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**NOT ADMITTED IN RI*
OF COUNSEL:
HERBERT B. BARLOW, JR.

July 5, 2013

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, DC 20559-6000

Re: Comment on Proposed Amendment to 37 CFR 202
Single Application Option

Dear Ma'am:

I am writing to you as a concerned intellectual property attorney and also as an author. I hold several registered copyrights myself for my own books. I am glad the office is providing a more streamlined application process for applying for registrations of copyrights.

I would like to suggest two additional changes that would encourage more filings by independent authors:

First, the Office should approve .epub and .mobi file formats as accepted file types for electronic submissions through eCO. The explosion of ebooks in the last four years facilitated by the Amazon Kindle, Barnes & Noble Nook, Apple iBooks, Smashwords, Kobo and Sony ereading devices all accept one of these formats. Independent authors overwhelmingly create .epub or .mobi formatted files for first publication of the work. In this regard, by not accepting these formats the Office is missing out on one of the most critical changes in the book industry.

Furthermore, it requires authors to reformat the work to an accepted file format in order to file through eCO, which adds an unnecessary hurdle to the application process. Allowing submission of .epub and .mobi would remove this hurdle making it easier for independent authors to submit the electronic version of the book that they ultimately make available for sale.

Second, the office should change the “best edition” rule to allow submission of .mobi or .epub work as the best edition of the work. To independent authors, the electronic edition of the work is the best edition. The electronic edition is what independent authors create first, offer for sale first and enjoy the bulk of their income from, the print edition is often a secondary consideration and added, sometimes, as an afterthought or to further highlight the price differential between lower-priced ebooks and higher-priced print editions to customers.

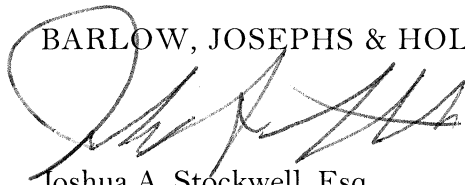
To the extent that independent authors format a print edition of the work, it is print-on-demand ("POD") and typically completed after the electronic edition has been on sale. The Office's requirement that the best edition is presumed to be the print edition also adds extra cost to the independent author as they must pay for production of print copies and ship them to the office. By modifying the best edition rule for the single application option to accept electronic editions in spite of the existence of a print edition, the Office is likely to attract more submission as it further reduces the friction to filing an application.

In summary, the combination of these two changes to the proposed rules, I believe, would encourage more independent authors to file copyright applications because they allow the author to submit the an electronic edition of the book that they normally prepare for sale, which also avoids excess cost and delay of reformatting the book to an accepted file format or producing and shipping a print copy to the Office. Overall the friction against filing is further reduced, making it easier for the independent author to file.

Thank you for providing the opportunity to comment on the proposed rule changes. I hope the office finds these comments helpful.

Sincerely,

BARLOW, JOSEPHS & HOLMES, LTD.



Joshua A. Stockwell, Esq.

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