



UNITED STATES COPYRIGHT OFFICE

# PRIORITIES AND SPECIAL PROJECTS OF THE UNITED STATES COPYRIGHT OFFICE

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## EXECUTIVE SUMMARY

This paper summarizes the priorities of the United States Copyright Office over the next two years with respect to copyright policy and administrative practice, and announces a series of new projects designed to improve the quality and efficiency of its services in the twenty-first century. For the benefit of the public, the paper also describes the history, responsibilities, and funding of the Office.

One of the Office's core responsibilities is providing leadership and impartial expertise on questions of copyright law and policy. Copyright law is the engine of free expression and a major building block in the world economy. It plays a critical role in promoting and disseminating American works of authorship and in sustaining large and small businesses in the information, entertainment, and technology sectors. As copyright issues have become more ubiquitous, the Office has had to find innovative ways to assist users of copyrighted works and to provide education about core copyright principles.

Congress has charged the Copyright Office with administering the Copyright Act for well over a century. As the Office charts a course for the future, it will need to attract and retain a dedicated and highly skilled staff. At the same time, it will need to harness the considerable talents of the private sector — not only to invite fresh ideas for improving registration and other public services, but also to maximize the agency's potential through collaborations and other entrepreneurial strategies.

The seventeen priorities and ten special projects presented here reflect the commitment of the Office to address current complexities in the copyright system and to prepare for future challenges.

Comments on the paper may be sent to: [registerofcopyrights@copyright.gov](mailto:registerofcopyrights@copyright.gov).

## HISTORY, RESPONSIBILITIES, AND FUNDING

The Copyright Office was founded in 1870, when Congress removed copyright registration from the district courts and centralized it in the Library of Congress. Today, the Copyright Office has approximately 450 employees, the majority of whom examine and register hundreds of thousands of copyright claims in books, music, movies, software, photographs, and other works of authorship each year. In fiscal year 2011, the Office processed more than 700,000 registration claims. The Office's registration system and the companion recordation system constitute the world's largest database of copyrighted works and copyright ownership information.

The Office administers several statutory licenses that manage and disperse private monies, including those pertaining to copyright owners' rights in programming on broadcast television signals that are retransmitted by cable operators and satellite carriers.

It also provides basic copyright information services to the public in a variety of ways. Last year, the Office's Information and Records Division answered hundreds of thousands of inquiries by phone and email, performed search and retrieval functions for customers involved in research and litigation, and served a substantial number of in-person visitors.

Congress has also prescribed critical law and policy functions for the Copyright Office. *See* 17 U.S.C. § 701. These include: domestic and international policy analysis; legislative support for Congress; litigation activities; support for the courts and executive branch agencies (including significant efforts on trade and antipiracy initiatives); participation on U.S. delegations in meetings with foreign governments or private parties; attendance and participation at intergovernmental meetings and other international events; hosting copyright training for copyright officials from developing countries; and providing public information and education. The Copyright Office works regularly with the Department of Justice, the Department of State, the Office of the U.S. Trade Representative, and the Department of Commerce, including the Patent and Trademark Office. By statute, the Register of Copyrights is a member of the interagency intellectual property enforcement advisory committee chaired by the U.S. Intellectual Property Enforcement Coordinator (IPEC).

## FUNDING

The Copyright Office has an overall annual operating budget of approximately \$54 million. About 65 percent of the annual budget comes from fees for services, collected by the Office on a partial cost-recovery basis. Congress determines on an annual basis what portion of this income the Office may spend or reinvest. The Copyright Office receives the remainder of its funding from federal appropriations. However, these appropriated dollars must be viewed, in part, in the context of the Office's work on behalf of the Library of Congress. In fiscal year 2010, for example, the Copyright Office managed the deposit or demand of well over 800,000 copies of creative works for the nation's collections, providing to the Library books, motion pictures, sound recordings, and other works valued at approximately \$33 million dollars, which the Library otherwise would have had to purchase. Largely through copyright deposits, the Library of Congress continues to build and preserve the record of America's creativity.

