



**UNITED STATES
COPYRIGHT OFFICE
ANNUAL REPORT**

FY 2023



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LETTER FROM THE REGISTER OF COPYRIGHTS

It is a pleasure to introduce the annual report of the U.S. Copyright Office for the past fiscal year. The report is organized according to the four overarching goals of the Office's strategic plan: *Copyright for All, Continuous Development, Impartial Expertise, and Enhanced Use of Data.*

FY 2023 was another busy and productive year for the Office, continuing progress on all of our planned activities and adding a new focus on the topic of the day, artificial intelligence (AI).

This report describes the many milestones reached this year. The Office marked the first anniversaries of both the Copyright Claims Board and the online recordation system as well as the second anniversary of the Copyright Public Record System—the first Enterprise Copyright System (ECS) components made available to the public. We prioritized and began testing elements of the new ECS registration system. We began preparation for the next of our periodic fee studies. We responded to multiple congressional requests, completing three policy studies and initiating another one jointly with the U.S. Patent and Trademark Office. We issued proposed or final regulations on a variety of topics; completed the final phase of a multiyear warehouse consolidation project, maintained historically low processing times for registration claims, participated in many copyright international discussions, and introduced a new contact center to enhance our public information operations and services.

The Office's AI Initiative, launched in early 2023, garnered considerable attention over the second half of the fiscal year. On March 16, we issued a policy statement with registration guidance for works incorporating AI-generated content and established a webpage dedicated to copyright and AI (copyright.gov/ai). Over the spring and summer, we hosted four online listening sessions and presented two educational webinars, all of which attracted record audiences, and engaged with numerous stakeholders to expand our understanding of the technology, how it is being used, and the copyright issues raised.

On August 30, we issued a notice of inquiry soliciting viewpoints and information from the public, posing a wide range of questions touching on four major topics: the legal treatment of the ingestion of copyrighted works for machine learning; the copyrightability of the output of generative AI; and the treatment of “deepfakes” on AI-generated imitations of an artist's identity. When the final comment period closes in early FY 2024, we will analyze all of the input and produce one or more reports with findings and recommendations.

I invite you to learn more about the past year's progress and achievements. Together, these activities furthered the Office's strategic goals and ensured that copyright services, law, and policy continue to keep pace with technology and meet the diverse needs of the copyright community.

Shira Perlmutter
Register of Copyrights and Director
U.S. Copyright Office



COPYRIGHT FOR ALL

The first goal in the Copyright Office’s strategic plan is to make the U.S. copyright system as understandable and accessible to as many members of the public as possible. To do so, we are taking action on several fronts: analyzing data to identify underrepresented groups; expanding access to justice for small copyright claims; enhancing our outreach activities, including to new audiences; and making our services easier to use.

REACHING UNDERREPRESENTED GROUPS

In FY 2023, the Copyright Office’s chief economist developed a new research program building on last year’s *Women in the Copyright System* study and dataset. The economics team is analyzing the geographic and demographic characteristics of copyright registrants to identify groups and areas with varying levels of participation in the copyright system, so the Office can develop additional targeted outreach plans.

The Copyright Office is also an active participant in the Department of Commerce’s Council for Inclusive Innovation (CI²). As a vice chair, Register Perlmutter works with council members from the corporate, academic, and government sectors to explore ways to increase diversity in the U.S. intellectual property system. In March, the Office joined leaders of IP offices around the world to discuss how initiatives like CI² could expand inclusivity in both their offices and the global intellectual property system.



EXPANDING ACCESS TO JUSTICE

The Copyright Claims Board (CCB), established by the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2020, opened its doors in June 2022 and began issuing decisions on the merits in FY 2023.

As the first-ever copyright small claims tribunal in the United States, the CCB was designed to expand access to justice for those with limited resources. It is an efficient, economical alternative to federal court for resolving copyright disputes of up to \$30,000 in value. This voluntary and online tribunal is accessible to anyone, with or without an attorney.

In its first year of operation, the CCB received nearly 500 claims from 43 states and 24 countries. These claims involved all categories of copyright-protected works, with pictorial, graphic, and sculptural works (36 percent), motion picture and audiovisual works (19 percent), literary works (12 percent), and sound recordings (12 percent) constituting the most common categories.

During the fiscal year, the CCB issued its first final determination in a contested claim and eight proposed default determinations, four of which were made final. Participants reported twenty-eight settlements, and the CCB held its first settlement conferences beginning in May. Copyright claims attorneys reviewed for compliance a total of 659 claims, including amended claims.

Since the CCB began operations, Copyright Office staff have participated in more than sixty events to inform the public about this new tribunal, reaching online and in-person audiences from throughout the United States, as well as from a dozen other countries, including law clinics, self-represented creators, and attorneys. To increase awareness, the Office published a blog post marking the tribunal's first anniversary and presented two popular webinars covering CCB fundamentals.

The Office issued two final rules governing CCB operations in FY 2023. One rule addressed agreement-based counterclaims, and the other addressed multiple procedural issues relating to district court referrals, proof of service forms, default proceedings, and law student representation. To ensure participants could access the latest information, we added ten new chapters to the CCB user handbook and updated ten more.



CCB Officers and staff stand in front of the Library of Congress Madison Building. From left, front row Monica McCabe, Brad Newberg, David Carson. Back row: Maya Burchette, Natalie Cronin, Dan Booth, Laura Kaiser, Whitney Levandusky.

OUTREACH ACTIVITIES

The Copyright Office hosted or participated in 185 public events and speaking engagements, surpassing the prior fiscal year by 25 percent, engaging with many different audiences, from copyright stakeholders and lawyers to international intellectual property experts to students.

We joined the U.S. Patent and Trademark Office (USPTO), the American Intellectual Property Law Association (AIPLA), and members of Congress on Capitol Hill to celebrate World Intellectual Property Day 2023. Speakers and panelists addressed the theme of “Women and IP: Accelerating Innovation and Creativity.” The USPTO, several foreign intellectual property offices, and the Copyright Office also met to celebrate International Women’s Day, discussing the importance of diversity in innovation and creativity and the value that women bring to economic progress worldwide.



Register of Copyrights Shira Perlmutter joined other IP office heads from around the world and spoke about women’s participation in the copyright system at an event hosted by the Global Innovation Policy Center of the U.S. Chamber of Commerce in Geneva, Switzerland.

The Register and Office staff spoke at more than 140 external events, both online and in person, in FY 2023. Topics ranged from the new small claims tribunal to registration, artificial intelligence, and to how to get paid for the use of copyright content. The Register reached an audience of business students through an educational video on copyright basics for the Community College Consortium Initiative. In addition, as the first copyright official to deliver remarks at the annual meeting of the International Federation of Library Associations and Institutions, she connected with a global audience of library and information professionals.

While attending the World Intellectual Property Organization (WIPO) General Assemblies in Geneva, the Register took part in a panel with other women leaders of intellectual property offices from Argentina, Bulgaria, Namibia, Singapore, and the United States. The panelists discussed new ideas to encourage women creators and innovators and described initiatives already underway in their own countries.

The Office was also active in the music space. Staff spoke at nearly a dozen music industry and songwriter events, including South by Southwest in Austin, Texas; MusicBiz in Nashville, Tennessee; Folk Alliance International in Kansas City, Missouri; and the International Bluegrass Music Association meeting in Raleigh, North Carolina. Topics included the Music Modernization Act, the Mechanical Licensing Collective, and musicians’ revenue streams.



