

U.S. Copyright Office

Notice of Proposed Rulemaking

Docket No. 2012-1

Joint Comments of

**American Society of Media Photographers
and
Professional Photographers of America**

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The American Society of Media Photographers (ASMP) and Professional Photographers of America (PPA) hereby jointly submit the following comments in response to the Register's Notice of Rulemaking regarding the proposed fee schedule for copyright registration filed March 28, 2012 (Docket No. 2012-1). We greatly appreciate the opportunity to provide our thoughts on this topic.

Background

ASMP is a nonprofit trade association that was founded in 1944 to protect and promote the interests of professional photographers who earn their living by making photographs intended primarily for publication. It is the oldest and largest organization of its kind in the world, and its members have created some of the world's greatest and most iconic photographic images.

PPA is the world's oldest and largest nonprofit trade association for professional photographers and photographic artists from dozens of specialty areas including portrait, wedding, commercial, advertising, and art. PPA consists of some 24,000 individual members and includes nearly 160 independent photography organizations that have elected to affiliate themselves with the association. For more than 140 years, PPA has dedicated its efforts to protecting the rights of photographers and to creating an environment in which these members can reach their full business and creative potential.

Both organizations carry out their missions through education, information and advocacy. Both organizations frequently provide input to the U.S. Copyright Office and are often invited to testify before Congressional committees and subcommittees on issues affecting professional photographers.

On March 28, 2012, the Register of Copyrights filed a Notice of Rulemaking regarding registration fees to allow the public to comment on the fee adjustments to be implemented in fiscal year 2013 beginning on October 1, 2012. Of particular interest and concern to both our organizations are the changes that will directly affect basic registration and related service fees.

Conclusion

As discussed below, the proposed fee increases would be catastrophic for working photographers and would drastically reduce the frequency of their copyright registrations. This would be devastating to photographers and detrimental to the public record, users of photographs, and the Copyright Office. We urge the Copyright Office to leave the current fee structure in place and not to adopt the proposed fee schedule.

Discussion

Registration, Recordation, and Related Service Fees

Basic Registration

We can appreciate that from time to time the Copyright Office must evaluate its fee structure and on occasion implement increases to account for the cost associated with processing registrations. Additionally, we understand the need for the price disparity between online (eCO) applications and paper (Form VA) applications given the workflow associated with processing and issuing claimant's certificates.

Of particular concern to our associations is the financial burden the new fee schedule would place on photographers who currently rely on the more convenient and cost-effective group registration process (Form GR/Pph) which is presently limited to paper applications. Photographers create far more copyrightable works in a far shorter period of time than creators working in any other medium. A typical photographer can easily create 800-1000 images at a single session making the group registration process an attractive option for those interested and able to complete a submission.

As a result, a price increase that nearly doubles the cost of group registration for photographers appears to fly in the face of the Copyright Office's mission to increase participation in the registration process. Until the eCO system is fully able to accommodate all types of registration involving multiple works, a fee increase of this nature is, at best, a severe penalty to photographers. At worst, in the words of past ASMP president Richard Kelly, "the new fees will obliterate the average shooter."

Despite the efficiencies associated with a group registration, many registrants prefer to take advantage of the benefits of single work registration in order to maximize protection and potential recoveries in the event of infringement. The additional protection that a photographer would receive from single registrations would be somewhat erased by the cost increases applied to this registration process. While from \$35 to \$45 may not appear to be a significant increase on the surface, in effect it has the ability to represent hundreds if not thousands of dollars in additional costs to the photographer, an additional cost that most working photographers can ill afford.

Although we recognize the Copyright Office's desire to encourage registrants to use the eCO registration platform over Form VA, we believe that nearly doubling the cost for those adept at using Form VA would create a significant deterrent to registration in its entirety.

An ASMP survey of its members conducted between April 17 – April 30, 2012 found that the majority of infrequent registrants, those registering one a year or less, rely on Form VA rather than maintaining an eCO account. Based on this data, and the general registration habits of photographers, we can only assume that this category

of registrant is more likely to abandon the practice rather than switch registration methods. Summaries of that survey and of the verbal comments from those ASMP members who responded are attached as appendices to this submission.

An additional burden relating to registration that would be exacerbated by any fee increase is the fact that photographers must separate their works into two types: published and unpublished. For many, if not most, photographers, registration compels a rather puzzling and difficult classification that challenges even experienced copyright lawyers. Even worse, the distinction creates possible attacks on the validity of registrations in the event of litigation. The benefits, purpose and necessity for this distinction at the registration stage appear to be questionable at best, and we hope that the Copyright Office will study this issue to determine whether the distinction may be omitted from the registration process.

It also is our hope that the Copyright Office will consider the unique nature of the photographic industry and the challenges, particularly when it comes to cost, that face photographers in protecting their works to the fullest extent of the law and will not increase fees at this time.

It is our further hope that the Copyright Office will consider implementing an annual subscription-based fee model that we have previously proposed.

Other Related Services

We wish to touch briefly on the fee increase applied to the preparation and certification of "Reference Search Reports" conducted by the Copyright Office. While the increase in cost (\$330 to \$400) may not be felt by our member on an ongoing basis, we do believe an increase in this area could impact their ability to effectively demonstrate their registration should they be unable to produce an original certificate. As is stated in the notice, the Copyright Office acknowledges the probable legal requirement associated with the request of this type of documentation, costs of this magnitude, especially if associated with multiple works, could create an additional cost related barrier to a photographer attempting to defend his copyright.

