



Marybeth Peters

1939–2022





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Alison Hall and Anandashankar Mazumdar

On September 29, 2022, the copyright community lost a friend, advocate, and scholar when Marybeth Peters passed away peacefully in her sleep at the age of 83. Having served the Copyright Office for more than four decades in numerous capacities, including as the Office’s head, she was a global authority on copyright law and a well-known and well-loved presence in the world of copyright.

Her passing marks the loss of an influential force in the development of copyright law and an unparalleled source of expertise. Throughout her long tenure as the Register of Copyrights, Peters was sought after by Congress, as well as by scholars and copyright industries, for her vision and analysis.

“Marybeth Peters leaves an unparalleled legacy as a champion for creativity and an inspiring leader,” said Register of Copyrights Shira Perlmutter. “Her broad and deep knowledge of copyright was matched only by her warmth and generosity in sharing it with all of us.”

Peters, who was born in 1939, was a native of East Providence, Rhode Island, and earned her bachelor’s degree at Rhode Island College in 1961. She received a law degree from the George Washington University Law School in 1971.

Peters joined the Library of Congress as a shelf-listener in the Processing Department in 1965 and became a music examiner in the Copyright Office in 1966. In 1975, she joined the Office of the General Counsel as an attorney-advisor. With the enactment of the Copyright Act of 1976, Peters developed and implemented training for Copyright Office staff,



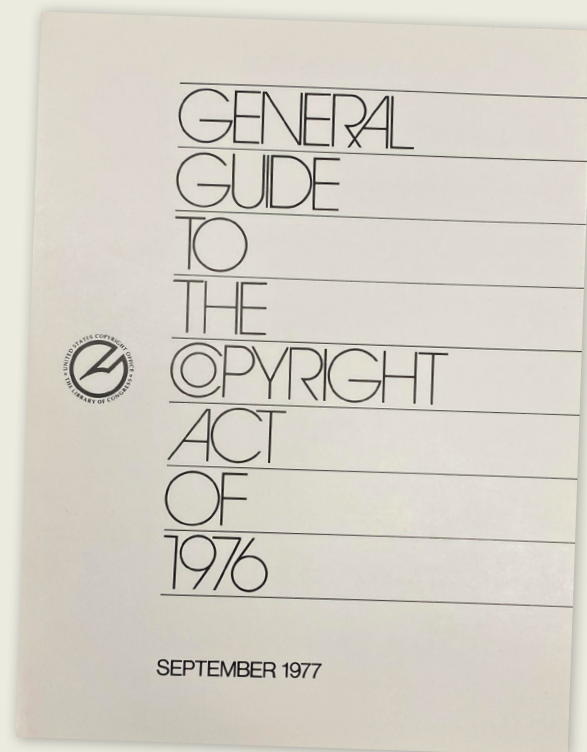


“The truth is that I’m actually much happier as a team player. I want to be on a star team, and I want everybody to be stars.”

industry representatives, and the general public regarding the changes in copyright law. She also wrote *The General Guide to the Copyright Act of 1976*.

In 1977, Peters was promoted to chief of the Information and Reference Division and was later appointed chief of the Examining Division in 1980. She served as advisor to the Register on policy planning starting in 1983 and, in 1993, added the position of acting general counsel to her portfolio. During this period, she also served as a consultant on copyright law to the World Intellectual Property Organization (WIPO) and earned a reputation as a leading expert on U.S. and international copyright law.

On August 7, 1994, Peters took office as the eleventh Register of Copyrights, the first woman after Barbara Ringer to serve in that role. At her first All Hands Meeting as Register, she stated her goal for the Office during her tenure was to provide “the highest quality product and the best public service.”





Her expertise and advice were critical to the drafting and passage of several amendments to the Copyright Act, and her leadership was instrumental in the implementation of several statutes, such as the Uruguay Round Agreements Act, the Digital Performance Right in Sound Recordings Act, the Sonny Bono Copyright Term Extension Act, and the Digital Millennium Copyright Act (DMCA),

which brought the U.S. copyright system into the internet age. At the request of Congress, she submitted several major reports on copyright policy issues, many of which led to the introduction of legislation. She also advised Congress on all copyright legislation that was enacted during her tenure as Register and testified at many hearings on copyright policy and legislation.