(Far left) Register Perlmutter addresses the audience at the Marrakesh Treaty anniversary celebration.

(Right) Ashley Tucker talks to a guest about copyright at the SXSW convention.

Participating in recruitment events is another important means of outreach. Staff members participated in the 2023 National Historically Black Colleges and Universities (HBCUs) Week Conference, presenting a well-attended overview of copyright basics and information on Copyright Office employment and internship opportunities. We also met with student members of the Hispanic National Bar Association and traveled to Philadelphia to participate in Dobson Elementary School’s Career Exploration program.

The Office held a retirement event to honor Senator Patrick Leahy’s lifetime of public service and contributions to copyright. In a tribute held at the Library and livestreamed, colleagues and friends of the late Register Marybeth Peters commemorated her contributions to the Office, the U.S. and international copyright systems, and the careers of countless mentees. The Office and the National Library Service for the Blind and Print Disabled cohosted a program to celebrate the tenth anniversary of the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

EMPLOYEE ENGAGEMENT

The Copyright Office also focused on employee engagement. In FY 2023, we maintained our commitment to promoting internal and external diversity, equity, inclusion, and accessibility initiatives. The Diversity, Equity, Inclusion, and Accessibility (DEIA) Committee hosted an online panel discussion to celebrate thirty-three years of the Americans with Disabilities Act (ADA), attended by more than 110 staff members.

Throughout the year, the Office celebrated diversity by observing heritage and identity recognition months on social media, through blog posts, with messages from the Register, and with staff events—starting and ending the fiscal year with Hispanic Heritage Month, which spans from mid-September to mid-October. In FY 2023, the Office hosted its first copyright teas since the start of the pandemic. This included one co-sponsored by the DEIA Committee to celebrate Women’s History Month, which highlighted the creative talents of women in the Copyright Office.



Copyright Office staff members showcase their creative works and highlight their experiences with copyright as creators at a Women’s History Month event.

The Office's Copyright Academy trained thirty-nine staff members in a semester-long course to broaden their understanding of copyright law and the Copyright Office's mission.

NEW MATERIALS

The Copyright Office created a handout that summarizes recent changes to the deposit requirements for certain works and created instructions for completing the limitation of claim portion of the registration application for works incorporating AI-generated material.

We published three additional circulars translated into Spanish in FY 2023 and increasingly shared social media posts in Spanish to reach even more copyright owners and users as well as creators who may be future users of the copyright system.



Jordan Bennett-Barnes and Maria Perez greet attendees at the Library of Congress National Book Festival. The festival provided attendees opportunities to learn about copyright through live sessions and printed materials.

We also uploaded sixteen videos to the Copyright Office YouTube channel. They include recordings of our AI listening sessions and webinars plus a video covering the basics of the Copyright Claims Board. At the end of FY 2023, the Office had about 11,600 followers on YouTube, up nearly 9 percent over FY 2022.

This fiscal year, we published twenty-one *Copyright: Creativity at Work* blog posts and saw an increase in blog subscriptions. We ended the fiscal year with 129,000 subscribers, a 6 percent increase in blog visits, and an 8 percent increase in unique visitors compared to last year.

The Office had nearly 33,000 Twitter (now known as X) followers and 4,800 LinkedIn followers at the end of FY 2023. Variability related to a change in platform ownership led to a slower rate of increase in Twitter/X followers during FY 2023 compared to FY 2022. The Office's LinkedIn account grew 310 percent in FY 2023 due to a more rapid posting cadence since it was launched in late FY 2022.

LIBRARY OF CONGRESS COLLECTIONS

Each year, the Library of Congress selects from works deposited with the Copyright Office for inclusion in the Library's collections, for the benefit of Congress and the public.

This fiscal year, the Office transferred 575,702 works valued at \$47,316,084 to the Library's collections—books and e-books, serials and e-serials, motion pictures, CDs and DVDs, videos, photographs, works of art, vinyl records, and more. This transfer included deposits held in storage whose legal retention period had expired.

The number and value of e-serials and e-books provided to Library users through eDeposit special relief agreements secured and maintained by the Office increased this fiscal year to 713,788 titles worth \$104.3 million, an increase of about 8 percent in both titles and value over FY 2022, reinforcing the utility and benefit to the Library of special relief agreements with larger publishers. This year, the eDeposit program continued to grow, and the e-serial collection expanded to 10,295 titles.

PROVIDING ENHANCED SERVICES

The Copyright Office received 481,038 claims to copyright in FY 2023 and registered 441,526. Approximately 99 percent of applications were received electronically and about 1 percent by mail. This fiscal year, we maintained the Office's historically low processing times and made improvements in the averages for deposit ticket claims and paper applications.

In the first half of FY 2023, the average overall processing time for examining copyright claims was 2.1 months, down from 2.7 months at the end of FY 2022. At the end of this fiscal year, processing times increased slightly to 2.2 months, with staff processing almost 13,000 more claims in the last half of the year than in the first half. Fully electronic claims that did not require correspondence, which account for 64 percent of all claims, were on average processed in 1.4 months.

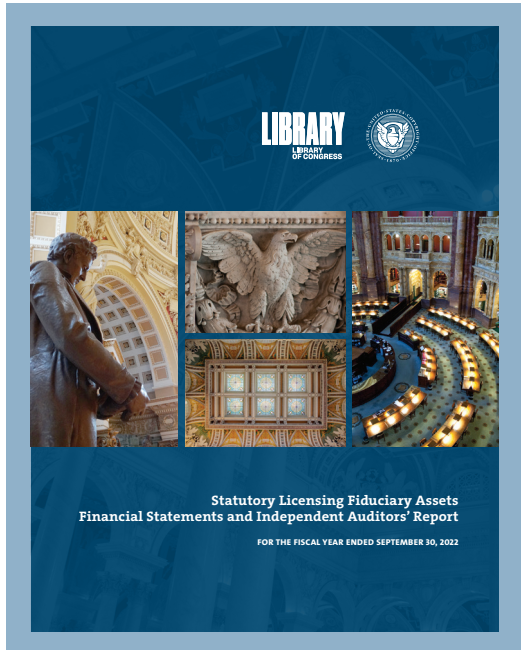
In FY 2023, the Office recorded 16,592 documents, both paper and electronic submissions, relating to 978,912 works. These documents consisted of transfers of copyright ownership, notices of termination, and other filings.

In FY 2023, we reopened the Copyright Reading Room and welcomed 668 patrons to an attractive, state-of-the-art space.

The Office continued digitizing statements of account and expanding the digital repository of records available for public use. On the last day of FY 2023, we held \$1.6 billion in fiduciary assets for copyright owners. We distributed a total of \$10,388,489 involving six funds on two separate dates.



Jarletta Wells, Register Perlmutter, and Denise Wofford cut the ribbon opening the new Copyright Reading Room.



