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17 July 2017

Register of Copyrights  
U.S. Copyright Office  
101 Independence Avenue, SE  
Washington, DC 20559-6000

Via: <https://www.copyright.gov/rulemaking/recordation-modernization/comment-submission/>

RE: Notice of Proposed Rulemaking: Modernizing Document Recordation

To the Register of Copyrights:

Intellectual Property Owners Association (IPO) appreciates the opportunity to provide comments in response to the Copyright Office's "Notice of Proposed Rulemaking on Modernizing Document Recordation," dated 18 May 2017.

IPO is an international trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes more than 200 companies and more than 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members. IPO membership spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and provides a wide array of services to members, including supporting member interests relating to legislative and international issues; analyzing current intellectual property issues; information and educational services; and disseminating information to the general public on the importance of intellectual property rights.

IPO continues to support Copyright Office proposals for modernization. The effort described in the Notice of Proposed Rulemaking is a further step in that direction. We substantially agree with the Office's proposal to advance modernization by amending the regulations concerning the recordation of transfers of copyright ownership and other documents pertaining to a copyright under 17 U.S.C. § 205, and notices of termination under 17 U.S.C. §§ 203, 304(c). We also agree that the current paper-based recordation process is time-consuming and labor-intensive, and that the amendments are needed to update the Office's current regulations in anticipation of the development of a new electronic recordation system.

IPO is concerned about two issues for which the Copyright Office has requested input. Specifically, we are concerned about payments over "pay.gov," and the proposal that terminations will not be made available online.

## INTELLECTUAL PROPERTY OWNERS ASSOCIATION

### 1. Pay.Gov

The Office indicates in the Proposed Rulemaking that it plans for payments for recordings and notices of termination to be made through “pay.gov,” and that it is evaluating whether to continue allowing remitters to pay through deposit accounts. The Office also asks whether potential users of deposit accounts would be willing to pay a surcharge for the development and maintenance of an automated deposit account system.

IPO believes that the Office should maintain the current deposit account structure for those users who wish to use it. The pay.gov system requires payments using credit cards, debit cards, or bank routing/transit numbers. This approach is problematic, at least for some large corporations which are set up to handle ongoing payments only through the use of purchase orders or other payment systems that pay.gov does not accommodate. IPO would need more detail as to proposals for a surcharge and an automated deposit account system in order to comment on that question.


### 2. Online Notice of Terminations

The Office indicates that it is disinclined to make notices of termination available online to the public, but invites comment on whether posting scans of the actual notices online would be useful and whether there are any implications involved in doing so, such as a need to permit redactions. The Office’s reasoning is that this situation is different from that of documents being recorded because all pertinent information regarding notices of termination is contained in the indexed information that is part of the Office’s online public catalog. The Office also notes that the actual termination notices are available for in-person inspection in the reading room or through a search and retrieval request.

IPO believes that the Copyright Office should make notices of termination available online as part of its overall effort to provide online access to indexed documents and other Copyright Office records. Doing so will assist users in accessing termination notices, including the specific language used in the notice. To the extent that the Office considers that all information is already available in the Office catalog record, no harm would be caused by making the termination notices available online.

We thank you for considering IPO’s comments and would welcome the opportunity to provide further information that might assist the Office’s efforts on these matters.

Sincerely,



Mark W. Lauroesch  
Executive Director