

# UNITED STATES COPYRIGHT OFFICE

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ANNUAL REPORT  
FOR FISCAL 2018



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FOR FISCAL **2018**

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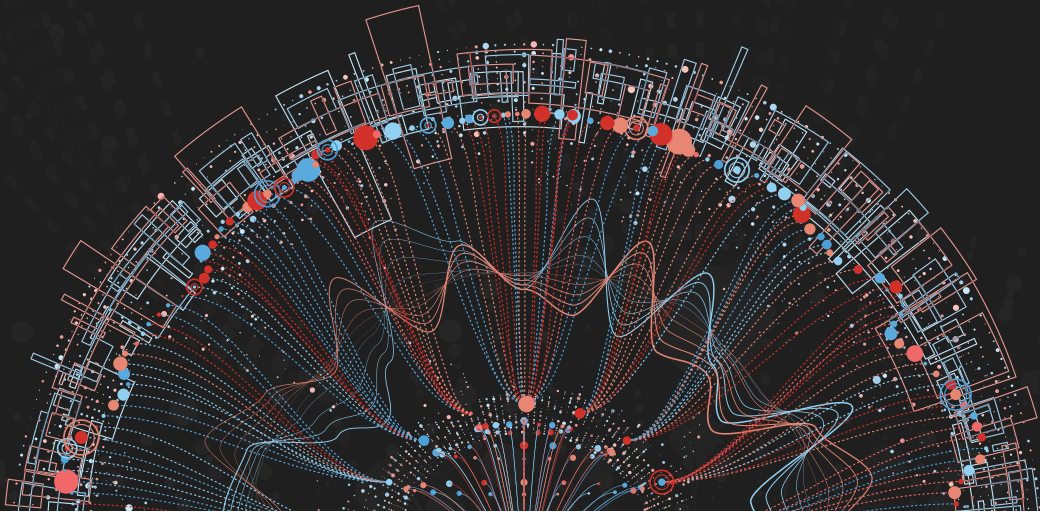
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# HIGHLIGHTS

**FOR MORE THAN A CENTURY, THE UNITED STATES COPYRIGHT OFFICE HAS BEEN CRUCIAL TO THE SMOOTH FUNCTIONING OF THE NATIONAL COPYRIGHT SYSTEM—A SYSTEM THAT GENERATES VAST CULTURAL AND ECONOMIC BENEFITS FOR INDIVIDUALS, COMPANIES, AND THE PUBLIC AT LARGE.**

The Office administers the U.S. copyright law, including by managing the nation's copyright registration and recordation systems; advises Congress, the courts, and executive branch agencies on domestic and international copyright matters; provides copyright information to the public; and manages significant statutory licenses and royalties. The Office's work included a number of new projects in fiscal 2018 to support its mission, including by taking major steps toward modernization, examining more than 640,000 claims for registration, developing in-depth recommendations on the seventh triennial section 1201 rulemaking, and conducting legal and policy studies on moral rights and visual works. During all of this, the Office focuses on the constitutional mandate to “promote the progress of science ... by securing for limited times to authors ... the exclusive right to their respective writings” as envisioned by the U.S. Constitution.<sup>1</sup>

One of the Copyright Office's key priorities in fiscal 2018 was comprehensive modernization of the Office's aging information technology and overall Office operations.

Following the framework presented in 2017's *Modified U.S. Copyright Office Provisional IT Modernization Plan*, the Office established a new division, the Copyright Modernization Office (CMO), which began implementing an Office-wide modernization plan. The Office, along with the Library of Congress Office of Chief Information Office (OCIO) and contractors, worked to begin to modernize the registration and recordation externally facing user-interface systems, producing wireframes using public input. Additionally, the Historical Records Program released the Virtual Card Catalog proof of concept, containing approximately 17.5 million digital images of Copyright Card Catalog records from 1955 through 1977, and continued to work to improve functionality of this product.

A core responsibility of the Copyright Office is examining works of authorship to determine whether they should be registered under U.S. copyright law, and recording related ownership documents. In fiscal 2018, the Office registered **560,037 claims for registration**<sup>2</sup> and recorded nearly **21,700 documents** containing titles of **more than 757,400 works**.

<sup>1</sup> U.S. CONST., Art. I, Sec. 8, Cl. 8.

<sup>2</sup> The total was corrected due to a reporting error.

## MISSION STATEMENT

*The U.S. Copyright Office promotes creativity and free expression by administering the nation's copyright laws and by providing impartial, expert advice on copyright law and policy, for the benefit of all.*

## VISION

*Enriching the nation's culture by empowering and connecting the global copyright community.*

Together, the Office's registration and recordation systems constitute the world's largest compilation of copyrighted works and copyright ownership information, encompassing an unparalleled record of American cultural heritage. The Office also assisted with a number of public inquiries relating to copyright; Office staff answered **more than 195,750 phone, email, and mail inquiries**, retrieved and copied thousands of copyright deposit records for parties involved in litigation, and assisted **more than 2,100 in-person visitors**.

The Copyright Office continued to administer several statutory licenses that govern certain uses of copyrighted materials. For these statutory licenses, the Office collected, managed, and dispersed royalty fees paid by cable and satellite systems and providers of digital audio recording technology. In fiscal 2018, the Office collected more than **\$221 million in royalty fees** and **\$2 million in filing fees** and distributed more than **\$102 million in fiduciary assets** to copyright owners whose works were used under these licenses. As of September 30, 2018, the Office was managing **more than \$1.3 billion dollars in statutory license fiduciary assets**.

As part of its responsibility to assist Congress, the executive branch, and the courts, Copyright Office lawyers continued in fiscal 2018 to provide critical law and policy services to constituencies across the federal government, including domestic and international policy analysis, litigation support, assistance to courts and executive branch agencies, and participation in U.S. delegations to international meetings. This assistance included legal analysis for amicus briefs in Supreme Court matters and policy study work based on congressional interest in such wide-ranging topics as moral rights, visual works, and the Copyright Act's notice-and-takedown system and safe harbor provisions. Office attorneys also worked closely with Congress on proposed legislation like the Music Modernization Act and the Marrakesh Treaty Implementation Act, both of which passed Congress at the end of fiscal year 2018.

The Office also continued work on its recommendations in its seventh triennial section 1201 rulemaking, which were released in fiscal 2019 and widely lauded. In all, Office lawyers worked on **three policy studies** and assisted with a variety of litigation matters. Office staff members also worked on international delegations and negotiations, along with other agencies, regarding potential international copyright treaties, trade agreements negotiation and enforcement, and foreign copyright legislative developments in other countries.

The Copyright Office ensured that its practices and public materials remained current in fiscal 2018. The Office closed **four rulemaking proceedings**, resulting in updated regulations regarding filing fees, deposit requirements, and registration policies.

The Copyright Office also planned and prepared a new internal Directional Plan, which the Office will release in fiscal 2019 to serve as the Office's 2019–2023 roadmap and align with the Library's enterprise-wide Strategic Plan. In fiscal 2018, the Office conducted target research and analysis into its users, services, and capabilities, and the results guided the formation of the plan. The Office also undertook significant work in developing its public Strategic Plan, which will dive deeply into specific Office activities, efforts, and outcomes, particularly as they relate to the modernization effort that is currently underway at the Copyright Office.

The Copyright Office is proud to serve the country and our exceptional copyright system. The Office's work continued to support the economic elements of the copyright ecosystem (which in 2017 included **5.7 million jobs** and **6.85 per cent of U.S. economy**<sup>3</sup>), users of copyrighted materials, numerous individual creators, and the public at large. And the Office looks forward to continuing its important work and building on the accomplishments of fiscal 2018.

<sup>3</sup> International Intellectual Property Alliance, Copyright Industries in the U.S. Economy: the 2018 Report, at <https://iipa.org/files/uploads/2018/12/2018CpyrtRptFull.pdf>; see also U.S. Patent and Trademark Office and the Economics and Statistics Administration, Intellectual Property and the U.S. Economy: 2016 Update (2016), at <https://www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf> (noting that copyright-intensive industries provided 5.6 million jobs in 2014 numbers).



# COPYRIGHT OFFICE MODERNIZATION

**ON JANUARY 21, 2018, THE COPYRIGHT OFFICE ESTABLISHED THE COPYRIGHT MODERNIZATION OFFICE (CMO) TO GUIDE THE OFFICE'S EFFORTS IN ITS HISTORIC MODERNIZATION EFFORT.**

CMO is staffed by experts in project, procurement, and test management, as well as process analysis and data management. CMO is working with the Library of Congress Office of Chief Information Office (OCIO) and vendors to develop a new, web-based, cloud-hosted Enterprise Copyright System (ECS). The Office seeks an ECS that will provide a more user-friendly platform for the public to file applications (registration) and transfers of ownership (recording), include improved functionality to allow better information flow between the Office and the public, and be flexible enough to allow the Office to continuously update its technology to take advantage of future advancements.

Throughout fiscal 2018, the Office worked toward modernization by contracting with a third party vendor to conduct research on user needs and to develop an entirely new user interface (in conjunction with internal analysis of business requirements for potential substantive regulatory or practice changes). The initial research included sixty-eight interviews with stakeholders in four different cities (Washington, DC,

New York, Los Angeles, and Nashville) and a review of [more than 10,000 survey responses](#). Interviews covered a cross section of users. Based on this research, a third-party vendor developed an early version of a potential interface, still in the testing and development phase, with more than forty usability tests completed nationwide so far. The Office is continuing this process and taking all of the feedback to build a user interface that is efficient, easy to use, and results in more reliable and error-free data.

