



STRATEGIC PLAN  
2016–2020

DECEMBER 1, 2015

# Positioning the United States Copyright Office for the Future

No sensible decision can be made  
any longer without taking into  
account not only the world as it is,  
but the world as it will be.

ISAAC ASIMOV





STRATEGIC PLAN  
2016–2020

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## STATEMENT OF THE REGISTER



**The U.S. Copyright Office** supports a vibrant marketplace of creativity and innovation that, in recent years, has been worth trillions of dollars to the global economy and immeasurable value to society at large. The Office has always served the public with distinction, but there is no question that it must now modernize to meet current and future needs. Indeed, how to modernize the Copyright Office is part of a larger public discussion regarding when and how

we should update our copyright laws. I am grateful to Congress for its ongoing leadership on these issues, and to everyone who has enriched the debate with insight and expertise.

This Strategic Plan organizes and prioritizes objectives for the next five years. It draws on four years of internal evaluations and public input — that is, two initial years of fact-findings, public inquiries, and special projects, and two additional years of public roundtables, reports, and Congressional hearings. These initiatives, announced in October 2011, coincided with government-mandated budget cuts as well as staff reductions and backlogs. We seized these challenges, however, as an opportunity to examine inefficiencies, dismantle dated practices, and propose new paradigms. Much of this exciting work and our accomplishments to date are described in the back of this Plan. We also introduce here a revised mission statement that better captures our statutory mandate.

Here is my vision for a modern Copyright Office:

Customers should be able to transact with the Office easily, quickly, and from anywhere at any time, using mobile technologies and any number of consumer-friendly platforms and devices to secure rights or access data. They should have at their fingertips an integrated life-cycle of copyright information — not only the date on which a work was created, published or fell into the public domain, but also all of the authors, owners, licensees, derivative uses, rights, and permission information that are both relevant to the marketplace and invaluable to meaningful research. The Office should have business-to-business capabilities that both leverage and support private sector activities, while ensuring and facilitating transparency and fairness.

Although technology improvements are an essential part of the future, true modernization involves much more than making incremental upgrades to hardware or software. It requires re-envisioning almost all of the Copyright Office's services, including how customers register claims, submit deposits, record documents, share data, and access expert resources, and it requires meeting the diverse needs of individual authors, entrepreneurs, the user community, and the general public.

The legal structure of the Copyright Office, including its relationship to the Library of Congress, is also a modernization question: it affects how investments will be decided and managed, and, more generally, who will lead the copyright system and with what measure of accountability. We have not addressed these issues here, as Congress continues to explore the most appropriate ways to move forward. Moreover, while the Strategic Plan establishes numerous specific performance objectives, some of these will require further public input, statutory adjustments or both. To this end, we will invite public comments on several implementation details in the months ahead, including with respect to information technology plans and funding.

In positioning the Copyright Office for the future, we know this: it must be lean, nimble, results-driven, and future-focused. At a time when there is an exponential increase in the ways we can create, distribute, and consume copyrighted works, neither the Copyright Office nor the copyright laws can stand still. This Strategic Plan is not a magic bullet for the future, but it is transparent, flexible, and innovative. If implemented, it will transform the Copyright Office. It will move us from a 1970s department to a model for twenty-first century government.

In closing, I want to thank my staff, which is both talented and dedicated, and everyone who participated in the deliberative processes that have led us to this stage. The goals of the Copyright Office are your goals, and the future is both possible and exciting.

**Maria A. Pallante**

United States Register of Copyrights,  
Director, U.S. Copyright Office





# ABOUT THE UNITED STATES COPYRIGHT OFFICE

## MISSION STATEMENT

To administer the Nation’s copyright laws for the advancement of the public good; to offer services and support to authors and users of creative works; and to provide expert impartial assistance to Congress, the courts, and executive branch agencies on questions of copyright law and policy.

**The U.S. Copyright Office**, directed by the Register of Copyrights, is responsible for administering the Nation’s copyright laws. The Register’s many duties are prescribed in, and governed by, the Copyright Act and related chapters of Title 17, and include a number of public services as well as extensive legal and policy portfolios. The Register and her staff are impartial advisors to the United States Congress and support the significant international work of the United States Government. Among other departments, the Register works closely with the Departments of Justice, Commerce, and State; the Office of the United States Trade Representative; and the Office of the U.S. Intellectual Property Enforcement Coordinator.

The work of the Copyright Office is governed by public equities and the rule of law, reflecting the balanced copyright regime envisioned by Congress. Thus, its services support the exclusive rights, remedies, and remunerations that are afforded authors under the law, and which are essential for publishers, producers, and other entrepreneurs who invest in and bring these works to market. At the same time, the Office has long supported and facilitated exceptions, limitations, statutory licenses, safe harbors, and other flexibilities that provide safeguards for the public and bring efficiencies to the copyright system.

The Copyright Office’s staff has wide-ranging expertise in all facets of domestic and international copyright law, including the Copyright Act and related provisions of Title 17, foreign copyright laws, international copyright treaties, and trade

agreements. Among other responsibilities, Office staff are trained to examine copyright claims and documentation related to a broad range of creative output; register copyright interests; administer deposit requirements; certify copyright ownership; record transfers, assignments, licenses, and other copyright transactions; and maintain authoritative records regarding the scope, date, and origin of creative expression. The Office administers regulations, practices, and programs that implement and explain the complex provisions of the law. The Office also ensures the efficient and accurate administration of compulsory licenses, including through legal review of royalty rate and distribution proceedings.

In accordance with the Copyright Act, the Register is appointed by, and works under the general direction and supervision of, the Librarian of Congress. The Librarian, who is appointed by the President and confirmed by the Senate, approves all copyright regulations formulated by the Register’s expert staff and performs any specific copyright duties that constitutionally must be fulfilled by a principal officer and an agency head — for example, appointing and supervising the Copyright Royalty Judges and adopting the final rules under Section 1201 regarding exemptions to prohibitions on technology measures that protect copyrighted works.





## UNDERLYING THEMES

The United States Copyright Office must be a model for twenty-first century government.

### IT MUST BE

- » Lean
- » Nimble
- » Results-driven
- » Future-focused

## STRATEGIC GOALS OF THE UNITED STATES COPYRIGHT OFFICE

1

Administer the copyright laws of the United States effectively, efficiently, and skillfully for the benefit of authors and the public.

2

Make copyright records easily searchable and widely available to authors, entrepreneurs, and all who need them.

3

Provide impartial expert assistance to Congress, executive branch agencies, and the courts on questions of copyright law and policy.

4

Deliver outstanding information services, educational programs, authoritative publications, and other expert resources to individuals, businesses, and other organizations.

5

Build a robust and flexible technology enterprise that is dedicated to the current and future needs of a modern copyright agency.

6

Recruit a diverse pool of legal, technology, and business experts, including a dedicated career staff, non-career professionals, contractors, and advisory committees.





1

Administer the copyright laws of the United States effectively, efficiently, and skillfully for the benefit of authors and the public.



CONGRESS OF  
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New-York, on Monday the fourth  
An Act for the encouragement  
Books to the Authors and Proprietors of

BE it enacted by the  
UNITED STATES of America  
of any Map, Chart, Book or Books already printed within these  
Administrators or Assigns, who hath or have not transferred to  
any other person or persons, being a Citizen or Citizens of these U  
have purchased or legally acquired the Copy right of any suc  
the sole right and liberty of printing, reprinting, publishing and ven  
title thereof in the Clerk's Office, as is herein after directed: a  
composed and not printed or published, or that shall hereo  
therein, and his or their Executors, Administrators or Assign  
Map, Chart, Book or Books for the like term of fourteen Ye  
at the expiration of the said term the Author or Authors or a  
same exclusive right shall be continued to him or them to  
Provided he or they shall cause the title thereof to be a  
that within six months before the expiration of the first ter  
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import, or cause to be printed, reprinted, published or import  
without the consent of the Author or Proprietor thereof, just had  
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such Map, Chart, Book or Books without such Consent p  
every Copy and Copies of such Map, Chart, Book or Books, and  
such Map, Chart, Book or Books, who shall forthwith destroy  
cents for every Sheet which shall be found in his or their po  
and meaning of this Act. The one Mesty thereof to the Author

Over the span of 225 years, U.S. copyright law has promoted the role of creative expression as a public good. It has taken us from the colonial printing press to the digital economy, from a country of books, maps, and charts, to a connected world of music, movies, images, and software. Today it is impossible to separate copyright law from the fabric of everyday life. It fuels entertainment, information, and innovation, and is, in the words of the Supreme Court, “the very engine of free expression.”

ADMINISTER THE COPYRIGHT LAWS OF THE UNITED STATES EFFECTIVELY, EFFICIENTLY, AND SKILLFULLY FOR THE BENEFIT OF AUTHORS AND THE PUBLIC.

## PERFORMANCE OBJECTIVES

THE OFFICE WILL ADMINISTER A MODERN SYSTEM FOR REGISTERING COPYRIGHT INTERESTS IN ORIGINAL WORKS OF AUTHORSHIP.

**Establish new and updated practices** to examine, register, and accurately document complex or emerging areas of authorship.