Peters was the first Register to oversee the Copyright Office's new role under section 1201 of the DMCA in creating exemptions from the anti-circumvention law. Her leadership of the Office also included the generation of several landmark studies, such as those on statutory licenses, protection of databases, and addressing the orphan works problem. She also was largely responsible for the monumental development of the first electronic registration system. "This will be my legacy," Peters once noted.

"I had a vision of an electronic filing system that would improve the quality of the registration and recordation system," Peters said. "Reengineering was the effort to change from a paper-based to an online filing system. The process was nowhere near as smooth for staff and the public as I would have hoped. But my commitment to the vision remained steady. The staff and the public now have a system that works."

In recognition of the growing importance of international copyright issues, she established

the Office of Policy and International Affairs led by an Associate Register of Copyrights, which has played an active role assisting in the representation of the United States at WIPO, the World Trade Organization, in bilateral and multilateral trade negotiations, and in other international forums.

Peters retired from the Office in 2010 after serving as Register of Copyrights for sixteen years. She had a longer tenure than any other Register, except for the first Register, Thorvald Solberg.

Upon her retirement, she told *Copyright Notices*, "The goal has always remained steady and has never shifted. I am extremely proud of our public service—our studies for Congress, congressional testimony, court briefs, and the service rendered to the public by the Public Information Office and the Publications Section. These are of the highest quality." She added that she was "grateful that the Library and the Copyright Office provided me a path to do things I love and to meet the most incredible people."



After her retirement, Peters served as senior counsel at the law firms of Oblon, Spivak, McClelland, Maier & Neustadt, LLP and Muncy, Geissler, Olds & Lowe, PC. She also served on the board of directors of the Copyright Clearance Center.

Throughout her career, Peters was sought after as a speaker on copyright law and as a lecturer and adjunct professor at law schools, including the Catholic University of America, Georgetown University, and the University of Miami.

She maintained memberships with the Copyright Society of the USA, the Intellectual Property Section of the American Bar Association, the U.S. chapter of the Association Littéraire et Artistique Internationale, the American Intellectual Property Law Association, and the International Technology Law Association.

Peters was recognized with numerous awards from intellectual property organizations, bar associations, and creative industry associations across the country.

While Peters undoubtedly will be remembered as a leader in intellectual property law, those who knew her remember her as a mentor and confidant. Peters valued the connections with Copyright Office staff far beyond the Register's suite. She once said, "I care about the law, but I care more about people. I believe people should always be treated with respect and dignity. I'm known as the 'the friendly face,' which can be helpful for the Office. . . . The best part of my time here has been working with the people in the Office and the people I've met because of the Copyright Office."

Peters also valued having a mentor and being a mentor. "People helped me along the way,"

"I care about the law, but I care more about people. I believe people should always be treated with respect and dignity."



she shared upon her retirement. “Penny Keziah and Felicia Healy assisted me. Penny was instrumental in getting me the role of training officer for the new law. This position was a ‘career maker’ for me. Later, Barbara Ringer also believed in me and mentored me.”

In the mentor role, Peters worked with the legal interns to help them figure out where they wanted their careers to go, while always stressing that the conclusion has to come from the individual. She also was a mentor in the Office’s Aspiring Leaders Program, believing

“Each generation owes something to the next. My big thing is being open to what may come your way. You may take a different path from what you planned.”

Peters last visited the Office in December 2019 to attend the annual holiday celebration. She had recently moved into a retirement community with her Bedlington terrier, Maggie, “the best dog in the world.” She reminisced over her fond memories of the Copyright Office, ending her comments with “The Library of Congress was a very good place to be.” ©



Register's Remembrance

Marybeth devoted her professional life to copyright. Her service to the Copyright Office and the public began in 1966, when she took a job as an examiner in the music division. Over the years, she worked in almost every part of the Office and learned more than most of us will ever know about the operations of the Office and the Library. She became an expert in international law as well, spending a year at the World Intellectual Property Organization and making lifelong connections with a global network of copyright officials and academics. Among her accomplishments before becoming Register was her role in helping to implement the “new” Copyright Act of 1976, teaching staff about its innovations, and taking the lead in introducing it to the copyright bar around the country.

For sixteen years starting in 1994, the United States was fortunate to have Marybeth as Register of Copyrights, with her immense knowledge and her balanced approach, during a time of great upheaval due to the rapid evolution of digital networked technology. Marybeth presided over the Office's historic move to the provision of online services and advised Congress and oversaw our work on adapting domestic and international copyright law to the digital age. She steered us through these challenges with calm and steady grace.