In coordination with OCIO, the Office also prepared and issued a request for information (RFI) soliciting creative solutions, including possible no-cost options, from industry for the development of a next-generation ECS. The Office conducted an Industry Day that allowed it to present its operations and needs directly to vendors. The RFI process culminated in fourteen responses from interested vendors, which the Office and OCIO are evaluating.

The Office's modernization initiative is about more than just technology—it also encompasses Office organization, processes,

Copyright Modernization Office staff pose for a group picture in front of the Madison Building of the Library of Congress.



Staff from the Program Management Section of the Copyright Modernization Office.

and people. In fiscal 2018, the Office initiated key federal partnerships to take advantage of government-wide expertise: 18F, a component of the General Services Administration’s Technology Transformation Service, which provided consulting services, expertise, and analysis regarding the agile development methodology and acquisitions, and the Office of Personnel Management’s Human Resources Solutions (OPM), which began assessing the Office’s organization and structural needs for modernization. Additionally, the Office engaged the Smithsonian Organization and Audience Research (SOAR) to review registration workflow and processes and provided recommendations.

Another aspect of modernization is the Office’s Historical Records Program initiative. The Virtual Card Catalog proof of concept launched in fiscal 2018, allowing online access to images of approximately **17.5 million copyright card catalog records** from 1955 through 1977. The Office is working toward publishing as many additional historical records online as possible, including record books that are physically housed in the Copyright Public Records Reading Room.

Modernization also encompasses data management, and the Copyright Office began work on its data management

plan in fiscal 2018. The plan will serve all in the copyright community—from creators to users and the public at large—allowing them to eventually reap additional benefits from Office data and information that will be authoritative, easily found, well described, high quality, secured, and managed across the entire enterprise. As part of this initiative, the Office in fiscal 2018 created a data model, data dictionary, and source to target mapping.

The Copyright Office also understands how important it is to keep the public and Office staff updated on modernization progress. The Office established a dedicated webpage for modernization in fiscal 2018 and issued blog entries on the topic. Senior Office staff also held numerous public presentations highlighting modernization efforts, including at the American Intellectual Property Law (AIPLA) Annual Meeting and the Copyright Society’s annual meeting, and Office staff also highlighted modernization efforts at a variety of other speaking engagements. Moving forward, the Office will expand its outreach efforts to make sure that the copyright community is informed and engaged.



# REGISTRATION AND RECORDATION

**FOR ALMOST A CENTURY AND A HALF, PURSUANT TO U.S. COPYRIGHT LAW, THE COPYRIGHT OFFICE HAS EXAMINED CLAIMS FOR COPYRIGHT AND REGISTERED CREATIVE WORKS FOR THE BENEFIT OF THE ENTIRE COPYRIGHT ECOSYSTEM. AS OF THE END OF FISCAL 2018, THE OFFICE HAD REGISTERED A STAGGERING 38,313,297 CLAIMS TO WORKS OF AUTHORSHIP.**

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The Copyright Office's Registration Program, which examines these claims, includes the Literary, Performing Arts, and Visual Arts Divisions. Staff members in each division examine creative works of authorship to determine whether they are copyrightable and whether claimants have complied with copyright law and regulations. In fiscal 2018, the Registration Program added twenty-five examiners, who received extensive classroom training on copyright law and worked one-on-one with experienced examiners to learn Office procedures, practices, and workflow.

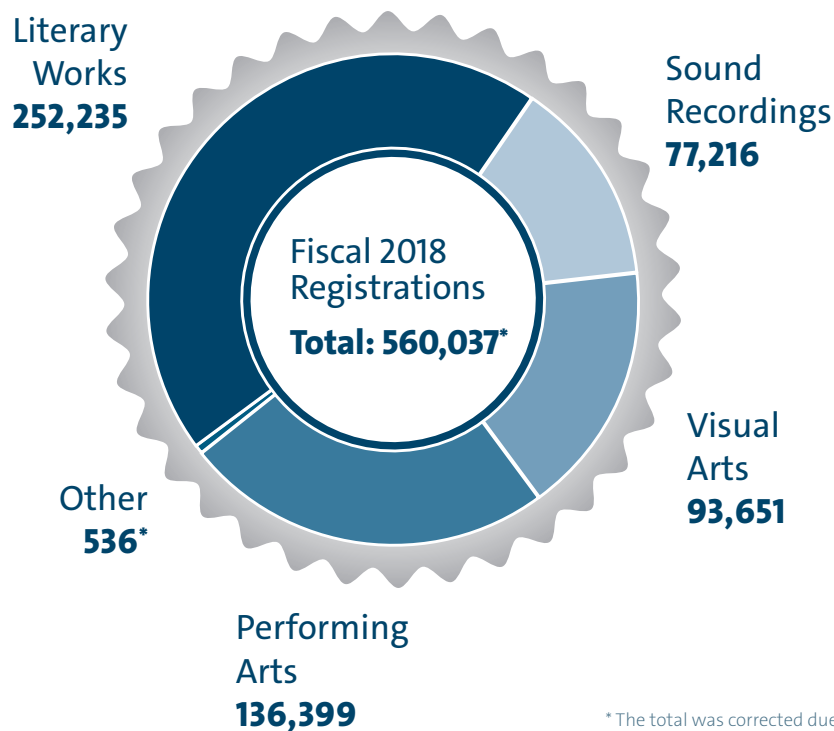
The Registration Program received **520,086 claims** in fiscal 2018 and closed **643,542<sup>4</sup>**. The year started with close to 281,000 workable open claims on hand in the online registration system and nearly 55,220 more that the Office corresponded on and

was awaiting additional information from applicants before staff could finish examining them. The year ended with **216,367 claims** on hand in the system, more than 31,861 of which required more information from applicants. The Office thus closed an impressive number of claims during the fiscal year, positioning it for success in fiscal 2019 and beyond.

## REFUSALS TO REGISTER

The Copyright Office refuses to register claims to copyright that do not satisfy the copyright law or other legal or procedural requirements. While the Office receives hundreds of thousands of applications annually, it refuses only a minority of claims on the basis of copyrightability because copyright law (as set forth in Title 17 of the U.S. Code and

<sup>4</sup> The total was corrected due to a reporting error.



\* The total was corrected due to a reporting error.

interpreted by the Supreme Court) sets a very low threshold for what works are sufficiently original. In fiscal 2018, the Office **rejected approximately 25,000 claims**. Twenty-nine percent of claims closed in fiscal year 2018 required the Office to correspond with applicants to resolve problems with the application, deposit, or to obtain additional information. The Office closed approximately 9 percent without registering the works for failure to receive a response from the applicant.

## APPEALS

When the Copyright Office rejects a claim for registration, the applicant can seek two levels of appeal, known as requests for reconsideration. The first request for reconsideration is reviewed by an attorney-advisor in the Registration Program. If the refusal is upheld, the applicant can submit a second request for reconsideration to the Office Review Board, which is made up of the Register of Copyrights and the Office's general counsel, or their designees, and a third person designated by the Register.

In fiscal 2018, the Registration Program issued 496 written decisions involving refusals for 588 separate works. 494 of these refusals were upheld and 94 were overturned. As of the end of fiscal 2018, there were 266 first requests for reconsideration pending and awaiting review.

The Office received forty-four second requests for consideration in fiscal 2018. The Office's Review Board issued forty letter opinions deciding whether to register the claims. The Board affirmed thirty-one decisions. These letter opinions, which are posted in a filterable online index, address some of the Office's most complex claims. These decisions assess a variety of copyrightability and other copyright issues and include works such as useful articles, jewelry, logos, and sculpture.

## DOCUMENT RECORDATION

In addition to registering claims for copyright, the Copyright Office also records information about changes in ownership in those copyright claims. Each year, authors, heirs, copyright owners, and others submit thousands of documents detailing these changes in ownership to the Office. The documents contain a variety of types of information about copyright assignments, licenses, and other transactions related to chain of title. In fiscal 2018, the Office recorded **21,668 documents** containing titles of **757,404 works**.

The Copyright Office also records section 115 Notices of Intent (NOIs), which relate to the statutory license for making and distributing certain phonorecords of nondramatic musical works. In fiscal 2018, the Office received **8,541 NOIs**, covering **42,443,863 titles**.





# LAW AND POLICY

## **PURSUANT TO THE COPYRIGHT ACT, THE COPYRIGHT OFFICE PROVIDES ASSISTANCE TO CONGRESS, EXECUTIVE BRANCH AGENCIES, AND THE COURTS REGARDING DOMESTIC AND INTERNATIONAL COPYRIGHT ISSUES.**

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The Office provides its expert and impartial advice on a number of high-profile matters, as well as more routine issues. In fiscal 2018, the Office continued to deliver this essential service in a number of ways, including by advising Congress on key copyright legislation, undertaking studies and important copyright-related litigation matters, conducting regulatory activities aimed at administering the Copyright Act overall, and advising the executive branch by participating in foreign copyright law and policy matters.

### **LEGISLATION**

The Copyright Office provides advice to Congress on legislative efforts relating to copyright, a practice with a long history including extensive advice on the 1976 Copyright Act. In fiscal 2018, the Copyright Office continued this longstanding role and assisted Congress, including as it worked on and eventually passed two landmark pieces of copyright legislation, the Orrin G. Hatch-Bob Goodlatte Music Modernization Act and the Marrakesh Treaty Implementation Act. The Office provided significant support on these pieces of

legislation in fiscal 2018, both of which were signed into law in early fiscal 2019.