- » Assess special issues relating to registration and deposit protocols for emerging forms of digital dissemination of works across the spectrum of creative industries, including software, photography and images, publishing, motion pictures, video games, and music.
- » Identify and make appropriate changes to Office policy and procedures in response to statutory changes, judicial opinions, and emerging business standards.
- » Undertake new rulemakings, as appropriate, in accordance with these duties.

**Decrease pendency times** for examining applications and issuing registrations or refusals.

THE OFFICE WILL ADMINISTER A MODERN SYSTEM FOR RECORDING COMMERCIAL AND NONCOMMERCIAL COPYRIGHT DOCUMENTS.

Distill completed policy studies, technology reports, and public comments into a **comprehensive business analysis and public proposal for a more efficient and useful recordation system.**

- » Translate final business analysis into technical requirements, capital investment estimates, and an implementation plan.
- » Convene industry working groups and advisors to ensure ongoing improvements and maximum benefit to marketplace initiatives.

**Modernize Office policies and practices** to ensure clarity and reflect evolving issues.

- » Examine issues related to electronic signatures, commercially sensitive or redacted materials, personally identifiable information, and standards and timing of agency review.
- » Update Office practices for recording commercial instruments, termination notices, and documents related to the term of protection.
- » Undertake new rulemakings, as appropriate, in accordance with these duties.

THE STATUTORY COPYRIGHT LICENSES WILL BE EFFICIENTLY AND ACCURATELY ADMINISTERED, INCLUDING THE LEGAL REVIEW OF ROYALTY RATE AND DISTRIBUTION PROCEEDINGS.

**Review and update regulations to facilitate more streamlined processes** and publish a new chapter on the Licensing Division in the *Compendium of U.S. Copyright Office Practices, Third Edition*.

**Develop online filing capabilities** and promote more efficient accounting practices under statutory licenses.

THE LEGAL REQUIREMENTS, EXEMPTIONS, AND PRACTICES FOR MANDATORY DEPOSIT OF PUBLISHED WORKS WILL BE BALANCED AND EFFECTIVE.

Work with Library of Congress acquisition experts to **identify works and formats that are of interest and value to the national Library collection**.

**Critically examine the statutory, regulatory, and practical scope** of mandatory deposit rules.

- » Analyze possible revisions to best edition requirements, demand for disseminated or unpublished formats, and preservation needs, incorporating public input.
- » Evaluate issues relating to the security, terms, and conditions under which deposited works are made part of the Library's holdings and may be made available to the public.



AN EVOLVING COPYRIGHT SYSTEM WILL ADDRESS NEW STATUTORY ASSIGNMENTS, REGULATORY PRIORITIES, AND STRATEGIC GOALS AS NECESSARY OR DESIRABLE.

**Accept such new assignments, authorities, and responsibilities** from Congress as it deems appropriate.

Advance discussions regarding challenges and solutions to **making copyright administration more efficient**.

*The Copyright Office will prioritize objectives according to funding and staffing and announce opportunities for public participation.*





2

Make copyright records easily searchable and widely available to authors, entrepreneurs, and all who need them.





Copyright Office records are essential to both copyright owners and those who wish to license or otherwise use their works. Records document such things as the scope of copyright, ownership, transactions, security interests, bequests of intellectual property, and the term or expiration of protection. This information can fuel any number of innovative business models if captured and organized properly and provided in a timely manner. Records also carry certain benefits and presumptions under the law.

MAKE COPYRIGHT RECORDS EASILY SEARCHABLE AND WIDELY AVAILABLE TO AUTHORS, ENTREPRENEURS, AND ALL WHO NEED THEM.

#### PERFORMANCE OBJECTIVES

REGISTRATIONS, LICENSES, AND OTHER COPYRIGHT RECORDS WILL BECOME MORE ACCESSIBLE AND USEABLE TO THE GLOBAL PUBLIC.

Work with creative industries to **formalize accepted metadata standards and increase use of unique identifiers** in copyright records.

Advance use of **innovative third-party tools, software programs, registries, and other business models** that are interoperable with the Office's records and underlying data.

**Expand the number of records** integrated into the online database of contemporary records.

THE PUBLIC WILL BE ABLE TO VIEW RECORDS THAT FORM THE LIFE-CYCLE OF A COPYRIGHT INTEREST IN A MORE COHESIVE AND COMPREHENSIVE FASHION.

Adopt business strategies to **facilitate integration of Office registration and recordation documentation** to present a more comprehensive chain of title and useful master record for works.

Employ a **robust public records search engine** that allows such features as faceted searching, saved searches, and unlimited results.



PRE-1978 COPYRIGHT RECORDS WILL BE AVAILABLE ONLINE.

Complete **digitization** of physical copyright records and archived copyright documents.

Make records and documents **searchable**.

BUSINESS-TO-BUSINESS SERVICES OFFERED BY THE OFFICE WILL SHARE DATA AND CONNECT PUBLIC AND PRIVATE COPYRIGHT RECORDS.

Work with businesses to **develop and offer new business-to-business services**.

Begin to **incorporate industry records into Office databases** or interrelate Office records with third-party registries and databases to expand the usefulness of Office records.

CUSTOMER SERVICES OFFERED BY THE OFFICE WILL INCLUDE COMPREHENSIVE SEARCH REPORTS AND TIMELY INSPECTION.

**Improve tracking capabilities** to locate records and deposits on site and off site.

Realign staffing and work processes to **meet customer deadlines and other needs**.

*The Copyright Office will invite stakeholders to participate in prototypes and related strategies for records.*







3

Provide impartial expert assistance to Congress, executive branch agencies, and the courts on questions of copyright law and policy.





The Copyright Office has deep expertise in all facets of domestic copyright law and policy, as well as foreign copyright laws, international copyright treaties, and trade agreements. Experts in the Office regularly interpret the law, as enacted by Congress, and provide nuanced assistance across the government regarding complex or emerging areas of policy. The Copyright Office has provided impartial advice to Congress for 120 years.

PROVIDE IMPARTIAL EXPERT ASSISTANCE TO CONGRESS, EXECUTIVE BRANCH AGENCIES, AND THE COURTS ON QUESTIONS OF COPYRIGHT LAW AND POLICY.

### PERFORMANCE OBJECTIVES

THE OFFICE WILL WORK CLOSELY WITH MEMBERS OF CONGRESS REGARDING INTERPRETATION OF THE COPYRIGHT ACT AND DOMESTIC AND INTERNATIONAL POLICY ISSUES.

Provide **ongoing advice regarding new or emerging areas of copyright policy**.

Prepare **expert policy studies and recommendations for the benefit of the public**.

**Engage in and lead public conversations** on legal and practical aspects of copyright law.

THE OFFICE WILL PROVIDE SUPPORT TO EXECUTIVE BRANCH AGENCIES REGARDING THE INTERPRETATION OF NATIONAL COPYRIGHT LAWS AND THE TRADE AND TREATY OBLIGATIONS OF THE UNITED STATES.

Participate in and advise **official United States Government delegations**.

Ensure appropriate **attendance at international copyright meetings and negotiations**.

**Provide timely assistance and subject matter expertise** to agencies and public officials, including in relation to litigation and intergovernmental negotiations.





THE OFFICE WILL PROVIDE SUPPORT TO THE COURTS REGARDING THE INTERPRETATION OF THE COPYRIGHT ACT AND OTHER PROVISIONS OF TITLE 17.