The Copyright Office revisits its schedule of fees approximately every three years, a process during which it seeks public comment before making recommendations to Congress. Determining the relationship between the cost of services and pricing is a sophisticated process that must take into account both the cost of delivering services and the goals of the national copyright system. Although copyright registration and the recordation of copyright assignments and licenses provide a significant benefit for the public record, neither is required of authors or other copyright owners by law. Moreover, while there are certain legal and evidentiary benefits for copyright owners who register

or record in a timely manner, pricing is a key factor in whether they will choose to do so—particularly for independent creators. Currently, the fee is \$35 for a basic application submitted online. For an application submitted using a paper form, the fee is \$65. Group registration fees vary. *See* 37 C.F.R. § 201.3(c).

Increasing participation in the national registration and recordation systems is an important national objective. Ultimately, the public database of copyright ownership serves users of copyrighted materials as much as it serves copyright owners. A robust public record of copyright ownership and copyright status is essential to facilitating marketplace transactions (and the corresponding dissemination of works), and encouraging development of innovative business models that rely on the protection (or the expiration of protection) of copyrighted works. To date, all catalog records from 1978 to the present are accessible online and searchable in a variety of ways. The Office is also digitizing 70 million historic records dating from its inception in 1870 through 1977, many of which pertain to works still protected by copyright law in the United States and abroad.

### *ELECTRONIC REGISTRATION*

In 2007, former Register of Copyrights Marybeth Peters initiated a multi-year reengineering effort that included converting the paper-based copyright registration system of the past century to a digital system. In building and launching the new system, the Copyright Office experienced an immediate backlog of claims that was not unexpected given the resulting major work process changes, temporary staff relocations, system testing and servicing, and widespread workforce training. The backlog peaked in 2009, but with support from the Library, was eliminated so that in recent months the Office has returned to a normal queue of open claims—an achievement that speaks to the dedication of our employees in the registration program.

Today, more than 80 percent of registration claims come to the Copyright Office electronically. The Office generally issues registration certificates in two to four months in such cases. Most paper claims take seven to ten months, in part because the Office must convert them to electronic form before proceeding with cataloging and examination. The Office frequently discusses with stakeholders, and will continue to explore, the question of what constitutes a reasonable processing time for registration claims. However, because the electronic filing system allows for hybrid submissions (where the application and fee, submitted on-line, are followed up by a hard-copy deposit mailed or hand-delivered separately), and because some claims require the Office to further correspond with the applicant, the Office will always have categories of work that take longer to process. These claims are an anticipated and routine part of the Office's business operations.

Ensuring the accuracy and integrity of the public records in its care is an especially critical function of the Copyright Office, and one that weighs heavily in the evaluation

of what constitutes the optimal turn-around time for customers awaiting registration certificates. Copyright owners, users, and courts throughout the world rely upon the information in these records. Moreover, the Office is also aware that public registration is of growing interest in the global copyright world. In recent months, the Office has hosted several foreign governments interested in studying the U.S. copyright registration system and delivered presentations to international audiences at the request of the World Intellectual Property Organization.

## PRIORITIES IN COPYRIGHT POLICY

The Copyright Office has substantial responsibilities in domestic and international policy. The Register often testifies before Congressional committees on copyright policy questions, and attorneys in both the Office of the General Counsel and the Office of the Associate Register for Policy and International Affairs produce comprehensive legal analyses and studies for the benefit of Congress and the general public. The Office works closely with Congressional offices on copyright legislation and related developments, and coordinates with a wide diversity of stakeholders on such issues. Enforcement and antipiracy efforts of the United States are an important focus for the Copyright Office. It also has a long history in the drafting and updating of exceptions and limitations to copyright law for the benefit of the public.

Lawyers in the Office's Policy and International Affairs group are also experts in foreign copyright law and the copyright treaty obligations of the United States. They serve on U.S. government delegations for bilateral and regional trade and copyright treaty negotiations between the United States and important trading and copyright treaty partners. Lawyers in the General Counsel's Office have expertise in the statutory licenses and in copyright registration and recordation practices. They also regularly assist the Department of Justice in significant litigation involving copyright law and policy. In all of its work, the Office builds upon the fundamental principles of copyright law that have been set forth by Congress and upheld by the courts for more than 200 years.

The Office's policy priorities for the next 24 months are as follows, subject to new developments in the United States and abroad.