The Music Modernization Act, enacted on October 11, 2018, is one of the most significant updates to copyright law in decades. The Music Modernization Act updates the music licensing landscape and addresses the status of pre-1972 sound recordings. Specifically, among other things, the Music Modernization Act modifies the existing section 115 “mechanical” license for reproduction and distribution of musical works in phonorecords (which was previously obtained by licensees on a per-work, song-by-song basis) to establish a new blanket license for digital music providers to engage in specific covered activities (namely, permanent downloads, limited downloads, and interactive streaming). The Music Modernization Act also brings sound recordings fixed before February 15, 1972, partially into the federal copyright system by extending remedies for copyright infringement to owners of these works.

In fiscal 2018, the Copyright Office continued its earlier efforts to identify concerns with the then-current music licensing



*General Counsel Regan Smith speaks at the public hearings held as part of the seventh triennial rulemaking process regarding section 1201.*

system and pre-1972 sound recordings. The Office briefed Congress on both the current state of the law and the Music Modernization Act's proposed provisions. The Office also advised various individual congressional offices regarding all aspects of this historic legislation, resulting in revised legislative language and furthering the compromise, consensus-nature of the bill. As a result, both the House and Senate Judiciary Committee reports noted that: "The Copyright Office has the knowledge and expertise regarding music licensing through its past rulemakings and recent assistance to the Committee during the drafting of this legislation." (H.R. Rep No. 115-651, at 14 (2018)).

Additionally, in fiscal 2018, the Copyright Office assisted Congress in its work on the Marrakesh Treaty Implementation Act (MTIA). Passed by Congress in fiscal 2018 and signed into law on October 10, 2018, the bill implements the World Intellectual Property Organization's (WIPO) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which entered into force on September 30, 2016. The treaty requires its contracting member nations to create limitations and exceptions to copyright law that will make it easier for those with certain kinds of print disabilities to access printed works in accessible formats such as Braille and digital audio files.

It also establishes rules for the exchange of such accessible format copies across borders. The Office undertook years of work, both in terms of international negotiations as well as domestic consultation, in support of this legislation. In fiscal 2018, the Office provided legal advice about the bill to congressional staff and executive branch agencies, and also readied various public documents about the MTIA. During fiscal 2019, the United States will engage in the preparation of the documents to present to WIPO. After the United States' official deposit of its treaty instrument, its obligations under the Marrakesh Treaty will enter into force ninety days later.

## **POLICY STUDIES**

During fiscal 2018, the Copyright Office continued work on several policy studies. The Office has a deep commitment to transparency and enabling all members of the copyright community—including copyright owners, technology companies, consumers, public interest groups, academics, and the general public—to be able to fully participate in and contribute to the Office's policy studies, reports, and recommendations.

In fiscal 2018, the Copyright Office focused on the following three ongoing studies:

### *Moral Rights Study*

Moral rights are noneconomic rights of the author that cover such things as the right to be identified as the author of a work (right of attribution) or to prevent distortions of a work (right of integrity). During fiscal 2018, the Office continued its work on a study on how existing U.S. law (including provisions found in Title 17 of the U.S. Code and other federal and state laws) protects the moral rights of attribution and integrity and whether any additional protection is advisable in this area. The Office conducted additional research and is in the process of finalizing a written report for Congress, which will be released in fiscal 2019.

### *Visual Works Study*

Photographers, graphic artists, and illustrators have expressed a growing list of concerns in recent years when speaking to both the Copyright Office and members of Congress. With the Visual Works study, the Office is seeking to build upon its longstanding policy interest in how the copyright system uniquely affects these types of visual works, including issues addressed by the Office's past reports such as small claims, resale royalties, registration, recordation, and the interoperability of records. The Office published a *Federal Register* notice requesting public comments and has been preparing a holistic overview of the issues raised by the public. The Office will release its findings in fiscal 2019.

### *Section 512 Study*

During this past year, the Copyright Office continued its work on a study to evaluate the impact and effectiveness of the safe harbor provisions contained in section 512 of Title 17 of the U.S. Code. Section 512 established a system for copyright owners and online entities to address online infringement, including limitations on liability for compliant service providers to help foster the growth of internet-based services. The section 512 study is evaluating the current impact and effectiveness of the Copyright Act's notice-and-takedown system and safe harbor provisions. Among other issues, the Office is considering the costs and burdens of the notice-and-takedown process on large- and small-scale copyright owners, online service providers, and the general public. The Office is reviewing how successfully section 512 addresses online infringement and protects against improper takedown notices. Work on this complex study will continue into fiscal 2019.

## LITIGATION ACTIVITIES

The Copyright Office assisted the U.S. Department of Justice (DOJ) on several important court cases in fiscal 2018. Office of the General Counsel attorneys contributed to the petition and amicus brief filed by the DOJ on behalf of the U.S. government in the litigation *Fourth Estate Pub. Ben. Corp. v. Wall-Street.com, LLC*. The litigation involves the interpretation of section 411(a) of the Copyright Act, specifically, whether a copyright owner may commence an infringement suit after delivering the proper deposit, application, and fee to the Office, but before the Register of Copyrights has acted on the application for registration.

The Office also advised the DOJ in filing amicus briefs in two patent cases before the Supreme Court, *WesternGeco LLC v. ION Geophysical Corp.* and *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*. In both cases, the Supreme Court opinions largely aligned with the government's positions. The Office has also advised regarding a pending petition in *Iancu v. Brunetti*, concerning whether the Lanham Act's prohibition on the federal registration of "immoral" or "scandalous" marks is facially invalid under the free speech clause of the First Amendment.

Finally, the Office advised the DOJ in filing amicus briefs in two circuit court litigations: *Spanski Enters., Inc. v. Telewizja Polska S.A.* and *Syngenta Crop Protection LLC v. Willowood, LLC*. In *Spanski*, the Office advised the DOJ on whether delivery of streamed video to the United States from overseas constitutes a domestic "public performance" that is subject to the Copyright Act. This case presented an issue of first impression before the circuit courts concerning whether the public performance right under the Copyright Act is implicated when copyrighted audiovisual works are streamed over the internet to the American public from computer servers located abroad. The government's brief urged the court to hold that a copyright owner's right to control the public performance of a work in the United States is infringed just as clearly when the transmission originates overseas, and in March 2018, the D.C. Circuit issued an opinion adopting that view. In *Syngenta*, currently pending before the Federal Circuit, the Office advised the DOJ on whether "me-too" labels on generic-brand pesticides approved for use by the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticides infringe the copyright of the pesticide manufacturer that created the pioneer pesticide and label and obtained original approval for it under FIFRA.

The Copyright Office has itself been a party to litigation brought by individuals regarding administrative procedures and other issues. In such cases, the Office has coordinated closely with the DOJ to defend the Office's actions.



## PROPOSED RULEMAKINGS

July 11, 2018  
**Streamlining the Administration of DART Royalty Accounts and Electronic Royalty Payment Processes**

May 24, 2018  
**Copyright Office Fees**

May 17, 2018  
**Group Registration of Newsletters**

April 16, 2018  
**Mandatory Deposit of Electronic-Only Books**

February 6, 2018  
**Streamlining the Single Application and Clarifying Eligibility Requirements**

December 1, 2017  
**Statutory Cable, Satellite, and DART License Reporting Practices**

November 6, 2017  
**Group Registration of Newspapers**

October 26, 2017  
**Exemptions To Permit Circumvention of Access Controls on Copyrighted Works**

October 12, 2017  
**Group Registration of Unpublished Works**

## FINAL RULES

January 30, 2018  
**Group Registration of Newspapers**

January 18, 2018  
**Group Registration of Photographs**

January 17, 2018  
**Simplifying Deposit Requirements for Certain Literary Works and Musical Compositions**

November 13, 2017  
**Fees for Electronic Recordation and Notices of Intention To Obtain a Compulsory License**

## INTERIM RULES

November 13, 2017  
**Modernizing Copyright Recordation**

November 13, 2017  
**Secure Tests**

The Copyright Office also was involved in litigation matters in other ways in fiscal 2018. Pursuant to section 411(b), the Office responded to multiple requests from district courts to provide advice about whether inaccurate information on a certificate of registration, if known, would have caused the Register of Copyrights to refuse registration.