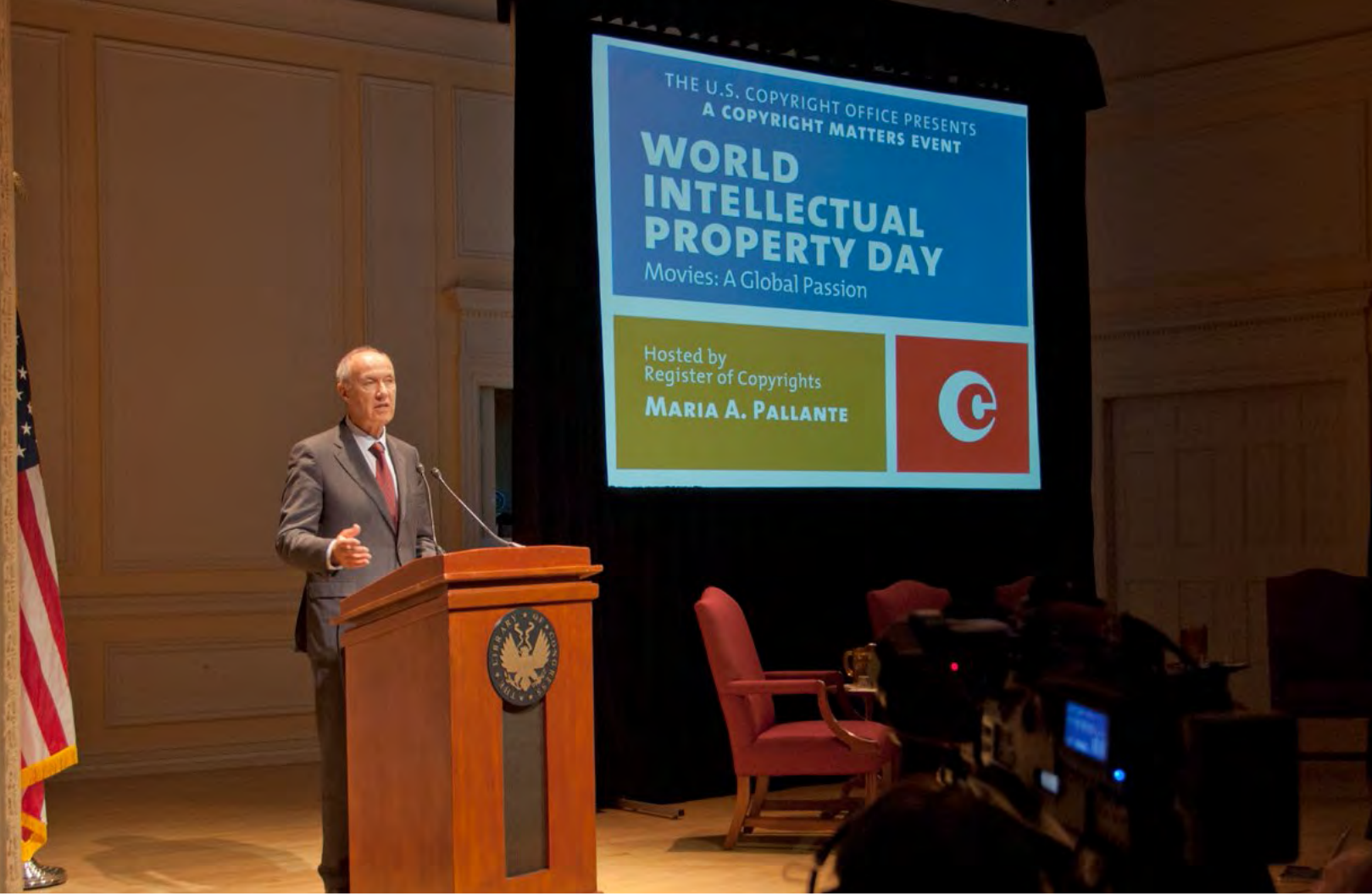
Provide timely and expert **advice to courts in registration-related matters** and other cases.

**Maintain an up-to-date *Compendium of U.S. Copyright Office Practices*** to assist courts with understanding the Office's practices and reasoning.

*The Copyright Office will seek public comments on studies and rulemakings as they are conducted.*







4

Deliver outstanding information services, educational programs, authoritative publications, and other expert resources to individuals, businesses, and other organizations.





The Copyright Office maintains a public hotline, offers educational programs, and maintains critical authoritative publications including a dynamic website, the *Compendium of U.S. Copyright Office Practices*, agency testimony, rulemakings, and public comments. As copyright law becomes more complex and more ubiquitous in modern life, the Office will need to expand these critical support services.

DELIVER OUTSTANDING INFORMATION SERVICES, EDUCATIONAL PROGRAMS, AUTHORITATIVE PUBLICATIONS, AND OTHER EXPERT RESOURCES TO INDIVIDUALS, BUSINESSES, AND OTHER ORGANIZATIONS.

## PERFORMANCE OBJECTIVES

SUPPORT SERVICES FOR CUSTOMERS WILL EXPAND AND IMPROVE.

Improve the web interface to **make registration and recordation filings more intuitive and more customized** for applicants.

Improve **customer support across time zones**.

Utilize multimedia, interactive, and other digital tools to **assist customers with forms and filings**.

**Improve participation of stakeholders** in Office meetings, programs, rulemakings, and other public proceedings by exploring the possibility of satellite office space in strategic regions of the United States.

A STATE-OF-THE-ART WEBSITE WILL OFFER DYNAMIC CONTENT.

**Renovate** the underlying architecture of **copyright.gov**.

**Improve the organization and accessibility** of the Office's publications and authoritative materials.

Invest in web capabilities that **support swift and secure transactions**.

**Improve web interface** for filing public comments and participation in public processes.



EDUCATIONAL PROGRAMMING REGARDING COPYRIGHT ISSUES  
WILL REACH A WIDER NATIONAL AND INTERNATIONAL AUDIENCE.

Expand existing training programs such as Copyright Academy courses and public seminars.

Create new educational initiatives for authors, schools, libraries, other organizations, and businesses.

Conduct enhanced programs for domestic and international audiences, building on existing initiatives such as Copyright Matters and the International Copyright Institute.

THE OFFICE WILL PUBLISH AND DISSEMINATE EXPERT RESOURCES  
FOR THE USE OF AUTHORS, COPYRIGHT OWNERS, AND THE PUBLIC.

Prepare and publish authoritative revisions to the *Compendium of U.S. Copyright Office Practices, Third Edition*, the Fair Use Index, and other resources.

Improve web materials, newsletters, and other aids regarding copyright law and Office practices.

Expand the use of social media and audio-visual tools to reach more members of the public regarding the activities of the Office and issues of public interest.

Add new resources regarding copyright law and legislative history.

*The Copyright Office will invite stakeholder input on website improvements.*







5

Build a robust and flexible technology enterprise that is dedicated to the current and future needs of a modern copyright agency.





A robust, responsive, and highly secure enterprise architecture will be the backbone of a modern Copyright Office. Systems should inspire confidence and encourage participation in day-to-day services and transactions. Custom search tools should yield quick, authoritative results. In short, technology should support all aspects of the Copyright Office's mission and adapt to evolving needs.

**BUILD A ROBUST AND FLEXIBLE TECHNOLOGY ENTERPRISE THAT IS DEDICATED TO THE CURRENT AND FUTURE NEEDS OF A MODERN COPYRIGHT AGENCY.**

### PERFORMANCE OBJECTIVES

**ENTERPRISE ARCHITECTURE AND INFRASTRUCTURE WILL SUPPORT HIGH AVAILABILITY, HIGH PERFORMANCE, AND HIGHLY SECURE SERVICES THAT INTEGRATE CLOUD AND MOBILE TECHNOLOGIES.**

Analyze requirements for **premium on-premises and off-premises hosting solutions** for copyright systems.

**Adopt industry technology standards, architectures, and cloud services** that will offer compatibility with current and future technologies.

**Expand engagement with copyright owners and other customers** regarding such topics as security requirements for data exchange and storage of copyright deposits in the Office's care.

**THE COPYRIGHT OFFICE WILL EMPLOY SOUND POLICIES FOR THE ACQUISITION AND MANAGEMENT OF TECHNOLOGY INVESTMENTS.**

**Strengthen the procedures** for proposing, reviewing, and finalizing technology investments from across the Copyright Office.

- » Refine the charter and protocols for submitting proposals to the Copyright Office CIO, ensuring a comprehensive review of key elements, including costs, life-cycle, and implementation.

**Implement governance practices** that ensure adherence to, and alignment with, the Copyright Office Strategic Plan.

*The Copyright Office is developing a detailed IT plan with the assistance of a consulting firm. The Office will seek public comments on specific strategies, costs, and timelines for technology objectives.*





6

Recruit a diverse pool of legal, technology, and business experts, including a dedicated career staff, non-career professionals, contractors, and advisory committees.





It will take the combined efforts of government leaders and private sector talent to create a lean, nimble, results-driven, and future-focused Copyright Office. The Office will call upon experts in the legal, technology, and business fields to complement its work and provide services through advisory roles, special programs, and partnerships.

RECRUIT A DIVERSE POOL OF LEGAL, TECHNOLOGY, AND BUSINESS EXPERTS, INCLUDING A DEDICATED CAREER STAFF, NON-CAREER PROFESSIONALS, CONTRACTORS, AND ADVISORY COMMITTEES.

#### PERFORMANCE OBJECTIVES

BUSINESS UNITS AND CAREER POSITIONS WILL ALIGN WITH THE OFFICE'S PRIORITIES.

**Build a qualified team of technology professionals** to manage enterprise systems and projects on a dedicated basis with focused training in, and accountability to, copyright systems.

**Align resources to create new positions** to ensure necessary expertise in law, business, and copyright administration.

**Strengthen resources and programs** for expert training and career development at all levels.

WORK-LIFE BALANCE AND OTHER RETENTION INCENTIVES WILL BE IN PLACE FOR QUALIFIED STAFF AND POTENTIAL LEADERS.

**Expand telework options and job-share programs.**

**Expand education support, awards, and distinctions.**

SHORT-TERM AND SUPPLEMENTARY PROGRAMS WILL DEVELOP AND EMPLOY UNTAPPED RESOURCES.

**Strengthen the ongoing viability of programs** for early career professionals, scholars in residence, student interns, and academic partnerships with law schools and universities.

**Strategically utilize qualified contractor support**, as appropriate, to meet targeted needs.





SPECIAL COMMITTEES AND ADVISORY CIRCLES THAT INCLUDE PUBLIC SECTOR AND PRIVATE SECTOR EXPERTS WILL INFORM THE WORK OF THE OFFICE.

Increase work with industries on technology benchmarks and standards.

Expand regular meetings with legal and business advisors from the nonprofit, public sector, and private sector.

*The Copyright Office will create and seek to fill a variety of opportunities, in accordance with priorities and funding.*







## FUNDING THE FUTURE

**The U.S. Copyright Office** has long operated on a shoestring budget while making outsized contributions to the rule of law, government policies, and the global marketplace. Although this may feel like a bargain for the American public, it is in fact an ineffective and dated funding paradigm for an agency that is so central to the progress of culture and commerce in the twenty-first century.

