacy. As a instructor at a major research university, I witness firsthand the lack of knowledge and respect for copyright law amongst both my students and colleagues. Frankly, some of this lack of respect is well-deserved: copyright law is frequently viewed as an abusive, coercive tool of powerful industries. Well-publicized examples of this abuse abound: e.g., the Recording Industry Association of America's practice of filing “John Doe” lawsuits against Internet Protocol addresses; the now defunct Righthaven LLC's attempts to acquire copyrights of works it knew to have been infringed in order to bully defendants into expensive settlements; and the strategy of placing technological protection measures (TPMs) on devices or products purely for anticompetitive reasons, as in *Lexmark Int'l v. Static Control Components* (387 F.3d 522).

Meanwhile, individuals who are not well-versed in copyright law have little idea of how such laws benefit them. They are often surprised to learn that virtually all of their written work obtains copyright protection upon fixation. They assume that obtaining a copyright for their work necessitates hiring a lawyer. When their work is reproduced without consent, they assume they have no recourse. Copyright law is seen as something that is only relevant to others: the media, the entertainment industry, etc.

In order to promote the respect of copyright law, the Copyright Office must ensure that all creators have the reasonable possibility of registering their works. Currently, the \$35 fee, while perhaps nominal for a business or full-time creator, is simply too high for a student or untenured academic who might wish to register a few works each year. Lowering the fee significantly, to perhaps \$10 or \$20, would encourage more people to register their works. If accompanied by appropriate publicity, the reduction in fees might not even result in reduced revenues—the difference could be made up by an increased number of registrants.

If it is not possible to lower the fee for all individual author-claimants, the Copyright Office should at a minimum consider offering a reduced fee to students of any age, as well as academics affiliated with not-for-profit colleges and universities.

Sincerely,

Gabriel J. Michael

Doctoral Student, Department of Political Science

Teaching Assistant, Elliott School of International Affairs
The George Washington University