## ADMINISTRATIVE LAW

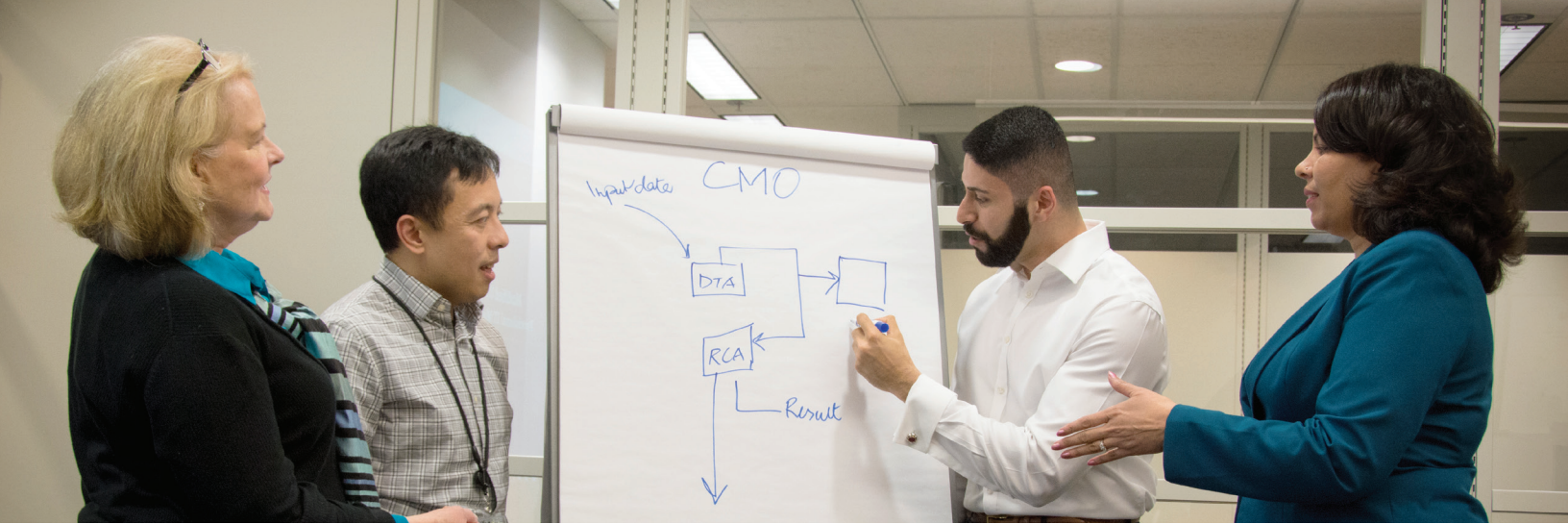
The Copyright Act authorizes the Register of Copyrights to conduct rulemakings, implement regulations, and publish practices related to copyright registration, document recordation, and administration of statutory licenses. In fiscal 2018, the Copyright Office was very busy, undertaking regulatory and practice changes to streamline and update its work. The Office initiated nine rulemakings, including six related to registration practices, two related to licensing activities, and one related to the Office's fees. The Office also continued the seventh triennial rulemaking proceeding under section 1201 of the copyright law. Within the new streamlined rulemaking procedures introduced in fiscal 2017, the Office received 39 petitions to renew existing exemptions and 23 petitions for newly proposed exemptions, including expansions of existing exemptions. It received approximately 200 comments, and in April 2018, the Office held public hearings in Los Angeles and Washington, DC, at which 77 witnesses testified.

The Office issued two interim rules in fiscal 2018. The first interim rule amended Office regulations concerning the recordation of transfers of copyright ownership and other documents pertaining to a copyright under 17 USC § 205, and notices of termination under sections 203, 304(c), and 304(d). This interim rule adopted a number of the

proposed improvements to the extent practicable under the current paper-based recordation system, including allowing electronically signed documents to be recorded and requiring a document cover sheet to aid remitters in confirming their submissions are complete and compliant. The second interim rule established a new group registration option for secure test questions and answers and other related materials (referred to as "test items"). This option permits the registration of test items that are stored in an electronic database or test bank.

The Office also issued final rules in an additional four rulemaking proceedings. One of the rules established a separate, lower filing fee for recording documents with the Office when they are submitted with an electronic title list, i.e., a list of certain indexing information about the works to which such documents pertain. The Office also issued a final rule amending the regulations governing the deposit requirements for certain types of literary works and musical compositions. Copyright owners are able to satisfy deposit requirements by submitting one copy of the best edition of the work, although the Office retains the right to demand a second copy under the mandatory deposit provision should the Library need it.

The Office issued final rules in two rulemaking proceedings modifying group registration procedures for photographs and newspapers. The first final rule modified the procedure for registering groups of published photographs (GRPPH), and established a similar procedure for registering groups of unpublished photographs (GRUPH). The second final rule amended regulations governing the group registration option for newspapers and made a number of changes to reflect Office practices, promote efficiency of the registration process, and encourage broader participation in the registration system by reducing the burden on applicants.



# COPYRIGHT DIVISIONS

## COPYRIGHT MODERNIZATION OFFICE

The Office established the Copyright Modernization Office on January 21, 2018. This new division oversees and coordinates IT modernization projects to further the IT modernization mission of the United States Copyright Office and the Library of Congress. The Acting Register named a CMO director, and the Office filled CMO leadership positions of deputy director and section heads of the three CMO sections: Program Management, Data Management, and Business Analysis.

The Program Management Section provides efficient and effective program and project management infrastructure and oversight services to support the Office's mission. Throughout fiscal 2018, the Program Management Section worked with Office divisions to create and implement guidelines for all aspects of program management, including establishing program goals and implementation plans; recommending and overseeing resources; conducting work planning; and capturing and reporting on operational data.

The Data Management Section facilitates the holistic governance of the Office's architectural data and the information layers that exist between its business divisions and its enabling IT systems. In fiscal year 2018, the Data Management Section worked with Office divisions, Library of Congress Office of the Chief Information Officer (OCIO), and Library Services to create documents that address data as a strategic asset, including the first-ever Copyright Office Data Management Plan, Data Model, and Data Dictionary.

The Business Analysis Section improves Office processes by analyzing user needs to identify and implement quality solutions.

The Business Analysis Section performed analysis for several Office-wide initiatives, including enterprise content management, the Copyright Imaging System certificate audit analysis project, and the change management board. Analysis involved discussions with multiple stakeholders to capture and prioritize user needs, recommending and selecting solutions that meet requirements, and ensuring that the processes and tools selected are deployed in an effective way.

See page 4 for more about the Office's modernization efforts.

## STATUTORY LICENSING

The Copyright Act includes several statutory licenses, which allow certain uses of specific types of works for a royalty fee. The Copyright Office administers several copyright statutory licenses and in fiscal 2018 managed and dispersed private monies pursuant to sections 111, 114, and 1003 of the Copyright Act. The Office's Licensing Division collects royalty fees from cable operators, satellite carriers, and importers and manufacturers of digital audio recording devices, investing the fees on behalf of copyright owners in interest-bearing securities with the U.S. Treasury. The Office distributes these fees, less certain reasonable operating costs, in accordance with orders of the Copyright Royalty Board. The division also handles other matters related to administration of statutory licenses.

Since 2005, the Copyright Royalty Board, an independent and separate unit of the Library of Congress, has set royalty rates and determined the terms and conditions for use of the licenses. The board also rules on royalty allocations among copyright owners.

◀  
 Staff from the Data Management Section of the Copyright Modernization Office.



*Copyright Royalty Board judges preside over a hearing.*

In fiscal 2018, the Copyright Office collected **more than \$221 million** in royalty fees and \$1.6 million in filing fees from users of copyright statutory licenses. The bulk of the fees collected came from cable television companies, which rely on one of the statutory licenses to clear certain rights to content they retransmit to viewers. Satellite carriers and importers and manufacturers of digital recording devices submitted the remainder. As of September 30, 2018, the Office was managing **more than \$1.3 billion** in statutory licensing fiduciary assets.

In accordance with rulings of the Copyright Royalty Board, the Copyright Office distributed **\$102 million** in fiduciary assets through three separate distributions in fiscal.

The appendices to this report include a Statement of Fiduciary Net Assets held by the Copyright Office as of September 30, 2018, and a statement of changes in Fiduciary Net Assets for the fiscal year ended September 30, 2018.

## TRADE AND FOREIGN RELATIONS

The Copyright Office regularly assists and provides key support to executive branch agencies on questions of international copyright law and policy, fulfilling one of the Office’s important statutory responsibilities.

In fiscal 2018, Copyright Office lawyers participated in copyright matters organized by the World Intellectual Property

Organization (WIPO), a specialized agency of the United Nations that administers international intellectual property treaties. Office attorneys participated in U.S. delegations to two meetings in Geneva involving WIPO’s Standing Committee on Copyright and Related Rights (SCCR) and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). For the first time in several years, the Office took part in the annual meeting of the Assemblies of WIPO Member States, where the Acting Register moderated a panel discussion on women in the creative industries.

Throughout the year, the Copyright Office provided expert review of pending and newly adopted copyright legislation of other countries, in support of executive agency priorities. Such work involved providing expert legal analyses and advice, attending meetings and digital video conferences with foreign government officials, and working with interagency colleagues to take the appropriate follow-up actions on copyright matters in dozens of countries during fiscal 2018. In addition to travel to Geneva, Office attorneys spoke at conferences or participated in government meetings in Thailand, Canada, and in several cities in the United States.



The Copyright Office also continued to actively participate on the Special 301 subcommittee for U.S. Trade Representative (USTR) annual process that evaluates the adequacy and effectiveness of U.S. trading partners' protection and enforcement of intellectual property rights, including market access issues. The 2018 cycle required the review of more than 100 countries' IP practices. Regarding trade agreements, staff provided expert copyright advice regarding action by the Administration to renegotiate the North American Free Trade Agreement (NAFTA) and review other existing trade agreements.

In terms of other multilateral or regional initiatives, the Copyright Office provided copyright expertise toward developing official U.S. documents in more than a dozen trade policy and accession reviews of the World Trade Organization (WTO). The Office contributed expert advice to help develop a U.S. government position on a possible new international instrument, the Hague Convention on Enforcement of Judgments.

The Copyright Office also cohosted its premier international training event, the biannual International Copyright Institute with the WIPO in June 2018. The week-long program, "Copyright and Cross-Border Issues for Developing Countries and Countries with Economies in Transition," brought together senior officials from **seventeen countries** to learn from **more than fifty government, private industry, and civil society experts** on topics ranging from copyright registration systems in the twenty-first century to inter-governmental coordination on criminal enforcement.

