



POSITION PAPER

U.S. Copyright Office Modernization: *Improvements to the Registration System*

The Copyright Alliance supports the following improvements to the Copyright Office's registration system:

- ***Tiered Fee Structure***: Implementing a tiered fee structure that permits small businesses and individual creators to pay a reduced fee to register works, similar to the U.S Patent and Trademark Office's small and micro-entity options, should be a top priority of the Office. If implemented in conjunction with other improvements (below), this can be accomplished without the need to increase fees charged to larger entities.
- ***Dynamic Pricing Models***: Implementing a dynamic pricing model that is both efficient and cost-effective should be a top priority of the Office. In addition to scaling the fees based on the number and type of works, the fees should be prorated. For example, if a photographer wishes to register 1500 images, the fee should not merely be double the fee for registering 750 photographs because the processing and examination of the application will take less time—and thus cost the Office less—since only one application, rather than multiple, will need to be processed. Other approaches that would reduce the burden on applicants may also be appropriate, such as a deferred examination system.
- ***Streamline the Registration Process***: For certain works that incorporate elements of different types of copyrighted works—like video games, which combine elements of computer software, audiovisual works, musical works, and 2D artworks—the registration process should be streamlined by adopting policies that would effectively reduce registration redundancy so that multiple applications are no longer required to separately register the various elements encompassed within a single work. For example, for video games this would mean registering all works associated with one game title at one time, including multiple platforms, music, and 2D design elements (including box art).
- ***APIs***: Developing Application Programming Interfaces (APIs) is critical to modernization of the registration system and should be a top priority for the Office. Third parties should be permitted to interoperate with the Office's API in a way that would integrate registration into a creator's workflow to streamline and simplify the registration process. An Office interface that allows rightsholders to seamlessly upload and register their work “with one

click” would create a registration process that is easier, less time consuming, and that would increase registrations.

- **Subscription Service:** Implementing a subscription service that would let rightsholders register a specific number of works over a designated period should be a top priority of the Office. For example, by paying an annual fee, instead of a fee for each registration application, a rightsholder would be permitted to submit a certain number of registration applications during the year depending on the type of subscription they are signed up for. If necessary, an upper limit could be placed on the number of applications filed. A subscription service model would work well with the development of an API that allows rightsholders to apply to register their works concurrent with creation.
- **Uploading Deposits:** Uploading deposits should be easy and inexpensive for applicants. It should involve minimal set-up costs on applicants and be easy to integrate into their existing processes. The Office should accept a variety of file formats, including any industry standard format.
- **Group Registration for Illustrations:** Similar to other group registrations that are available, the Office should offer a group registration for illustrations and other two-dimensional artwork. It is important that any limit placed on the number of works permitted within the group registration be set based on an understanding of the dynamics and workflow associated with the creation of these works. A dynamic pricing model would also be beneficial in this context (see above).
- **Group Registrations for Photographs:** The 750-limit on the number of photographs that can be registered in one group applications for published photographs should be increased. This can easily be accomplished through a dynamic pricing model (see above).
- **New Electronic Application Forms:** New registration forms should be simplified and more intuitive and responsive than existing forms. This can be accomplished by:
 - using dropdown menus to maximize consistency and searchability;
 - incorporating branching logic so that when an applicant gives a specific answer to a question, the potential responses to follow-up questions could change and be limited in the context of their earlier answer; and
 - requiring applicants to submit only the information that is absolutely essential to completing the registration and be aimed at fact-finding rather than legal conclusions so an applicant can complete the registration application without the assistance of an attorney.
- **Improved Application Support:** A live chat support feature—to complement expanded live phone support—would be an especially helpful tool to assist copyright owners with specific or unique questions while also allowing the Copyright Office to track and monitor

the contents of chat sessions to better understand and respond to any widespread issues or areas of confusion that may arise.

- ***Transition from Paper to Online Applications:*** Paper applications should not be eliminated. If the Office moves to an ePreferred system, the Office must:
 - have a backup plan in place for accepting applications when the electronic system is unavailable. For example, a cloud-based approach would prevent a system-wide shutdown of the registration application system, or at least make it more unlikely by utilizing a system in which redundancies are built in so that even if one component fails, the system can remain operational.
 - permit the filing of paper applications if certain criteria are met, such as (i) inability to access a computer; and (ii) where the filing is time sensitive and the electronic system is down or the government is shutdown making the electronic application inaccessible.
 - implement additional security measures to protect privacy and ensure the integrity of each application—for example, a prompt should ask if the applicant is using a computer that is a “shared computer” and prevent the system from “remembering” the login information of applicants who’ve accessed the application via a shared computer.
 - ensure that electronic applications allow for e-signatures and process data in a way that can be easily viewed and forwarded outside of the system, similar to the trademark registration system administered by the U.S. Patent and Trademark Office.
- ***Transition to Electronic Payments:*** As the Office transitions to electronic payments, the Office must:
 - continue to allow for the use of deposit accounts because they facilitate good recordkeeping by providing detailed monthly statements listing each transaction for each account and allow applicants to track and attribute specific payments to specific projects and business units. Replacing the current system with Pay.gov would significantly disrupt these tracking and accounting systems because it only sends the user individual email receipts summarizing each transaction and does not provide monthly statements.
 - accept a variety of payment methods (such as credit and debit transactions, prepaid cards, and other widely accepted online payment options) to accommodate the diversity of copyright owners engaging with the Office’s systems, including those from low income, marginalized or underserved communities, and those otherwise less likely to own a credit card or have a bank account.

- ***Transition to Electronic Registration Certificates:*** The Copyright Alliance supports the Office issuing electronic certificates in lieu of paper copies, provided that the Office ensure that electronic certificates are acceptable by the courts. Not only should this change facilitate greater efficiency and minimize the amount of time it takes for a registrant to receive her certificate, it should also result in a reduction of the application fee since the cost of issuing a paper certificate is presently included in the application fee. The Office could offer various types of paper certificates—for example, a basic certificate, and various specialized certificates for framing and display—as an additional source of revenue to offset other costs.
- ***Collecting Demographic Information:*** Registration applications should include a field that permits the applicant to voluntarily submit demographic information, including race, gender, and any other demographic category the Register deems appropriate. Collecting this information is the first step in understanding who is using the copyright registration system and addressing any gaps regarding diversity, equity, and inclusion within the copyright system.