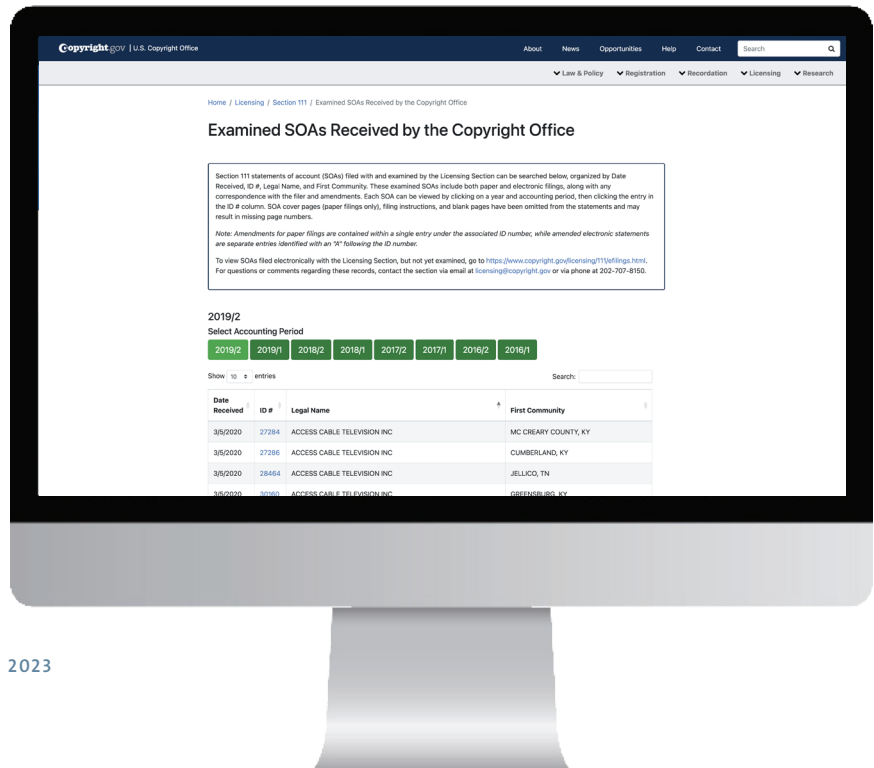
For the sixth consecutive year, the Office received an unqualified or “clean” audit opinion of its statutory licensing fiduciary asset financial statements for FY 2022.

This fiscal year, we concluded our online release of completed examination records for licensing — statements of account, submitted on paper or electronically over a number of years, that have been examined by staff. This digitization project, which began in 2019, gives the public access to the records without having to come into the Copyright Office. At the close of FY 2023, three accounting periods of paper and electronic records were available online.

Collaborating with the Library of Congress’s Office of the Chief Information Officer (OCIO), we transitioned most publishers to a cloud-based delivery server for transmitting electronic materials and introduced the Digital Submission Portal, a delivery tool for smaller publishers, to transfer serial issues to the Library.

To enhance and modernize our services, the Office introduced a state-of-the-art contact center system in April to handle telephone and email inquiries. The new functionality has improved workflow and is helping managers track trends, which we are analyzing to support outreach and education as well as decision-making. We continued to receive positive feedback from the public about our public information staff and services.

Examed statements of account are now available to view online.





CONTINUOUS DEVELOPMENT

The Copyright Office has made steady progress in developing the Enterprise Copyright System (ECS), achieving a number of milestones in FY 2023. Moving to a model of continuous development, the Office will refresh and upgrade our technology on an ongoing basis, innovating and building new tools to meet current and future needs.

ENTERPRISE COPYRIGHT SYSTEM

The ECS, which the Copyright Office is building with the Library’s Office of the Chief Information Officer, will update and link all of our services and create a web-based, cloud-hosted, user-friendly platform.

Recordation

FY 2023 marked the first anniversary of the online recordation system. This fiscal year, 77 percent of all recordation activities, from document submission to payment, were conducted online. Even as the number of users has increased, processing times for online submissions remained low, measured in weeks. The majority of the documents submitted online in FY 2023 that did not require correspondence (over 87 percent) were processed within ten days, and nearly all within fifteen days. More than 800 organizations used the online system to record documents, and we continued to host bimonthly webinars to answer questions and to demonstrate new or improved features.

In FY 2023, the Office recorded 8,875 documents and 568,618 titles of works through the online recordation pilot. This reflects a 49 percent increase in the number of documents and a 123 percent increase in titles over FY 2022, the first year the system was available to the general public. We developed new features to improve the interface and add more functionality.

By the Numbers

Recordation

16,592

recorded documents

978,912

recorded titles

Registration

441,526

total registrations

195,720

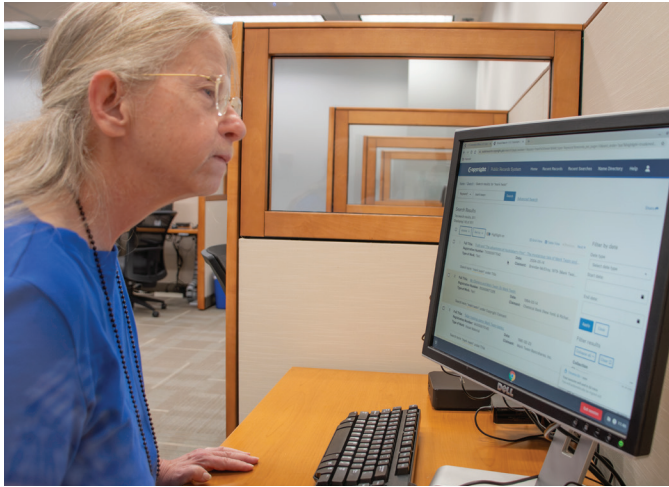
total literary registrations

176,590

total performing arts registrations

69,027

total visual arts registrations



Patricia Rigsbee uses the new Copyright Public Records System to locate a record.

Public Records

The Office has also continued to develop the Copyright Public Records System (CPRS) pilot. In FY 2023, the CPRS passed a major milestone, adding more than one million digitized card catalog records to the search engine. The system saw 104,893 unique visitors—an increase of nearly 50 percent over FY 2022. The pop-up survey added in late FY 2022 dramatically increased the amount of feedback. The response rate increased to more than seventy per month, providing valuable insight into the types of information users are seeking.

Registration

In FY 2023, the Office began prioritizing work on the new and improved online registration system, the largest and most complex component of the ECS.

For the first time, we were able to demonstrate the ECS registration system navigation using the testing environment and screenshots of the system as it exists in real code (past demonstrations relied on wireframes and mock-ups). The system under development reflects the feedback we have received from the public in response to outreach, initial design testing and adaptation, the latest web norms, and our years of experience working with applicants. More than a few testers have reported a “night and day” difference when comparing the existing eCO registration system with the ECS.

The existing eCO registration system essentially replicated the paper registration process in a digital format. With the ECS, we are reimagining the entire process, including help resources that will serve novice to experienced users. Instead of having to choose among thirty-two different registration forms at the start as in eCO, users will answer a series of questions to guide them to the correct form and prompt targeted help content about the type of work they are registering.

The ECS system will provide an overview of each application, showing users what information is needed and previews of different sections of the application. Users will be able to enter information in any order, and new validation tabs will help them catch and correct errors before submitting the application. On the staff side, the ECS registration screens are easier to use, with show-and-hide options to focus on specific content, a comparison tool for applications with deposit copies, and a message center that connects communications with the relevant claim.

This fiscal year, we moved toward two development teams—one for external development and one focused on internal system development—and hired new staff. We also made significant progress on enhanced e-deposit uploading capabilities for applicants (larger files and larger numbers of files) and file rendering capabilities for the examination of e-deposits.

Licensing

Development of the licensing component of the ECS continued to improve the efficiency, timeliness, and accuracy of document processing as well as financial and statistical reporting. The ECS licensing system will condense lengthy statements of account to a few screens and support allocation of funds among those statements. This will streamline labor-intensive processes and enhance management of the royalty program and distribution of funds.