## ACQUISITION OF COPYRIGHTED WORKS

Through copyright registration and the mandatory deposit provision of the copyright law, the Copyright Office acquires published copyrighted works that the Library of Congress can select for its collections. Mandatory deposit requires owners of copyrightable works published in the United States to submit two copies of the best editions<sup>5</sup> of works to the Office within three months of publication for use in the Library. The Office forwarded **more than 736,800 copies** of works with a value of **more than \$475 million** to the Library's collections in fiscal 2018.

## COPYRIGHT RECORDS

The Copyright Office has a wealth of information in its extensive copyright registration and related records. In fact, the Office has **more than 35 million physical cards** and **more than 41.5 million digital images** in its card catalog alone. In fiscal 2018, the Office made significant strides in improving access to these valuable and useful records.

### *Public Access to Historical Records*

The Copyright Office made progress toward its long-term goal of creating a virtual reading room with advanced search capabilities and analytical features that make public research and viewing of the U.S. Copyright records easier and more accessible. In fiscal 2018, the Office achieved the digitization goal of creating **more than 30 million images** by collaborating with OCIO and the Library Services Division. The Office grouped and created Optical Character Recognition (OCR)

<sup>5</sup> For certain published works, the mandatory deposit provision requires submission of the "best edition" of certain published works. The Copyright Act defines "best edition" as "the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes."

Senior officials from seventeen countries participated in the week-long International Copyright Institute at the Copyright Office.



Staff test drive the new Virtual Card Catalog system launched this year.

datasets for the digitized Copyright Card Catalog for 1955 through 1977 and corrected OCR errors. On January 24, 2018, the Virtual Card Catalog (VCC) proof of concept launched offering browse capability for card catalog entries from 1955 through 1977. On July 17, 2018, VCC Release 2 launched with new features that enhance browse capabilities, including the ability to filter cards based upon the captured data. The Office is developing VCC Release 3, which will include the remaining card catalog images covering the time period of 1870 through 1954 and will offer browse or filtered search capability for a limited number of indexes to more than 40 million historical record card images.

In September 2018, the Office, collaborating with the Preservation Directorate, Binding and Collections Care Division, awarded a contract to begin the digitization of the Copyright Office Record Books, which will include the capture of metadata and data perfection for online searching. This project will begin with a pilot phase and ramp up to continue full production over five years.

#### **Reengineering Document Recordation**

The Copyright Office continued in fiscal 2018 to reengineer its document recordation system (see page 4). The Office issued an interim rule on modernizing document recordation including the acceptance of electronically signed documents

and requiring the use of a new document cover sheet to aid remitters in submitting a complete application and also making the examination process more efficient.

#### **Records Searches and Certifications**

The Copyright Office is happy to help the public locate and copy many of its records. The public can access many Office records online, and records that pre-date 1978 are available through the Office's on-site reading room. In addition, Office staff are available, for a fee, to search the Office's public records and write reports about the findings; prepare copies of public records for use in litigation or for other authorized purposes; provide copies of registration certificates; and certify Office records, among other records-related services.

In fiscal 2018 the Office processed **more than 249 requests** for certified copies of records in support of litigation. In addition, Office staff worked with the following governmental agencies to provide support regarding copyright infringement: U.S. Attorney's Office; Department of Justice (both the Office of Foreign Litigation and the Committee Litigation Branch, IP Section); and Department of Justice and Homeland Security. The Office introduced electronic payment for its services in fiscal 2018. Patrons can now pay for services electronically through [Treasury.gov](https://www.treasury.gov), streamlining the process and making it more efficient and secure for the public and the Office.





# INFORMATION AND EDUCATION

**THE COPYRIGHT OFFICE PROVIDES EDUCATIONAL AND INFORMATIONAL SERVICES TO RAISE AWARENESS OF, AND RESPECT FOR, THE COPYRIGHT LAW AND THE ROLE OF THE OFFICE IN THE COPYRIGHT ECOSYSTEM. THE OFFICE PROVIDES AUTHORITATIVE INFORMATION ABOUT COPYRIGHT LAW AND OFFICE SERVICES AND OFFERS EDUCATIONAL CONTENT FOR AUTHORS, CREATORS, TEACHERS, STUDENTS, LIBRARIANS, PRACTITIONERS, AND OTHER GROUPS WITHIN THE COPYRIGHT COMMUNITY.**

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## *Compendium of U.S. Copyright Office Practices*

In fiscal 2015, the Copyright Office published the third edition of the *Compendium of U.S. Copyright Office Practices*, which is the administrative manual of the Office regarding its statutory duties under the Copyright Act, and the *Compendium* Working Group continues to meet and update the text as appropriate. The *Compendium* serves as a guidebook for authors, copyright owners, practitioners, the courts, and others. During fiscal 2018, *Compendium III* was cited by the Supreme Court and district courts.

## *Blog*

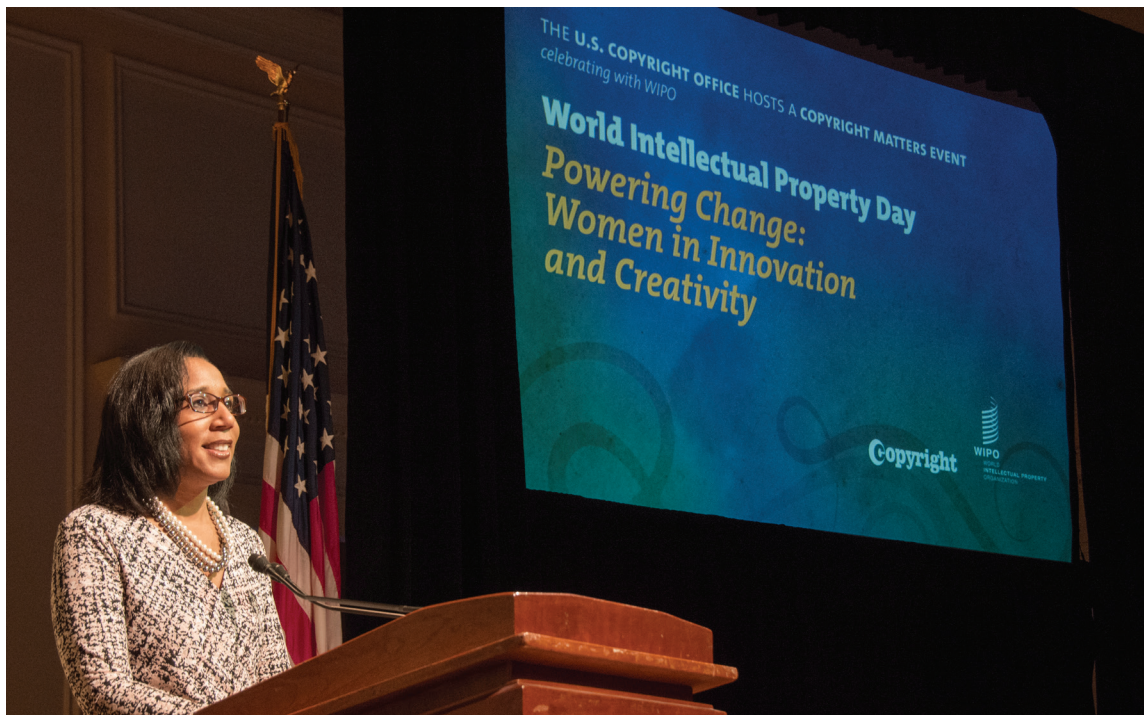
The Copyright Office posted nineteen blog entries to *Copyright: Creativity at Work* in fiscal 2018. Posts included Office news, registration practice updates, law and policy developments,

copyright basics, and copyright lore. The Office's blog provides the public with more detailed information on issues of interest and also goes more in depth into developments such as rulemakings than is addressed in the Office's news emails.

## *Social Media*

The Copyright Office launched its YouTube channel in fiscal 2018 to provide resources to help copyright owners understand the law and the registration process. The channel contains playlists from various hearings and events. The Multimedia Working Group produced tutorials and other copyright information videos for the channel as well. The Office continued to use Twitter to provide legislative updates; share copyright facts; and announce Office rulemakings, events, and system maintenance.

Assistant general counsel Jason Sloan talks about some of the changes to expect from the implementation of the Music Modernization Act.



Acting Register of Copyrights Karyn A. Temple welcomes the public to the World Intellectual Property Day event “Powering Change: Women in Innovation an Creativity.”

### Archive of Copyright Office Rulings

The Copyright Office continued to publish an archive of Office rulings and certain government briefs in copyright cases with forty items added in fiscal 2018. This archive includes legal filings under both section 411(a) and 411(b) of the Copyright Act, which allow the Office to intervene or advise courts regarding registrability. The archive also contains legal briefs where the United States government participated in important copyright (and related) cases as a nonparty amicus curiae (friend of the court). The archive contains an additional database of Review Board decisions from April 2016 to present. These decisions can be filtered through an index. Finally, the archive contains questions of law referred to the Register by the Copyright Royalty Board and any instances where the Register made corrections to errors in law made by the Board.

### Copyright Office Website

Through [copyright.gov](http://copyright.gov), the public can learn about the copyright law and the Copyright Office’s services and search copyright records. The website is also the portal to the electronic system through which users can register claims and upload copies of their works. In fiscal 2018, the Office added a Copyright Office modernization page, which details the modernization plan and provides status updates on the initiatives. The Office also

updated the Frequently Asked Questions section and added Copyright Lore to the History and Education section of the website. These articles explore copyright and Office milestones, telling stories of creativity since 1790.

During fiscal 2018, the Office served **more than 60 million pages** to **4 million unique users**, including **1.4 million mobile users**.

