

Copyright Office

April 2, 2013

I respond to your so welcome request for comment/suggestions on copyright legislative and policy need for copyright infringement. What you do, will do and follow through on, is immensely important.

I am a former Stanford University, and University of Cambridge (UK) Professor. I have been a writer most of my life with 30 traditionally published books and a new book, plagiarized when the printer doing a few prelim copies for me went bankrupt and was purchased by AuthorSolutions which attorneys I have talked to call a "continuing criminal operation" I have served in the federal government; Dept of Justice, BNDD/CIA, Dept HEW, as advisor to ConGress, etc.

I did not copyright the text, Cornelius, Bishop of Antioch, 128 because the copies I ordered printed were not yet copyedited. I am old, have cancer and wanted a few around for family and friends, just in case. My usual copyright practice was to rely on publishers doing the book to get the to be published copy registered with you. I had no idea the printer, Trafford would go bankrupt, over two non communicating years, and be purchased by scoundrels who have sold just half the book, 360 some pages not the full 640 plus, still not copyedited. It has been sold, the internet tells me, over the last 3 years by I about 10 retailing companies, only some of whom responded to my attorney written, signed by me, cease and desist letter. Google continues to sell it, wrongly stating in their letter to me that their website is only data about the book, whereas the website offers it for sale. NO retailer, nor the original and continuing sinner, crook, AuthorSolutions will render numbers or royalties. Many publishers, supplied by AuthorSolutions continue to sell, even though cease and desist letter have been sent to them. None have claimed I am not the author, (I did write under a penname, part of the novel structure). So much for infringement

Lying then by Google and others to sell, reproduce etc ,an unregistered and unfinished book, this without author knowledge or approval, must be made illegitimate

When books are being preprinted, at the author's request but not for the public market, and where no copyright registration has been obtained in my case awaiting completion by copyediting and formal public marketing (these days traditional publishers or self publication including companies paid by the author to do it, or companies in partnership with the author for costs and sale division)

I first sued AuthorSolutions as Trafford owner when they took the funds I paid to Trafford, \$5500, and said they would print the book. They proved unable to make corrections, make a one volume copy, finish the job etc. I told them to stop and return my money. They did not do so. They claimed they had my permission to published Not at all true. At that time

the owners of AuthorSolutions lived in my Calif county. I sued in small claims court for the \$5500 and was, no court appearance, immediately reimbursed.

Now Penguin Book Groups owns AuthorSolutions and when I was to sue them in small claims court (I cannot afford regular attorneys, attorneys tell me would not be worth it.) I named Penguin as co defendant. Penguin's attorneys wrote that they did own AuthorSolutions but were protected by law (which one?) from any responsibility for what their subsidiary, AuthorSolutions did. Thus they collect profits but have no duties. They did not deny plagiarism, or refer to it. They said they would sue me if I sued them. The law, they said, protected them. My pro bono attorney said there was such a law, but has not cited it. Authors and most corporation owners would like to know what it is, what its limits are, how its practices can be protested legally.

The Penguin lawyer said the AuthorSolutions president would write, which of course he did not. I won that lawsuit in small claims, was awarded \$5K, but AuthorSolutions has not paid, and small claims court do not assist in collections. Their history is they do not pay, including royalties.

A review of internet comments on Author Solutions (it has many names) indicates it does routinely do infringement, does not pay royalties it does owe, I am aware it buys printers/self publishing service companies with author lists and infringes on their works.

AuthorSolutions, while selling my novel (for several years while reworking the MSI did now know that, work on my, For \$25K author Solutions offers selling to those writers who do pay for their publication there I see in NY Review of Books adds by them which I am told, cost about \$400 per book. If this does represent the profit margin on some poor innocent author, it is grossly unfair. I know that corporate profit margins in the US are now stratospheric, incredible class differences arising, but if in publishing some margin could be put on author paid for sales and costs of sales made, excellent.

Co-owners of companies which engaged in copyright infringement, failure to honor small claims court judgments must be made responsible for ceasing infringement, which is not now the case, and payment of court imposed fines, which they do not do.

My pro bono attorney, Barbara Friedman, has sent me correspondence from another attorney detailing how an in print book was placed on the internet and is there fair game for copying, no profit to publisher or author, or morality.