## STUDIES

### **SMALL CLAIMS SOLUTIONS FOR COPYRIGHT OWNERS**

Copyright law affords a bundle of exclusive rights to authors, including the rights to reproduce, distribute, publicly display, and publicly perform their creative works, or license others to do so. However, these rights are meaningless if they cannot be enforced. As the ease of infringement has risen, so too has the cost of federal litigation. At the request of Congress, the Copyright Office is conducting a study regarding alternative means of resolving copyright infringement claims when such claims are likely to involve limited amounts of monetary relief. Initial public comments are due January 16, 2012. Anticipated publication date: October 2013. [www.copyright.gov/docs/smallclaims](http://www.copyright.gov/docs/smallclaims)

### **LEGAL TREATMENT OF PRE-1972 SOUND RECORDINGS**

U.S. sound recordings created before February 15, 1972 are not currently covered by federal copyright law. The Copyright Office is conducting a study at the request of Congress on pertinent issues, including the advantages and disadvantages of providing federal coverage, how such coverage might be enacted, the relationship of current law or proposed changes to the preservation or public access to pre-1972 sound recordings, and the financial or other impact any changes in law would have on affected rights holders. The study will also explore possible means for accomplishing such coverage. Publication date: December 2011. [www.copyright.gov/docs/sound](http://www.copyright.gov/docs/sound)

### **MASS BOOK DIGITIZATION**

The Copyright Office has undertaken a preliminary analysis identifying the issues related to mass book digitization—developments the Office analyzed in connection with the U.S. Statements of Interest filed in the Google Book Search litigation, as well as in testimony on the subject provided by former Register Marybeth Peters in the House of Representatives. The analysis addresses the current landscape and marketplace; possible methods to facilitate digitization projects, including voluntary, extended, and statutory collective licensing; and the implications for prior studies and proposals to address orphan works ([www.copyright.gov/orphan](http://www.copyright.gov/orphan)) and section 108 library and archive exceptions in the digital age ([www.section108.gov](http://www.section108.gov)). The Office will use the analysis as the basis for future research and policy discussions in the United States. Publication date: October 2011. [www.copyright.gov/docs/massdigitization](http://www.copyright.gov/docs/massdigitization)

## LEGISLATIVE WORK

### ROGUE WEBSITES

Congress is exploring ways to provide more effective legal tools to address online infringement of U.S. books, films, music, and software, including infringement that originates overseas. So-called rogue websites are a particularly egregious problem. Typically, these websites make money either by directly selling pirated copies to the public, often accepting payment by means of major credit cards, or by selling advertising on the sites. Potential legislative solutions would make it possible for the United States Attorney General (and possibly copyright owners) to obtain various court orders including: injunctions ordering operators of the sites to cease their infringing activity; orders to credit card companies and Internet advertising agencies to cease providing services to the websites; and orders requiring domain name server operators and search engines to cease directing end users to websites. In March 2011, the Register of Copyrights testified about the problem before the House Judiciary Committee, recommending that Congress design legislation to “follow the money,” while also considering the role of all players in the website ecosystem ([www.copyright.gov/docs/regstato31411.html](http://www.copyright.gov/docs/regstato31411.html)). The Copyright Office will continue to provide analysis and support to Congress on this important issue.

### ILLEGAL STREAMING

In 1997 and 2004, Congress updated the criminal remedies for copyright infringement to take into account the increasing harm from evolving forms of infringement on the Internet. The focus of those amendments, however, was on the unlawful distribution of “copies” (addressing the rights of reproduction and distribution). Since that time, streaming (which primarily implicates the exclusive right of public performance) has become a major form of dissemination for copyrighted work and illegal streaming has become a more serious threat to copyright owners and legitimate U.S. businesses. Streaming legislation has been introduced in the Senate; the House is expected to address the issue in a comprehensive intellectual property enforcement bill to be introduced in October 2011. The Register of Copyrights testified on the issue before the House Judiciary Committee in June 2011, highlighting the importance of streaming in the legitimate marketplace and calling for an increase in criminal penalties for egregious cases ([www.copyright.gov/docs/regstato60111.html](http://www.copyright.gov/docs/regstato60111.html)). The Copyright Office will continue to support Congress on this high-priority issue.