### Public Information

The Copyright Office fielded **more than 197,750 inquiries** from the public for copyright information in fiscal 2018. Requests came by email, regular mail, and telephone, and **more than 2,000 individuals** visited the Office. These inquiries span a wide range of topics, from questions about specific Office services, to help filling out applications to register works, to more general questions about copyright. The Office distributed 43 issues of NewsNet, an electronic news service covering legislative and regulatory developments and general Office news, to **more than 32,600 subscribers** in fiscal 2018.

### Outreach

The Copyright Office continued its “Copyright Matters” public lecture series in fiscal 2018 with a celebration in April of World Intellectual Property Day, the theme of which was



“Powering Change: Women in Innovation and Creativity.” This April 26 program featured remarks by Representative Judy Chu and Acting Register Karyn A. Temple. The event also included a panel discussion featuring Judy Herrmann, photographer; Michelle Hurd, actor; Julie Swidler, EVP business affairs and general counsel, Sony Music Entertainment; and Georgia Stitt, composer and lyricist; and moderated by Michele Woods, head of the Copyright Law Division of WIPO.

During the year, the Acting Register of Copyrights made presentations and served as the keynote speaker at multiple domestic and international events and symposia. She and other Copyright Office lawyers also spoke at law schools and annual law and trade association meetings. Public Information Office representatives also spoke at a local school and library about the basics of copyright and what the Office does.

Among her presentations, the Acting Register delivered the keynote addresses “Respecting IP: What Aspiring Innovators and Entrepreneurs Should Know” at Young African Professionals Program in Washington, DC, and “Facing the Music: Copyright Law and the Modern Age” at The New Music Ecosystem—Policies and Practices to Build and Sustain Thriving Music Communities in Seattle. She delivered “The View from the Copyright Office” at the Copyright Society of the USA’s annual meeting and spoke at the session “Developing a Path Forward in the Twenty-first Century” at the AIPLA 2017 Annual Meeting in Washington, DC. She served as moderator of the panel “Empowering Women in the Creative Industries” at the WIPO Assemblies of Member States 58th Series of Meetings in Geneva.

Senior policy and legal staff spoke at conferences nationwide on topics including the Music Modernization Act,

U.S. copyright law and Office developments, the law and new technologies, Copyright Office modernization, and global copyright relations. They engaged in a variety of conferences, including the Loeb & Loeb LLP’s IP/Entertainment Law Conference, Fordham Intellectual Property Law Institute, Intellectual Property Law & Policy Conference, BYU Copyright and Trademark Symposium, and the Copyright Society Annual Meeting, and at numerous law schools such as American University Washington College of Law, George Mason University Antonin Scalia Law School, George Washington University Law School, and Thomas Jefferson School of Law.

Copyright Office staff engaged in discussions with foreign officials visiting from Angola, Bahamas, Barbados, Bhutan, China, Colombia, Ecuador, Ghana, India, Indonesia, Jordan, Kiribati, Kuwait, Lebanon, Micronesia, Philippines, Suriname, Tanzania, Thailand, and Trinidad & Tobago. Office lawyers also traveled to meet with international copyright officials and participate in conferences and negotiations in Canada, Switzerland, and Thailand.

Throughout the year, Office staff members attended six STOPFakes Roadshows throughout the United States. They presented *Copyright & Your Business’s Creative Works: How Copyright Impacts You*, and they answered questions from small-business owners and assisted them with copyright registrations. Staff members also attended the American Association of Independent Musicians (A2IM) Indie Week in New York City. They spoke to musicians, producers, record label owners, and other representatives of the independent music industry about registration, copyright law, and the Music Modernization Act. Office staff represented the Office at Otakon, an annual convention celebrating Asian pop

◀  
 New registration examiners pose for a picture in front of the Madison Building.



*An attendee of the National Book Festival stops by the Copyright Office display.*

culture (anime, manga, music, movies, and video games) and its fandom. Staff members spoke in a panel discussion about the importance of copyright registration and staffed a table where convention goers learned about Library of Congress services. And the Office participated in the Library of Congress exhibit at the National Book Festival at the Walter E. Washington Convention Center. Office staff members handed out information about the Copyright Office and described what the Office does and the benefits of registering a work for copyright protection and hosted Copyright trivia. See page 4 for modernization outreach efforts.

### STAFF TRAINING AND EDUCATION

The Copyright Office offered a fifteen-week copyright law class for newly hired examiners in the Registration Program. The new examiners also received a twelve-month training program in the examining practices of all three Divisions and in the *Compendium*. Another copyright law class was tailored for staff members in the Public Information Office, who answer inquiries about copyright law, copyright registration, and the practices and services of the Office. Examiners and Public Information Office staff also received detailed training in the updates to the *Compendium* that took effect in September 2017. Staff also received training on new regulations governing supplementary registration, group registration of contributions to periodicals, and secure tests.

The Copyright Office also continued its series of afternoon programs to expand the knowledge of staff about copyright services and the Office’s initiatives. Topics featured included the *Compendium* updates, historical records, modernization, plagiarism and infringement, and the Music Modernization Act.

The Copyright Office continued its new employee orientation that provides information on Office operations and explains how all of the different divisions work towards achieving the Office’s mission. The Office also held two open houses during which employees spoke with representatives of each division to learn more about the work of the Office.

### ADMINISTRATIVE SERVICES

The Administrative Services Office worked with the Library’s Space Utilization Planning and Design Section to complete two major projects: the Office of Registration Policy and Practice’s (RPP) consult room expansion and the Office of Public Records and Repositories (PRR) collaboration room. They also completed several smaller projects in PRR and in the Public Information Office.

Several projects kicked off in fiscal 2018, including PRR and Licensing digitization projects and a Copyright Office-wide restacking study.

# APPENDICES

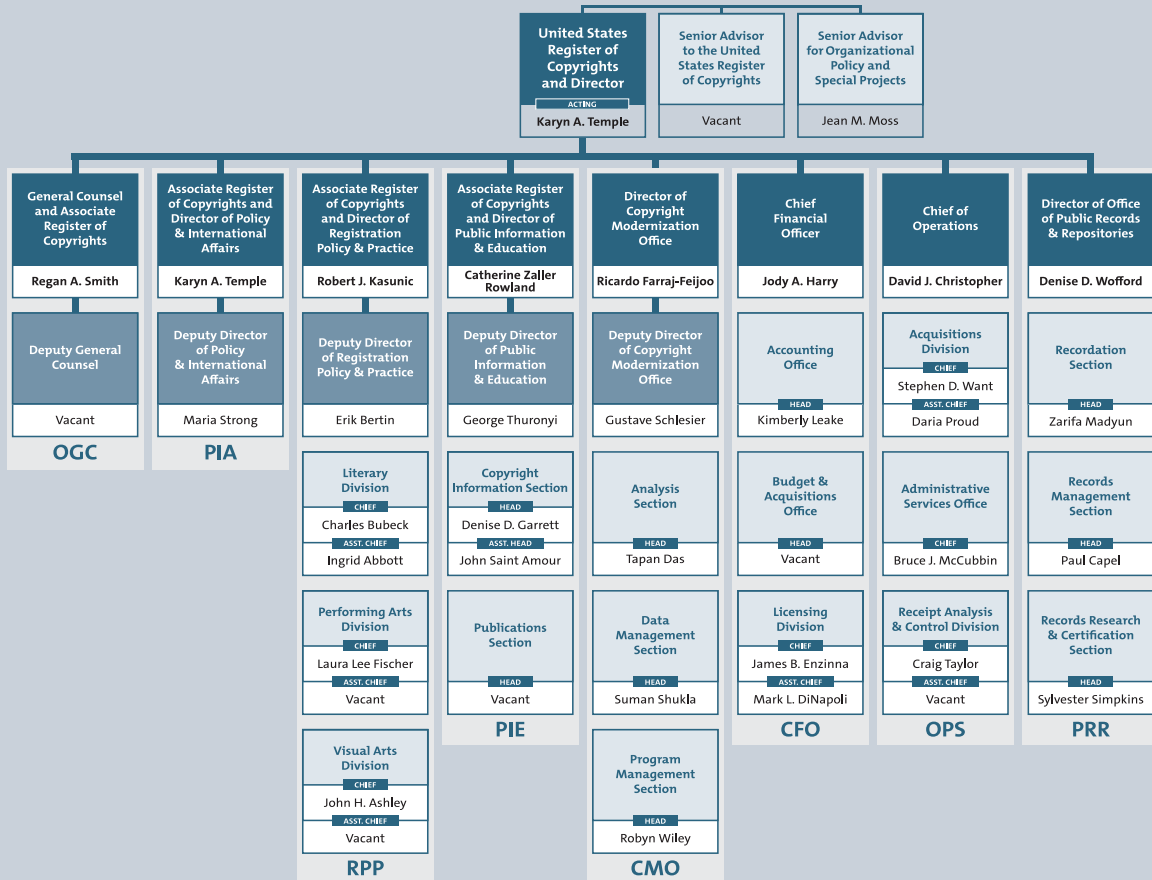
## FUNDING

Approximately 60 percent of the Copyright Office's annual budget comes from fees collected for services. Each year, Congress determines what portion of the Office's collected fees is available to offset operating expenses. The Office receives the remainder of its funding from federal appropriations.

The Copyright Office's total basic appropriation for fiscal 2018 was **\$64.7 million**, which derived from two revenue sources: net appropriations from the U.S. Treasury in the amount of \$27.2 million and authority to spend user fees and prior-year reserves in the amount of \$37.5 million. The Office's Licensing Division was fully funded from user fees and withdrawals from royalty pools in the amount of \$5.7 million.

