

I am a long-time activist in the National Writers Union-UAW 1981. For much of that time I've been a contract advisor and grievance officer for our members, all of whom are freelance writers. That experience has made me angry. This comment reflects my personal views; it wasn't drafted or endorsed by the union.

When I first read the Recordation and Engineering project's Notice of Inquiry I wondered what the fuss was all about. Then I read the comments to last year's Technological Upgrades to Registration and Recordation Functions project and was aghast. As with so many government functions, funding shortfalls and, possibly, hiring practices, have rendered the Copyright Office a record-keeping backwater. Practically all of the technologies necessary for the recommendations requested in both projects' comments are readily available. All it takes to implement them is money, and there's the rub.

I sympathize with the Register in what must be a very frustrating job. I feel bound to point out, though, yet another impediment to smoothing the flow of copyright registrations and recordations—for the most part they're unnecessary and not worth the effort.

Why bother to register when it doesn't substantiate my copyright or markedly lessen the chance of its infringement? Why bother to document my copyright and its sales when media corporations routinely ignore the documentation, when selling an article to an magazine or web site implicitly, illegally, makes the article available to all the publications in the corporate parent's empire? What's the point? Why bother to carefully register the multiple versions of my many photographs when someone somewhere in the chain of the photos' lifetimes will put the images online and undermine their commercial value perhaps irrevocably? Why bother to defend copyright itself when courts and governments undermine it to the advantage of corporate users improving their advertising revenues?

Yes, I know, registration is required in order to sue, and there's the relationship between registration and statutory damages, but that relationship is mainly a bar to enforcing copyright not an enhancement. And even the best, most efficient, most user-friendly system in the world

won't be utilized if it serves mainly as a gateway to a justice system that most of us can't afford to use.

Perhaps removing the requirement that works be registered in order to be copyrighted was a mistake after all. Whatever benefits it might have provided when it was enacted have been pretty much obliterated by digitization. Given the choice, I would probably vote, now, for restoring the requirement except in societies that lack the means to implement it. These societies would have to devise another way to protect their creators of IP from the wholesale theft that digitization embraces. They have to anyway.

Perhaps the Register should let the present system limp along with only minor improvements and, instead, invest in devising a digital file format encoded to self-destruct the file when it is posted online without first being cleared in the Copyright Office's database. Now that would make registration and recordation worthwhile.