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Public Comments on Strategic Plan for Recordation of Documents: =====

Title: Strategic Plan for Recordation of Documents

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Submitter Info:

First Name: Sergey

Last Name: Vernyuk

Comment: Dear Register Pallante,

In response to the Notice of Inquiry regarding the Strategic Plan for Recordation of Documents, I offer the following comments.

With regard to the first subject of inquiry (A Guided Remitter Responsibility Model of Electronic Recordation), I agree with the identification of problems associated with the current recordation process (e.g., high cost, long processing times, and inconvenience in having to submit paper recordation forms). In today's electronic age, manual entry from paper forms seems antiquated. I suggest implementing at least a system similar to what the U.S. Patent and Trademark Office uses for recording patent assignments. This system proceeds through the process step-by-step, with the user being prompted by the system to enter various data (e.g., type of conveyance, conveyancer, conveyancee, application or patent being conveyed, etc.). A step-by-step system (instead of an open-field entry or upload) can reduce a variety of errors (as recognized in this Notice). I also suggest that the onus of an accurate recording should be on the submitter of documents to be recorded, rather than on the Copyright Office specialist. Placing the burden of accuracy on the submitter, coupled with electronic filing as discussed above, should encourage more filing, reduce costs, and greatly reduce the need for manual review of submissions. The Notice recognizes this approach, and I support it.

If electronic signatures are necessary, perhaps the Copyright Office could adopt a rule similar to 37 C.F.R. 1.4(d)(2) allowing e-signatures (or equivalent).

With regard to the third subject of inquiry (Linking of Document Records to Registration Records), I agree with the idea of linking registration records to recordation records. The Copyright Office should require identification of registered works by registration number when recording assignments (or other interests) in registered works. This is similar to current practice for patents or trademarks. However, for copyright applications that have not yet matured to registration, a way of identifying such works may need to be developed.

With regard to the fifth subject of inquiry (Additional Statutory Incentives to Record Documents Pertaining to Copyright), I disagree with the proposal to have Congress reinstate the requirement for recording chain-of-title documents before filing a lawsuit. If such information is important, it could be obtained during the course of the lawsuit. It may be difficult in certain cases to find such information in a timely manner. I also believe that protecting against subsequent bona-fide purchasers is an adequate incentive to record by itself. I strongly oppose the proposal that a transfer be invalid unless recorded, especially considering the shortfalls of the current recordation process. Reducing the recordation fee to \$0 (as recently done for patent recordation) would also be a great incentive to record transfers.

Thank you for your consideration.

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Comments from Sergey Vernyuk.txt

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