There is no question that investments are necessary to meet the strategic goals and performance objectives set forth in the previous pages, but stakeholders should have high expectations for return on these investments. Funding should reflect a strong commitment to both human capital and capital projects, and ensure that the Office is interoperable with, and supportive of, the data, technologies, and businesses of its customer base. Funding should come from two primary sources:

- » Fees paid by authors, corporate entities, and other customers, with appropriate accommodations for small actors; and
- » Annual appropriated dollars that reflect the value of Copyright Office services to entrepreneurs, the public, and the economy.

The Copyright Office would benefit from having more sophisticated fiscal authority, including the ability to:

- » Manage policies for Copyright Office investments, systems, and acquisition processes;
- » Submit appropriations requests and operating plans directly to Congress;
- » Adopt flexible fee schedules that allow for the recovery of aggregate costs and certain capital costs, including by applying appropriate differentiations between large and small actors;
- » Spend fee receipts as needed for capital improvements, staffing deficits, and continuity of service without annual spending caps; and
- » Offer flexible opportunities to outside entities, including for complex technology projects or business-to-business initiatives, consistent with government contracting requirements and conflicts of interest considerations.

*The Copyright Office will seek public comment regarding funding needs and strategies.*





## The Past Four Years

FY 2011 – FY 2015

MODERNIZATION EFFORTS  
AND ACCOMPLISHMENTS





## NEW BUSINESS UNITS AND SPECIAL PROGRAMS

To better align resources to the volume and complexity of Copyright Office duties, and to ensure sufficient expertise over core functions, the Register of Copyrights reorganized existing units and created new officers as part of the senior leadership team, as of the dates noted below. The full leadership team is available at <http://copyright.gov/about/leadership/>.

**Office of Chief Information Officer** (2013). This Office oversees information technology initiatives and is principally responsible for developing technology strategies related to upgrading and recalibrating Copyright Office services in accordance with industry standards.

**Office of Public Records and Repositories** (2014). This Office oversees the critical roles of making licenses and other copyright records available to the public, improving and enforcing metadata standards for copyright records, ensuring the security of physical and digital copyright deposits in the care of the Office, and certifying information for transactions and litigation.

**Office of Public Information & Education** (2014). This Office oversees public information services and outreach, as well as all authoritative publications, including the *Compendium of U.S. Copyright Office Practices* and the [copyright.gov](http://copyright.gov) website.

**Office of Chief Financial Officer** (2015). This Office oversees budgetary matters, procurement, contracting, and accounting, as well as royalty collections and disbursements for certain statutory licenses under the Copyright Act.

The Register appointed three Deputy Officers in 2015 in the **Office of General Counsel**, the **Office of Policy and International Affairs**, and the **Office of Registration Policy and Practice**, to ensure more manageable workloads and supervision of legal and regulatory work in these offices. And, attorneys and project managers have been added to the registration and public information offices, to better identify emerging issues at the business level.

### **Abraham L. Kaminstein Scholar in Residence Program** (2013)

Through this program, the Copyright Office invites academics with a demonstrated commitment to the study of copyright law and policy to spend time, at the invitation of the Register, conducting paid research and/or working on mutually beneficial projects.



## ADMINISTRATIVE PRACTICE AND PRIORITIES

As part of its efforts to modernize Copyright Office systems and practices, the Register has issued five publications since 2011, listed below in reverse chronological order. Some of these publications are products of the public initiatives outlined in *Priorities and Special Projects of the U.S. Copyright Office*, referenced below.

### **Report and Recommendations of the Technical Upgrades Special Project Team** (Feb. 2015)

The Copyright Office's technology infrastructure impacts all of the Office's key services and is the single greatest factor in its ability to administer statutory licenses and copyright registration and recordation services effectively. Yet the Office is currently utilizing twentieth-century technology while trying to meet twenty-first century needs. In consultation with stakeholders and the public, the Copyright Office CIO undertook a multi-year evaluation of the technology that underpins the Office's current systems. As a result of this process, the Technical Upgrades Special Project Team issued a report making a series of recommendations to improve and modernize the Office's technology systems and infrastructure.

Report and background materials: [http://copyright.gov/docs/technical\\_upgrades/](http://copyright.gov/docs/technical_upgrades/)

### **The Compendium of U.S. Copyright Office Practices, Third Edition** (Dec. 2014)

This was the first major revision of the *Compendium* in more than twenty-five years. At more than three times the size of the previous edition, it encompasses a comprehensive overhaul of the Office's practices and standards and makes them easily accessible and transparent to the public and the courts. The *Compendium* serves as a technical manual for the Office's staff, as well as a guidebook for authors, copyright licensees, practitioners, scholars, the courts, and members of the general public. It addresses fundamental principles of copyright law, such as creation, publication, registration, and renewal, as well as routine questions such as who may file an application, who may request copies of the Office's records, and how to submit titles and registration numbers in electronic form. It also contains a new Table of Authorities that lists the cases, statutory provisions, and other legal authorities cited in the Third Edition and the relevant section where each citation may be found. For the first time, the *Compendium* is a living electronic document.

*Compendium*: <http://copyright.gov/comp3/>

### **Transforming Document Recordation at the United States Copyright Office** (Dec. 2014)

Recordation of licenses, assignments, termination notices, and other records that form the life-cycle of a copyright interest is one of the key statutory functions of the Copyright Office. In order to make the resulting copyright records easily searchable, widely available, and useful to the public, it will be necessary to update the way this data is currently received, stored, and accessed. To this end, the 2013–14 Kaminstein Scholar in Residence undertook a review of the current state of copyright recordation and made recommendations for development and deployment of an electronic recordation system,

### **Barbara A. Ringer Copyright Honors Program** (2013)

Through this program, the Copyright Office offers paid fellowships to attorneys in the initial stages of their careers over periods of 18–24 months. Applicants must demonstrate exceptional abilities and interest in copyright law and work closely with the Office of General Counsel and the Office of Policy and International Affairs.

### **Copyright Matters Lecture Series** (2011)

Copyright Matters is a community forum to discuss the practical implications of copyright law in the 21st century and to provide education and training to the staff of the U.S. Copyright Office. Through the series, the Register's Office invites a wide range of invited speakers—including Congressional leaders, authors, market experts, technology experts, and legal scholars—to present topics of critical importance to the copyright debate. To date, these have included presentations about authorship, copyright registration, marketplace investments, copyright enforcement, fair use, and international norm setting.

### **Academic Partnerships** (2013)

The Copyright Office collaborates with law professors and law students on specific copyright-related research and writing projects that serve existing needs of the Office. The Office is currently engaged in ongoing projects with Stanford University Law School and George Washington University Law School.





including addressing issues such as how to allocate responsibility for providing document cataloging information, how best to store and make electronic documents available, and how to accept and authenticate electronic signatures.

Report and background materials: <http://copyright.gov/docs/recordation/>

#### **Proposed Schedule and Analysis of Copyright Fees to Go into Effect on or about April 1, 2014** (Nov. 2013)

In accordance with the procedures set forth in Section 708 of the Copyright Act, the Copyright Office conducted a multi-year public review of its fee schedule for the registration of claims, recordation of documents, special services, Licensing Division services, and FOIA requests. As part of this review, the Office conducted a preliminary assessment of its 2011 costs and solicited stakeholder and public input into a proposed fee schedule. The analysis and proposed fee schedule were submitted for review by Congress and became effective on May 1, 2014, codified at 37 C.F.R. § 201.3. For the first time, the fees were differentiated to accommodate the considerations of individual authors filing certain non-complex claims. As discussed in the Funding the Future section of this Strategic Plan, the Office continues to consider the parameters of its fee authority and statutory changes that may permit the Office to further aggregate or offset costs and capital expenses.

Report and background materials: <http://copyright.gov/docs/recordation/>

Schedule of fees: <http://copyright.gov/about/fees.html>

#### **Priorities and Special Projects of the United States Copyright Office** (Oct. 2011)

Issued shortly after the Register's appointment, the Priorities and Special Projects document set forth the Office's immediate priorities and announced a series of "special projects" to be undertaken with staff and the public. The special projects focused the Office on assessing a number of critical challenges, including: (1) updating the fee schedule and improving the Office's fiscal health; (2) updating, reconciling, and publishing registration practices; (3) addressing problems in technology infrastructure and improving the website; (4) re-engineering the recordation process and making historic records available; (5) meeting the increasing public demand for copyright information and education; (6) attracting, retaining, and training a highly skilled and multi-talented staff; and (7) creating relationships with academic institutions and scholars.

Document: <http://copyright.gov/docs/priorities.pdf>

## LEGAL RESOURCES AND POLICY STUDIES

Since 2011, the Copyright Office has published a compilation of judicial opinions on fair use as well as six policy reports in support of Congress and its efforts to analyze or update the Copyright Act. These are listed below in reverse chronological order. Additional reports and studies are forthcoming.