Summary

In summary, ASMP and PPA thank the Register of Copyrights for this opportunity to comment on the proposed fee schedule. While we might support more reasonable fee increases, is our belief that as they stand the proposed fees are severe and unworkable, and we ask the Copyright Office to leave the current fee schedule in place, unchanged. We believe the proposed schedule puts too much of the cost burden on individual photographers. Additionally, the fee increases in other areas such as records retrieval may deter users and others who may be seeking to contact a copyright owner to legitimately use an image or otherwise establish ownership in a work.

Respectfully submitted by American Society of Media Photographers and Professional Photographers of America.

Appendix A

SUMMARY

The U.S. Copyright Office has proposed new registration fees to be effective October 1, 2012 and has requested that comments to its proposal be received no later than May 14. ASMP will be submitting comments and, in order to reflect the thoughts of members, ASMP distributed a survey on April 23, as well as a response reminder on April 26. The deadline for responses was April 27.

The survey requested copyright registration practices; responses to three specific Copyright Office pricing increases; how members might respond to an ASMP-suggested subscription program; and other information related to filing.

This report summarizes member responses. The survey was completed by 893 members. The 893 represented a wide range of member groups: long-standing members, students, newer members, younger and older members, women and men. Members from nearly all 50 states, as well other countries, submitted responses. Some had experience with the Copyright Office and had submitted work (57%); some had not (43%). The split was 72%/28% men to women. Most (57%) of respondents are in their prime earning years of 25 to 54 and have 5 years or more experience (68%). Of those (the 57%) who had experience with the Copyright Office: most reported filing 2-5 times per year electronically; their filings were in excess of 250 items each time (as many as 10,000); and 70% of the work filed was unpublished.

ASMP asked members to respond to three specific proposed pricing changes.

1. Electronic filing: Proposed increase in fee from \$35 to \$45 for registration of a BASIC CLAIM in an original work of authorship (single author, same claimant, one work, not a work made for hire).

- o 42% reported registrations would decrease.

- o In any study, opposition to a price increase is to be expected; however the negative reaction here is strong and stronger still in #2 that follows.

2. Electronic filing: Proposed increase in fee from \$35 to \$65 for claims OTHER THAN A BASIC CLAIM described previously. "Other than basic" would include, for example, the registration of groups of photographs.

- o 66% reported there would be a decrease in registrations.

- o The increase here inspired much opposition, with 2/3 planning a reduction to filings. The magnitude of the increase had many members angry and frustrated.

3. Paper-based filing: Proposed increase in fee from \$65 to \$100 for claims for visual arts work.

- o 57% reported there would be a decrease in registrations.

- o There was opposition to the price increase but as apparent from the open-ended comments, not as intense as the opposition shown to #1

and #2 above. Most photographers are less interested in paper-based filing than in electronic filing (and the efficiency electronic provides). Just by offering paper-based filing makes the Copyright Office appear arcane to many members.

In the study, ASMP also wanted to explore a “subscription service”. This was presented as a supplement the one-time fee for a basic claim (\$35 now; \$45 proposed). A three-level, annual program was presented that offered: unlimited submissions, \$599 per year, \$59/month; up to 12 submissions per year; \$399 per year, \$39 per month; up to 6 submissions per year, \$199 per year; \$19 per month.

· Most (56%) preferred the one-time fee; however, over 26% were interested in “up to 6 submissions per year for \$199 per year or \$19 per month”. There is definite interest in the subscription (it was also mentioned positively in the open-ended responses) and different price points for a range of services should be investigated.

Finally, members were asked to supply additional comments that would be helpful to ASMP when responding to the Copyright Office. Members had much to say about the lack of the justification for fees and fee increases; the need to clarify the definitions provided by the Copyright Office; the need for the Office to modernize processing; along with many other related issues addressed. Selected member quotations follow:

1. There is little justification for the Copyright Office to be increasing fees:

“Copyright should be free. Given that it can not be, I believe the most minimal clerical fee should apply. Because copyright is created when the work is created nothing is gained from registering, except legal proof. What about ASMP creating its own copyright registration database? All you would be doing is recording photographer's claims.”

“Submissions to copyright office should be free. Fees should be paid from fees charged to people/companies who violate copyrights. If it must be paid submissions, students should get (at least) one free submission per year for unpublished works.”

2. There is a lack of clear definitions of terms: “published”; “unpublished”; “group submissions”; “basic claim”; “other than a basic claim”; “work”:

“For the love of everything holy, PLEASE get rid of published vs. unpublished distinction! This is the largest thing standing in my way of filing my copyrights. It's difficult to distinguish between the two and [it] also causes me to file too many different forms.”

“What is "published" needs to be redefined in our "social"

environment. As a business owner I try to wait until I have as many jobs as possible to file them all as unpublished. That leaves a lot of stuff waiting around until I'm sure it's been filed with the Copyright office. Either the fees need to come down so it's more affordable to register images more frequently or published needs to exclude posting to social outlets to create buzz.”

3. The Copyright Office is behind the times and needs to take steps to modernize:

“Copyright Office - please consider teaming up with some Silicon Valley techies to come up with a better system for digital imagery tagging/tracking and copyright filing.”

“The Copyright Office should have a Plug-in as like Digamark in Photoshop and Lightroom photo editing programs to make a seamless submission to the Copyright Office.”

“It would be wonderful if you could upload an entire folder of images, rather than having to do each one individually. That takes an enormous amount of time since the system is very outdated.”

4. There are also social justice issues to consider:

“There is a serious economic rights issue here. Less wealthy artists will register works less due to cost. Not only would this create an unfair copyright protection, these changes might also encourage violations of younger less established artists. With younger artists not able to pay the registration fees, a very specific target for theft would be created.”

“In the current economic conditions the burdens on photographers and artists are felt most profoundly. For a governmental office to administer this blow now will really make it harder for us- at least to protect ourselves from an industry that does not show signs of developing more conscientious scruples!”

