

M-Bogatko-George-20050228070002

To: Julie L. Sigall
Associate Register for Policy & International Affairs

Date: 02/28/2005

From: George M. Bogatko

Comment:

Ask Congress to legislate a second round of "intent to enforce" submissions for all works registered before 1978. The submissions should be limited to one per item that you intend to enforce -- no blanket submissions -- no "'You broke my heart' and 40,000 others" kind of thing, and cost something. If you're serious about enforcing the copyright, then you'll be willing to be specific, and willing to spend the money.

Absent this intent, the copyright is still in effect -- it will remain prima facie evidence, but will lose the statutory damages part. You can still sue if you want, but all the costs will be on your dime (even if you win), and you'll have to prove actual damages. If, however, you submitted this intent to enforce, all the rights remain.

"Reasonable search" will be deemed to be the act of searching for this new "intent to enforce" submission in a LOC database created for this purpose. If necessary, a login record on that database can constitute evidence that you made the attempt, or a printed receipt can be sent to you.