



VIA ONLINE SUBMISSION PROCEDURE

May 14, 2012

Maria A. Pallante
Register of Copyrights
101 Independence Ave., SE
Washington, DC 20540

RE: Copyright Office Fees: Response to Notice of Proposed Rulemaking (77 F.R. 18742) (Docket No. 2012-1)

Dear Register Pallante:

Introduction

We support your effort to fulfill the responsibilities of the Copyright Office in a manner that is both fiscally responsible and encourages participation in the Copyright Office's registration and recordation system.

Among the recommendations described in your Notice of Rulemaking, we note in particular that the Copyright Office's proposal to offer a reduced fee to a single author who is also the claimant in a single work that is not a work made for hire. We support this approach but are concerned that the proposed fee structure does not provide any incentive for those organizations registering and depositing large number of works on behalf of individual authors to continue to do so.

Given the Copyright Office's emphasis on setting a budget derived primarily from fees, we urge the Copyright Office to also consider the range of costs savings derived by the Copyright Office through cooperation arrangements with large depositors and their successful use of electronic filing, offsite storage and other accommodations that allow the Library of Congress and the Copyright Office to fulfill their missions, preserve their collections and save costs.

Our Experience/Background

The UMI/ProQuest Dissertation Publishing Program is a long standing publishing program with significant and sustained experience in the publications of individual author works in the form of Doctoral dissertations and Master's theses. As part of its UMI/ProQuest Dissertation Publishing Program, ProQuest has extensive experience in registering copyrighted works on behalf of authors and has worked diligently with the Copyright Office to ensure the efficient filing of such registrations as well as the efficient and cost effective methods for ensuring access to such works through the Library of Congress. ProQuest also fulfills mandatory deposit requirements for its dissertation authors under arrangement with the Library of Congress and the Copyright Office.

ProQuest currently publishes tens of thousands of dissertations and masters' theses from U.S. degree-granting institutions each year, and routinely submits registration applications on behalf

of authors at their request and also provides a number of benefits (outlined in fuller detail below) to the Library of Congress and the Copyright Office under a cooperation arrangement established in 1999. Since establishing the cooperative arrangement in 1999, ProQuest has remitted nearly \$10,000,000 in copyright registration fees to the Copyright Office on behalf of authors.

ProQuest has made a significant investment year over year to implement best practices with respect to the copyright registration and mandatory deposit of the dissertations and theses we publish on behalf of authors. These best practices remain in place in order to accommodate the requirements of the Library of Congress and the Copyright Office as outlined below; they are not strictly necessary for the continued viability of the dissertation publishing program.

We note that in the period from 2007-2010, the number of copyright registrations dissertation and theses authors have requested be filed on their behalf has dropped by eight percent. We believe that this decline is due in part to the author's reluctance to pay the current registration fees and, it has become apparent that many authors fail to recognize the significant benefits of registration. However, by advocating for registration and facilitating the application process as part of our dissertation publishing program, the decline in registrations is less dramatic than it might have otherwise been.

Response to Proposed Fees

Based upon our extensive experience with registering large numbers of individual works on behalf of authors, we agree with the Copyright Office's proposal to offer a reduced fee to a single author who is also the claimant in a single work that is not a work made for hire. Like the Copyright Office, we believe that keeping application fees at a threshold rate for individual authors is imperative if the registration process is to continue to encourage these authors to register their works.

Likewise, large depositors like ProQuest who are under special cooperation arrangement with the Library of Congress and the Copyright Office, are under pressure to drastically reduce or remove any service fees it charges to recover costs associated with filing the applications and depositing works are required.

The Library of Congress and the Copyright Office's costs are mitigated in a number of key areas by cooperation arrangements with publishing organizations. Specifically, the following accommodations are being provided to facilitate registration and deposit of individual author's works:

- Providing electronic filing of copyright applications
- Providing electronic deposit of the works – whether deposited for registration or under mandatory deposit (if applicable).
- Providing secure, permanent offsite storage of works submitted electronically and serving as an offsite repository for the Copyright Office and the Library of Congress.

- Providing ongoing access to the Library of Congress to the works so that the Library can continue to provide access to the works to its patrons.
- Archiving and storage of the works in their “best edition” for later remittance to the Library of Congress if needed. By acting as an archive, the depositor bears all of the expenses associated with the management and storage of the best editions of the works.

These elements combine in providing substantial operational cost savings for the Copyright Office and the Library of Congress. However, these costs savings could be lost if organizations like ProQuest can no longer sustain its service levels for copyright registration and deposit services due to the necessity of charging a service fee in addition to the Copyright Office’s registration fee to cover the costs of preparing and submitting the individual registration applications and providing the other benefits outlined above. The necessity of charging a service fee (currently set at \$20 per application) works as an incentive for individuals to choose to file their copyright registrations directly with the Copyright Office because it is less expensive to do so for the individual. However, this negatively impacts the cost savings and efficiencies provided through cooperation arrangements.

Accordingly, we believe that in order to preserve costs savings currently enjoyed by the Library of Congress and the Copyright Office, an additional reduction in the individual filing fee is both necessary and appropriate with respect to individual registrations filed by organizations on behalf of individual authors where the filing organization provides material cost savings and/or efficiencies to the Copyright Office and the Library of Congress. Our suggested registration fee under these circumstances is \$35.00 per work submitted on behalf of authors.

ProQuest has been a longtime advocate for copyright registration and has facilitated the registrations of hundreds of thousands of works with the Copyright Office. We hope to continue to do so in the future.

We appreciate your consideration of our response.

Respectfully submitted,

/Rodrigue E. Gauvin/

Rodrigue E. Gauvin
Sr. Vice President
ProQuest LLC

cc: Tanya Sandros, Duty General Counsel, U.S. Copyright Office