

June 24, 2026

U.S. Copyright Office
Library of Congress
Washington, DC 20559

Re: Alternative Fee Structures for Registration (Docket No. 2026-3)

Dear Register:

The National Association of REALTORS® (NAR) appreciates the Copyright Office's request for input on alternative fee structures that can encourage participation in the copyright registration system.

NAR represents over 1.4 million members involved in all aspects of real estate. To help home buyers and sellers, real estate professionals collaborate through Multiple Listing Services (MLSs), which aggregate, standardize, and disseminate home listings to most home search websites and applications. MLSs make real estate markets work and provide multiple benefits to consumers, including increasing seller exposure, reducing buyer search costs, and encouraging competition by providing equal access to a reliable property dataset for all real estate brokers—large and small, established and new. These databases contain extremely valuable listing, photo/video, and compilations—all of which are protected by copyright. Unfortunately, they are also vulnerable to large-scale scraping and misuse. As a result, MLSs depend on copyright registration to fully protect our rights in these valuable copyrighted works and have enforced these rights in federal court multiple times.

The Copyright Act requires that fees be fair and equitable and give due consideration to the objectives of the copyright system, including encouraging registration. NAR previously commented on a separate proposal to increase fees for group registration of database updates above the Office's own estimated costs, including concerns that higher fees reflect the cost of a paper-based process and shift costs from group applicants to individual filers based on the assumption that all group filers are large, price-insensitive corporations. NAR is also a member of the Copyright Alliance and supports its separate submission in this proceeding. We offer the following additional observations regarding alternative fee structures.

First, the current group registration fee structure does not reflect principles of fairness or equity and may unintentionally discourage MLS participation, limiting the ability to fully protect intellectual property. MLSs do not register once to protect their data; they must register repeatedly. MLS databases are continuously updated and because registrations only cover a three-month period, MLSs must file multiple applications each year to obtain the same legal benefits (including statutory damages and attorneys' fees) that many other registrants can obtain through a single filing. In practice, MLSs are paying more and filing more frequently to achieve equivalent protection, increasing cost and administrative burden. As we noted in prior comments, this has also contributed to declining registration rates among MLSs.

Second, the Office should modernize the process rather than shift costs to group applicants based on decisions to maintain a more expensive paper-based system. MLS database registrations must be submitted on paper using Form TX, requiring an initial registration followed by quarterly updates. Each submission requires a physical deposit—typically 50 data records or pages from a single date—along with a descriptive statement. This process requires applicants to print and mail 50 pages from their digital systems, only for the Office to process and re-enter those pages into its systems—creating duplicative handling that the Office’s own cost study identifies as a key driver of higher costs. Because these applications cannot be filed electronically, applicants must pay higher paper filing fees and wait longer for a registration certificate, often having to follow up on lost or year-old applications. The Office already supports electronic filing and digital deposits for other database registrations, demonstrating that a more efficient electronic pathway is feasible. In short, higher costs are driven in part by maintaining an inefficient process; the appropriate response is modernization, not higher fees.

Third, any fee reforms should encourage registration and avoid shifting costs among applicant categories. Fee structures should not require one set of users to subsidize another. As discussed in prior comments, MLSs are not large corporate filers and should not be treated as such. Nor should applicants be required to bear higher costs driven by the current paper-based process or be charged the same fee for initial registrations and subsequent updates, even when those updates are minor. While NAR does not support charging organizations such as MLSs more than the cost of providing the service—particularly where that approach is based on assumptions about corporate price sensitivity or results in cross-subsidization, we would support approaches such as subscription models that help reduce costs for frequent, lower-cost updates. We also support tailoring fees to reflect that most MLSs are small businesses by multiple measures, including subscriber counts and SBA size standards.

NAR appreciates the opportunity to comment and looks forward to continued engagement as the Office considers ways to improve the registration system.

Sincerely,



Kevin Brown
2026 President, National Association of REALTORS®