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Hi Chris,

Thanks for the update on the digitization of The Copyright Office. We're glad to hear that progress is being made towards the digitization of copyright office records because it is critical to many of the creators we work with at New Media Rights. The difficulty of assessing which works are in the public domain is a huge problem for the creators we work with. The reality is most of our creators are not located in Washington D.C. and cannot afford the \$165 an hour fee to search The Copyright Office records. They often use material hoping that unofficial online sources got the works public domain status right.

Determining which musical works are in the public domain can be especially tricky, even for copyright geeks. For non attorneys it's often impossible. Recently we had several individuals come to us because their videos were taken down from YouTube. Each video was taken down because it contained the same song from the 1940s. We had no way of figuring out if the song was in the public domain because we did not know if the underlying musical composition or the sound recording was being claimed. Even if we had known that, there would be no easy way for us to verify the works copyright status because the copyright office records for that time period are not online. Even worse, if it was the sound recording it would likely fall under state law and right now there is no easy way to determine which state's records to even look at. At the end of the day *if* we can get an attorney from one of those major content owners on the phone we have to take them at their word as to the works copyright status.

In 2013, it's frustrating that we have to rely on paper card catalogs and content companies attorneys to help determine if a work is in the public domain. Moreover, is a work really in public domain if it costs \$165 an hour to know it's in the public domain? New Media Rights recognizes the complexity of the problem. However, a great first step is the digitization of all copyright office records to make them accessible to the public without a plane ticket to D.C. or a \$165 an hour surcharge. We encourage the Copyright office to make the digitization of

records a real priority. To truly ensure that the public domain is accessible and useable these records must be digitized as soon as possible.

Sincerely,
Teri Karobonik
Staff Attorney Fellow- New Media Rights