



# *Author Services, Inc.*

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*Representing the literary, theatrical and musical works of L. Ron Hubbard*

March 7, 2014

U.S. Copyright Office  
James Madison Memorial Building  
101 Independence Avenue, S.E.  
Washington, DC 20559-6000

**Re: U.S. Copyright Office Notice of Inquiry (NOI)  
Strategic Plan for Recordation of Documents  
Docket No. 2014-1**

Dear Sirs:

The following is the information I would like to provide in response to the above Notice of Inquiry.

(1) A Guided Remitter Responsibility Model of Recordation.

I definitely support the idea of a model in which remitters would be responsible for the accuracy of the catalog information that they send, providing, and it looks like that is what you are proposing, that can be submitted in a similar way to the eCO online registration application. By that I mean, the use of templates (or other similar means) like the eCO online registration application where when you have transactions/documents where the parties and circumstances are the same you can pull up the same information and not have to re-type it in every time. You could also use this as part of standardizing the terms used by having a limited but inclusive pull-down options or buttons or checking boxes of multiple choices for filling in the blanks and providing the necessary information. Again, just like the eCO online registration application. I also agree with the proposal that the recordation specialist would not check all submissions and would do spot checks and continue to refine the set up as stated in the NOI.

I would just suggest (and you possibly are already going to do this) that as you are laying out and programming the form for this, that possibly you have a number of documents submitted for recording in front of you and walk through the steps a remitter would go through in submitting the documents to ensure as many aspects as possible are covered in one form or another and to make it smooth and quick as possible as well. I would be willing help on this, if that would be useful.

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The standardizing of terms, documents, etc. at this “inputting stage” through the recordation online information form proposed will also help make it easier to catalog the ownership and transactions as well as make it easier for someone else to research it. Which would then also help the orphan works situation as well.

Filling in titles of the works and registration numbers (if any) related to those works also needs to be considered as to how this can be accomplished. My documents are prepared using Microsoft Word which covers the assignment and translation. The titles of the works and registration numbers I list out either in a Microsoft Word and Excel document and attach it as an exhibit. Sometimes I have type each of these titles and sometimes I am able to automatically download them from the Access database they are kept. I sometimes have hundreds of titles of works and if I have to re-type them into the above form as part of the recordation process, that is not going to be optimum from my view. Perhaps this can be considered when programming this so that somehow if I already have the titles of the works and the registrations numbers (where applicable), I could easily upload or copy them over somehow so that I did not have to re-type them into the Copyright Office recordation information online form.

Electronic signatures is mentioned at the end of this section of the NOI. I realize that some transactions rely on electronic signatures, including the eCO online registration form and you will probably have some form of attestation and electronic signature for the above recordation information form. These are all fine with me and used. But an electronic signature on the assignments or transfer documents themselves I personally do not do. I am very old fashion and still require ink on all contracts, assignments and documents. And while I do not think the Copyright Office should require original ink on the documents and that they should accept copies of the documents (like PDFs filed with the online form), I feel it should still require a handwritten signature. Unless there is some way of verifying that the person signing electronically is the person signing it, it is possibly going to lead to problems and if electronic signatures are accepted, then that means of verification should be condition for doing so.

As a last note for this particular section that should be taken into account for the online recordation form and electronic filing of the document itself. There are “self-serving declarations” that I occasionally file to clarify the record of copyright (and I would assume others do as well). And have I been required a couple of times to file these by an examiner as part of the process of registering a work. The titles of the works and registration numbers are included in the declarations. These are covered in Section 1603.03 of the Compendium of Copyright Office Practice II.

## (2) Structured Electronic Documents.

I do not use structured documents such as what is described in the NOI and do not intend on using them in the foreseeable future. My transactions are extremely simple. The major time consuming part would be inputting the titles of the works and related registration numbers as I describe above.

One suggestion I do have, which sort of falls under this category, would be to perhaps have guidelines for documents to be recorded that would simplify and make faster any review needed by the Copyright Office. For example, an agreement for a movie deal is usually quite long, just for this example, let's say 75 pages, and within the agreement it assigns the copyright to the other party. Well rather than recording the 75 page document, a short one or two page document could be recorded instead. I know that the major studios do this, but perhaps this and other such guidelines should be made as requirements for recording in the Copyright Office by all remitters.

(3) Linking of Document Records to Registration Records.

I support requiring by regulation that document remitters proposal that records of documents can be linked to the registration records, but only so long as the "standardized format" is not too complicated or not too far beyond what I am already doing, which I covered above.

(4) Use of Standard Identifiers and Other Metadata Standards.

I think that the International Standard Book Number (ISBN) should be used. They are already asked for on the eCO online registration applications and print out on a copyright registration certificate. Additionally, an ISBN can literally be typed into Google or Yahoo and you can find the work that it is connected to. Additionally, publishing houses, bookstores, etc. all use the ISBN to identify works. So it serves as a connection between the Copyright Office and the public.

But with an ISBN you have to be careful where you put the dashes between the numbers and whatever is put into the Copyright Office records should be the exact same way that they are on the published work, i.e. the dashes in the same places, so that when it is searched, it is easily found and all possible places it shows up are found.

(5) Additional Statutory Incentives to Record Documents Pertaining to Copyright.

First, let me say that I think lowering the costs for the recording of documents using the upcoming eCO (as noted in 1 above) compared to recording hardcopy paper (the current set up) should definitely be done since it will require less work for the Copyright Office. This is done with the registration fees whereby the fees for using the eCO online registration are less than the paper application forms submitted. This would be an incentive for current remitters who already record documents to get onto the eCO recording and electronic filing, but I think it would also be an incentive to those who do not record due to the costs.

An incentive for me is getting official recorded documents for protecting the works (which I cover briefly in more detail below) and in foreign countries where they accept official recordings made in the US Copyright Office to prove ownership.

Attorney fees and statutory damages would be a good incentive, but to get these benefits the documents should be required to be recorded with 3 months of the date of the document like registrations, 3 months from the date of publication.

#### Additional Comments

Agreed totally on submitting the actual documents themselves in PDF form and electronically and doing away with the requirement that they be submitted hard copy, mailed, etc. But they must be signed. You would have the electronic form describing the parties, transaction, titles and any registration numbers and then attach the actual document itself.

The electronic submission is a great idea and I am all for it so long as we also can still get some form of evidence of recordation and not just on the eCO online, it needs to be some hard form. In other words, having that certificate and each page stamped is a very important in my mind and is one of the major reason I record documents. I will give you an example of how it has worked for. I had a copyright infringement case wherein I laid out the chain of title and each document was duly recorded in the Copyright Office and each had its certificate and pages stamped. The Judge took one look at them and threw out any challenges to the chain of title, which is a common defense in an infringement case. The Copyright Office recordation played a big part in the weighing of the validity of the chain of title—but I have to have a means for showing that the document and each of its pages was recorded.

The linking of the outside databases to the Copyright Office records I think would be a great idea, but only so long as the source of the records are clearly noted. I would consider the Copyright Office records very dependable and other databases not so much and therefore while having the information from all sources linked would be very useful, I would want to know where the information is coming from so as not to get mixed with what information is the Copyright Office information. I found the “ownership” and some credits on some Getty images not to be accurate which is one of the reasons I say that.

I hope that this is useful and if there is any further information that I can provide, please let me know. I can be contacted at the above address and phone number or emailed at ryland@authorservicesinc.com.

Very truly yours,

Ryland Hawkins

