



**BEFORE THE
U.S. COPYRIGHT OFFICE**

**Removal of Personally Identifiable
Information From Registration Records**

Docket No. 2016-7

COMMENTS OF THE COPYRIGHT ALLIANCE

The Copyright Alliance appreciates the opportunity to submit the following comments in response to the Notice of Proposed Rulemaking published by the U.S. Copyright Office in the Federal Register on September 15, 2016, regarding the removal of personally identifiable information (“PII”) from online registration records.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

When PII is involved, there is always the risk that the information could be compromised and misused, but when that information is readily accessible online, that risk is much greater.¹

¹ MARCIA S. SMITH, CONG. RESEARCH SERV., RS22082, IDENTITY THEFT: THE INTERNET CONNECTION 2 (2005), <http://fpc.state.gov/documents/organization/45263.pdf> (“[The Internet] not only allows the linking of enormous databases to

Individuals whose private information is made available online are especially vulnerable to threats like identity theft, harassment, and even physical or emotional harm.² Individual creators have expressed concerns about the safety implications of having their personal information available online to the public. For some, those safety and privacy concerns have actually deterred them from registering their work with the Copyright Office altogether. Given the rise in information security breaches in recent years—particularly those targeting personal information gathered by federal agencies³—it is important to ensure that PII is adequately protected by the Copyright Office and others who obtain access to this information from the Office.

We recognize the important role that public access to creators' contact information serves in facilitating licensing and other transactions, and also, the importance of protecting those creators' safety and privacy. While balancing these interests is undoubtedly a difficult task, we believe the Copyright Office's proposed rules provide for a reasonable compromise. For example, proposing rules that would prohibit a creator from completely removing his or her address from the online record, while allowing the creator to *replace* his or her home address with a P.O. Box address effectively balances the interests of creators and the user and licensee communities.

Individual creators are a vital part of the creative community, and this issue is of particular concern to them since they often register their works in their personal capacity. We applaud the Copyright Office for its continuing consideration of these creators needs. A registration system that reflects these needs will encourage more creators to register their works, which ultimately benefits the public.

While the Copyright Alliance supports allowing for the removal of requested PII from the online public catalogue and the redaction of extraneous PII both on and offline, we offer the following recommendations:

facilitate information access, but also makes that information more vulnerable to misuse. The ease, speed, and relative anonymity of online transactions may further exacerbate harm to the consumer when identity theft occurs.”).

² U.S. DEP'T OF COMMERCE, GUIDE TO PROTECTING THE CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION (PII) (2010), <http://csrc.nist.gov/publications/nistpubs/800-122/sp800-122.pdf>.

³ U.S. GO'VT ACCOUNTABILITY OFFICE, GAO-16-194T, INFORMATION SECURITY: FEDERAL AGENCIES NEED TO BETTER PROTECT SENSITIVE DATA (2015), <http://www.gao.gov/assets/680/673678.pdf> (“[T]he number of reported security incidents involving PII at federal agencies has more than doubled in recent years—from 10,481 incidents in fiscal year 2009 to 27,624 incidents in fiscal year 2014.”).

1. The Initial Filing Fee Should Be Reduced

The proposed rules set the initial fee for removing requested PII at \$130 per registration, and in the event that request is denied, the fee for reconsideration is set at a flat rate of \$60 per request, regardless of the number of records to be reviewed.

Although the \$130 fee for initial review is the same as the cost for amending a registration record, amendments require review and modification of *both* the online and offline records, while removing requested PII would require only that the online record be changed. To the extent that this lowers the overall cost for processing removal requests, we would encourage the Copyright Office to reduce the fee to reflect the lower cost.

2. The Catalogue Should Put the Public on Notice About Copyright Owners Who Wish Not to be Contacted

Additionally, the Copyright Office should consider giving registrants the option of checking a box on the copyright registration application that would allow them to indicate if they do not wish to be contacted. For independent creators who do not intend to license their work, the inconvenience of constantly receiving unsolicited emails, phonecalls, and mail from third parties can weigh against the benefits of registration. However, providing registrants with the option of indicating they do not wish to be contacted, while not legally enforceable, should decrease the amount of unwanted contact and encourage creators to feel more comfortable about providing their information. It will also benefit those who might otherwise contact someone who does not intend to license their work, and who will not respond to unsolicited phonecalls, emails, or letter in the mail.

3. Registration Forms Should Contain Disclaimers About PII, As Well As Anonymous or Pseudonymous Registration

To reduce the amount of extraneous PII submitted during registration, we encourage the Copyright Office to provide educational disclaimers during the registration application process, explaining that PII will be available to the public online and explaining applicants' options with regard to PII. Such disclaimers might also educate registrants about the options—and legal consequences—of filing anonymously or under a pseudonym.

4. The Copyright Office Should Consider Bulk Access

The Copyright Office should also consider how it will facilitate bulk access to the offline registration records. In the Office's continued efforts to modernize its services and infrastructure, it makes sense to provide bulk access to offline records to those who want to obtain the un-redacted registration information. Just as the Office charges fees to those who register and record their copyrighted works, the Office should also charge those who want access to this bulk data. Importantly, the PII-related concerns that exist when providing online access to registration data should not exist (or be greatly reduced) in the context of the provision of bulk data by the Office since the Office can require those who are permitted bulk access to agree to adhere to certain constraints to ensure that PII is protected and not misused.

Again, we appreciate the opportunity to submit these comments, and we are pleased to provide any additional input or answer further questions.

Respectfully submitted,

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