

Sample Creator Comment to U.S. Copyright Office

Dear U.S. Copyright Office,

I appreciate the opportunity to provide comments on the Office's recent Notice of Proposed Rulemaking published in the Federal Register on September 29, 2021. Creators such as me find it difficult to protect the copyrights to our creative works due to the expensive, complicated, and burdensome legal processes for bringing a federal copyright claim. With these high bars to access our justice systems, small copyright owners like me are left with a right that effectively has no remedy. However, with the passage of the Copyright Alternative in Small-Claims Enforcement Act (the CASE Act), creators will hopefully now have an accessible way to ensure that our rights are protectable in a meaningful way.

With this in mind, I strongly urge that the Copyright Office reconsider its proposal to set the filing fee at \$100 per claim and instead consider a tiered structure whereby a claimant pays a much smaller fee to initially file a claim and then a larger fee that would bring the sum of both fees to \$100 when the case becomes active.

My concern with setting the fee at \$100 is that I would stand to lose \$100 each time I file a claim and the other party opts out of the proceedings. I am not sure I could use the small claims court process if I would likely lose \$100 each time I file a claim. This is especially true for infringements for smaller damage claims that I might bring. On the other hand, with a tiered fee structure, the financial hurdles are drastically reduced and would not deter me and other small creators like me from filing claims because then I and other creators would only be paying \$100 for claims that are active.

As a creator, I know firsthand that the livelihoods of creative professionals depend on our ability to find meaningful remedies for our rights under the law. We already lose a significant amount of income to infringement each year. If the Office moves forward with its original fees proposal, creators will stand to lose hundreds of dollars beyond our infringement losses, and therefore suffer even more harm. So, I am urging you to reconsider the proposed flat fee structure and adopt a more flexible tiered model instead, whereby the claimant pays a lower fee for the initial filing of a claim and then another larger fee when the claim becomes active.

Sincerely,
[INSERT YOUR NAME]