### PUBLIC PERFORMANCE RIGHT IN SOUND RECORDINGS

For decades, the Copyright Office has supported the extension of the public performance right in sound recordings, the absence of which is unique to the United States vis-à-vis other nations with established copyright laws ([www.copyright.gov/docs/regstato70509.html](http://www.copyright.gov/docs/regstato70509.html)). Legislation was introduced in both the 110TH and 111TH Congresses, but there were

strenuous objections from traditional broadcasters. When sound recordings first became the subject matter of federal copyright law effective February 15, 1972, copyright owners of sound recordings were granted the exclusive rights of distribution and reproduction, but not public performance. In 1995, a limited right to perform a sound recording publicly by means of a digital audio transmission was added, but traditional broadcasters remain free to transmit public performances of sound recordings over the air without the permission of the copyright owners and without making any royalty payments. In addition to the obvious disparity for the performers and producers of these sound recordings, there is an economic disadvantage between the businesses that offer sound recordings over the Internet as compared to those that offer them over the air (the former are required to pay performance royalties while the latter are not). Finding a way to reconcile these differences has been a long-standing goal of Congress and the Copyright Office, and the Office will continue to provide analysis and support on this important issue.

#### ORPHAN WORKS

One issue that has been very widely discussed in recent years is how to create a legal framework to facilitate the authorized use of so-called “orphan works.” Orphan works are defined, in this context, as works for which authors cannot be identified and located by prospective users in situations that would otherwise require permission and licenses. In 2006, the Copyright Office delivered a major study to Congress on this issue: *Report on Orphan Works* ([www.copyright.gov/orphan](http://www.copyright.gov/orphan)). The Office agreed with many in the copyright community that millions of works that could be available to the public (e.g., for research, education, or use in mainstream books or documentary films), are barred from use because of the inability to find rightsholders. The Office proposed limiting the remedies a copyright owner might obtain against one who has failed to identify or locate the copyright owner after conducting a reasonable, diligent search (details of which were later defined in draft legislation to incorporate best practices and technological tools). The House and Senate worked extensively on orphan works legislation in the 109<sup>TH</sup> and 110<sup>TH</sup> Congresses. The topic then stalled after the parties to litigation involving the Google Book Search program announced a proposed settlement agreement in part because it had implications for orphan books. However, in 2011 the court rejected an amended version of the settlement, expressly ruling that the disposition of orphan works belongs with Congress, not the courts. See *Authors Guild v. Google Inc.*, 770 F. Supp. 2d 666, 677–78 (S.D.N.Y. 2011). Foreign countries, including members of the European Union, are also renewing their focus on the orphan works problem. The Copyright Office will continue to provide analysis and support to Congress on this important issue.



**COPYRIGHT EXCEPTIONS FOR LIBRARIES**

In 2008, the Copyright Office received the Section 108 Report ([www.section108.gov](http://www.section108.gov)) which details concerns with the current copyright exceptions for libraries and archives (and discusses expanding the section 108 exceptions to museums). The independent study group included a mix of copyright owners and copyright users; its work was cosponsored by the Librarian of Congress and the Register of Copyrights. In sum, the 2008 report concluded that section 108 fails to meet the needs of libraries and archives (and other entities, such as museums) dealing with born-digital works, digital preservation and conversion issues, as well as numerous types of uses and lending of works by patrons of these institutions. Because some of the issues were implicated in the Google Book Search litigation (including issues related to providing access to copyrighted works), some stakeholders were wary of proceeding too quickly with legislative discussions. However, because many of the issues are critical for libraries, in 2012 the Office will formulate a discussion document and preliminary recommendations on these issues.