“I [am] just starting out, I don't have much income from photography coming in. Is there any way they can base it on your yearly profit? How about students??”

Questioning ASMP photographers about copyright brought a number of important issues to the surface. Underscoring these issues were anger and frustration surrounding the inability of artists to find a satisfactory solution for something basic and intrinsic – the protection of an artist’s hard-earned work from infringement.

DISCUSSION

1. EVER SUBMITTED

Just under 900 responses were received in response to the survey. 57% reported having submitted work to the Copyright Office. For those filing, the following reflects what many had to say about the process:

“I find the registration process confusing, especially for batches of photos. I file online using eCO, and found it tedious. They once held one of my batch registrations for almost a year without notifying me, because there was a question about my dates. I think the long delay was unnecessary, and the issue should have been resolved more quickly. The whole system is rather opaque to me, and I cringe when I have to file. This makes it difficult to file regularly.”

2. COPYRIGHT REGISTRATION FREQUENCY

Questions in sections 2, 3 and 4 of this report were asked only of those 57% who said they had experience filing with the Copyright Office. Most reported filing 2 to 5 times per year with the Copyright Office via eCO (“a” above) that is, electronic registration online directly with the Copyright Office. Form VA (“b”above) and Form CO (“c”above) are rarely utilized. Several members commented that if fees increased they would change the frequency of submissions.

“If fees go up for group registrations, I'll just wait a bit longer and register more pictures taken over longer periods of time. Instead of every 3 months, [I'll] switch to every 4 or even 6 months.”

3. NUMBER OF ITEMS SUBMITTED

As in the previous section, number of items submitted was asked only of those 505 respondents who have experience submitting work. Nearly half reported submitting over 250 items each time. For future surveys, it may be advisable to set the break in increments much higher than 250 since, when prompted, many photographers reporting submitting thousands at a time: “generally 1,000 or more photos at a time”; “several thousand at a time”; “sometimes 10,000 frames at a time”.

The more photos the more the process is onerous, confusing and fraught with errors:

“It is my impression that it is very difficult to register large numbers of photographs online, if I am not mistaken, you have to add each photograph individually to the list you're uploading - maybe I am not doing this correctly, but my last submission was over 300 photographs and I had to FedEx a CD to the copyright office because I couldn't register that many online.”

4. PUBLISHED VERSUS UNPUBLISHED

71% of filers had submitted unpublished works; 12% published; and 17% a little of each. Like other copyright issues in this report, handling the distinction between published and unpublished works makes for an additional burden on the photographer. Some say registering published work is too cumbersome to bother with at all.

“It would be wonderful to be able to submit simple published work (such as on one's own website) along w/ unpublished work. Separating the two is a hardship for me. I shoot events, and I struggle between wanting to post my photos quickly, and waiting until all the photos are processed before I submit.”

5. BASIC CLAIM \$35 TO \$45. IMPACT ON BEHAVIOR.

All Respondents

Have versus Have Not Submitted

In sections 5, 6 and 7 all 893 respondents were asked to judge specific Copyright Office proposals. For the eCO increase from \$35 to \$45, overall, 42% reported filings would decrease if the plan were implemented. There was some distinction on this between “have” and “have not” submitted with many “have not’s” unsure and likely confused by the issue.

6. OTHER THAN BASIC CLAIM \$35 TO \$65. IMPACT ON BEHAVIOR.

All Respondents

Have versus Have Not Submitted

The proposed increase for other than a basic claim, filed electronically, seems to hit members hard. Overall (both “have” and “have not” submitted) 66% report planning to decrease filing, and as shown above, 70% of the “haves” would decrease filing if the plan were implemented.

7. PAPER-BASED FILING. \$65 TO \$100. IMPACT ON BEHAVIOR.

All Respondents

Have Versus Have Not Filed

As with the other 2 Copyright Office proposals, 55 to 60% reported their submissions would decrease if the proposed increase in paper-based filing were implemented. Many (30% of all respondents), though, said there would be “no change to my registration behavior”. Photographers, for the most part, have embraced electronics as a way to make their work life more efficient. Changes to pricing for paper-based registrations (unlike price increases to electronic registrations) do not inspire as much vitriol in the unprompted responses.

8. WHAT IF? ANNUAL OR MONTHLY FEE.

All Respondents

Have Versus Have Not Filed

Here, members were asked if a subscription service, monthly or annual, would appeal, or be preferred to the one-time charges now in place. At first look, one might think, with

56% saying that they prefer a one-time fee, perhaps a subscription is unappealing. Yet 26% - not a small number - say \$199 or \$19 per month for submitting 6 times per year is attractive. Many, many of the open-ended responders had something to say about the subscription and this form of pricing is worth investigating further.

9. RESPONDENT PROFILE

a) LOCATION OF RESPONDENTS

Nearly every state, including Alaska and Hawaii, with the exception of the very upper Mid-West was represented in the survey. Responses were also received from Canada, France, Brazil and Australia. The map charts the zip code of respondents. The larger the circle the larger the concentration of respondents.

b) PROFESSIONAL ORGANIZATION MEMBERSHIP

The survey went to ASMP member so they are over represented above. 152 respondents offered “other professional organizations” (in other, in green above). Mentioned most frequently were: National Association of Photoshop Professionals, NANPA and Editorial Photographers.

c) EXPERIENCE

Respondents had long-standing experience with nearly 70% having 5 years or more.

d) GENDER

Women and men were well represented in the survey. Future work could include segmenting results to see if the behavior for each, men and women, shows distinctions.

e) AGE

The 25-54 age group represented 57% of those responding. Cross-tabbing results shows that those having never submitted work to be much younger – only 28% of the “never submitted” were 55 and older versus 40% of the “have submitted”...

