



Scope: Per <<http://www.copyright.gov/docs/smallclaims/>> the U.S. Copyright Office, on behalf of the U.S. Congress wishes to engage with businesses to explore cost-effective solutions around obstacles facing small copyright claims disputes, as well as possible alternatives. Specifically, the Office is to undertake a study to: (1) assess the extent to which authors and other copyright owners are effectively prevented from seeking relief from infringements due to constraints in the current system; and (2) furnish specific recommendations, as appropriate, for changes in administrative, regulatory and statutory authority that will improve the adjudication of small copyright claims and thereby enable all copyright owners to more fully realize the promise of exclusive rights enshrined in the Constitution.

OnLock Digital Authentication is hereby submitting a response to the inquiry.

Background: The emergence of digital technologies and the Internet at the center of content creation and distribution, revises a publication model that had previously served to profit authors and publishers via book or magazine publication, or publication via other print works. Copyright law has served to protect copyright holders with respect to the commercial publication of such printed materials in the past.

Whereas today, the Internet has replaced certain profit models of publication with mass publication and more modest expectations of profit, the copyright system today lacks the appropriate copyright recognition and enforcement mechanisms against infringement of 'blog' articles, which are now a far more common form of publication than magazine articles or books, yet lack the codified standing within Copyright codes of such traditionally published formats.

Position: With the explosion in blog authorship has arisen a corresponding rise in copyright infringement against the authors of blog articles (articles here may also include additional artistic elements protected by copyright including photographs, music, software code, or other artistic works intended for protection by Copyright law).

The process for blog authors to register with the Copyright office has become cumbersome given the cost and inconvenience of continually registering a blog (or other similarly published work (or works) in progress) which is published in an ongoing fashion. Given the common nature of misappropriation of copyrighted materials belonging to blog authors, however, the threat of Court action may be necessary as a remedy against persistent violators, and therefore the management of Copyright registration of blogs and blog entries (articles, etc.) should be streamlined to enable practical access to copyright protections for these authors.



Solutions to the problem of providing convenient and affordable access to regular, continuous, and ongoing registrations of Copyrighted materials may be sought out in the private marketplace for digital authentication services. Surety Agents acting as trusted third party authenticators may provide affordable and convenient access to registering works in progress, including blogs published in an ongoing manner, by offering a method to digitally authenticate, with digital signature and signature verification, original authored texts, photographs, music, or other digital files that may be considered as artistic works in progress qualified for protections under Copyright law, holding these authenticated files in a digital escrow as unalterable for future as-needed registration with the Copyright office.

Data Escrow describes the secure storage of data by a Surety Agent, acting in the capacity of trusted third party, in which environment there is no edit or delete capabilities upon the digital file once submitted to escrow, thus ensuring any original file submitted remains unmodified.

Digital Signature refers to the process of digitally signing a file that is exported from the Data Escrow and ensures that no changes can be made to the exported (delivered) file without invalidating that signature. Digital Signature standards may include such federally recognized methodologies as FIPS (Federal Information Processing Standard).

It is crucial to ensure that Surety Agents, to be considered as trusted third parties, can attest to core principles of digital file management, including originality, inalterability, and verified delivery of digital files.

When such Surety Agents can demonstrate a file management system for which these principles (originality, inalterability, and verified delivery of digital files) can be attested, the digital escrow offered by such Surety Agents (providing for the inalterable storage of submitted digital files) may serve as an effective preliminary repository for works in progress qualified for protections under Copyright law.

If a user of such Surety Agent's Digital Escrow system encounters a persistent violator of Copyright claim, the user should then have a clear path to filing Copyright for authored works in progress generally deemed protected by Copyright law. Additionally, the Surety Agent in such a case would be able to add strong evidence to the Copyright claimant's case of content possession at the point in time corresponding to the submission of the digital work in question.

Such a system of maintaining digital files would reduce the cost and time burden of



continual registration with the Copyright Office, and could reduce the workload associated with processing these Copyright claims. Significantly for the author of blog content, this system would allow for an effective insurance against copyright infringement while making the current Copyright system easier and less costly to use.

The OnLock Team is available for further engagement should any of the above points require clarification.

Signed on behalf of OnLock Digital Authentication and Agent of Records LLC,

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OnLock Digital Authentication, a trusted surety agent, provides customers with digital authentication services via the Onlock Authentication Suite. We are working to provide digital authentication, data escrow, recorded email, and digital signature solutions to those in legal conflict situations and others requiring a standardized system of authentication for their digital records. More information about the company is available at www.onlock.net.