Service Request Processing

With the Service Request Processing component of the ECS, we are building a flexible, user-focused system to allow electronic submission and management of deposit copy, certificate, and research service requests, including online payment processing. In early FY 2023, we conducted user acceptance testing.

Copyright Public Modernization Committee

The Office regularly consults with the Library's Copyright Public Modernization Committee (CPMC) to obtain input on the ECS and our plans for continuous IT development. CPMC members represent a broad cross-section of interested groups, and the committee serves as a public forum for sharing information, providing feedback, and answering questions. In FY 2023, it met in March and August, and recordings and transcripts of those meetings are available online.

OTHER ONGOING PROJECTS AND INITIATIVES

The Copyright Office took forward several other ongoing projects in FY 2023.

Historical Copyright Record Books

The Office has digitized 10,123 of our 26,278 historical copyright record books, containing more than 26 million pages of records from 1870 through 1977. The first record books were made available online at loc.gov in February 2022, and more have been added monthly in reverse chronological order. By the end of FY 2023, 9,488 books, with more than 9 million pages, were available online. In FY 2023, we contracted with an outside firm to explore ways to use machine learning and AI to capture metadata from the record books to make them more easily searchable. Digitizing and making these records searchable expands access and bolsters preservation.



Alice Johnson and Michael Durrah view a historical copyright record book.

Warehouse Management System

The Office completed the final phase of the multiyear consolidation project to relocate all copyright deposits into one location at the new state-of-the-art warehouse in Landover, Maryland. We also made progress on implementing a copyright warehouse management system, with the start of data migration and the development of additional system features. These projects serve to streamline operations, reduce risks, and optimize resources to improve the retrieval response times for deposit copy requests.



Antonio Mitchell locates a specific deposit storage box at the new warehouse in Landover, Maryland.

eCCB

The CCB's electronic filing and case management system (eCCB) went live on June 16, 2022, the day the tribunal opened its doors. This system handles electronic submissions as well as the long-term management, tracking, and reporting of documents, orders, and determinations. Based on both internal and external feedback, we have implemented improvements to increase administrative efficiency, decrease noncompliance findings, and ease access for self-represented filers.

copyright.gov

Copyright.gov serves as the gateway for users of the Copyright Office's online services as well as others seeking copyright information. This fiscal year, the Office established a web group to provide long-term strategic direction and serve as a clearinghouse for the publication and maintenance of educational materials that link to the website. The website received about 8.2 million cumulative visits in FY 2023, representing an 8 percent increase from FY 2022. The Copyright Public Record System, AI, and Recordation System landing pages were among the most-visited webpages.



IMPARTIAL EXPERTISE

The Copyright Office advises Congress, the courts, and other U.S. government agencies on copyright law and policy. We provide authoritative information on copyright to the public, establish regulations to administer the copyright system, and participate in international discussions about intellectual property. Through extensive opportunities to contribute comments or offer feedback, we ensure that the diverse views of all interested parties are considered in our policy analyses, reports, and recommendations.

AI INITIATIVE

This was an especially busy year for the Copyright Office with the launch of our AI initiative.

In March, we issued a policy statement and registration guidance relating to AI and established a dedicated copyright and AI webpage. The policy statement confirms that human authorship is a requirement for copyright protection and provides guidance on how to register a work incorporating AI-generated materials.

In April and May, we held four listening sessions to hear from stakeholders and the public about the AI issues involved in the respective areas of literary works, visual works, audiovisual works, and music and sound recordings. In June and July, we hosted webinars on applying our registration guidance and on international aspects of copyright and AI. The listening sessions and webinars had record-level attendance, and recordings are available online.

Throughout FY 2023, the Office also met with dozens of stakeholders to further our knowledge of AI technologies and the copyright issues they implicate. On August 30, we published a formal notice of inquiry (NOI) in the *Federal Register* to gather written comments from the public in response to a detailed set of questions. The Office will draw on these comments to produce one or more reports analyzing the issues and making recommendations.



STUDIES AND REPORTS

In addition to the Copyright Office’s comprehensive AI initiative, we completed three studies and initiated another one jointly with the USPTO at the request of Congress.

Voluntary Technical Measures

The Office reported our findings from a year-long consultation conducted at the request of Senators Patrick Leahy and Thom Tillis to convene a group of relevant stakeholders “to achieve the identification and implementation of technical measures” used voluntarily to identify or protect copyrighted works online.

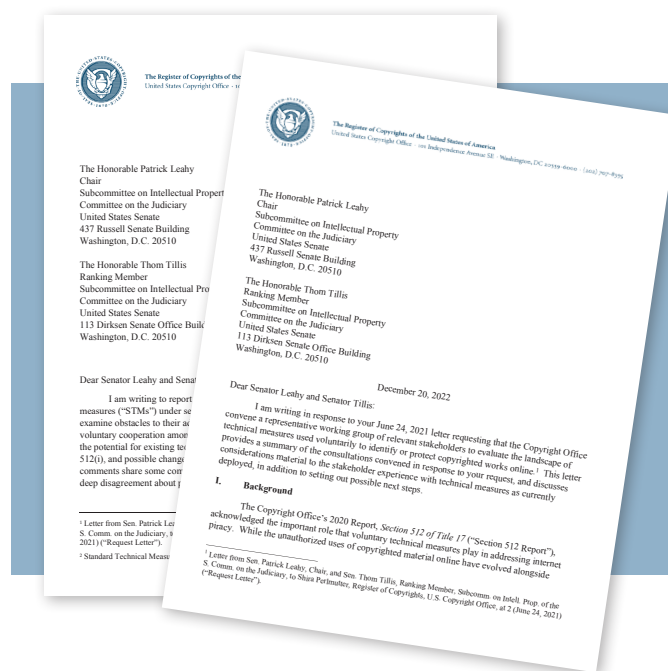
The Office reviewed more than 6,000 comments as well as information received during two public plenary sessions, six moderated consultations, and six “office hour” sessions. We found that stakeholders broadly agree that there is no “one size fits all” solution and that a range of approaches to voluntary technical measures should be adopted. While points of contention remain, particularly concerning resources and access to technologies as well as the role of automation, such consultations serve as important opportunities for further education and information sharing.

Standard Technical Measures

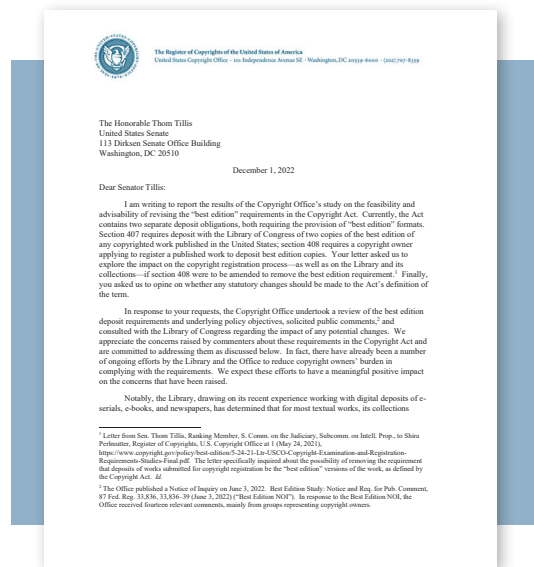
In response to a separate request from Senators Leahy and Tillis, the Office examined the condition for safe harbor eligibility in the Digital Millennium Copyright Act (DMCA) requiring online service providers to accommodate and not interfere with “standard technical measures” (STMs) used to identify or protect copyrighted works.