To add a few words from my personal perspective: I think of Marybeth almost every day, as I am honored to sit in what will always feel like her office. I have many treasured memories of spontaneous 6 p.m. debates there on the issues and controversies facing us at the moment.

It was Marybeth who turned me on to the beauties of copyright policy and public service when I first encountered her as a

young lawyer practicing at a firm in New York. And when she became Register, she brought me into government and the international copyright world back in 1995. I owe her my career, and I'm proud to say that she became my good friend as well as my mentor and boss.

I am far from alone in having Marybeth as a role model. She showed all of us how to combine a commitment to excellence with true humanity and humility. No one who knew Marybeth will ever forget her. And I know that we continue to find inspiration in her generous spirit, passion for teaching, and commitment to creativity and public service.

For these reasons, I am pleased to announce that we are dedicating the Copyright Office collections at the new copyright warehouse in Marybeth's name. We will be honoring her contributions to the Office and her place in copyright history with the Marybeth Peters Copyright Archive.

Shira Perlmutter

“The best part of my time here has been working with the people in the Office and the people I’ve met because of the Copyright Office.”



Marybeth Peters: In Her Own Words

Nicole Lamberson

Shortly before her retirement in 2010, Register of Copyrights Marybeth Peters sat down with Wendi Maloney, a writer-editor in the former Information and Records Division, for an extensive, recorded interview documenting her forty-five-year career at the Copyright Office. Here, we've highlighted excerpts from the interview of Peters speaking on life, creativity, copyright, and the Copyright Office.

On creative passions:

My passion was music, and I, from a very early age, was taking piano lessons and thinking about music. I had an aunt who was an opera coach at Julliard School of Music. She made me realize at fifteen that music may be a passion, but it wasn't going to be a career, and I should think of something else to do with my life. . . . Music still is my passion. . . . I'm much more an attender of concerts and a listener than an actual participant in making music.

On being a teacher:

Most people in my family were teachers. My mother was a teacher. And so I went to Rhode Island College, which at that point just had mostly teacher education, and I became a social studies teacher. After a couple of years, I was asked by the Rhode Island College to become a trainer of student teachers. I actually loved being a teacher. I loved teaching geography and history and civics and all of those things.



On her journey to the Copyright Office:

[At the Library's orientation for new employees], I heard Barbara Ringer, who I think at the time . . . was chief of the Examining Division of the Copyright Office, talk about copyright, and the administrative office sort of talked about jobs in the Copyright Office. And by then, I had actually figured out I was not going to take a master's degree but rather . . . I was going to try to go to law school. I thought, hmm, that's a place where my skill set of music and education might work. It led me to look for postings, and I found one as a public information officer. I marched myself down and said, "You should hire me. I'm a teacher. I know about copyright." But I was instead directed to being a music examiner. . . . In part, it was because they had already filled the job of public information officer with another person who was going to go to law school at night.



They were very sweet to me. They looked at me—this is the administrative officer—he looked at me, and he said, "You know, if you were to work in the public office you're going to be really tired at the end of the day. You're not going to have much left for law school. But you have a music background. We have an open posting for music examiner." They sent me down to the Examining Division, and I was interviewed that day, and I was on that job within two weeks.

On the creation of *The General Guide to the Copyright Act of 1976*:

[It came about] by accident. . . . I'd go home on Friday night, and I'd read everything [about the new law], and then I'd write stuff, and then I'd hand it out in my class. A reporter who worked for *Publisher's Weekly* met with Barbara Ringer, and she said she wanted to talk about the new law. Barbara said, "Well, we should invite Marybeth in." Barbara knew that I had [created the training materials], because I shared it with her. So the reporter said, "Well, could I have a copy of these? It would help me write my stories." Barbara said, "Sure." So she sent me back, and I bundled up everything, and I gave it to the reporter, and I didn't think anything more about it.



