



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

Registration Modernization

Docket No. 2018-9

COMMENTS OF THE COPYRIGHT ALLIANCE

The Copyright Alliance appreciates the opportunity to submit the following comments in response to the [Notice of Inquiry](#) (NOI)¹ published by the U.S. Copyright Office in the Federal Register on March 3, 2020, raising additional questions as a follow-up to its [October 2018 NOI](#) on registration modernization.

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.

The Rights and Permissions Field

- What eligibility criteria should be considered in evaluating the parties seeking to edit Rights and Permissions information?
- Should this service be limited to users with access to the account through which the original registration was made, or should those users be able to consent or transfer account authorizations associated with individual registrations?

¹ We did not provide comments on the topics covered under Registration Practice Updates because the Office did not invite comment on those topics, but it may be beneficial to seek stakeholder input on the direction the Office intends to go on those matters.

- Should this service be limited to parties named on the registration certificate and their authorized agents?
- Should the Rights and Permissions field be expanded to allow users to provide more than one name and address?

While we support the proposal,² the choice of whether to fill out the Rights and Permissions field in the first place should continue to be optional. Likewise, for those applicants who would not benefit from the ability to edit the Rights and Permissions field and would prefer the certainty of knowing that the Rights and Permissions information cannot be changed, the Office should include a checkbox in the application allowing those applicants to opt out of allowing edits. In addition, it is vital that the Office implement robust security measures in conjunction with this change to protect rights holders and users of the public record from fraud, misrepresentation, inadvertent mistakes and unauthorized changes to the record by third parties. Once the Office has identified appropriate security measures, we would appreciate the opportunity to comment directly on those ideas. The ability to edit Rights and Permissions information should be limited only to the rights holder, or someone specifically authorized by the rights holder to make those edits. The most practical and efficient way to implement this change would be to limit the ability to edit this information to the account through which the original registration was made, or the account of a verified successor in interest³ (“primary account”), or to other accounts specifically authorized by the primary account to make edits to that section of the application. Likewise, the Enterprise Copyright System (ECS) should permit the primary account to easily grant or revoke these authorizations. The Office should not allow any “party named on the registration certificate” to make these changes, as this could invite confusion, inaccurate data, or even fraud, and would require the Office to verify the identities of third parties. It could also result in the Office becoming the “middleman” between disputing rights holders. Finally, the Rights and Permissions field should be expanded to allow users to provide more than one name and address as this would provide for a more complete and accurate public record.

² The Copyright Office proposes “allowing users to update Rights and Permissions information without having to submit a formal written removal request and fee and without having to seek a supplementary registration.” Registration Modernization, 83 FR 52336, 52341–42 (Oct. 17, 2018).

³ Since a successor in interest is not required to record a transfer of ownership, the Office should address how it would ensure that a previous rights owner, acting in bad faith, could not make unauthorized changes to record.

Additional Data

- Are there certain available technologies that should be considered to automate creation of lower-resolution or shortened clips works to be made available to the public for identification purposes but that would not serve as a substitute for the work?
- Should the Office establish specifications, such as a 15-second limit on sound clips, or a specific resolution format, with respect to the acceptance of additional, voluntarily submitted data, to minimize interactions with licensing markets?
- Should this feature be preliminarily explored in a pilot limited to certain type(s) of works, and if so, which type(s)?

This feature should be exclusively for photographs and other works of visual art, and should be preliminarily explored in a pilot program. It is vital that this option be wholly voluntary, and that adequate security be in place to protect the uploads prior to implementing any changes. We defer to the comments filed by the Coalition of Visual Artists for details about specific software programs that can convert still images to a different size or a different format when needed, and necessary specifications.⁴ It is important, however, that in automating lower-resolution images, technologies are not permitted to upsize an image or to resave an already-compressed file, as these practices can degrade the quality of the file.

Conclusion

We appreciate the opportunity to submit these comments and look forward to continued input on the registration modernization process. Please let us know if we can provide additional input or answer any further questions.

Respectfully submitted,

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⁴ See Coalition of Visual Artists' Comments in Response to USCO Statement of Policy and NOI re Registration Modernization.