## Organization of the United States Copyright Office

as of September 30, 2018



## Copyright Registrations, 1790–2018

Date	Total	Date	Total	Date	Total	Date	Total	
1790–1869	150,000 <sup>1</sup>	1907	124,814	1945	178,848	1982	468,149	
1870	5,600	1908	120,657	1946	202,144	1983	488,256	
1871	12,688	1909	121,141	1947	230,215	1984	502,628	
1872	14,164	1910	109,309	1948	238,121	1985	540,081 <sup>3</sup>	
1873	15,352	1911	115,955	1949	201,190	1986	561,208 <sup>3</sup>	
1874	16,283	1912	121,824	1950	210,564	1987	582,239 <sup>3</sup>	
1875	16,194	1913	120,413	1951	200,354	1988	565,801	
1876	15,392	1914	124,213	1952	203,705	1989	619,543 <sup>4</sup>	
1877	16,082	1915	116,276	1953	218,506	1990	643,602	
1878	16,290	1916	117,202	1954	222,665	1991	663,684	
1879	18,528	1917	112,561	1955	224,732	1992	606,253	
1880	20,993	1918	107,436	1956	224,908	1993	604,894	
1881	21,256	1919	113,771	1957	225,807	1994	530,332	
1882	23,141	1920	127,342	1958	238,935	1995	609,195	
1883	25,892	1921	136,765	1959	241,735	1996	550,422	
1884	27,727	1922	140,734	1960	243,926	1997	569,226	
1885	28,748	1923	151,087	1961	247,014	1998	558,645	
1886	31,638	1924	164,710	1962	254,776	1999	594,501	
1887	35,467	1925	167,863	1963	264,845	2000	515,612	
1888	38,907	1926	180,179	1964	278,987	2001	601,659	
1889	41,297	1927	186,856	1965	293,617	2002	521,041	
1890	43,098	1928	196,715	1966	286,866	2003	534,122	
1891	49,197	1929	164,666	1967	294,406	2004	661,469	
1892	54,741	1930	175,125	1968	303,451	2005	531,720	
1893	58,957	1931	167,107	1969	301,258	2006	520,906	
1894	62,764	1932	153,710	1970	316,466	2007	526,378	
1895	67,578	1933	139,361	1971	329,696	2008	232,907 <sup>5</sup>	
1896	72,482	1934	141,217	1972	344,574	2009	382,086 <sup>5</sup>	
1897	75,035	1935	144,439	1973	353,648	2010	636,527	
1898	75,634	1936	159,268	1974	372,832	2011	670,044	
1899	81,416	1937	156,930	1975	401,274	2012	509,112	
1900	95,573	1938	168,663	1976	410,969 <sup>2</sup>	2013	496,599	
1901	93,299	1939	175,450	1976	108,762 <sup>2</sup>	2014	476,298	
1902	93,891	1940	179,467	1977	452,702	2015	443,823	
1903	99,122	1941	180,647	1978	331,942	2016	414,285 <sup>6</sup>	
1904	104,431	1942	182,232	1979	429,004	2017	452,145 <sup>6</sup>	
1905	114,747	1943	160,789	1980	464,743	2018	560,037 <sup>6</sup>	
1906	118,799	1944	169,269	1981	471,178			
							<b>Total</b>	<b>38,313,360<sup>7</sup></b>

<sup>1</sup> Estimated registrations made in the offices of the Clerks of the District Courts (Source: Pamphlet entitled *Records in the Copyright Office Deposited by the United States District Courts Covering the Period 1790–1870*, by Martin A. Roberts, Chief Assistant Librarian, Library of Congress, 1939).

<sup>2</sup> Registrations made July 1, 1976, through September 30, 1976, reported separately owing to the statutory change making the fiscal years run from October 1 through September 30 instead of July 1 through June 30.

<sup>3</sup> The totals for 1985–87 were corrected as of the fiscal 2004 annual report to include mask works registrations.

<sup>4</sup> The total for 1989 was corrected as of the fiscal 2004 annual report to be consistent with the fiscal 1989 table of “Number of Registrations by Subject Matter.”

<sup>5</sup> Implementation of reengineering resulted in a larger than normal number of claims in process, temporarily reducing the total claims completed and registered.

<sup>6</sup> The totals for 2016–2018 were corrected to include vessel design registrations.

<sup>7</sup> The total was corrected due to a reporting error.

## Number of Registrations by Subject Matter, Fiscal 2018

<i>Category of Material</i>	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Nondramatic literary works:			
<i>Monographs and computer-related works</i>	142,165	55,159	197,324
Serials:			
<i>Serials (nongroup)</i>	43,350	-	43,350
<i>Group daily newspapers/newsletters</i>	2,281	-	2,281
<i>Group serials</i>	9,280	-	9,280
<b>Total Literary Works</b>	<b>197,076</b>	<b>55,159</b>	<b>252,235</b>
<hr/>			
<b>Works of the performing arts</b> , including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	69,346	67,053	<b>136,399</b>
<b>Works of the visual arts</b> , including two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, and works of applied arts	52,079	41,572	<b>93,651</b>
<b>Sound recordings</b>	26,067	51,149	<b>77,216</b>
<b>Total Basic Registrations</b>	<b>344,568</b>	<b>214,933</b>	<b>559,501</b>
<hr/>			
Renewals	356		356
Mask work registrations	156		156
Vessel design registrations	24		24 <sup>1</sup>
<hr/>			
<b>Grand Total All Registrations</b>			<b>560,037<sup>1</sup></b>
<b>Preregistrations</b>			<b>546</b>
<b>Documents Recorded</b>			<b>21,668</b>

<sup>1</sup> The totals were corrected due to a reporting error.

## APPENDICES

Financial information published in this table is unaudited.

### Fee Receipts and Interest, Fiscal 2018

<i>Fees</i>	<i>Receipts Recorded<sup>1</sup></i>
Copyright registration	\$28,542,080
Registration special handling/expedited services	\$1,936,000
Renewal registration	\$15,925
Vessel design registration	\$12,510
Mask works registration	\$6,480
<b>Subtotal</b>	<b>\$30,512,995</b>
<hr/>	
Notice of intention (17 USC 115)	\$4,576,665
Recordation of documents	\$2,772,708
Certifications	\$525,350
Recordation special handling/expedited services	\$167,200
Other services and fees	\$139,540
Designation of Agent (DMCA)	\$78,558
Preregistrations	\$35,980
Searches	\$27,598
Miscellaneous licensing fees	\$11,110
<b>Subtotal</b>	<b>\$8,334,709</b>
<hr/>	
<b>Total Receipts Recorded</b>	<b>\$38,847,704</b>
<hr/>	
Investment earnings	\$117,514
Reconciling transactions <sup>2</sup>	\$450
<hr/>	
<b>Fee Receipts and Interest Applied to the Appropriation<sup>3</sup></b>	<b>\$38,965,668</b>

<sup>1</sup> "Receipts Recorded" are fee and interest receipts entered into the Copyright Office's systems as offsetting collections of the Copyright Office Basic appropriation. Receipts recorded does not include fee or interest receipts from remitters required to file statements of account with the Office under the statutory licensing provisions of the Copyright Act or fees to participate in proceedings of the Copyright Royalty Judges.

<sup>2</sup> "Reconciling Transactions" include amounts pending association with an identified fee type, corrections, adjustments, and pending deposit account corrections.

<sup>3</sup> "Fee Receipts and Interest Applied to the Appropriation" are income from fees and deposit account interest that were fully cleared and deposited to the Copyright Office appropriation account within the fiscal year.



## Estimated Value of Materials Transferred to the Library of Congress, Fiscal 2018

	<i>Registered works transferred</i>	<i>Non-registered works transferred</i>	<i>Total works transferred</i>	<i>Average unit price</i>	<i>Value of works transferred</i>
<b>Books<sup>1,2</sup></b>	<b>155,760</b>	<b>121,428</b>	<b>277,188</b>		<b>\$22,779,548</b>
Book-hardbound	65,080	17,472	82,552	\$100.19	\$8,270,885
Book-softbound	90,680	9,529	100,209	\$50.58	\$5,068,571
eBooks (ProQuest)	0	12,367	12,367	\$5.50	\$68,019
eBooks (special relief) <sup>5</sup>	0	82,060	82,060	\$114.21	\$9,372,073
<b>Serials<sup>1,3</sup></b>	<b>92,337</b>	<b>321,293</b>	<b>413,630</b>		<b>\$22,164,278</b>
Periodicals <sup>4</sup>	92,075	221,509	313,584	\$55.17	\$12,110,300
Newspapers <sup>1</sup>	262	28,080	28,342	\$1.50	\$29,759
eSerials <sup>5</sup>	0	71,704	71,704	\$139.80	\$10,024,219
<b>Microforms</b>	<b>2,209</b>	<b>3,349</b>	<b>5,558</b>		<b>\$823,381</b>
Microfilm	2,135	3,349	5,484	\$150.00	\$822,600
Microfiche	74	0	74	\$10.55	\$781
<b>Motion pictures</b>	<b>3,679</b>	<b>2</b>	<b>3,681</b>		<b>\$795,309</b>
Film—35mm/70mm/IMAX <sup>®1</sup>	18	1	19	\$13,864.26	\$263,421
Film—16mm	52	1	53	\$1,500.00	\$79,500
Videotape	3,609	0	3,609	\$125.35	\$452,388
<b>CD/DVDs</b>	<b>32,721</b>	<b>997</b>	<b>33,718</b>	\$25.00	<b>\$842,950</b>
<b>Printed music</b>	<b>1,870</b>	<b>299</b>	<b>2,169</b>	\$67.27	<b>\$145,909</b>
<b>Maps</b>	<b>222</b>	<b>96</b>	<b>318</b>	\$51.02	<b>\$16,224</b>
<b>Prints, posters, photographs, and works of art</b>	<b>510</b>	<b>61</b>	<b>571</b>	\$42.71	<b>\$24,387</b>
<b>Total</b>	<b>289,308</b>	<b>447,525</b>	<b>736,833</b>		<b>\$47,591,986</b>

1 As of 2010, categories were changed to match format codes in the Copyright Office's eCO system. "Newspapers" and "Film-35mm/70mm/IMAX" that year showed substantially fewer works than in previous years where an arithmetical calculation was used. Books and serials showed an increase, partly due to counting published "Dramas" under "Books," as well as increased productivity in that year.