Appendix B

ASMP Member Survey: Proposed Copyright Office

Registration Fees

Please let us know if you have any additional comments that you feel should be included in ASMP's response to the Copyright Office proposal.

Response Count: 170

answered question 170

skipped question 724

1 I don't see why the cost of electronic submissions should be so high. I also do understand why I can submit more than "ONE WORK". To copy write a four hour movie cost less then two photographs. We live in an electronic world. Bill me by the megabit not the sheet of paper. How about \$10 a month for one gig of uploaded data. \$15 for two gig. There should be a higher charge for paper submissions but not electronic.

2 I did not see the time frame / window it allows to upload photos after fee is paid in this survey. Does that mean we still have two weeks (if I remember correctly) window to upload our photos?

3 Make the electronic platform Safari/Apple compatible.

4 I fear the proposed increases will hinder the registration of IP and seems to undermine the mission of the © office.

5 If fee's goes up, registrations will go down, which will result in less revenue for the Copyright office. Therefore, increasing the fee will actually negatively impact this government office, not help it.

6 Increasing the fees will make it less likely people will register the images. I am guilty of not doing it yet, I had planned to register images today and I didn't. But I will be doing it next week.

7 Copyright should be free. Given that it can not be, I believe the most minimal clerical fee should apply. Because copyright is created when the work is created, nothing is gained from registering, except legal proof. What about the ASMP creating its own copyright registration database? All you would be doing is recording photographer's claims.

8 Increasing the fees paid by individual creators will have a negative effect on copyright registration.

9 How can we make registration easier for everyone. Honestly, its a pain in the ass.

10 The process should be kept simple and affordable for the artist.

11 Copyright laws and the registration mechanism should allow for a yearly "bucket" of photos that photographers can add to throughout the year, for a single fee, in an easy-to-upload manner, that requires little time. It should be as easy as logging into flickr or 500px, and dragging the photos to this "bucket" or account to register them.

12 Most professional photographers have to pay 100% of their expenses, including health insurance, expensive insurance, including liability, for their businesses, retirement, replacement and upgrading of equipment, hardware, and software. We generally operate on a very low margin. Many photographers cannot afford to retire. Big business protects its copyright but has a history of showing little regard or respect for the copyright of us mere photographers, so we need all the access to protection we can get. Raising registration fees could keep many photographers from registering their photographs in a timely manner. If the Copyright Office is going to raise fees, I sincerely and fervently hope that it will address the website that is often non-functioning during the week. eCO is also regularly closed during the weekends when independent, professional photographers have the time to prepare and register their images.

13 Why is it that the copyright office is making it financially more prohibitive to establish authorship of one's original works? It seems to me that if fees have to be raised for administration costs, then more should be offered in the registration process, so that more works could be processed per registration.

14 I would like an annual fee for submission of multiple works at one time or perhaps an annual fee for monthly submissions of multiple works. That would encourage me to submit each month everything that I had done that month.

15 How can they talk about increasing fees when they can't get filings completed in a timely manner?

16 Making registration more expensive is making it more difficult...

17 With business the way it is I would not expect photographers like myself to register more. Unless there was a big increase and need in the business.

18 I did not copyright my images yet but was planning to do so. The increase in price would be very hard for me.

19 There should not be a difference between published and unpublished submissions. They should be allowed to be submitted together as one work.

20 I'm an overseas member so slightly different issue for me.

21 Make the process less expensive, simpler, and the online process more up-to-date and easier to use.

22 We are taxed and feed' enough already. Why is it necessary to increase rates now?

23 I have not yet submitted to the copyright office because it is already expensive and my projects so far have been personal work with no income related to the pieces. I can't afford to submit my projects as it is.

24 The idea of the Copyright Office is to be a service, not an income generator. Helping people secure their copyrights easily and inexpensively is of utmost importance.

25 Any price increase will just serve to reduce the likelihood that photographers will submit images and therefore make it more likely to lose money in copyright disputes.

26 The price to be paid should decrease depending on the quantity of works in a determined period of time.

27 Increase in prices is more understandable if the filing is made smoother. Electronic upload of files should be easier and more reliable. As for submitting with form CO (which is what I'm doing now because of the issues with web upload, even if zipped): it's a process that takes me too long. They should accept DVDs and not just CDs, and not take 6 months in sending back a certificate.

28 As a Travel photojournalist I have blocks of images from trips as many as 5000, so I'm more interested in Registering my website plus additions periodically as a unit.

29 Even the old copyright fees are too expensive for me to copyright a work. I see copyrighting as a gamble that a particular image might bring me a source of income.

30 This feels like the government isn't looking out for small businesses at all !!!!!!!

31 Prices of everything seems to be rising except for the price of photos. We can't take paying more for everything including © and getting less and less for our work.

32 They need money and in this case our opinion means nothing but their money!!!

33 if the copyright office would enforce copyright law and protect photographers and other artists I would be more than glad to pay a higher fee but you don't

34 why would they raise group registrations? they ARE NOT doing any more work - it's a SINGLE document that needs to be filed.

35 Copyright Office - please consider teaming up with some silicon valley techies to come up with a better system for digital imagery tagging/tracking and copyright filing.

36 We have finally gotten to a point that it is workable for visual professionals to be able to budget for using the power of the copyright office as a tool in our business. It would be counter-productive to move it even a little bit further out of reach financially in this time of necessary fiscal conservancy.

37 The process for registering copyright for multiple photographs at one time is pretty unclear - e.g. how to title the submission, does that mean the multiple photographs are considered a single work or a "meaningful" collection of works, how does registering multiple works simultaneously affect possible infringement claims, etc. Seems like the process is really set up for registering individual works. The ASMP recommended practices are helpful, but seem like a workaround for gaps in the basic process.

