
**Before the Copyright Office
Library of Congress**

In the Matter of)
)
) Docket No. 2011-10
Remedies for Small Copyright Claims)

**Additional Comments of
The Songwriters Guild of America**

The Songwriters Guild of America (“SGA”) submits these comments in response to the Notice of Inquiry issued by the Copyright Office on February 26, 2013, concerning Remedies for Small Copyright Claims. 78 FR 13094. SGA submitted comments in response to the original Notice of Inquiry in this matter issued on October 17, 2011 and additional comments on January 2012. SGA also participated in the roundtable at Columbia University on this topic.

SGA continues strongly to endorse the concept of establishing a forum in which individual copyright owners could pursue infringement claims that have a relatively small economic value. As we stated in our original filings, such small claims and random infringements may seem unimportant, but taken in the aggregate, they have a pronounced effect on the livelihoods of individual creators.

We disagree with the key comments filed by the National Music Publishers’ Association and the Harry Fox Agency, Inc. (hereafter, the “NMPA Comments”).

Critically, musical works should not be exempt from any small copyright claims process. It is because of the precise factual setting described in the NMPA Comments – complex questions of ownership, authorship, copying, and damages assessments – that songwriters would benefit from a small claims process. A small claims process could encourage smaller copyright owners to bring valid claims that may not be asserted today because the prospect of advancing claims involving copyright issues in federal court is so daunting.

As noted in our January 2012 comments, there are clearly a subset of legal issues that a small claims court should refer to a federal court – such as substantive fair use defenses. The NMPA Comments identify other situations – such as complex damages assessments -- where referral to federal court might also be in order. These particular circumstances, however, do not detract from the inherent value of a small copyright claims process that we have described at length in our prior submissions.

It is important for the Office to strike the proper balance between providing a forum for certain valid claims that today go unasserted and preserving the federal courts as the forum for more complex cases. We believe it is possible to have the best of both worlds, and we encourage the Office to continue the process with this objective in mind.

Respectfully submitted,

/s/

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Dated: April 12, 2013