

From:
To: [FN-OMB-IntellectualProperty](#)
Subject: RFC response: Registered copyrights for a fee
Date: Tuesday, February 23, 2010 4:52:04 PM

Hi,

I am writing in response to your request for comments at http://www.whitehouse.gov/omb/assets/fedreg_2010/02232010_ipi.pdf
I own a small videography business and intellectual property is an important issue for me.

I am commenting specifically in response to supplemental comment topics #19: "Suggest specific strategies to significantly reduce the demand for infringing goods or products both in the U.S. and in other countries."

Motivation:

In Section 8 of the constitution under "powers of congress" it says the duties include: "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

Originally it was limited to 20 years. It has since been extended to essentially infinity. Great works should not be bottled up for all time (IMHO). For 20 years, yes. That is plenty of time for the artist to make a good living on that work if it were popular. If it turns out you're a 1-hit wonder, then either get a good broker or get a day-job. If you regularly make good art (or patentable scientific progress) then you'll be able to continue to make a living that way and continue to support yourself while making more art.

In the constitution the *whole*point* is to advance the progress of arts. One way to do that is to have film students dissect every frame of Star Wars IV or every stanza of The Beach Boys. Class projects (or even You-Tube videos) stating, "if I re-cut this 20 year old film this-way, how does it affect the tone of the movie" that promote dialog should be legal. Beethoven & Co. shouldn't be the only allowed sound-tracks. Something modern-ish (written in my lifetime) should be up for grabs to promote the public good of having Arts available.

Proposed Solution:

It is important to rectify the "limited time" viewpoint with the corporate viewpoint that expensive-to-produce works should produce income for the corporation indefinitely.
To do that, I propose that copyrighted works be required to be registered with the government after an initial 20 year period.

For the first 20 years, copyright is assumed on everything, basically in it's current form. After 20 years, if you believe your work still holds value to you (i.e. you wrote a book and still sell more than 10 copies a year) you can register the work with the Government for a fee. Searches on that work (similar to the current patent search engine) would show that it is still registered

and has not passed into the public domain. For the first 5 years the fee is a nominal one, say \$10/work.

By substantially reducing the number of works available for infringement, we substantially reduce the demand for infringed goods and corresponding law enforcement requirements. i.e. older goods in demand are not being infringed upon, unless the demand is so great that the copyright holder is willing to register those works.

The fee increases exponentially as time passes. \$10/year for the first 5 years (after 20). \$100/year for the next 5. \$1000/year for years 10-15. If you wrote Harry Potter, or sold Star Wars IV, it's well worth paying. If you're only selling a few copies/year, you stop paying the fees and the work is publicly listed as passing into the public domain. The first year fees are low enough to encourage all people that have works others might want to copy, to register their works if only to make searches easier (has it been 20 years or not? Oh look, this passed into the public domain 3 years ago.)

If Disney wants to keep Steamboat Willie under copyright protection forever, eventually it will cost them \$1M per movie per year, payable to the government of the United States as a progressing the Arts tax. To me that's preferable than paying an army of lawyers that much annually to search teenager's computers.

I believe that this solution would allow for the public to be better educated. Yes, you'll get "Casablanca" for \$3 at Walmart eventually (well, maybe not that one, but some of its contemporary flicks that have nearly passed out of living memory because of how the laws are now) but you have to pay \$20 to get it on DVD in the first 30 years after it comes out because for that period of time it was in the creator's interest to maintain the monopoly.

Right now we have raised a generation that believes works of art never go out of copyright. Teens don't respect copyright because nothing is free to play with and analyze, other than works created before their great grandparents were born. There is more to Art than Pachelbel's Canon. It will be easier to educate the public about which works may and may not be used when a governmental database of works exists.

Existing works need not give up their copyright protection, but a fee must be paid to the government for continuing to extend that protection.

Sincerely,

--Beth

Beth Leonard

<http://www.LeonardFamilyVideos.com>