38 Considering the 3 month or 90 day window to register unpublished images, there should be an option for 4 registrations per year, while still leaving open the chance for additional individual registrations, in case of emergencies.

39 I think the entire process is complicated and burdensome and there has to be a better way to submit images to the Copyright Office than the current system.

40 Can we hear something about enforcement?

41 Published works requiring individual filings is far too onerous. There should be a way to "catch up", say a one time (or few times) ability to group published works, associated with your SSN.

42 If the copyright office is considering raising fees, it should offer photographers more options for registering groups of photographs. Many people are blogging weekly, and it is cost prohibitive to pay \$45 for each post.

43 Process needs to become more streamlined... And if a fee increase helps make that possible, I am for it...

44 I haven't been submitting images to the copyright office due to inconvenience and current fees already. Therefore, any increase makes it that much more discouraging.

45 I'm just now becoming informed on copyright and the cost of filing claims is definitely a factor on whether and what I claim.

46 For the love of everything holy, PLEASE get rid of published vs. unpublished distinction! This is the largest thing standing in my way of filing my copyrights. It's difficult to distinguish between the two and also causes me to file too many different forms.

47 for me, it is not practical or cost effective to file works on a regular basis. instead i file once per year and submit all works that are relevant. i treat everything as "published" even if they are not published by a magazine or newspaper, because i consider putting them in a web gallery for my clients to be publication. the whole distinction is confusing and meaningless as far as i can tell. this part of the process should be simplified and you should be able to register published images alongside unpublished images. it should be easy to register any group of images regardless of their status.

48 I feel the Copyright Office should be concerned with making it easier and more affordable for artists to register and protect their work, not more expensive.

49 I would rather pay my 35.00 fee everytime versus an annual or monthly fee.

50 The profession is being killed. I operate on a shoe-string budget. If the fee is increased, my budget for copyright registration will not increase. I do not print money.

51 Define "Work" as used in this survey. Does Work mean one image or one collection of images submitted as a deposit to eCO?

52 I am continually astounded to find that electronic data results in higher costs to the consumer; if anything, cost should be less since fewer man-hours are needed for the same amount of work.

53 The copyright office should have a Plug-in as like Digamark in Photoshop and Lightroom photo editing programs to make a seamless submission to the CR office

54 I understand the good intentions, but fail to see how submission of copyright truly protects one from pirates.

55 Would really like annual subscription for unlimited GROUP registrations per year

56 In most cases I can't see the point in paying the gov't to protect my copyright, which is already mine by nature. If I created the work I'm entitled to protection. I pay taxes, therefore why on earth should I have to pay these ridiculous fees to protect that which is already supposed to be protected. This whole game is a farse, a scam and a shame.

57 In most instances the current pay structure is too much. The system is

convoluted and not easy to manage.

58 I would never file by paper.

59 Just another example of the COB going up while income continues down.

60 increases are exorbitant...making a living with photography is difficult enough these days.

61 Why are you raising fees when photographers are struggling so much in this terrible economy?? We barely have enough work to survive. How out of touch is this government office?

62 It would be better if we could upload larger files.

63 A monthly fee is real appealing and I know I would register more than I do. The fee has to be on the lower side for it to work.

64 if fees go up for group registrations, I'll just wait a bit longer and register more pictures taken over longer periods of time. Instead of every 3 months, switch to every 4 or even 6 months.

65 have a variety of choices

66 At my firm, we see registration of every assignment as a necessary part of our work flow. Each registration includes all images shot for that assignment (architecture, predominantly). An increase in fees will not change our registration habits (50-75 registrations per year) but will impact our bottom line, as registrations are part of our overhead, not recuperated as line item expenses to the client. We do our registrations on line and enjoy that process more than the paper process.

67 An annual subscription fee for a basic registration (one author, one work) does not appeal to me because I almost never register a single work. I would love to see an annual subscription offered for group registrations and would gladly pay an annual fee of \$599 or more for the ability to file an unlimited number of group registrations per year.

68 It is my impression that it is very difficult to register large numbers of photographs online, if I am not mistaken, you have to add each photograph individually to the list you're uploading - maybe I am not doing this correctly, but my last submission was over 300 photographs and I had to FedEx a CD to the copyright office because I couldn't register that many online.....

69 Fees paid seem excessive considering the amount of time required for processing of all paper forms. This time, and higher costs, present a hardship to visual artists.

70 in respect to the increasing cost of doing business along with the need for more monies to live, it only seems fair an increase be present for the copy rights. everybody wants more, needs more, saz give me more dollars cause i am the best in my field of work. well the copy right office is the only game in town if you need protection from the photographic thieves. best of luck with the proposal and stick to your guns. Peace Love Happyness

71 The technology for the distribution of images has far outpaced a copyright holder's ability to track such distribution. Please develop a standard where each and every digital image is permanently embedded with a unique, trackable ID in it's metadata. I would like to know how certain images arrive in certain (mis)uses. These unauthorized uses of images infringe on my copyright and I feel that we can create an electronic "paper trail" with this ID. The transferring of the image from server IP address to server IP could then be mapped.

72 These proposed fee increases seem extreme. Is there data to back up the proposals, or is this simply pulled out of thin air? Too often fees are increased based on a sense of inflation without any facts to back the increase up.

73 what is the argument for the price to increase? I have been filling for years and one thing i can tell you that would make the service more useful would be for them to be able to show thumbnails of images uploaded in one batch. So if you lost the hard copy of what images are associated with a specific reg claim you could look it up much more easily. right now its just some bucket the info goes in that you can never see online. very 1995.