#### **Fair Use Index** (April 2015)

The Fair Use Index is a new tool tracking over 175 key judicial decisions regarding the fair use doctrine under copyright law. It is designed to help both lawyers and non-lawyers better understand the types of uses courts have previously determined to be fair—or not fair. The decisions span multiple federal jurisdictions, including the U.S. Supreme Court, circuit courts of appeal, and district courts. The Index was launched in support of the Joint Strategic Plan of the IPEC and is updated periodically.

Resource at: <http://copyright.gov/fair-use/>

#### **Orphan Works and Mass Digitization** (June 2015)

The Orphan Works and Mass Digitization study evaluated two circumstances in which practical obstacles under current law, including the lack of a clear statutory exception or licensing mechanism, may prevent good-faith actors from making productive uses of copyrighted works. The issue of "orphan works" refers to circumstances where a copyright owner cannot be identified or located, despite diligent efforts. The Mass Digitization analysis presents collective licensing options for large scale access or other uses to the extent they go beyond fair use or are otherwise ineligible for a statutory exception. The Report offers balanced frameworks by which users may move forward with their proposed uses and copyright owners may be compensated, as appropriate.

Report and background materials: <http://copyright.gov/orphan/>

#### **Copyright and the Music Marketplace** (Feb. 2015)

Recognizing the cultural and economic importance of music, the Copyright Office evaluated the aging music licensing framework and the ever-evolving needs of those who create and invest in music in the twenty-first century. After an exhaustive review of the existing music marketplace, including statutory licenses, the role of performing rights organizations, access to music ownership data, and the concerns of songwriters and recording artists, the report made a number of recommendations aimed at bringing both clarity and relief to all players in the music marketplace through a series of balanced tradeoffs designed to create a more rational music licensing system.

Report and background materials: <http://copyright.gov/docs/musiclicensingstudy/>



### Resale Royalties: An Updated Analysis (Dec. 2013)

The Copyright Office analyzed the issue of resale royalties for visual artists at the request of Congress, including historical treatment and a comparative analysis of foreign laws. The Office concluded that certain visual artists, who typically do not share in the long-term financial success of their original works, may operate at a disadvantage under the copyright laws relative to authors of other types of creative works. Accordingly, the Office recommended further congressional exploration of a resale royalty, as well as other possible alternative or complementary options for supporting visual artists.

Report and background materials: <http://copyright.gov/docs/resaleroyalty/>

### Copyright Small Claims (Sept. 2013)

At the request of Congress, the Copyright Office reviewed the challenges the current system for resolving copyright disputes poses for copyright owners with potentially limited means or seeking to halt infringement that has caused a relatively modest amount of economic harm. Recognizing that the current system, where copyright owners must seek redress through the federal courts, can require the expenditure of substantial time, money, and effort for both the plaintiff and the defendant, the Office recommended the creation of a centralized tribunal within the Copyright Office as a voluntary alternative to the federal courts that would be available to resolve small copyright disputes on a streamlined basis.

Report and background materials: <http://copyright.gov/docs/smallclaims/>

### Federal Copyright Protection for Pre-1972 Sound Recordings (Dec. 2011)

At the urging of sound recording archivists and on the instruction of Congress, the Copyright Office conducted a study on the desirability of and means for bringing pre-1972 sound recordings into the federal copyright regime. The report considered how best to preserve and offer appropriate access to sound recordings created before February 15, 1972. The Office concluded that federalization of these recordings would best serve the interests of libraries, archives, and others in preserving and increasing the availability to the public of old sound recordings. To accomplish this aim, the Office made certain additional recommendations relating to ownership, terms of protection, and registration of these works.

Report and background materials: <http://copyright.gov/docs/sound/>

### Satellite Television Extension and Localism Act § 302 Report (Aug. 2011)

As required by Section 302 of the Satellite Television Extension and Localism Act of 2010 and after consultation with stakeholders and public hearings, the Copyright Office issued a report on marketplace alternatives to the statutory licenses set forth in Sections 111, 119, and 122 of the Copyright Act. The Office recommended a structured phase-out of these statutory provisions, while taking into account the reasonable needs of those who would be affected.

Report and background materials: <http://copyright.gov/docs/section302/>

## MODERNIZATION HEARINGS AND WRITTEN TESTIMONY

*The Register's Perspective on Copyright Review: Hearing Before the H. Comm. on the Judiciary*, 114th Cong. (2015)

- » Sole witness: **Maria A. Pallante**, Register of Copyrights and Director, U.S. Copyright Office.
- » Hearing materials: <http://judiciary.house.gov/index.cfm/2015/4/hearing-the-register-s-perspective-on-copyright-review>
- » Transcript: [http://judiciary.house.gov/index.cfm?a=Files.Serve&File\\_id=9855F607-E28B-4FF9-B2F6-7A1106D4CE48](http://judiciary.house.gov/index.cfm?a=Files.Serve&File_id=9855F607-E28B-4FF9-B2F6-7A1106D4CE48)
- » Prepared statement of Register Pallante: [http://judiciary.house.gov/\\_cache/files/1c82a3a6-3b1b-4a51-b212-281454d1e56e/written-testimony-of-register-maria-a-pallante.pdf](http://judiciary.house.gov/_cache/files/1c82a3a6-3b1b-4a51-b212-281454d1e56e/written-testimony-of-register-maria-a-pallante.pdf)

*U.S. Copyright Office: Its Functions and Resources, Hearing Before the Subcomm. on Courts, Intellectual Prop., & the Internet of the H. Comm. on the Judiciary*, 114th Cong. (2015)

- » Four witnesses: **Keith Kupferschmid**, General Counsel, Software & Information Industry Association; **Lisa Dunner**, Partner, Dunner Law PLLC, on behalf of the American Bar Association; **Nancy Mertz**, Partner, Schoeman Updike Kaufman & Stern LLP, on behalf of the American Intellectual Property Law Association; and **Bob Brauneis**, Professor, George Washington University Law School
- » Hearing materials: <http://judiciary.house.gov/index.cfm/2015/2/hearing-the-u-s-copyright-office-its-functions-and-resources>
- » Transcript: [http://judiciary.house.gov/index.cfm?a=Files.Serve&File\\_id=D4EF86C4-0F36-46B5-9F22-CC94A8742A00](http://judiciary.house.gov/index.cfm?a=Files.Serve&File_id=D4EF86C4-0F36-46B5-9F22-CC94A8742A00)
- » Letter from Maria A. Pallante, Register of Copyrights and Director, U.S. Copyright Office, in response to John Conyers, Jr., Ranking Member, H. Comm. on the Judiciary 6 (Mar. 23, 2015): <http://copyright.gov/laws/testimonies/022615-testimony-pallante.pdf>

*Oversight of the U.S. Copyright Office: Hearing Before the Subcomm. on Courts, Intellectual Prop., & the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2014)

- » Sole witness: **Maria A. Pallante**, Register of Copyrights and Director, U.S. Copyright Office.
- » Hearing materials: <http://judiciary.house.gov/index.cfm/2014/9/hearing-oversight-copyright>
- » Transcript: [http://judiciary.house.gov/index.cfm?a=Files.Serve&File\\_id=546BFBD8-5AEC-47F6-BBEO-4BBE2A00E549](http://judiciary.house.gov/index.cfm?a=Files.Serve&File_id=546BFBD8-5AEC-47F6-BBEO-4BBE2A00E549)
- » Prepared statement of Register Pallante: [http://judiciary.house.gov/\\_cache/files/8e17195c-c6d5-43f3-a125-3d9de8d0230f/091814-final-testimony-maria-pallante.pdf](http://judiciary.house.gov/_cache/files/8e17195c-c6d5-43f3-a125-3d9de8d0230f/091814-final-testimony-maria-pallante.pdf)



*The Register's Call for Updates to U.S. Copyright Law: Hearing Before the Subcomm. on Courts, Intellectual Prop., & the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2013)

- » Sole witness: **Maria A. Pallante**, Register of Copyrights and Director, U.S. Copyright Office.
- » Hearing materials: <http://judiciary.house.gov/index.cfm/2013/3/the-register-s-call-for-updates-to-u-s-copyright-law-0>
- » Transcript: [http://judiciary.house.gov/\\_files/hearings/printers/113th/113-20\\_80067.PDF](http://judiciary.house.gov/_files/hearings/printers/113th/113-20_80067.PDF)
- » Prepared statement of Register Pallante: [http://judiciary.house.gov/\\_files/hearings/113th/03202013/Pallante%20032013.pdf](http://judiciary.house.gov/_files/hearings/113th/03202013/Pallante%20032013.pdf)

## RELATED SPEECHES OF THE REGISTER OF COPYRIGHTS

Maria A. Pallante, *Review and Reflection: Copyright Hearings and Related Discourse in the Nation's Capital*, 13 J. MARSHALL REV. OF INTELL. PROP. L. 487 (2014): <http://repository.jmls.edu/cgi/viewcontent.cgi?article=1329&context=ripl>

Maria A. Pallante, *The Next Generation Copyright Office: What it Means and Why it Matters*, 61 J. COPYRIGHT SOC'Y 213 (2014) (Eleventh Annual Christopher A. Meyer Memorial Lecture): <http://copyright.gov/about/office-register/meyer-lecture.pdf>

