

The Price of Copyright

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Although the current price and method of registering a claim to copyright bear little resemblance to the system legislated by the First Congress, the process remains a bargain—for both individuals and the nation.

Under the terms of the Copyright Act of 1790, persons wishing to copyright a work paid 60¢ to the clerk of their district court, who recorded the transaction in a ledger. The author was then responsible for publishing the record in local newspapers to provide public notice of the claim.

The Copyright Act of 1870, however, radically revised the system. It centralized copyright business in the Library of Congress (then located in the Capitol) and set the registration fee at 50¢—plus an additional 50¢ for a certificate. Later, the International Copyright Law of 1891 mandated the *Catalog of Title Entries* as a public record of recordings. Finally, in 1897, a Congressional appropriation established a separate Copyright Department in the Library of Congress and created the position of Register of Copyrights.

The registration fee did not rise until the Copyright Act of 1909 doubled the price to \$1. The fee doubled again in 1928 and 1948 (to \$2 and \$4), then rose to \$6 in 1965. In 1978 it increased

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Examples of
a copyright
registration card
from 1911.

to \$10, then \$20 in 1991.

In 1997, Congress decided that the Copyright Office should be permitted to set its own fees by regulation rather than statute. Under this approach, the Office submits a proposed fee schedule and economic analysis to Congress. If Congress does not act within 120 days, the Register may institute the new fees. The first report was submitted in 1999, when the registration fee increased to \$30. Although some fees rose when the second report was submitted in 2002, the registration fee did not. The third report, submitted on March 1, 2006, provides for an increase in the registration fee to \$45.

The 50¢ required to register a claim to copyright in 1870 is worth about \$102 in today's dollars.* Thus, despite the upcoming fee increase to \$45, copyright registration remains a bargain considering the services the Copyright Office provides to the public—evidence of copyright ownership, a public record of registrations and recordings, and the assembly of a rich repository of works that truly supports what the Founding Fathers intended—"the encouragement of learning."

*Calculated using the nominal Gross Domestic Product per capita. For reference, see *EH.net* at <http://eh.net/hmit/compare>. ©