In the Office’s 2020 report on section 512 of the Copyright Act, we noted that “not a single technology has been designated a ‘standard technical measure’ under section 512(i)” and suggested that confusion over its consensus requirements might be partly responsible. Our 2023 study built on this finding.

The Office sought public comments on the interpretation of section 512(i) and the advisability of potential changes. After reviewing the comments, we recommended that Congress amend section 512(i) to (1) clarify that the terms “broad consensus” and “multi-industry” require substantial agreement but not unanimity, and only of those industries directly affected by an STM;



(2) replace the word “developed” with “designated” in section 512(i)(2)(A) to confirm that technical measures can qualify as STMs even if they were originally developed by a subset of relevant stakeholders or emerged from proprietary processes; and (3) set forth a list of factors for weighing whether a particular measure imposes substantial costs and burdens on service providers.



Deposits and Best Edition Requirements

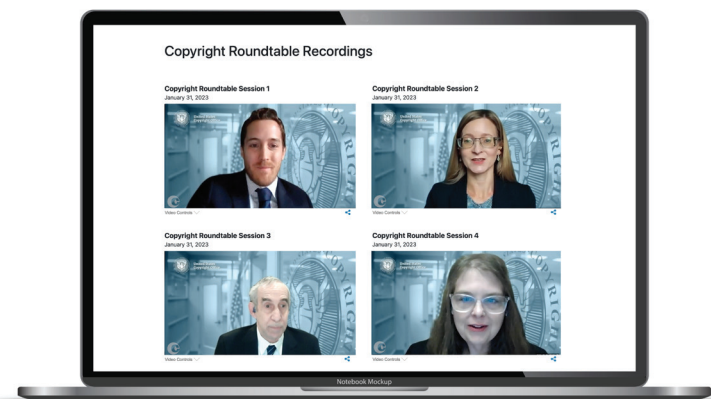
In early FY 2023, the Office delivered a report to Congress on deposit and best edition rules, following a study initiated at the request of Senator Thom Tillis. Senator Tillis asked us to evaluate the deposit requirements of sections 407 and 408 of the Copyright Act and consider whether “removing the ‘best edition’ requirement from the registration deposit process in section 408 could help improve the registration process.”

After analyzing policy objectives and considering public comments, Library needs, and the practical operation of the relevant sections of the Copyright Act, the Office concluded that statutory amendments are not warranted at this time. We determined that any benefits from the adoption of different standards for Library and registration deposits would be outweighed

by potential adverse impacts on the Office, the Library and its collections, and those copyright owners who would need to comply with two different deposit requirements. Instead, we recommended making compliance with the best edition requirement more efficient and easier for copyright owners with the careful implementation of the Library’s “e-preferred” collections policy and other steps to add flexibility and modernize the deposit system.

Joint Study on Non-Fungible Tokens and IP

In early FY 2023, the Office coordinated with the U.S. Patent and Trademark Office in response to a request from Senator Tillis for a study on IP and non-fungible tokens (NFTs). The two Offices issued a public notice for comments and held three roundtables on the respective topics of trademarks, patents, and copyrights. We expect to deliver the joint report to Congress in FY 2024.





Register Perlmutter testifies at a Copyright Office oversight hearing before the House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet.

HEARINGS AND CONGRESSIONAL SUPPORT

The Copyright Office continued to provide support and assistance to Congress on copyright matters in FY 2023.

Testimony

Register Perlmutter testified at a Copyright Office oversight hearing before the House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet on September 27. She updated the subcommittee on improved processing times for both registration and recordation, progress in IT modernization, policy studies, regulatory work, public engagement, and the Office's AI Initiative. In March, she provided written testimony to House and Senate budget subcommittees in support of the Office's FY 2024 budget.

Legislative Activities

The Office maintained active engagement with the 118th Congress. We responded to questions from congressional staff and provided technical assistance on legislative language and policy issues. This included work on various right-to-repair bills, as well as three bills that were reintroduced from the prior legislative session: the PRO Codes Act, the American Music Fairness Act, and the Copyright Clause Restoration Act. Another bill, the Artistic Recognition for Talented Students (ARTS) Act, became law in early FY 2023, directing the Office to waive registration-related fees for works that win certain congressionally sponsored competitions.

LITIGATION

In FY 2023, the Office managed an unusually busy litigation docket. We worked with the Department of Justice and the Office of the Solicitor General to develop litigation positions and submit merits and amicus briefs in cases that raise important issues of copyright law. Additionally, federal district courts frequently sought the Office’s expertise pursuant to section 411(b) of the Copyright Act, which allows them to request that we respond to questions about registration.

Thaler v. Perlmutter

On August 18, the U.S. District Court for the District of Columbia granted summary judgment in favor of the Copyright Office in *Thaler v. Perlmutter*, involving a visual work titled *A Recent Entrance to Paradise*. The applicant, Dr. Stephen Thaler, described the work as having been “autonomously created by a computer algorithm running on a machine.” The Office refused registration because the work lacked a human author. The court affirmed the refusal, agreeing with the Office that “[h]uman authorship is a bedrock requirement of copyright.”

Andy Warhol Foundation for the Visual Arts v. Lynn Goldsmith

On May 18, the U.S. Supreme Court issued a landmark fair use decision in *Andy Warhol Foundation for the Visual Arts v. Lynn Goldsmith*, holding the “purpose and character” of the use at issue weighed against a finding of fair use. The opinion focused on the first of the four statutory fair use factors and clarified when a use of a copyright-protected work may be considered “transformative,” a key element in fair use cases. The Court cited an amicus brief submitted by the United States, which was coauthored by the Copyright Office.

Valancourt Books, LLC v. Merrick Garland

On August 29, the U.S. Court of Appeals for the D.C. Circuit issued a decision holding that the Copyright Office’s enforcement of the mandatory deposit provision of the Copyright Act violated the Takings Clause of the Fifth Amendment. Although the Court did not address all applications of the provision, it found that—as applied to publisher Valancourt Books—the demand for physical copies was an unconstitutional taking of property.

Other Litigation

The Office is also involved in a number of other litigations. Among them are two lawsuits challenging the constitutionality of aspects of section 1201 of the Digital Millennium Copyright Act (DMCA) (which establishes a rulemaking process for the Librarian of Congress to grant or deny requests for exemptions to the Act’s prohibition on circumvention of technical measures). Another case, *Green v. Department of Justice*, involves a claim that the rulemaking itself and its application to security researchers are unconstitutional restrictions on the freedom of speech under the First Amendment.

Munro v. United States Copyright Office challenged the Office’s decision to deny a registration application for a sculptural work. In a pending motion for summary judgment, we have argued that neither the individual elements nor the work as a whole are copyrightable and that we did not abuse our discretion.

COPYRIGHT OFFICE REVIEW BOARD

When the Office refuses a claim for registration, the applicant has two opportunities to request reconsideration: first to the Registration Program itself and second to the Office's Review Board if the Registration Program upholds the refusal.