Maria A. Pallante, *The Curious Case of Copyright Formalities*, 28 BERKELEY TECH. L.J. 1415 (2013) (David Nelson Memorial Keynote Address): <http://copyright.gov/about/office-register/CuriousCaseofCopyrightFormalities.pdf>

Maria A. Pallante, *The Next Great Copyright Act*, 36 COLUM. J.L. & ARTS 315 (2013) (Twenty-Sixth Horace S. Manges Lecture): [http://www.copyright.gov/docs/next\\_great\\_copyright\\_act.pdf](http://www.copyright.gov/docs/next_great_copyright_act.pdf)

Maria A. Pallante, *Orphan Works & Mass Digitization: Obstacles & Opportunities*, 27 BERKLEY TECH. L.J. 1251 (2012) (David Nelson Memorial Keynote Address): <http://copyright.gov/regstat/2013/Pallante-OrphanWorks.pdf>

## OTHER MODERNIZATION MATERIALS

### INSPECTOR GENERAL AND GOVERNMENT ACCOUNTABILITY OFFICE

#### Library of Congress Office of the Inspector General Reports

2014-PA-101: *The Library Needs to Determine an eDeposit and eCollections Strategy* (April 2015): <https://www.loc.gov/portals/static/about/documents/edeposit-and-ecollections-strategy-april-2015.pdf>

2014-IT-101: *Report for Design of Library-wide Internal Controls for Tracking Information Technology Investments* (Mar. 2015): [http://www.loc.gov/portals/static/about/documents/Final\\_Report\\_LOC-ITSC\\_Audit\\_3%2013%2015\\_SG\\_KH.pdf](http://www.loc.gov/portals/static/about/documents/Final_Report_LOC-ITSC_Audit_3%2013%2015_SG_KH.pdf)

#### Government Accountability Office

*Library of Congress: Strong Leadership Needed to Address Serious Information Technology Management Weaknesses* (Mar. 31, 2015)

- » Report: <http://copyright.gov/technology-reports/reports/gao-lc-report-2015.pdf>
- » Response from Librarian of Congress: <http://copyright.gov/technology-reports/reports/lc-response-gao-2015.pdf>

*Copyright Office Needs to Develop Plans that Address Technical and Organizational Challenges* (Mar. 31, 2015)

- » Report: <http://copyright.gov/technology-reports/reports/gao-usco-report-2015.pdf>
- » Response from Register of Copyright: <http://copyright.gov/technology-reports/reports/gao-review-usco-response.pdf>

#### LIBRARY STRATEGIC PLANS

*Library of Congress Strategic Plan Fiscal Years 2011–2016* (2010): <http://lcweb2.loc.gov/master/libn/about/documents/strategicplan2011-2016.pdf>

*Library of Congress Strategic Plan 2016–2020* completed September 30, 2015. Not yet available on website.





Budget Process and Testimony



## BUDGET PROCESS AND RESOURCES

### U.S. COPYRIGHT OFFICE BUDGET PROCESS

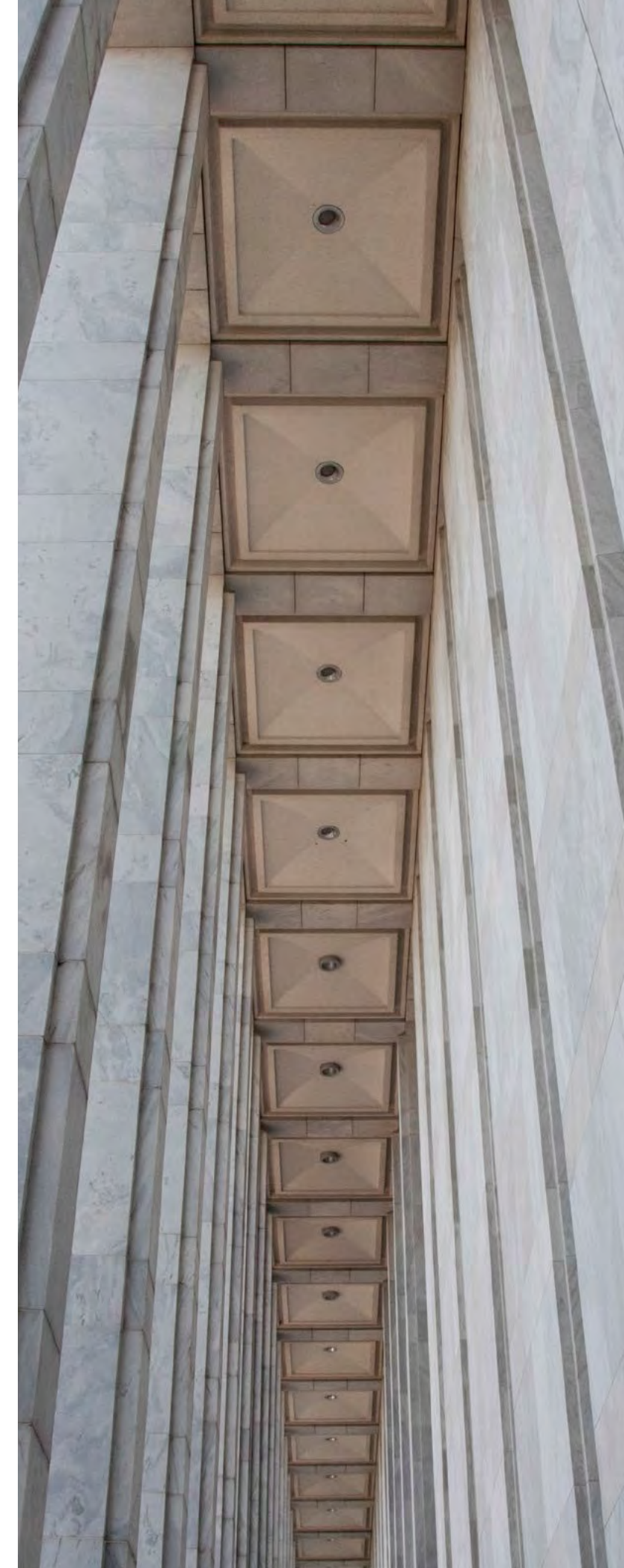
The Copyright Office's annual funding request is formulated each year as part of the funding request for the overall Library of Congress. The Copyright Office has received a separate appropriation within the overall Library budget since the Office was created in 1897. In addition to the appropriation for the Copyright Office, the Library's budget includes three other appropriations: (i) Library of Congress salaries and expenses ("Library S&E"), (ii) Congressional Research Service ("CRS") salaries and expenses; and (iii) Books for the Blind and Physically Handicapped ("BBPH") salaries and expenses. The Library's budget is submitted as part of the President's Budget, generally in January, with a targeted implementation of October 1st. The Librarian also submits the budget to Congress through the House and Senate subcommittees on legislative branch appropriations.

The Librarian has final discretion regarding budget decisions. The Librarian's Office has historically issued internal guidelines or directions before the budget call, including whether it will accept or submit requests for increases, how it will prioritize requests from across the agency, and how it will balance the four appropriations. Working within this framework, the Register and senior leadership team of the Copyright Office prepare requests for increases based on the Office's primary goals (e.g., designing an

online recordation system) and urgencies (e.g., insufficient staff to handle backlogs). The Office proposes whether it will fund these increases from collected fees or other appropriated dollars.

In accordance with Library policy, the Executive Committee of the Library meets in the fall to discuss budget requests from across the Library and across the four appropriations. This includes the Register's request, which typically involves a combination of authority to spend fees, authority to use any excess fees that have accumulated across prior years, and requests for additional appropriated dollars. The Executive Committee is chaired by the Librarian and includes three additional people from the Librarian's Office (the Deputy Librarian, the Chief of Staff, and the Chief Operating Officer), as well as the head of the Congressional Research Service, the head of the Law Library, the head of Library Services, the head of National and International Outreach, and the Register of Copyrights. In accordance with Library policy, the Librarian weighs all submissions, takes feedback from the Executive Committee, makes final decisions, and testifies at the invitation of Congress. The Register traditionally submits written testimony to Congress explaining the work of the Copyright Office and supporting the Librarian's final budget request for the Copyright Office.

Library policy also requires a separate agency-wide meeting regarding budget requests that involve technology investments. This group, called the Information Technology Steering Committee (ITSC), was created in loose form in 2010, but as of September 8, 2015, is chaired by the Library's newly appointed Chief Information Officer. It is comprised of representatives from the major Library divisions, including the Copyright Office Chief Information Officer. The purpose of this group is to advise the Executive Committee as to whether proposed technology investments support the Library's strategic direction and whether the Library has sufficient technical capacity and resources to support the proposals. (All ITSC members review all proposals.) The Library has been working to revise the ITSC in response to both internal and external questions about the timing and scope of its role and the effect or constraints of the ITSC process on the Register's statutory authority.