74 The online registration forms are counter intuitive. Compared to online forms available for the private sector, these forms are lacking in many areas.

75 I just starting out, I don't have much income from Photography coming in. Is there any way they can base it on your yearly profit? How about students??

76 I truly think raising fees will be counter productive because it will be a hindrance to filing rather than an incentive. I like the bulk fee structure because I believe this will encourage frequent registration.

77 I have just started doing electronic filing. I would like to be able to include published works with the understanding that I cannot make a claim before filing date, but from then on, I can. There is absolutely NO way I can track any date of publication, must less the first one So anyway you can resolve this issue for me, so I can file my work from the past would be very helpful. it is why I have not filed until this year.

78 The current eCO process for registering photos needs an overhaul. The user interface and design is clunky. Also, for the proposed increase in registration fee, what is the additional revenue going toward?

79 digital uploading has been very buggy

80 raising these fees could be a problem for new registrants

81 I think it's important to preserve the affordability of copyrighting a body of work or a group of images at a time.

82 In the current economic conditions the burden on photographers and artists are felt most profoundly. For a governmental office to administer this blow now will really make it harder for us- at least to protect ourselves from an industry that does not show signs of developing more conscientious scruples!

83 Submissions to copyright office should be free. Fees should be paid from fees charged to people/companies who violate copyrights. If it must be paid submissions, students should get (at least) one free submission per year for unpublished works.

84 When I first started to register my work I was paying \$10. then the price went up over the years , which I understood since everybody was increasing there charges. What I don't understand is the GREED in the Govt. attitude to the artist. I am tired of the , "Poor Starving Artist Syndrome" The Govt. wants to make the hugh profits and RAPE the artist. In 1986The USPS purchased my Statue of Liberty image to create 80 million 22¢ stamps and only wanted to pay \$1500.00 then a few weeks later they came back to me and said they wanted to use the same photograph on the French stamp but refused to pay me anything extra. My Invoice/Lease gave them the rights to use the image for the two stamps but I retained the commercial rights to the stamp design. Once the stamp was issued and they started producing commercial items and my attorney called to see who I should invoice; the USPS said that was a mistake and I should back off or it would cost me a fortune to fight them in court. They were not willing to pay anything to me as compensation for releasing them from my invoice. Then in (I am not sure of date) I think it was around 1997 the USPS came back to me and purchased my Chrysler Building image for their 32¢ stamp and refused to pay any more then the same \$1500 for the same one time rights. Several years later they came back and wanted to purchase my "SIGNATURE" piece for and overseas airmail stamp and they were willing to pay me double the amount but their contract gave them rights to the image for perpetuity. I refused to give them all of those rights since they would be able to compete with my children who would own my copyright 50 years beyond my death, which would most likely be when the Statue was 200 years old. Because I turned them down on this unfair deal they have NEVER come back to purchase any more Staue images and yet last year for her 125 birthday they produced a forever stamp with the face of the Statue of Liberty on the New York hotel in Las Vegas. I thought what happens in Vegas stays in Vegas. The US government treats its artist totally unfairly instead of showing us the respect that we deserve and allow us to make a decent living.

85 Fees are ALREADY too high in my opinion.

86 I believe that published and unpublished should be registered together. It is way to confusing, especially now that photographs can be published the moment a client receives them in her / his hands.

87 I am not a professional but make an effort to sell my work and am occasionally successful. The increased fees would have a chilling effect on my productivity.

88 I have been registering since 2001 and do it all electronically. Raising the fee would be annoying but not insurmountable.

89 I cannot afford any of these options as a visual artist. Copyright registration is already prohibitively expensive. It is absurd to have to pay these sort of fees to obtain proof and enforcement of a right that I already hold as an artist. Citizens should not have to pay the government *additional* money to get it to enforce protections that citizens are already theoretically legally entitled to, let alone exorbitant fees such as these. An increase above and beyond what already exists is outrageous. I file with the copyright office exclusively because the law requires this proof if it is ultimately going to fully enforce copyright law if legal action is required when my legal rights are violated. As citizens, I and my fellow artists are entitled to full protections under the law and imposing progressively steeper financial barriers to obtaining full access to these legal protections already guaranteed to us is unconscionable.

90 Increasing the fee is likely to result in my combining filings I might otherwise have made separately into single larger filings

91 Like the PTO, corporations, publishers, and the media should be required to pay TWICE the fees artists pay for eCO registrations.

92 The copyright office needs to make it easy and inexpensive to register groups of photos; after all, with digital imaging there are hundreds of images shot instead of dozens that was the case with film. And copyright protection is needed more because of the ease of ripping-off digital images. Thanks to ASMP for helping us all.

93 As more and more of our work moves into the realm of the internet, the more we should be copyrighting our work. The increase in fees on artist will keep all but the most successful artists from copyrighting their work.

94 Why are you killing the guys that want to do the right thing a register? It's hard to pay for it already.

95 I've been reluctant to file my work as I've heard that filing large batches online is often fraught with problems and that determining when and if a photo has been

"published" isn't clear. I shoot about 10,000 photos a year and license several hundred, many through microstock sites or to local websites, newspapers and magazines, many of which are paying 1/3 to 1/4 what they were when I started out. Increasing fees when even top experienced photographers are earning far less than they used to, when the cost of doing business is rising and new photographers and experienced ones must purchase more sophisticated software, computers and photo equipment regularly, and when stolen images are becoming more common, seems like a bad idea to me. I do think the "subscription" model seems like a good idea, but I'd like to know that increased costs will go hand-in-hand with improved online registration options.

96 It is extremely and prohibitively expensive for me to submit copyright registrations for individual published photographs. I try to make group registrations of unpublished work but can't always get that done before something is published.

