



Ms. Karyn A. Temple
Register of Copyrights
United States Copyright Office
Washington, D.C. 20559-6000

Dear Ms. Temple:

I write on behalf of the Authors Guild, the oldest and largest professional organization of United States authors. Our 10,000 members include prize-winning novelists, historians, journalists, poets, scholars, and other traditionally and independently published authors. We advocate for authors on issues of public and professional concern, which include the administration and interpretation of U.S. copyright law as well as the operations of the Copyright Office.

The U.S. Supreme Court's recent decision in *Fourth Estate Public Benefit Corp. v. Wall-Street.com*, that the Copyright Office must complete its review of a copyright application before a plaintiff can bring a copyright infringement lawsuit, has made an already difficult situation worse for our members and other creators. While we know that the Copyright Office has long held the view now stated by the Supreme Court, this decision—combined with the two to ten months it can take the Office to process copyright applications (according to the Office's website)—has made it even harder for small content creators to effectively protect their copyrights. As Justice Ginsburg acknowledged in the decision, "the statutory scheme has not worked as Congress likely envisioned." Every month of processing time results in lost income that the victim of infringement may never be able to recover. The only current alternative is for the creator to pay an additional \$800 fee to expedite the copyright registration to minimize the time in which the infringer can operate with impunity.

We commend the Copyright Office's efforts to reduce the pendency of copyright registration applications, but that will take some time. In the interim, we ask the Copyright Office to waive the additional fees currently charged for special handling where the application is made in anticipation of litigation. As the 2017 Fee Study Report shows, the costs to the Office of reviewing an application on a special handling basis are no greater than those for a standard

application—in fact, they’re lower (\$67 for special handling as opposed to \$91 for a standard application).¹ Such a waiver would be of great benefit to individual creators by allowing them to defend their copyrights expeditiously, without requiring them to suffer even more economic harm.

Sincerely,

Mary E. Rasenberger
Executive Director, The Authors Guild

Milton C. Toby JD
President, American Society of Journalists and Authors (ASJA)

Wayne Stinnett
President, Novelists, Inc (NINC)

Michael Capobianco and Jim Fiscus
Co-chairs of SFWA’s Legal Affairs Committee

Rick Carnes and Charlie Sanders
President and Legal Counsel, The Songwriters Guild of America (SGA)

¹ 2017 Fee Study Report, by Booz|Allen|Hamilton, p. 24–25.