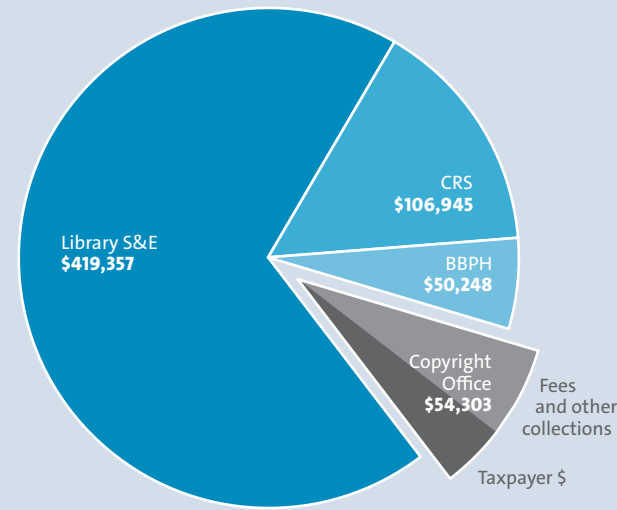


## LIBRARY OF CONGRESS OPERATING PLAN

The four appropriations of the Library of Congress totaled **\$630.9 million** in FY 2015, as follows:

- » Library of Congress salaries & expenses: **\$419.4 million**, of which **\$6.4 million** is offsetting appropriations (e.g., for sales of LC bibliographic records). The Library provides central services to the Copyright Office (e.g., human resources and IT procurement) out of this appropriation but the value of these services is not apportioned throughout the agency.
- » Congressional Research Service salaries & expenses: **\$106.9 million**
- » Books for the Blind and Physically Handicapped salaries & expenses: **\$50.2 million**
- » U.S. Copyright Office: **\$54.3 million**, of which **\$28 million** is fees collected by the Office for services, **\$5.2 million** is money collected from statutory royalty pools as administrative overhead for the Copyright Office's licensing division, and **\$400 thousand** is money collected as administrative overhead for the Copyright Royalty Board.

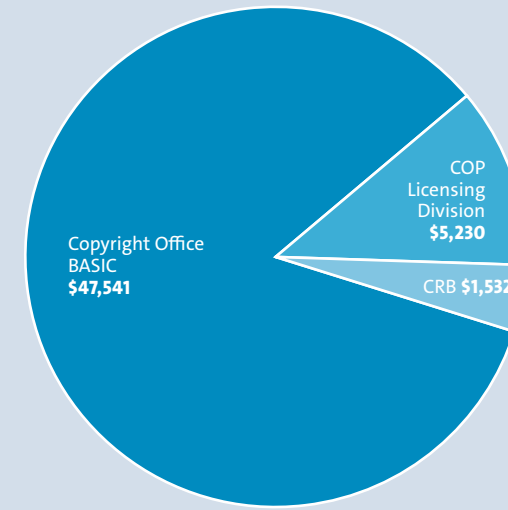
In FY 2014, the Copyright Office transferred books and other copyrighted works to the Library worth approximately **\$32 million**. These works come from two streams, roughly 40 percent from registration and 60 percent from mandatory deposit requirements (registration satisfies mandatory deposit under current law if the copy submitted is the "best edition"). They comprise about 21 percent of the Library's collection acquisition for the fiscal year. This value is not reflected in the Copyright Office budget ledger.



**Library of Congress FY 2015 Operating Plan**  
Total Authority \$630,853 (Dollars in Thousands)

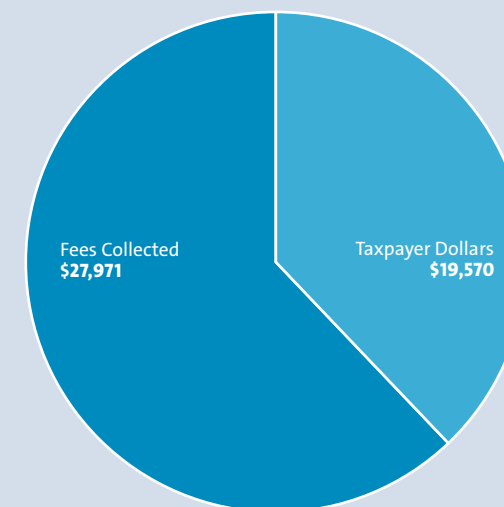
The Copyright Office has three line items within the **\$54.3 million** dollar appropriation noted above. This covers the Copyright Office Salaries and Expenses ("Copyright Office BASIC"), the Licensing Division (which is funded entirely by filing fees and administrative charges from the royalty pools of statutory licenses) ("COP Licensing Division"), and the Copyright Royalty Board (which is funded by both taxpayer dollars and administrative fees from statutory royalties) ("CRB").

Salaries and expenses of the Copyright Office come out of the Copyright Office's appropriation, with the exception of four employees on the Office's 22 person mandatory deposit staff who are funded by the Library.



**Copyright Office FY 2015 Operating Plan**  
Total Authority \$54,303 (Dollars in Thousands)

Of the **\$47.5 million** that constitutes the Copyright Office BASIC budget, **\$28 million** of that comes from fees collected, and **\$19.6 million** comes from taxpayer dollars.



**Copyright Office BASIC FY 2015 Operating Plan**  
Total Authority \$47,541 (Dollars in Thousands)

## STAFFING

In FY 2015, the Library of Congress had an FTE ceiling of 3,746. Within this, the Copyright Office had an FTE ceiling of 475 as follows: 439 for core functions (BASIC), 30 for the Licensing Division, and 6 for the Copyright Royalty Board. During the budget preparations for FY 2016, however, the Library was asked to eliminate unused FTEs across the agency. The Library's overall FTE ceiling was reduced to 3,401. This number included, in the case of the Copyright Office, FTEs that were not filled because of FY 2015 funding shortfalls. The Library's 2016 Budget Justification shows the Copyright Office losing 61 FTEs out of 475, bringing the total to 414 authorized FTEs, the lowest in decades. However, the Office has requested 20 new FTEs for the registration program, paid via customer fees, and 5 for the recordation program, paid via taxpayer dollars, bringing the Copyright Office's total 2016 request to 439. The Office will continue to request FTEs in this manner, tying requests for funding and for staffing to new or updated functions.

## BUILDINGS

The Architect of the Capitol receives appropriations for maintenance, care, and operation of the Jefferson, Madison, and Adams buildings and grounds, as well as appropriations to cover heat, light, and power. The Library does not pay rent or utilities for occupancy of these Architect-managed properties.



## BUDGET TESTIMONY AND WRITTEN STATEMENTS

### FY 2016

Library of Congress, Fiscal 2016 Budget Justification: <http://copyright.gov/about/budget/2015/loc-fy2016-budget-justification.pdf>

S. REP. NO. 114-64, *Legislative Branch Appropriations, 2016* (2015) (discussion of Library of Congress budget beginning at p. 38): <https://www.congress.gov/114/crpt/srpt64/CRPT-114srpt64.pdf>

H.R. REP. NO. 114-110, *Legislative Branch Appropriations Bill, 2016* (2015) (discussion of Library of Congress budget beginning at p. 15): <https://www.congress.gov/114/crpt/hrpt110/CRPT-114hrpt110.pdf>

*FY16 Library of Congress & Architect of the Capitol Budget: Hearing Before the Subcomm. on the Legis. Branch of the S. Comm. on Appropriations, 114th Cong.* (2015)

- » Hearing materials: <http://www.appropriations.senate.gov/hearings/legislative-branch-subcommittee-hearing-fy16-library-of-congress-and-architect-of-the-capitol-budget>
- » Prepared written statement of Dr. James H. Billington, Librarian of Congress: <http://www.appropriations.senate.gov/imo/media/doc/hearings/031715%20LOC%20Librarian%20Billington%20Testimony%20-%20LegBranch.pdf>
- » Prepared written statement of Maria A. Pallante, Register of Copyrights: <http://www.appropriations.senate.gov/imo/media/doc/hearings/031715%20LOC%20Register%20of%20Copyrights%20Testimony%20-%20LegBranch.pdf>

*Budget Hearing – Architect of the Capitol and Library of Congress: Hearing Before the Subcomm. on the Legis. Branch of the H. Comm. on Appropriations, 114th Cong.* (2015)

- » Hearing materials: <http://appropriations.house.gov/calendar/eventsingle.aspx?EventID=393997>
- » Prepared written statement of Dr. James H. Billington, Librarian of Congress: <http://docs.house.gov/meetings/AP/AP24/20150226/102996/HHRG-114-AP24-Wstate-BillingtonD-20150226.pdf>
- » Prepared written statement of Maria A. Pallante, Register of Copyrights: <http://copyright.gov/about/budget/2015/budget-testimony-fy16.pdf>
- » Questions for the record: <http://copyright.gov/about/budget/2015/fy16qfr-house.pdf>

### FY 2015

Library of Congress Fiscal 2015 Budget Justification: <https://www.loc.gov/portals/static/about/reports-and-budgets/pdf/fy2015.pdf>

S. REP. NO. 113-196, *Legislative Branch Appropriations, 2015* (2014) (discussion of Library of Congress budget beginning at p. 38): <https://www.congress.gov/113/crpt/srpt196/CRPT-113srpt196.pdf>

H.R. REP. NO. 113-417, *Legislative Branch Appropriations Bill, 2015* (2014) (discussion of Library of Congress budget beginning at p. 13): <https://www.congress.gov/113/crpt/hrpt417/CRPT-113hrpt417.pdf>

*FY15 Architect of the Capitol, Library of Congress and Open World Leadership Center Budget Requests: Hearing Before the Subcomm. on the Legis. Branch of the S. Comm. on Appropriations, 113th Cong.* (2014)