97 I feel that the current fees are too much as it is. Also, what is "published" needs to be redefined in our "social" environment. As a business owner I try to wait until I have as many jobs as possible to file them all as unpublished. That leaves a lot of stuff waiting around until I'm sure it's been filed with the Copyright office. Either the fees need to come down so it's more affordable to register images more frequently or published needs to exclude posting to social outlets to create buzz.

98 Registration is a right, and should be free. Certainly this is part of the federal budget that could be increased without voter anger. Perhaps if some money was diverted from empire building/defense the Copyright office wouldn't have to increase fees.

99 I register groups of all published photos with form VA. The increase would only be feasible for my business if the current 3 month (from publication) deadline opened up to 6 months. The current 3 month window shrinks to 6 weeks when I have to allow 1-2 weeks for gathering & organizing the images with detailed file lists & delivery times especially with holidays added.

100 I usually submit between 4,000 and 10,000 images per submission. I have to send those images on a DVD disc and I worry about the stability and longevity of the discs because DVD's tend to break down over time. I think the Library of Congress should provide a more robust online upload capability that can upload thousands of images (in the magnitude of Mb's or Gb's.) These should be stored on servers that are managed by the Library of Congress.

101 Photographers NEED to submit groups of photographs. Single images are prohibitive. Expense coupled with difficult enforcement will lead to fewer submissions.

102 This is a pathetic attempt to "tax" photographers, who on average have been making less money because of market saturation and the free internet. Electronic filing should LOWER the costs, not increase them.

103 please keep the registration fee as low as possible for photographers. Photographers are not multi-million dollar companies like Disney. I think less than 1% of professional photographers register their copyrights (much less than .01% for all photographers) because of complexity and cost, and it becomes a vicious cycle. The less photographers register, the more people don't take the photographer's copyright seriously, the more infringements.

104 Need to be able to register photos published on different days under one registration.

105 This should be free. We don't pay a filing fee to the IRS.

106 Photographers should have a special fee schedule since they produce many more works (images) per year than other types of artists.

107 given the way electronic publication has eroded the power of the copyright, it's hard to justify registering as frequently as i used to.

108 STOP THE DISTINCTION BETWEEN PUBLISHED & UNPUBLISHED -- IT IS A CONFUSING MESS & TOTALLY UNNECESSARY !!!

109 I would like to see group registration of published work.

110 The Online Filing Fee from \$35 to \$85 is a 85% increase versus a 36% unrecovered cost, especially since thw Applicant is providing the human resource to enter and submit the information. While the Paper Applicant's increase slightly from \$65 to \$100 or 53% to cover a 42% unrecovered costs. In addition they are adding other fees while receiving Tax Payer funds to perform a Central Government function of protecting U.S. citizens intellectual property. Aren't they double dipping?

111 I have not submitted anything yet to the copyright office as I am just starting out. A smaller one time fee would work better for me as I have so many other large professional fees to be paid.

112 I like the idea of an unlimited submission package - but the rates should be lower to increase the incentive to purchase that package versus submit with individual payments each submission.

113 The fee increase is outrageous and it will certainly reduce what I register.

114 I support increased fees for paper filing but feel there should be incentives for efileing.

How does the CO justify increasing fees for group registrations by 86%???

115 The Copyright office needs to increase the file size that you can upload to them or at the very least make it easier to submit multiple files if you have a large number of photos to register.

116 I am now registering my work on a regular basis and I send in batches of unpublished images. Even with the fees as they are now I have a hard time justifying the time and expense of registration. I was shocked to see that the prices might be increased, it would be a large burden on my very small business. It is difficult to make money as an artist, let alone a living wage, if anything these fees should be reduced so artist could better afford registration.

117 It would be wonderful if the Copyright office made the on-line filing of large quantities of images as easy as possible. We register over 2,000 images each quarter.

118 I propose the annual rate as an option

119 Eco online registration is confusing.

120 Copyright processing has been unacceptably slow or incompetent--having lost my 1997 copyright and having contacted me this past June, 2011, to file again. For a fee, or even as a government agency, the office can be expected to do better.

121 Honestly, \$65 is way too much to register every batch. I am currently a student so I have not registered work yet but my professor explained that the best way is to just register everything you shoot each month. If the price increases to \$65 it is unlikely that I will be able to do something like that.

122 By increasing fees, the government is allowing copyright protection to be extended to those people/groups that can afford protection. At its core, the increased costs will lessen participation and become a legal method of acquisition over uncopyrighted works.

123 It's hard enough out here to make ends meet without the government increasing our fees. I thought they were responsible for protecting our copyrights since our tax money is already paying for their existence. Why do we have to pay them twice to do the work they are responsible for?

124 It would be wonderful to be able to submit simple published work (such as on one's own website) along w/ unpublished work. Separating the two is a hardship for me. I shoot events, and I struggle between wanting to post my photos quickly, and waiting until all the photos are processed before I submit.

125 The fee is already high enough. In a world in which expenses seem neverending for the small freelance photographer, this is another example of the government screwing the small business owner. Tripling the fee to \$100 seems completely out of line.

126 Concerned of the price hike.

127 I also file for original music. If your questions included other copyright item, I would look at a pice per year pricing option.

128 I think some of these fees are inflated beyond reason Apr 23, 2012 11:08 AM
129 The procedure for adding additional Titles to a Copyright registration is overly complicated. I recently had an 87 page Form CON document

130 The changes that seem to be suggested reflect increased cost to the registrant. There is a serious economic rights issue here. Less wealthy artist will register works less due to cost. Not only would this create a unfair copyright protection, these changes might also encourage violations of younger less established artists. With younger artist not able to pay the registration fees a very specific target for theft would be created. registrations.

