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## COMMENT

**Dears Sirs,**

Per the DMCA of 1998, and your request for comments dated 6/5/000 on title 1 of the Act, I would like to add the following:

It firstly seems dubious to me, that no definition(s) have ever been added for "author" in Title 17 USC Section 101. Possibly this doesn't SEEM to have anything to DO with any such "Digital Millenium" bologna, but in LIGHT of the fact that recent awareness has revealed that several of the so-called "authors" of these same "works" that you all keep ARGUING about, are in fact recipients of stolen lyrics either through eavsdropping, "careful observance", or unwelcomed transcription/tape recordings; it would seem to me MORE than appropriate at THIS time to at least come up with some sort of a tentative DEFINITION of the word - because as it stands now, the general vagueness of the Statute seems to be causing MOST people to believe that, "if I just hurry on UP over there to the Copyright Office, and get that copyright on these WORDS that I wrote down, then I don't HAVE to give any credit, ON the copyright form or otherwise, to the person(s) I stole the recital(s) FROM...he he he". Scenerio #4: Stenographer kipes off with the dictation, runs over to the copyright office, copyrights the dictation, says SHE is the sole author - get the point? A person who "overhears" another person's recitals, especially if he is another artist, and goes and copyrights those same transcriptions WITHOUT mentioning the name(s) of the persons whom he or she "borrowed" them from, is just as much a thief as that STENOGRAPHER was. And apparently, we've been having quite a BIT of this sort of theft going on; and I think that it is all DUE to the fact that there isn't any solid definition of the word "author" per se.

So please DO allow me the following proposal, ans possibly for a couple of OTHER words; 'cause, how can you go ON with this "copyright" business, when you guys haven't even "gotten off the ground" about WHO the AUTHOR is?

### **Proposed Title 17 USC Section 101 additions:**

**"AUTHOR"**, is he who either dictates for a recorder, or puts the words down himself into the "tangible medium". The RECORDER (secretary, scribe, stenographer, etc.) is NOT the author except where that person's individual contribution can be ascertained, AND with the permission of the author - and then at best is only a CO-AUTHOR as in the case of a professor and his understudy. One does NOT need to hold any title or office to qualify as being "author" per se; "author" is not a legal designation, but only a condition of fact. It is not a condition of poverty or wealth, education or retardation, mental, physical, sexual, or spiritual fitness; and any such person alienating one such author for any of the aforesaid reasons, or any OTHER reason, is liable to the prosecution of which under Federal Laws either through civil litigation or/AND criminal prosecution.

**"TALKER"**, is a modern day lay term for an oracle, prophet, seer, sooth sayer, or the like. For the purposes of this section, said "talker" is also an author. When one takes dictation from one such "talker", he acts as nothing more than a scribe, secretary, or stenographer, unless additional co-authorship can be ascertained.

**"PLAGERISM"**, among other commonly known definitions, is the condition of THEFT whereby by a secretary, scribe, recorder, stenographer, or other similar transcriber ascribes to HIMSELF as sole authorship those words, ideas, compositions, or other works which dictating author has entrusted, through the law (common or otherwise), into the hands of the recorder for his safe keeping. Said plagerism of said dictation does NOT constitute any such "fair usage" for the plagerist and/or his assigns, and neither is said dictation within the "public domain". Prosecution for said plagerism would be either within the jurisdiction of the civil or/and criminal court.

If the foregoing "definitions" are elsewhere described, I appologize; but DO believe that it would be wise to include them within Section 101, due to the apparent confusion that has ensued.

Please reply to the foregoing and allow me to know what you think - I'm sure YOU wouldn't want YOUR words "eaten up" by these Little Gremlins.

Sincerely,  
Walter C. Becktel  
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