**MARKET-BASED LICENSING FOR CABLE AND SATELLITE RETRANSMISSION**

Several provisions of the Copyright Act, Title 17 of the U.S. Code, set forth compulsory terms and conditions for the retransmission of distant and local broadcast television signals by cable operators and satellite carriers. Compulsory licenses are, under any copyright system, an exception to the otherwise exclusive rights of copyright owners. In U.S. law, the cable and satellite retransmission compulsory licenses in sections 111, 119, and 122 were created at the dawn of commercial cable systems (in the 1970s), and satellite systems (in the 1980s) to allow nascent industries to flourish. At the request of Congress, the Copyright Office just completed a study analyzing possible market mechanisms and licensing models, and providing a time frame under which Congress might phase out these statutory provisions. Congress requested additional studies from the Federal Communications Commission and the Government Accountability Office, on “must carry” rules and other issues of communications policy. The Office’s report was published on August 29, 2011. The Office will continue to work with Congress as it considers the phase out and the possible transition to market models. [www.copyright.gov/docs/section302](http://www.copyright.gov/docs/section302)

**TRADE AND FOREIGN RELATIONS****WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

The Register of Copyrights and other senior leaders in the Office regularly participate in conferences and symposia sponsored by the World Intellectual Property Organization in Geneva and in other WIPO-sponsored meetings throughout the world. The Copyright Office and WIPO also cosponsor training programs for private sector and government

officials from developing countries, as well as from other countries that are revisiting their copyright laws or enforcement regimes.

Copyright Office experts routinely work with other U.S. government agencies to represent the United States in meetings on copyright and related subjects at WIPO. Currently, the WIPO Standing Committee on Copyright and Related Rights (SCCR) is considering: (1) text for a proposed treaty to further protect audiovisual performers (which will be discussed at a Diplomatic Conference in summer 2012); (2) possible international instruments for the dissemination of materials (within countries and across borders) for blind, visually impaired, and print disabled persons, and (3) possible international instruments pertaining to the protection of broadcast signals.

The Office is also working with other Library of Congress staff and with U.S. publishers on U.S. participation in the Trusted Intermediary Global Accessible Resources Project (TIGAR), a voluntary pilot project involving cross-border licensing of accessible works for visually impaired persons. In addition, the Office is participating in Intergovernmental Committee deliberations on the possible international recognition of and protection for traditional cultural expressions, as well as other copyright projects approved by the Committee on Development and Intellectual Property.

#### **TRANS-PACIFIC PARTNERSHIP AND OTHER TRADE PRIORITIES**

Legal and policy experts at the Copyright Office continue to support the Office of the United States Trade Representative and other executive branch agencies by providing substantive copyright analysis to U.S. negotiators in multilateral trade and treaty deliberations. They also serve on official delegations and negotiating teams. Current trade priorities include: the negotiations for the proposed Trans-Pacific Partnership; the implementation of existing and pending Free Trade Agreements (including those recently approved by Congress with South Korea, Colombia, and Panama); the annual “Special 301” process; various bilateral trade initiatives; and other points of intellectual property rights (IPR) engagement in bilateral or multilateral contexts. There are numerous other fora in which copyright and trade interests intersect and in which the Copyright Office participates, including the Joint Commission on Commerce and Trade with China, the Asia-Pacific Economic Cooperation forum, and ongoing IPR dialogues with nations and regional groups.

The Copyright Office has throughout its history provided expertise and impartial review and analysis of foreign copyright laws and, more recently, on copyright enforcement matters (in both the hard goods and online environments). The Office undertakes reviews of existing and proposed new copyright laws and amendments in a variety of ways, including ongoing bilateral contacts and multilateral activities, such as World Trade Organization accessions and trade policy reviews. Requests for the Office’s

legal reviews are also frequently initiated by Congressional offices, by colleagues in other U.S. agencies, or by the foreign governments themselves.

## PRIORITIES IN ADMINISTRATIVE LAW PRACTICE

The Copyright Office carries out an administrative law practice consistent with the technical and substantive authority Congress has granted it under the Copyright Act and other provisions of Title 17. The Register of Copyrights is charged with conducting rulemakings, implementing regulations, and publishing practices relating to the registration of copyrights, the recordation of copyright documents, and the administration of certain statutory licenses. The Office's work in this area has grown over the years in order to keep pace with legal developments and technological changes.

The Office's current administrative priorities for the next 24 months are as follows. Ongoing developments and some of the Office's special projects may yield additional regulatory work.