Of the hundreds of thousands of applications containing millions of works submitted each year, the Office refuses only a small number for lack of creativity or noncompliance with other requirements. In FY 2023, the Office refused less than 3 percent of the 481,038 claims received and received 327 first requests for reconsideration covering 435 individual works. Forty-seven of these refusals were reversed and 380 were affirmed. During FY 2023, the Review Board received 78 second requests for reconsideration and issued 43 written decisions covering 82 works, including several decisions affirming registration denials for works incorporating AI-generated material.

REGULATORY ACTIVITY

In FY 2023, we conducted several rulemakings and published two final rules.

Ninth Triennial Section 1201 Rulemaking Proceeding

The Office initiated the ninth triennial rulemaking proceeding under the DMCA, codified in part in section 1201 of the Copyright Act.

The goal of the proceeding is to determine whether, over the next three years, users of particular classes of works are, or are likely to be, adversely affected in their ability to make noninfringing uses due to the prohibition on circumventing access controls. For identified classes, the Librarian promulgates regulations exempting them from the prohibition for the three-year period that follows. The Office uses a streamlined procedure for the renewal of exemptions that were granted during the prior triennial rulemaking. If renewed, current exemptions remain in force for an additional three-year period.

Access to Electronic Deposits

The Office issued a notice of proposed rulemaking to update our regulation regarding electronic deposits of published works that may be selected for addition to the collections of the Library of Congress. The proposed rule expands the categories of eligible electronic deposits covered by the current regulation, with the same limitations on access as are currently in place. The proposed changes are part of ongoing steps by the Library and the Office to encourage the submission of works in electronic form and reduce the need for copyright owners to deposit physical copies.

Ex Parte Communications

The Office issued a final rule regarding the use of *ex parte* communications. The final rule defines *ex parte* communications, instructs the public on how to request an *ex parte* meeting with the Office, sets forth the responsibilities of parties after such a meeting, and addresses impermissible *ex parte* communications.

MUSIC MODERNIZATION ACT

The Office continued our work supporting the Music Modernization Act (MMA).

Termination Rights and the MMA’s Blanket License

In October 2022, the Office published a proposed rule regarding the applicability to the statutory mechanical blanket license established by the MMA of the Copyright Act’s derivative works exception to termination rights. The rule proposed to clarify that the derivative works exception does not apply in the context of the blanket license, and the copyright owner of a musical work at the time of its use is the one who is entitled to the royalties. The proposed rule would require the Mechanical Licensing Collective (MLC) to distribute royalties consistent with these clarifications. The Office published a supplemental notice in September, expanding the proposed rule’s scope to address additional matters relevant to identifying the proper payee.

Fees for Late Royalty Payments

In September, the Office issued an interpretive rule addressing when fees for late royalty payments should be assessed in connection with reporting by digital music providers under the MMA’s blanket mechanical license. The Office concluded that the statute’s due date provisions are unambiguous, as the language “due date for payment” clearly refers to the date on which monthly royalty payments are required to be delivered to the MLC. The rule also made clear that late fees do not apply to adjustments resulting from the change in rates and terms following the Copyright Royalty Judges’ *Phonorecords III Remand* determination.

COPYRIGHT CLAIMS BOARD

The Office continues to adopt and modify regulations that govern the Copyright Claims Board (CCB), consistent with the CASE Act.

Agreement-Based Counterclaims

The Office issued a notice of proposed rulemaking regarding CCB procedures governing “agreement-based” counterclaims. These counterclaims can be brought only in response to an infringement claim and must be based on an agreement, such as a contract, covering the same circumstances. Further, the agreement at issue must potentially affect the relief to be awarded to the claimant for the infringement.



CCB Officers David Carson (above) and Monica McCabe (below) work on claims.

District Court Referrals, Proof of Service, Default Proceedings, and Law Student Representation

The Office also issued a final rule regarding CCB procedures. The rule allows the CCB to modify or suspend certain rules when a claim is referred by a district court, to accept alternative proof of service forms, to clarify the rules governing default proceedings and law student representation, and to make minor technical corrections.

INTERNATIONAL ACTIVITIES

In FY 2023, the Copyright Office continued work on international copyright and trade matters, collaborating with counterparts in other U.S. government agencies. Along with the Office of the U.S. Trade Representative (USTR), the United States Patent and Trademark Office, and the State Department, we participated in discussions of intellectual property topics, from bilateral matters to international enforcement issues. We also participated in programs to provide information on U.S. copyright law, including presentations by the Register at the World Intellectual Property Organization (WIPO) General Assemblies in Geneva, the US-Asia Comparative Copyright Law Roundtable in Tokyo, and the Association Littéraire et Artistique Internationale (ALAI) annual meeting in Paris.

Office attorneys served on official delegations and negotiating teams supporting USTR and other executive branch agencies. We contributed to USTR's annual Special 301 and notorious market reviews. In FY 2023, we were part of the U.S. delegation to WIPO's Standing Committee on Copyright and Related Rights (SCCR), which discussed copyright limitations and exceptions as well as a proposed treaty to protect broadcasting organizations against signal piracy.

The Office also served on the U.S. delegation to WIPO's Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore (IGC), where negotiations continue on an international instrument concerning traditional knowledge and traditional cultural expressions.



Andrew Foglia, far left, speaks to a representative at a meeting of WIPO's Standing Committee on Copyright and Related Rights.



ENHANCED USE OF DATA

Another way in which the Office is expanding access to the copyright system is through the enhanced use of data. We are analyzing data to shape policies, measure performance, and understand the evolving needs of the copyright community. We are developing and implementing economic research plans to inform outreach. And we are making more data publicly available and accessible to help advance the state of copyright knowledge.

USE OF DATA TO INFORM POLICY

The Copyright Office continues to draw upon and learn from the dataset behind last year's *Women in the Copyright System* report. That June 2022 study of 20 million registration records produced meaningful insights into gender disparities. In FY 2023, we are using the same dataset to explore geographic and demographic information about copyright registrants. Once we can identify varying participation rates, we can better support current users and increase awareness of the benefits of copyright.

In FY 2023, we welcomed an additional economist and a statistician to the Office. Together with the chief economist, they are developing data resources and taking forward a comprehensive research agenda on the economic aspects of copyright. This work includes participating in conferences and events, writing articles to analyze and promote new datasets, and collaborating with colleagues in the Office and elsewhere in government and academia.

FEE STUDY

In late FY 2023, the Office initiated the next of our periodic fee studies. The goal is to set fees that reflect both our current costs in providing services and the demand for those services across different types of users. First steps included reviewing historic registration records to calculate the effect of past fee changes on the volume of applications, analyzing existing financial data, and gathering information from staff who work directly on fee-based services. We are also conducting a demand analysis using Office data and working with the Library's Federal Research Division (FRD) to produce a cost study.

Once we have all of the necessary information, we will propose new fees, obtain public comments, and report to Congress. The fee adjustments would then become effective after the completion of a formal rulemaking process.



Denise Garrett uses the new contact center system to manage telephone and email inquiries from the public.

CONTACT CENTER

The Office's new contact center platform manages customer interactions with features such as omnichannel routing, automatic call distribution, interactive voice response, and call forwarding and monitoring. The system also improves the processing of requests for information and services. Staff can run custom reports to review various metrics for call reporting and data to establish benchmarks, enhance customer service, and balance workloads.

MANAGING DATA

The Office's data management initiative uses data from our internal systems to improve services, identify gaps, and measure success. This includes best practices for data governance, data quality, digital asset management, data warehousing, and data architecture management.

