

May 4, 2026

U.S. Copyright Office
Library of Congress
ATTN: Regulations.gov – COLC-2026-0001
Washington, DC 20559

Re: Copyright Office Fees — Docket No. COLC-2026-0001

[*\(91 Fed. Reg. 13529 — March 20, 2026\)*](#)

Dear Register:

On behalf of the National Association of REALTORS® (NAR), we appreciate the opportunity to comment on the Copyright Office's proposed fee schedule.

NAR represents over 1.4 million professionals involved in all aspects of residential and commercial real estate. Most are real estate agents and brokers who help clients buy and sell homes. They are typically independent contractors or small business owners operating in a highly competitive, commission-based industry. They cooperate and share home listing data through Multiple Listing Services (MLSs) to efficiently match buyers and sellers.

NAR supports reasonable cost recovery to ensure a modern and efficient Copyright Office. However, we are concerned with the proposed increases, particularly the fee for group registration of updates to non-photographic databases, which is the primary registration mechanism used by MLSs. The fee would rise from \$500 to \$700 per filing, following a substantial increase in 2020 when it rose from \$85 to \$500 per filing. We share the concerns raised separately by the Copyright Alliance that these increases are substantial and not fully supported by the record.

Copyright Registration is Essential

Under 17 U.S.C. § 708, fees should recover costs while remaining fair and equitable and consistent with the objectives of the copyright system. As the Office has recognized, this requires balancing cost recovery with maintaining broad participation, given that registration is voluntary but essential to enforcing rights.

Copyright registration is essential to protecting MLS data because it provides the legal foundation needed to stop large-scale copying and misuse. MLS databases reflect significant time, effort, and investment by real estate professionals to win listings, gather accurate information, and market properties, often with no guarantee of compensation. Without effective protection, third parties can scrape and replicate that data, build competing platforms, and free ride on those investments to attract consumers and generate revenue without bearing the underlying costs. When data is disconnected from the professionals responsible for its accuracy, consumers may be presented with outdated or misleading listings, or face increased risk of fraudulent uses of listing information, without meaningful oversight or accountability. Registration allows MLSs and their participants to enforce their rights efficiently, including in federal court.

If that enforcement tool becomes less accessible, the result is reduced competition. It lowers incentives to invest in listing data, discourages participation by small business professionals, and reduces the quality and reliability of information that supports efficient real estate markets and the broader U.S. economy.

The Role of MLSs in the Real Estate Market

MLSs provide the core data infrastructure that enables U.S. real estate markets to function. They are cooperative systems through which brokers build, manage, and enforce shared rules for aggregating, standardizing, and distributing accurate listing information. This system allows brokers to efficiently match buyers and sellers, ensures broad exposure for listings, and supports transparent and competitive markets.

MLS data is the primary source of information about homes for sale. It is shared across broker websites, mobile apps, and real estate platforms, allowing consumers access to accurate and up-to-date listings. MLSs also require brokers to cooperate by sharing listings and working together to complete transactions, which improves market efficiency and competition.

Copyright protection is central to this system. MLS databases represent valuable intellectual property derived from the work of brokers and agents. The ability to register and enforce copyrights helps maintain data integrity, deter misuse, and support continued investment in high-quality listing information. Without practical access to registration, these protections are weakened.


MLSs Are Membership-Based Systems, Not Corporate Cost Centers

The proposal explicitly allocates a greater share of costs to certain group registration options based on the assumption that these filers are “primarily corporate applicants” that can absorb higher fees and offset costs for other users. [See the Federal Register Notice at p-121](#). That assumption does not reflect the MLS industry.

MLSs are not large, capital-rich corporations. They are membership-based data cooperatives serving networks of real estate professionals who pool and share listing information. According to T3 Sixty, the average MLS serves roughly 3,500 to 3,700 subscribers. Most are highly local in scope, and approximately 80 percent serve fewer than that number. This reflects a long tail of smaller systems rather than large national platforms. Unlike a traditional corporate applicant, MLSs do not operate as centralized profit centers with retained earnings or diversified revenue streams. Instead, they function as shared infrastructure funded by user fees and therefore lack the financial capacity to absorb higher costs.