### **PROHIBITION ON CIRCUMVENTION OF MEASURES CONTROLLING ACCESS TO COPYRIGHTED WORKS**

The Copyright Office has commenced its fifth triennial rulemaking (the initial rulemaking occurring in 1998) in accordance with provisions of the Digital Millennium Copyright Act (DMCA) found in section 1201(a)(1) of Title 17, which provide that the Librarian of Congress, upon the recommendation of the Register of Copyrights, may exempt certain classes of works from the prohibition against circumvention of technological measures that control access to copyrighted works when the circumvention is undertaken for certain noninfringing uses. Initial public comments on the current (de novo) rulemaking process are due December 1, 2011. Reply comments will be due in February 2012 and hearings will be conducted in the spring of 2012. [www.copyright.gov/1201](http://www.copyright.gov/1201)

### **ELECTRONIC SYSTEM FOR THE DESIGNATION OF AGENTS UNDER THE DMCA**

The Copyright Office has commenced a rulemaking to amend its regulations and practices governing the designation by online service providers of agents to receive notifications of claimed copyright infringement as provided in section 512 of the Copyright Act. The Office intends to implement a revised electronic process for this service. This process will update the directory of designated agents and expedite the process for filing and maintaining the accuracy of designated agent information in the directory. Initial public comments are due November 28, 2011 and reply comments are due December 27, 2011. [www.copyright.gov/onlinesp/NPR](http://www.copyright.gov/onlinesp/NPR)

#### **REVIEW OF GROUP REGISTRATION OPTIONS**

The Copyright Office is examining registration accommodations for groups of related works, including, for example, photographs or unpublished collections, both with respect to the revision of existing options and the development of new group registration options. The market transition from the distribution of discrete tangible copies to online access and dissemination models raises important questions about the extent to which the Office should accommodate aggregated claims, recurring updates to compilations, the fees necessary to process and examine group claims, and the ways in which the Office can create a meaningful public record of group claims. Areas of focus include automated databases and electronic serials. These group registration projects are closely related to the issues of websites, blogs, and other means of publication online, discussed below. The Office expects to announce various group registration proposals in the first half of 2012.

#### **REGISTRATION OPTIONS FOR WEBSITES AND OTHER FORMS OF DIGITAL AUTHORSHIP**

Registration of content that is disseminated online, e.g., on websites and blogs, presents certain challenges to the copyright registration system. The Copyright Office has considered these challenges as the online environment has evolved. When a website contains a great number of contributions from many authors, and changes daily or even several times a day, what is the appropriate unit of registration? How can an accurate, informative record of copyright ownership be created? What is the appropriate deposit? Should a group registration scheme be implemented that would permit a single registration to cover content disseminated over a period of many days or weeks? The Office intends to engage in consultations with stakeholders and seek public comment on possible solutions and decisions in 2012.

#### **ELECTRONIC ADMINISTRATION OF THE STATUTORY LICENSES**

The Copyright Act requires cable operators and satellite carriers to file statements of account with the Copyright Office as a condition for use of the statutory licenses that allow for the retransmission of distant and local television broadcast signals. In 2010, the Copyright Office commenced a reengineering project to streamline the filing, processing, searching, and archiving of statements of account as a means to make these documents more quickly accessible to the public via a web portal. A pilot program to accept electronic filings from cable operators will begin in 2012. Another pilot project to test a new system to accept electronically filed notices of intention to obtain a compulsory license for making and distributing phonorecords is expected to begin before the end of 2011. The Office also intends to update its regulations for use of the statutory licenses that allow for the retransmission of distant and local broadcast television signals to account for the differences associated with the use of digital technology in providing these signals, as well

as its regulations governing statements of account for the section 115 compulsory license. Proposals will be published in 2012.

#### **RECORDING NOTICES OF TERMINATION OF COPYRIGHT TRANSFERS**

Section 203 of the Copyright Act provides authors (and some heirs, beneficiaries, and representatives specified by statute) the right to terminate certain grants of transfers or licenses “executed ... on or after January 1, 1978” (the effective date of the Copyright Act of 1976). Early in 2011, the Copyright Office amended its regulations to make clear that it will record notices of termination of so-called “Gap Grants,” where the agreement to make the grant was made prior to 1978 but the work was not actually created until after 1977. The amendment left it to the courts to determine the validity of such notices of termination. Some commenters suggested that the Office should explore additional measures that would provide parties with guidance in determining when a Gap Grant was “executed” under the law, following the Office’s own analysis and conclusion that these grants are likely terminable under section 203. The Office intends to seek public comment on such measures during 2012. [www.copyright.gov/docs/termination](http://www.copyright.gov/docs/termination)

## **SPECIAL PROJECTS**

To improve quality and efficiency of its services in the twenty-first century, the Copyright Office is pleased to announce a series of special projects for the next two years, some of which commenced this month.