131 I resent shouldering yet another burden for the financial bailout of our country. Artists in general, and me in particular, are in a much worse financial state now than we were several years ago.

132 filing for published images that were published 20~40 years ago is very difficult due to no hard copy, exact date of publication vague

133 If prices increase I will decrease the frequency of filing photo registrations, but I will increase the number of images included in a single filing.

134 There should be a way to file published works registrations electronically, in groups, rather than singly. Everything that can be done to reduce the number of filings, (by grouping) should be done for both photographers' and the copyright offices' benefit.

135 There's no reason to raise the fees!...they're high enough!

136 As an associate member on a monthly basis I have yet to notice any help in regards to local seminars or Simple forms to copyright work. First things first, I am much more interested in just getting the opportunity to get assignments. (Only 2 this year so far)

137 It they are going to increase fees than they need to make filing an easier and faster process.

138 The current electronic registration procedure is atrocious -- very clumsy, poorly designed and user unfriendly! It needs to be vastly improved - as do LOC storage methods -- in order to better serve the nation -- and to justify any proposed higher fees.

139 \$35 to \$65 is too much of an increase

140 I still find the registration process confusing, especially for batches of photos. I file online using eCO, and found it tedious. They once held one of my batch registrations for almost a year without notifying me, because there was a question about my dates. I think the long delay was unnecessary, and the issue should have been resolved more quickly. The whole system is rather opaque to me, and I cringe when I have to file. This makes it difficult to file regularly.

141 It is silly we have to pay anything at all to "register" our copyright. Why should we have to pay to secure the full power of copyright? Copyright is automatically granted to the content creator and should need no government involvement, and no fee.

142 SIMPLIFY the process!! We all have computers now.

143 I've been hesitant to register already because of unsteady income and revenue. It was already expensive, and an increase ESPECIALLY the very high increase for batch online registration makes me very very very uncomfortable.

144 I believe that increasing the e-filing fee will put at risk the young and upcoming fellow artist that will fail to register due to the increase.

145 Please update/upgrade your complicated and arcane website procedures.

146 It would be wonderful if you could upload an entire folder of images, rather than having to do each one individually. That takes an enormous amount of time since the system is very outdated.

147 This would erode my profit which I need to cover all the other collateral expenses in running my studio when I'm not shooting. I shouldn't have to pay to protect what is mine. In lieu of additional costs being shouldered by the photographer, there should exist a law instead to protect me. This is a disincentive to continue to work in this field and it's another financial hurdle that other professions don't have that denies me the right to what is mine. As much as one sees it as a registration fee it is also a fine that is being paid ahead by the photographer as a band aid because the proper laws aren't in place instead. It feels like another way to deny a photographer their livelihood.

148 The copyright process already seems cost prohibitive for the amount of work that I produce. I would prefer a flat fee for a year as ASMP has proposed. I would

definitely be more likely to submit my work.

149 i don't think the fee should increase at all. i think it should remain at \$35.00

150 A basic subscription for a single work is not worth \$45 or \$599 per year to me in order to be allowed to enforce my rights. I will almost always register claims for multiple works - often large multiples.

151 A certification process for ASMP members to be approved for streamline submissions directly from my editing program (i.e., Aperture or Lightroom). Think of it like what DHS is doing with people

152 I am retired and my photographic file is not in my hands

153 Currently, even \$35 causes me to hesitate to file a claim. Especially now, every dollar counts and although it is understood to be a sound investment, like insurance, there is only so much I can afford.

154 The photos i shoot are copyrighted immediately, but often don't bring in any revenue through licensing until months or years later, if at all. I depend on an affordable method of copyrighting them. If the fees become unmanageable then I will use the system much less often.

155 Having a basic claim only include one work will adversely impact my business. We need to be able to blame a group registration of unpublished work in a basic claim.

156 I work for a newspaper and have clients. Having to register published and unpublished works separately is quite burdensome to both my workflow and cost of doing business.

157 The entire process is confusing and not easy. One does not always know the date of a published work - one may submit but not receive a tear sheet. There should be a broad date allowed - say the year or quarter, but not the exact date published. Also, does showing photos on social media count as publication? This should be made clear. Would like an annual fee but much lower than that proposed.

158 Increasing fees is just another barrier to registration. Fees should be kept as low as possible. Registration should be enhanced not made more difficult.

159 This is a significant increase in operating costs for a person who registers images monthly or more, depending on the project. This is also not a "optional" activity as my rights are severely diminished should I not register in a timely manner. If the Copyright Office would like to see more people utilize their system, and have their protection (which I can't imagine why not) an increase in

fees is NOT the way to do it! Lowering the fees will increase the number of creatives willing to file, and the frequency for their filings. This increase will help justify the existence of the Copyright Office itself.

160 Filing published works is too cumbersome and labor intensive, particularly if there are numerous published works.

161 Any idea on when the electronic submission process will be upgraded/streamlined/simplified?

162 I am most interested in registration of groups of photographs, and in simplifying the registration of published works.

163 The process for registration is already expensive, time consuming and complicated. Making it more expensive creates an unnecessary burden on small business level creatives like myself.

164 Please make the on-line registration more straightforward and workable.

165 The upload time for the ECO should be increased to at least 2 hours

166 Raising the fee and still taking 3-10 months to provide a registration certification is absurd. The copyright office ought to focus on improving their internal operations to reduce costs and provide more efficient turn-around of the submissions.

167 In a time when photographers are having a harder time making ends meet than ever before, they are proposing increasing our costs? This will further dissuade people from registering

168 I usually submit work in groups (multiple images); would there be a yearly fee for group submissions?

169 I don't like having to separate previously published and unpublished... would like them to be able to be filed together!

170 Stop raising fees!!! Make it easier to protect our output.