Capturing Metadata for Card Catalog Searches

Work continued on the Office's project to capture key metadata from digitized card catalog images to make these records searchable in the ECS Copyright Public Records System (CPRS).

As of the end of FY 2023, we have completed the capture of metadata for 3,283,891 card catalog images and made 1,143,779 card catalog records available and searchable in the CPRS.

Microfilm Digitization

The Office conducted a conservation assessment and inventoried our microfilm records. Based on a microfilm record-level analysis of the 26,317 reels that make up the collection, we identified approximately 5,050 reels to be digitized as part of the Historical Public Records program.

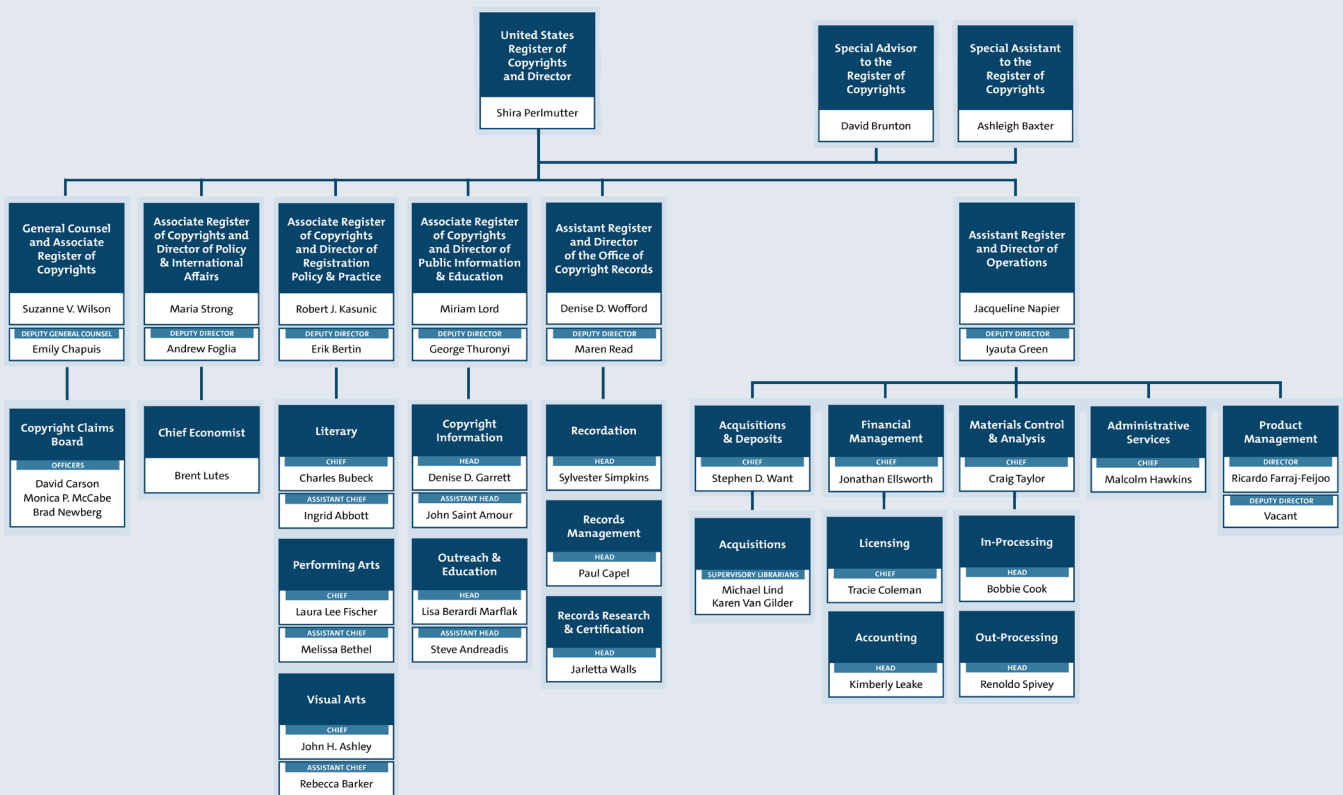
MOMENTUM INTEGRATION

This fiscal year, the Office began the integration of the ECS with Momentum, a web-based system that supports the agency's financial management activities. This integration supports processing of data into the Legislative Branch Financial Management System and updates financial data with the U.S. Treasury. As the first phase, the Office reduced manual and duplicate processing of financial transactions previously recorded in a non-integrated system.



APPENDICES AND TABLES

Organization of the United States Copyright Office as of September 30, 2023



Copyright Registrations, 1790–2023

<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>
1790-1869	150,000 ¹	1901	93,299	1933	139,361	1965	293,617	1996	550,422
1870	5,600	1902	93,891	1934	141,217	1966	286,866	1997	569,226
1871	12,688	1903	99,122	1935	144,439	1967	294,406	1998	558,645
1872	14,164	1904	104,431	1936	159,268	1968	303,451	1999	594,501
1873	15,352	1905	114,747	1937	156,930	1969	301,258	2000	515,612
1874	16,283	1906	118,799	1938	168,663	1970	316,466	2001	601,659
1875	16,194 ²	1907	124,814	1939	175,450	1971	329,696	2002	521,041
1876	15,392	1908	120,657	1940	179,467	1972	344,574	2003	534,122
1877	16,082	1909	121,141	1941	180,647	1973	353,648	2004	661,469
1878	16,290	1910	109,309	1942	182,232	1974	372,832	2005	531,720
1879	18,528	1911	115,955	1943	160,789	1975	401,274	2006	520,906
1880	20,993	1912	121,824	1944	169,269	1976	410,969 ³	2007	526,378
1881	21,256	1913	120,413	1945	178,848	1976	108,762 ³	2008	232,907 ⁶
1882	23,141	1914	124,213	1946	202,144	1977	452,702	2009	382,086 ⁶
1883	25,892	1915	116,276	1947	230,215	1978	331,942	2010	636,527
1884	27,727	1916	117,202	1948	238,121	1979	429,004	2011	670,044
1885	28,748	1917	112,561	1949	201,190	1980	464,743	2012	509,112
1886	31,638	1918	107,436	1950	210,564	1981	471,178	2013	496,599
1887	35,467	1919	113,771	1951	200,354	1982	468,149	2014	476,298
1888	38,907	1920	127,342	1952	203,705	1983	488,256	2015	443,823
1889	41,297	1921	136,765	1953	218,506	1984	502,628	2016	414,269 ⁷
1890	43,098	1922	140,734	1954	222,665	1985	540,081 ⁴	2017	452,122 ⁷
1891	49,197	1923	151,087	1955	224,732	1986	561,208 ⁴	2018	560,013 ⁷
1892	54,741	1924	164,710	1956	224,908	1987	582,239 ⁴	2019	547,837 ⁷
1893	58,957	1925	167,863	1957	225,807	1988	565,801	2020	367,307 ⁷
1894	62,764	1926	180,179	1958	238,935	1989	619,543 ⁵	2021	403,593
1895	67,578	1927	186,856	1959	241,735	1990	643,602	2022	484,589
1896	72,482	1928	196,715	1960	243,926	1991	663,684	2023	441,526
1897	75,035	1929	164,666	1961	247,014	1992	606,253		
1898	75,634	1930	175,125	1962	254,776	1993	604,894		
1899	81,416	1931	167,107	1963	264,845	1994	530,332		
1900	95,573	1932	153,710	1964	278,987	1995	609,195		
Total								40,558,149	

1 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).