#### **STUDY OF FEES AND SERVICES**

On October 1, 2011, the Copyright Office commenced a study of the costs it incurs and the fees it charges with respect to the registration of claims, recordation of documents, and other public services, pursuant to its authority under 17 U.S.C. § 708(b). The study will offer opportunities for public comment on a number of topics, including fees for expedited services and fee structures that accommodate large and small claimants. Fees for services of the Copyright Office relating to registration and recordation are currently (and historically have been) designed to recover reasonable costs. Copyright Office services benefit many constituencies in the copyright community, including, in particular, the general public and other users of copyrighted works. The roles of all these constituencies (and their needs in both commercial and noncommercial contexts) must be considered when setting fees in the future. Publication date: April 2012.

**REVISION OF THE COMPENDIUM OF COPYRIGHT OFFICE PRACTICES**

On October 1, 2011, the Office commenced a major revision of its Compendium II: Copyright Office Practices (published in 1984 and amended in part in 1988 and 1998). The Compendium is the primary internal guidebook followed by Copyright Office registration specialists and is the recognized authority consulted by copyright owners, legal practitioners, and the courts. This project will include updating examination and recordation practices and corresponding regulations for purposes of consistency, as well as developing certain new practices for the registration and deposit of works of digital authorship consistent with Office regulations and case law. The revision process will include opportunities for stakeholder review and input throughout the process. The revised Compendium will also include practices relating to the Office's Licensing Division. Anticipated publication date: October 2013. [www.copyright.gov/compendium](http://www.copyright.gov/compendium)

**TECHNICAL UPGRADES TO ELECTRONIC REGISTRATION**

Starting in November 2011, Copyright Office staff from across divisions will engage in a series of targeted meetings with business and information technology experts in the copyright industries to discuss enhancements and improvements to the Office's electronic registration and recordation services. The Office will also look to the technology sector and consumer groups for guidance to improve the nature, accuracy, and searchability of the Office's public databases.

In these discussions, the Copyright Office will explore a wide range of questions. For example, what kind of interface is optimal for applicants who apply for registration through a portal on the Copyright Office website? What kind of information should be captured on the application and made searchable? What are the repository standards for acquiring and migrating electronic copyright deposits? How long should the Office retain deposits and under what practices and cost structure? What security measures are necessary? What kind of metadata capture, OCR, and crowdsourcing should the Office pursue?

The Office will also explore the feasibility of connecting the Office's database of registration and recordation records to private sector data, to facilitate the further licensing and use of copyrighted materials. Meetings will be held for an 18-month period starting in November 2011 and will inform the Register's strategic plan for upgrades and improvements to the electronic registration and recordation systems.

**DIALOGUES AND ROUNDTABLES WITH COPYRIGHT COMMUNITY**

The Register of Copyrights, along with members of the Office's legal staff, will meet regularly with participants in the marketplace (including, for example, individual creators of all types of works, publishers, producers of audiovisual works and sound recordings, Internet service providers, distributors and aggregators, educators, libraries, archives, museums, and end-users, such as consumers and bar associations). The purpose of these

meetings is to discuss developments in business and technology and the role of copyright law in facilitating the creation and dissemination of creative works. Specific topics will include investment strategies, evolving business models, licensing options, and other industry practices. These sessions will help inform the Register and her staff as they continue to set the future direction and priorities of the Office. Meetings will begin in November 2011.