2 60 percent of "Books" are selected for the collections; 40 percent are used for the Library's exchange program.

3 In the "Serials" category, 70 percent of periodicals and newspapers are selected for the collections; 100 percent of e-serials are selected.

4 The figure for non-registered "Periodicals" includes: (1) an estimate based on average loads in hampers delivered to Library processing and custodial divisions and (2) a count of serials issues checked in through the Copyright Acquisitions Division. For the estimated portion, there was an earlier change in physical method of delivery, which decreased the average amount per hamper. The figures above reflect a reasonable estimate of current receipts per hamper and are periodically reviewed.

5 Totals include certain e-books and e-serials for which online access is negotiated with publishers for the Library of Congress under section 407.

## Non-fee Information Services to Public, Fiscal 2018

<b>Public Information and Education/Public Records and Repositories Direct Reference Services</b>	
In person	2,022
By correspondence	1,777
By email	42,856
By telephone	85,617
<b>Total</b>	<b>132,272</b>
<hr/>	
<b>Office of the General Counsel Direct Reference Services</b>	
By correspondence	25
By telephone	15
<b>Total</b>	<b>40</b>
<hr/>	
<b>Receipt Analysis and Control Division Services</b>	
By correspondence	996
By email	5,268
By telephone	1,620
<b>Total</b>	<b>7,884</b>
<hr/>	
<b>Licensing Division Direct Reference Services</b>	
By correspondence or email	301
By telephone	1,304
<b>Total</b>	<b>1,605</b>
<hr/>	
<b>Acquisition Division Direct Reference Services</b>	
By correspondence or email	5
By telephone	25
<b>Total</b>	<b>30</b>
<hr/>	
<b>eCO Service Help Desk</b>	
By email	20,597
By telephone	35,345
<b>Total</b>	<b>55,942</b>
<hr/>	
<b>Grand Total Direct Reference Services</b>	<b>197,773</b>

*Financial information published in this table is unaudited.*

### Statement of Fiduciary Net Assets, as of September 30, 2018

	<i>(in thousands)</i>
Investments in U.S. Treasury securities, net	\$1,313,237
Fund Balance with Treasury	\$397
Interest receivable	\$102
Accrued liabilities	
<b>Total Fiduciary Net Assets</b>	<b>\$1,313,736</b>

*Financial information published in this table is unaudited.*

### Statement of Fiduciary Activity, as of September 30, 2018

	<i>(in thousands)</i>
<b>Beginning Fiduciary Net Assets</b>	<b>\$1,177,759</b>
Royalty Fees Received	\$221,669
Investment Earnings	\$18,559
<b>Total Inflows to Fiduciary Net Assets</b>	<b>\$240,228</b>
Distributions to copyright owners	(\$102,007)
Refunds of royalty fees	(\$127)
Net royalty fees retained for administrative costs	(\$2,117)
<b>Total Outflows from Fiduciary Net Assets</b>	<b>(\$104,251)</b>
<b>Increase in Fiduciary Net Assets</b>	<b>\$135,977</b>
<b>Ending Fiduciary Net Assets</b>	<b>\$1,313,736</b>

Financial information published in this table is unaudited.

### Statutory Licensing Filing and Royalty Fees Collected and Offset for Administrative Costs, Fiscal 2018

	<i>Total</i>	<i>Licensing Division</i>	<i>(in thousands) Copyright Royalty Judges</i>
Filing Fees	\$1,609	\$1,609	—
License filing year 2018 royalty fees	\$3,070	\$2,764	\$306
License filing year 2017 royalty fees	\$1,407	\$1,307	\$100
<b>Total</b>	<b>\$6,086</b>	<b>\$5,680</b>	<b>\$406</b>

Financial information published in this table is unaudited.

### Statutory Licensing Net Royalty Fees Retained for Administrative Costs, Fiscal 2018

	<i>Total</i>	<i>Licensing Division</i>	<i>(in thousands) Copyright Royalty Judges</i>
2018 Royalty fees retained	\$3,070	\$2,764	\$306
2017 Royalty fees retained	\$1,407	\$1,307	\$100
2017 Royalty fees refunded	(\$2,285)	(\$2,245)	(\$40)
2016 Royalty fees refunded	(\$50)	(\$50)	—
2013 Royalty fees refunded	(\$25)	(\$25)	—
<b>Total</b>	<b>\$2,117</b>	<b>\$1,751</b>	<b>\$366</b>



**PHOTOGRAPHY CREDITS:**

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PAGE 8, SHUTTERSTOCK,

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## Copyright Office Contact Information

**UNITED STATES COPYRIGHT OFFICE**

Library of Congress  
101 Independence Avenue SE  
Washington, DC 20559-6000

**WEBSITE**

[copyright.gov](http://copyright.gov)

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Staff members are on duty to answer questions from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. Recorded information is available twenty-four hours a day. Phone: (202) 707-3000 or 1-877-476-0778 (toll free).

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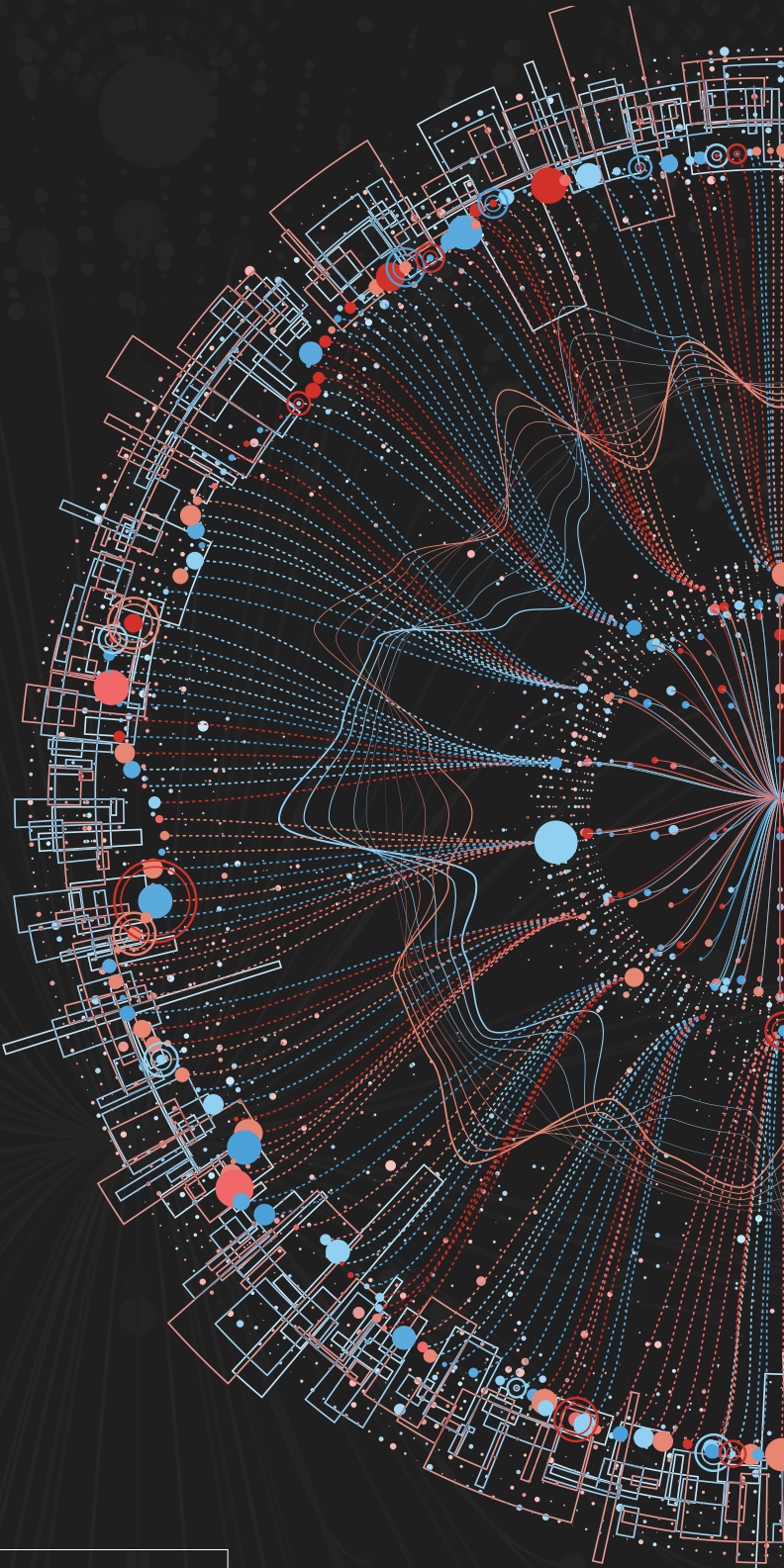
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