- » Hearing materials: <http://www.appropriations.senate.gov/hearings/fy15-aoc-loc-and-owlc-budget-requests>
- » Prepared written statement of Dr. James H. Billington, Librarian of Congress: [http://www.appropriations.senate.gov/imo/media/doc/hearings/20140403\\_JHB%20Fiscal%202015%20SenateTestimony\\_FINAL.pdf](http://www.appropriations.senate.gov/imo/media/doc/hearings/20140403_JHB%20Fiscal%202015%20SenateTestimony_FINAL.pdf)
- » Prepared written statement of Maria A. Pallante, Register of Copyrights: [http://www.appropriations.senate.gov/imo/media/doc/hearings/2015\\_COP%20Senate%20Testimony\\_Pallante\\_FINAL\\_4%204%2014.pdf](http://www.appropriations.senate.gov/imo/media/doc/hearings/2015_COP%20Senate%20Testimony_Pallante_FINAL_4%204%2014.pdf)
- » Questions for the record: <http://copyright.gov/about/budget/2014/fy15qfr-senate.pdf>

*Budget Hearing – Library of Congress: Hearing Before the Subcomm. on the Legis. Branch of the H. Comm. on Appropriations, 113th Cong.* (2014)

- » Hearing materials: <http://appropriations.house.gov/calendararchive/eventsingle.aspx?EventID=370375>
- » Prepared written statement of Dr. James H. Billington, Librarian of Congress: <http://docs.house.gov/meetings/AP/AP24/20140305/101801/HHRG-113-AP24-Wstate-BillingtonD-20140305.pdf>
- » Prepared written statement of Maria A. Pallante, Register of Copyrights: <http://copyright.gov/about/budget/2014/regstat03052014.html>
- » Questions for the record: <http://copyright.gov/about/budget/2014/fy15qfr-house.pdf>



## RELATIONSHIP TO THE LIBRARY OF CONGRESS

Congress created the Copyright Office in 1897, at the dawn of the twentieth century, making it a separate department within the Library of Congress and providing for a separate appropriation. For a short time before the establishment of the Copyright Office, from 1870 to 1896, the Library of Congress administered the copyright registration system directly, under the leadership of Librarian Ainsworth Rand Spofford, a former Cincinnati bookseller. At the time, having such functions exercised by the Library seemed to provide a number of advantages. It centralized in one place the indexing and certification of records that had been undertaken by the disparate federal courts for eighty years prior, and it provided a free flow of copyrighted works, primarily books, to the Library's collection.

The turn of the twentieth century was a remarkable period for the copyright law, however, and the ensuing legal and business responsibilities threatened to overtake the bibliographic mission of what Spofford called the "Library proper." Testifying in an 1896 hearing, he implored Congress to establish separate functions "under the power of a new officer, called the registrar of copyrights." The Librarian bemoaned spending seventy-five percent of his time on copyright matters and stated that as many as twenty-seven of his forty-two Library staff were consumed with the "great variety and complication of the copyright business," causing arrears "to such a degree as to be discreditable to the government."

Nonetheless, Congress and Spofford were interested in maintaining the copyright system as a "means of acquisition" for the Library. This premise seems to be more than just a practical one; it was likely linked to the fact that, in those days, the act of copyright registration was a legal precondition of securing ongoing federal protection for many works. As one Congressman suggested, there "ought to be some relationship between the Librarian and the register of copyrights that would enable the Librarian to see to it that the Government was getting the value of what it gave."

Aside from registration, the current Copyright Act also contains a provision requiring copyright owners to deposit two copies of the "best edition" of works published in the United States with the Copyright Office for the benefit of the Library's collection, subject to the Register's authority to make exceptions. This mandatory deposit provision is similar to "legal deposit" requirements used by national libraries around the world. To minimize the burden on copyright owners, Congress specified that the obligation could be equally satisfied if copyright owners submitted "best edition" formats for registration. Unfortunately, over time, the conflation of these provisions appears to have prevented both registration and mandatory deposit functions from maturing appropriately, and new tensions have arisen in the context of digital works and the digital revolution more generally. Today, the Register of Copyrights does not need preservation quality deposits in order to examine, certify, and register creative works, but, rather, the ability to develop a swift, data-driven system that is more timely and useful to the copyright economy. And the Library frequently does not want the best published edition, but rather needs a format that is free of copy controls and otherwise suited to preservation. As a practical matter, the ability to demand digital works requires careful collaboration with copyright owners regarding security expectations and public access.

For Constitutional reasons, the copyright duties of the Librarian have become much more involved in recent years. This is because some statutory functions require the approval of a principal officer of the United States — or the agency head. Thus, in addition to running Library activities, the Librarian appoints and oversees the Copyright Royalty Judges and approves all copyright regulations formulated by the Register and other Copyright Office officers. This includes Copyright Office fees and the Section 1201 rulemaking under the Digital Millennium Copyright Act. That law provides that the Librarian may adopt exemptions upon the recommendation of the Register of Copyrights, which are made after a lengthy public process and after consultation with the Assistant Secretary of Commerce.



### PHOTO CAPTIONS

Individuals in photographs with multiple subjects are listed from left to right. Unless noted, photos by David Rice.

#### COVER

Composite image of Earth from 2012 by NASA. Asimov quote from *My Own View*, in THE ENCYCLOPEDIA OF SCIENCE FICTION (Robert Holdstock ed., 1978), later published in Isaac Asimov, ASIMOV ON SCIENCE FICTION 5 (1981).

INSIDE COVER and PAGE 4  
U.S. Capitol.

PAGE 8  
Photos by iStock.

PAGE 13  
LEFT New York University Law School, June 23, 2014. Jacqueline C. Charlesworth. Photo by John Riley. RIGHT Making Available Study roundtable, May 5, 2014. Terry Hart, Glynn Lunney, and Peter Menell.

PAGE 14  
Photos by iStock.

PAGE 16  
TOP and BOTTOM Photos by iStock. MIDDLE Copyright all staff meeting, October 13, 2014. Robert J. Kasunic.

PAGE 19  
TOP LEFT Photo by iStock. TOP RIGHT A summer intern scans applications. BOTTOM Dineda Nyepan updates copyright.gov.

PAGE 20  
House Committee on the Judiciary Hearing Room.

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TOP IPEC Danny Marti, Vice President Joe Biden, and Register of Copyrights Maria A. Pallante. Photo courtesy White House. MIDDLE ASCAP 100th anniversary reception, February 25, 2014. Sen. Orrin Hatch of Utah and Paul Williams. BOTTOM Copyright Society of the USA Annual Meeting, June 10, 2014. Joseph Salvo and Rep. Judy Chu of California.

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LEFT Orphan Works and Mass Digitization roundtable, March 10, 2014. Karyn Temple Claggett. RIGHT Supreme Court of the United States.

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TOP LEFT Senate Committee on the Judiciary Hearing Room. TOP RIGHT Satellite TV Extensions Localism Act hearing, May 8, 2014. Rep. Bob Goodlatte of Virginia. BOTTOM House Subcommittee on Intellectual Property, Competition, and the Internet hearing, March 14, 2011. Register of Copyrights Maria A. Pallante, David Sohn, Daniel Castro, and Frederick Huntsberry. Photo by Cecelia Rogers.

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TOP Copyright Office event commemorating World Intellectual Property Day, April 23, 2014. Francis Gurry, WIPO Director General. BOTTOM Copyright Office event celebrating the 100th anniversary of ASCAP, February 25, 2014. Dee Dee Myers, Jimmy Webb, and Paul Williams.

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Photo by iStock.

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TOP Photo by iStock. BOTTOM Xander Harcourt assists members of the public in the Public Information Office.

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TOP LEFT Barbara Ringer Fellows Rachel Fertig and Michelle Choe. TOP RIGHT Copyright Society of the USA Gala, June 7, 2014. Karyn Temple Claggett and Sarang V. Damle. BOTTOM Registration specialists gather for training.

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TOP Copyright Society of the USA Annual Meeting, June 9, 2014. Abraham L. Kaminstein Scholar in Residence Robert Brauneis. MIDDLE House Subcommittee on Courts, Intellectual Property, and the Internet hearing, Oversight of the U.S. Copyright Office, September 18, 2014. Copyright Office leadership: Jacqueline C. Charlesworth, William J. Roberts, Jr., Robert J. Kasunic, Douglas P. Ament, and Elizabeth R. Scheffler. BOTTOM Copyright Matters event, May 24, 2012. Paul Goldstein. Photo by Cecelia Rogers.

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House Subcommittee on Courts, Intellectual Property, and the Internet hearing, A Case Study for Consensus Building: The Copyright Principles Project, May 16, 2013. Jon Baumgarten, Laura Gasaway, Daniel J. Gervais, Pamela Samuelson, and Jule Sigall. Photo by Cecelia Rogers.

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James Madison building colonnade.

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The Thomas Jefferson and James Madison buildings on Capitol Hill.



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The Congress shall have Power . . .  
To promote the Progress of Science and  
useful Arts, by securing for limited Times  
to Authors and Inventors the exclusive Right  
to their respective Writings and Discoveries.

CONSTITUTION OF THE UNITED STATES  
[ARTICLE 1, SECTION 8]

