

March 30, 2012

Comment concerning U.S. Copyright Office Proposed New Fee Schedules

To the Copyright Office:

The proposed fee increase from \$35 to \$65 for copyright registration seems a bit excessive, considering that in 2011 the \$35 fee was found to cover 64% of Copyright Office costs. That means that a fee of \$55 would cover 100% of costs. Why the extra \$10?

What I find to be even more unfair and unprecedented in this proposed fee schedule is the introduction of a \$45 fee for an individual author to register a single work. This effectively creates a new category of registration for self-published authors—a category with a fee that appears to be subsidized by an excessive fee on standard copyright registrants: publishers.

While an increase from \$35 to \$65 is likely to be a negligible change in the cost of doing business for larger publishing houses, smaller (and often nonprofit) publishers, such as the one I work for, will find this fee increase more problematic.

The \$45 fee for an individual author is a subsidized price, by any measure. If the author is not going to “publish” the work, the registration is not necessary. If the author is going to publish the work through a traditional publisher, the author’s registration is also unnecessary, because the publisher will register it. If the author self-publishes the work with a self-publishing company, the self-publishing company is effectively a publisher, and should pay the standard registration fee. If the author is going to self-publish the work entirely independently, the author is in the process setting up a *de facto* publishing house, and should pay the standard registration fee. The “self-publishing” concept is an artificial distinction.

In summary, I question two aspects of the proposed fee schedule:

1. The \$65 fee exceeds the real cost of electronic registration. If the purpose of the increase is to meet the real cost, the increased fee should only be \$55.
2. I see no practical reason for a special category for registration by an individual author. An author who does not publish a work needs no registration; an author who publishes a work is either working with an existing publisher or is establishing a *de facto* publishing house, and should pay the fee that other publishing houses pay.

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