#### **RESEARCH PARTNERSHIPS WITH ACADEMIC COMMUNITY**

In recognition of the importance of scholarly research, the Copyright Office will develop opportunities for law schools and universities interested in collaborating with the Office on research projects, subject to the highest standards of scholarship. This work will build upon fundamental principles of copyright law and include emerging issues. A core objective is to publish joint scholarly papers on copyright topics of national and international importance that will be helpful to the work and mission of the Copyright Office and Congress. Additionally, the Office will explore fellowships or other scholar-in-residence programs to produce scholarly research on matters of copyright law and policy. These partnership opportunities (and the topics of interest) will be announced publicly and will be awarded using a standard government selection process. The Office will begin seeking proposals in 2012.

#### **REVISION OF COPYRIGHT OFFICE WEBSITE**

The Copyright Office is undertaking a major revision of its public website, [www.copyright.gov](http://www.copyright.gov), with support from the Library of Congress. The new web site will feature better organization and navigation tools, and will allow users to pinpoint the information and resources that are most relevant to them, based on the purpose of their visit and their relative level of experience with the Copyright Office and copyright law. The site will also offer multimedia resources and more streamlined registration and recordation portals. Development work for the website will be a priority during calendar year 2012 and will include opportunities for public comment.

#### **PUBLIC OUTREACH AND COPYRIGHT EDUCATION**

The rise of digital communication and entertainment platforms means that many more people—including new kinds of authors and other creators, publishers, producers, aggregators, other users of copyrighted materials, and consumers—need assistance in understanding and navigating the law. The Copyright Office staffs a public hotline on copyright and experts on the staff speak frequently at symposia and workshops in the United States and abroad. However, the Office will need to both prioritize resources for public education and find innovative ways to reach the audiences who want help understanding general legal principles as well as registration practices. The Office is in the

process of building a business plan for copyright education, including opportunities for on-site exhibitions, events and collaborations, with the goal of implementing a series of new education projects during 2012 and 2013.

#### **BUSINESS PROCESS REENGINEERING OF RECORDATION DIVISION**

Authors, heirs, and other copyright owners submit a variety of documents to the Copyright Office for public recordation, including copyright assignments, licenses, and other records relating to chain of title. The Copyright Office's recordation division was not part of the reengineering effort implemented in August 2007. Thus, the first goal will be to obtain the information needed to create a plan for the future. In this work, the Office will consult with all relevant stakeholders, including technology and business experts. It will consider, among other issues, standards and expectations of users with respect to searchability, possible ways by which submitters could redact or update their public information, and the feasibility of connecting to privately held records and databases.

In determining the best course of development for the recordation program, the Copyright Office will engage in discussions with copyright owners for all types of works, as well as with all types of users of the public copyright records for research, licensing, and other purposes (commercial and noncommercial). The Office hopes to draw on the diverse experience of stakeholders, including technologists, librarians, practitioners, educators, consumer groups, authors, authors' heirs, and copyright industry groups. Meetings will take place during an 18-month period starting in November 2011 and will inform the Register's strategic plan for this important public service.

#### **PUBLIC ACCESS TO HISTORICAL RECORDS**

A major challenge for the Office is how to make historical copyright records searchable and available online. These records (some 70 million in total) date from 1870 through 1977 and are indexed in multiple formats, such as bound volumes of original applications, card catalogs, published indexes, and hand-written entries. Many of these records are still relevant in determining the copyright status of many works. Working with the other parts of the Library of Congress, interested partners, and contractors, the Copyright Office is in the midst of a multiyear effort to digitize the entire inventory.

How best to make records available to the public is a complex challenge. In order to maximize solutions, the Copyright Office will undertake a broad public discussion among interested parties. Among other strategies, the Office will consider crowdsourcing as a possible option regarding optical character recognition of diverse (and often hand-written) materials and other questions related to metadata capture and indexing. The Copyright Office will also engage experts through a specialized project blog beginning in November 2011. [www.copyright.gov/digitization](http://www.copyright.gov/digitization)



**SKILLS TRAINING FOR COPYRIGHT OFFICE STAFF**

To fulfill its mission, the Copyright Office must be able to attract, develop, and retain a highly skilled staff. On October 1, 2011, the Office launched an internal work life project to begin to address important issues that relate to ensuring a dynamic and effective work force. Among other tasks, the project will address critical skills training and educational opportunities that are essential to furnishing public services, including for example, copyright legal curricula for Office staff, and current developments in the areas of business and technology. ©