2 Note applies to years 1875 through 1940. Includes labels registered in Patent Office, 1875-1940 and prints registered in Patent Office, 1893-1940. (Source: memorandum from Patent Office, dated Feb. 13, 1958, based on official reports and computations).

3 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.

4 The totals for 1985–87 were corrected as of the FY 2004 annual report to include mask works registrations.

5 The total for 1989 was corrected as of the FY 2004 annual report to be consistent with the fiscal 1989 table of “Number of Registrations by Subject Matter.”

6 Implementation of reengineering resulted in a larger than normal number of claims in process, temporarily reducing the total claims completed and registered.

7 Total registrations for FY 2016 through FY 2020 have been adjusted, due to an error in reporting in previous years.

Number of Registrations by Subject Matter, FY 2023

Category of Material	Published	Unpublished	Total
Literary works:			
Textual works, including computer programs	120,295	48,897	169,192
Serials:			
Single serial issues	15,980	–	15,980
Group registrations:¹			
Unpublished works (Literary GRUW)	–	5,877	5,877
Group Serials (GRSE)	2,243	–	2,243
Group newspapers (GRNP)	1,524	–	1,524
Group newsletters (GRNL)	303	–	303
Group registration of short online literary works (GRTX)	179	–	179
Group registration of contributions to periodicals (GRCP)	6	–	6
Group registration of updates or revisions to a non-photographic database	373	49	422
Total literary registrations	140,903	54,823	195,720
Works of the performing arts:			
Musical, dramatic, choreography, pantomimes, motion pictures, and audiovisual works	55,953	36,961	92,914
Sound recordings	32,084	22,479	54,563
Group registrations:			
Unpublished works of the performing arts (GRUW)	–	8,730	8,730
Unpublished sound recordings (GRUW)	–	14,117	14,117
Group registration of musical works published on the same album (GRAM)	3,628	–	3,628
Group registration of sound recordings published on the same album (GRAM)	2,638	–	2,638
Total performing arts registrations	94,303	82,287	176,590
Works of the visual arts:			
Two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, works of applied arts, and architectural works	33,885	13,617	47,502
Group registrations:			
Unpublished visual art works (GRUW)	–	9,458	9,458
Group registration of unpublished photographs (GRUPH)	–	2,642	2,642
Group registration of published photographs (GRPPH)	9,419	–	9,419
Group registration of contributions to periodicals (GRCP)	6	–	6
Total visual arts registrations	43,310	25,717	69,027
Total basic registrations	278,516	162,827	441,337
Renewals			48
GATT registrations			93
Mask work registrations			16
Vessel design registrations			32
Grand total all registrations			441,526
Preregistrations			444
Supplementary Registrations			1,764

¹ Group registrations contain multiple works.

Financial information published in this table is unaudited.

Fee Receipts and Interest, FY 2023

<i>Fees</i>	<i>Receipts Recorded¹</i>
Copyright Registration	\$31,921,807
Registration Special Handling/Expedited Services	\$2,374,400
Preregistration	\$115,600
Renewal Registration	\$12,535
GRTX (Short Online Literary Works)	\$17,355
Vessel Hull Design Registration	\$31,000
Mask Works Registration	\$450
Subtotal	\$34,473,147
<hr/>	
Recordation of Documents	\$770,516
ECS – DA (Deposit Account)	\$455,135
ECS – Non DA	\$894,405
Recordation Special Handling/Expedited Services	\$11,550
ECS – DA – Special Handling	\$4,950
ECS – Non DA –Special Handling	\$18,150
Certifications	\$723,036
Other Services and Fees	\$127,075
DMCA	\$83,274
Searches	\$30,600
Other Licensing Fees	\$7,290
Electronic CCB Payment	\$21,420
CCB DSAD (Designated Service Agent Directory)	\$66
Subtotal	\$3,147,467
<hr/>	
Total Receipts Recorded	\$37,620,614
<hr/>	
Investment Earnings	\$373,658
Pay.gov Collections returned to Customers	\$9,928
Reconciling Transactions ²	\$1,104
<hr/>	
Fee Receipts and Interest Applied to the Appropriation³	\$38,005,305

¹ "Receipts Recorded" are fee receipts entered into the Copyright Office's systems.

² "Reconciling Transactions" include amounts pending association with an identified fee type and corrections.

³ "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.

APPENDICES AND TABLES

Estimated Value of Materials Transferred to the Library of Congress, FY 2023¹

<i>Category of Work</i>	<i>Registered Works Transferred</i>	<i>Non-registered Works Transferred</i>	<i>Total Works Transferred</i>	<i>Average Unit Price</i>	<i>Estimated Value of Works Transferred</i>
Books¹	42,083	250,266	292,349		\$28,741,451
Book-hardbound	21,390	11,852	33,242	\$97.90	\$3,254,392
Book-softbound	20,693	11,594	32,287	\$45.00	\$1,452,915
e-books (ProQuest)	0	25,323	25,323	\$6.19	\$156,749
e-books (special relief) ³	0	201,497	201,497	\$118.50	\$23,877,395
Serials¹	48,802	224,495	273,297		\$18,202,193
Periodicals ²	28,235	144,096	172,331	\$59.36	\$7,160,698
Newspapers and e-Prints ¹	20,567	21,971	42,538	\$2.00	\$85,076
e-Journals ³	0	58,428	58,428	\$187.52	\$10,956,419
Microforms	0	259	259		\$64,750
Microfilm	0	259	259	\$250.00	\$64,750
Microfiche	0	0	0	\$17.03	\$0
CD	5,199	386	5,585	\$20.00	\$111,700
Vinyl Record	686	89	775	\$24.16	\$18,724
DVD	1,397	65	1,462	\$30.00	\$43,860
Video recordings (Videotape)	16	2	18	\$167.33	\$3,012
Printed music	622	14	636	\$88.75	\$56,445
Maps	266	0	266	\$70.27	\$18,692
Prints, Posters, Photographs, Works of Art	126	11	137	\$57.18	\$7,834
Subtotal	99,197	475,587	574,784		\$47,268,661
Copyright Historical Public Records Review Project					
Prints, Posters, Photographs, Works of Art	804	—	804	\$57.18	\$45,973
Music Box Discs ⁴	50	—	50	—	\$0
Cassette Tapes	4	—	4	—	\$0
Vinyl Records	60	—	60	\$24.16	\$1,450
Subtotal	918	—	918		\$47,423
Total	100,115	475,587	575,702		\$47,316,084

1 As of 2010, categories were changed to match format codes in the Copyright Office's eCO system. Newspapers and Film-35mm/70mm/MAX 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 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 Acquisitions & Deposits 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.

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

4 Value of these materials varies greatly and could not be accurately determined.

Non-Fee Information Services to the Public, FY 2023

Public Information and Education Division

In person	388
By correspondence	983
By email	71,613
By telephone	57,915

Total **130,899**

Materials Control and Analysis Division

By correspondence	133
By email	3,474
By telephone	7,576

Total **11,183**

Licensing Division

By correspondence or email	237
By telephone	354

Total **591**

Grand Total **142,673**

COPYRIGHT OFFICE CONTACT INFORMATION

United States Copyright Office

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

Website

copyright.gov

Public Information Office

Staff members are on duty to answer questions from 8:30 a.m. to 5:00 p.m., 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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