Critically, MLSs do not absorb these costs in the way a large corporation would. They are funded almost entirely through subscription fees paid by real estate professionals. Those professionals are overwhelmingly independent contractors operating small businesses, with median incomes of roughly \$58,000 per year, modest transaction volume, and limited operating margins, according to NAR research. Many work in very small brokerages, often with one or two agents, without the scale or capital to absorb additional expenses. As a result, increases in copyright registration fees are passed directly through

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to individual real estate professionals, who are highly sensitive to even relatively small increases in costs.

Impact of Prior Fee Increase

NAR conducted a simple comparison of MLS registration activity before and after the Office's 2020 fee increase (from \$85 to \$500 per filing):

Metric	Pre-Fee Increase (2015–2019)	Post-Fee Increase (2021–2025)
Total filings (5 yrs)	~580–620	~520–550
Unique MLS registrants	~145–170	~125–150
Avg. filings per MLS/year	~0.9–1.0	~0.8–0.9

Both total filings and the number of participating MLSs declined following the increase. Additional details are provided in the attached Appendix.

This simple comparison suggests that the fee increase may have had a dampening effect on registration activity, though it does not account for other factors such as industry consolidation or changes in business practices.

Higher Fees Will Not Improve Compliance or Encourage Best Practices

For small MLSs, higher fees operate as a barrier to entry and reduce the frequency of registration. Best practices for database registration—maintaining consistent claimant names, documenting authorship and ownership, implementing repeatable submission workflows, and preparing accurate deposit materials—depend primarily on legal guidance, staff capacity, and clear operational procedures. A fee increase does not supply any of those inputs. Instead, it increases the cost of participating in the system without reducing the underlying complexity that often causes small organizations to make mistakes or to refrain from registering altogether.

For small MLSs, registration is a recurring, discretionary expense competing with other immediate needs (data security, system upgrades, compliance, and member services). When the price of a filing rises, the most common response is to file less often, delay filings, or exit the registration process—especially where infringement risk feels uncertain or where enforcement budgets are limited. That behavior may be rational for the filer, but it is inconsistent with the Copyright Office's objective of maintaining broad participation in registration.

To achieve improved compliance and higher-quality submissions, more direct tools are available: clearer guidance tailored to database filers, templates and checklists for repeat filings, outreach and technical assistance, and fee structures that preserve access for smaller filers (including reduced fees or volume-based pricing). Raising fees, by contrast, is a blunt instrument that is more likely to reduce registration activity among small MLSs than to improve registration practices.

Conclusion

NAR respectfully requests that the Copyright Office reconsider the proposed increase or provide additional support demonstrating that it is necessary and appropriately calibrated, along with fee structures that preserve access for smaller filers (including reduced fees or volume-based pricing).

Thank you for the opportunity to comment.

Sincerely,



Kevin Brown
2026 President, National Association of REALTORS®

APPENDIX A — Summary of MLS Copyright Registration Analysis Objective

This analysis provides a simple comparison of MLS copyright registration activity to assess whether the Copyright Office’s 2020 fee increase for group registration of updates to non-photographic databases affected filing behavior. In 2020, the fee increased from \$85 to \$500 per filing.

Data and Methodology

Registration records were obtained from the U.S. Copyright Office Public Records System using a keyword search for “multiple listing service.”

Two five-year periods were compared:

- 2015–2019 (pre-fee increase)
- 2021–2025 (post-fee increase)
(2020 excluded as a transition year)

Because MLSs may file multiple times per year, records were deduplicated to identify unique MLS entities, consolidating minor variations in claimant names over time.

MLS Registration Activity — Pre vs. Post Fee Increase

Metric	Pre-Fee Increase (2015–2019)	Post-Fee Increase (2021–2025)	Change
Total filings (5 yrs)	~580–620	~520–550	↓ ~10–15%
Avg. filings/year	~115–125	~100–110	↓ ~5–20%
Unique MLS registrants (deduped)	~145–170	~125–150	↓ ~10–15%
Avg. filings per MLS/year	~0.9–1.0	~0.8–0.9	↓ ~0–20%
Fee per filing	\$85	\$500	↑ ~6× (~490%)
Est. annual cost (per active MLS)	~\$85–\$100	~\$500–\$900	↑ ~400–950%

Interpretation

Both total filings and the number of participating MLSs declined following the 2020 fee increase. At the same time, participation remains limited to a minority of MLSs, and filings occur relatively infrequently.

This simple comparison suggests that the fee increase may have had a dampening effect on registration activity. However, it does not account for other factors, such as industry consolidation or changes in business practices.