I am told the internet is unpolice-able and even copyright materials placed there enjoy free use. You will remember the conflict between Amazon and the Authors Guild when Amazon wished to copy all books available, no royalties. Amazon lost that round. You will surely wish to consult personally with the Authors Guild staff. Most authors cannot afford attorneys to represent them whether in Federal or Superior courts. Infringers take

advantage of the gross inequality of income, attorney access I at one time asked for Authors Guild legal help I am a member, but they did not even respond to a contract violation case of general merit. The Guild, which required an history of traditional publication, is small and addresses the needs of major authors. It is of no great help in the matters you consider

I have no known means to recover the royalties due me taken by, over all of a dozen retailing publishers,, with AuthorSolutions cum Trafford the supplier of texts. An attorney friend of mine ordered a Cornelius copy from AuthorSolutions/Trafford, on line, paid for it, no Cornelius book ever arrived. The fraud here Is general, profitable , escapes control or punishment

I am advised that federal law prohibits state laws in the infringement arena. Any action you take, and Lordy it will be welcome, will have Federal approval. I suggest legislation, better if you can, lucky, thus avoiding Congress, you can write and enforce, Your local hearing'/enforcing commissions or accessible intervention bodies, etc. will be welcome controllers

I presume one form of solution would be copyright infringement courts open to works that are not yet registered, e g allowing writers of works already infringed to get registration now denied, and so to enter the federal court arena.

For you t open your own arbitration commissions, with powers to rule and enforce, which would be set up in all major areas of the nation, would be useful. Should such arbitration courts be open, authors, including now many internet writers, self publishing ones, small publisher ones will suffer costs in travelling and staying over. Awards for these costs from defendants found guilty would be proper., In small claims courts, neither side is allowed an attorney. That would be helpful for claims of loss under say, \$15,000,

Given crooked outfits like AuthorSolutions/Trafford etc you will want the right to receive complaints about publishers or infringing internet users acting over time (whether incorporated or not) policy and, if found illegal on X % of cases to penalize them severely. I would include closing them down, with a watch for the same owners reappearing under a different name, for surely that would be done.

Likewise when previously ethical groups such as Penguin join the now American scheme of going dishonest in subsidiaries, your commission should be able to examine these relationships and hold owners of subsidiaries responsible. You will require a team of accountants, lawyers, and say appointed, authors, for we should not be removed from authority roles . A nationally known statement of your new policies for assisting, a n address for complaints to be sent, your first response of letters to those accused asking for their explanations, details as to where your hearing authorities are and how they will operate, are all essential, Important too, a public and easily reached record of all your

findings as to who are illegitimate publishers, not simply corporate names, but all officers, editors etc so authors are warned. A device allowing harmed authors to sue infringers for damages should also exist. It would be fine if your commission could act as a court in these matters, but probably not so. Perhaps

Money is also a problem at the federal, or any level these days. For your new hearing groups, statute enforcement, I propose we seek a citizen and publisher, any internet group that benefits from control, a citizens support group which will receive money and contribute it to your operations. I presume the law does allow you to receive citizen contributions. If not your lawyers will have to get fancy. We should also generate an author and publisher support group which pays in dues (\$50, \$100) a year to support the budget of your commissions, investigators. You will need a PR person on behalf of your working bodies (Plan on X number of Congress people, paid by the bad guys, to fight your effort, and perhaps Google already, in my case, found lying.).

I mentioned I did at one time work in the Federal Govt HEW), ran a research division, wrote some legislation (it passed and was an utter disaster), was invited to head agencies, have a Presidential Citation from APA, have written those 31 books :((included Cornelius etc which has, the internet says, over 100 million hits and thus large inferred sales. Am , as noted, Authors Guild member in the 1960s-70s and again recently, do have good reviews of my works, and thus, old as I t you may trust my limited judgment, and, if helpful, I can appear before you if candidates for public hearings are on your needy list. I appear as a competent author wrecked in recent years by copyright infringement for which there is no remedy, recovery of funds, future honest prospects for that work, or for my reputation wrecked by illegal production of an incomplete work

If you need help in finding persons and companies and bar associations and civil rights groups to be on your citizens support group (we will find a better name), I am ready to help.

Thank you for your effort

Sincerely

Richard H Blum, PhD

Cc Barbara Friedman, pro bono intellectual property attorney