One day, maybe a month or two later, I got a call from an examiner in the Book Section saying, “Marybeth, we have this thing, and it’s on the copyright law, and what’s weird is, it has some of your hypotheticals. In fact, it looks a lot like what you wrote.” So I said, “Bring it up to me.” It had an introduction that said, even acknowledged it, it said, “This material is based on lectures given by Marybeth Peters in the Copyright Office.” Now, that’s a little bit of a stretch of the truth, because, yes, there were lectures, but actually it was the material I had handed out. So we went upstairs, and

then we found out what it was selling for something like \$75. Barbara said, “You wrote it. You’re a government employee; the people of the United States should be able to get this for nothing.” So she told me to pick up my papers, and go back, not look at what had been published—the examiner was told to limit the claim to whatever this person supposedly did—and we put out the *General Guide*. But it really only was because a federal government employee had done the bulk of the work, which meant it should have been in the public domain. Now it’s with a well-known publisher,



and it costs \$75. So that never would have seen the light of day but for the action of that individual. The funny part was, the publisher then wrote and asked to see all my material, because they thought I was copying their reporter. Then when I sent it, it all went away.

On becoming the Register of Copyrights:

I want things to happen, and if I see that I can do it better than what I'm seeing around me, then I get impatient, and I move forward. We had two Registers that came from outside the Office. . . . I felt I could do a better job than they could with regard to, not the legislative stuff, not the litigation piece even, but the Office as the Office. I saw a lot of areas in which I thought [for] the Office to survive, with its registration function, its recordation function, its statutory licensing function, [it] really needed some attention. So I actually did think that I could do a good job and that it would be a good fit for my skill set at that point in time. So, yes, I applied.



On being a mentor, especially for women:

When I chose to become a lawyer, there really weren't very many women lawyers. Barbara [Ringer] was there, but Barbara was involved in all of these things, and she was totally surrounded by men. She became a mentor to me later in life. But not at the point when I was struggling. I recognized that I had been very lucky in the jobs that I've had. I've been very lucky in having people who believed in me and who helped me along the way. . . . I thought that if I was lucky enough to be in a position that I could help anybody, I needed to do that. Everybody learns from somebody else. I've done it more with young women lawyers, but I don't limit it to women. I will do it to anybody who wants to get ahead, but especially women because I did struggle. I did think I made it. But I remember when I first became Register. I was a lot younger. . . . [People] were really expecting a man. I thought, you know, you take a lot of bumps along the way. If I could help somebody understand that that's just all part of the process and that at the end of the day, it's how well you do your job. I really do believe that the federal government and other agencies are recognizing the value that women bring to jobs and that you don't have to necessarily fight.



I was stupid. I thought I had to behave like a man in order to get ahead. If you're not being who you are, you don't come across as very authentic. I learned that the hard way.

On her proudest achievements at the Copyright Office:

I don't always use the word proud, but things that I'm happy about: I believe that the Office is a better place with regard to how we do things than when I took over. So I feel good about that. I think that even with all the pain, going the electronic route, hanging in there, and not giving up. . . . I think we've got a first-rate legal staff. I'm proud that those people said yes and came to work for the Copyright Office and that meant work with me. . . . I'm proud [about] the relationship I've had with Congress. I have for

the most part got along with all members of Congress and been able to talk with them and work with them to the point that there was a hearing when they were all saying that I was their favorite witness of all the witnesses they have. I'm proud of that. And I'm proud of the role, this is not me, but I'm proud of the role that the Copyright Office plays in the United States for authors, for publishers, for users.

On being Register of Copyrights:

You know, the Register's job doesn't come across someone's radar very often; it isn't vacant that often. To be in the right place at the right time . . . I'm so grateful to have had that opportunity, and I love the Library of Congress. I love the Copyright Office even more. So, it's been great. ©



Remembrances

Marybeth and I were co-workers in the Copyright Office for a long time and had many pleasing and pleasant working exchanges when I represented Local 2477 as a long-time steward. However, in a simple afternoon greeting while waiting for the elevator by her office, we became personal friends. It was in that conversation that we discovered she was very good friends and an employer to my husband's aunt. Oh, she knew her family members and spoke highly of my now aunt and uncle, and my aunt did the same about her family.

I shared with her in one of our many conversations that I collected key chains and how my personal friends, other co-workers, and even my present chief would bring me them from places they had been. Well, Marybeth didn't forget that, and one day I was called to the Register's office. Of course, I'm thinking, what has happened? What employee needs my assistance now? Etc. I went and she greeted me and said I have something for you. In my mind, I was thinking, has something for me? Marybeth had just come back from London and had brought me a very nice keychain from there—the iconic London telephone booth. I was shocked that this busy person remembered that. I was so elated! I gave her a big hug and thanked her for even remembering that! That wonderful smile of hers said everything.

Many months had passed and while in the hall, Marybeth and I exchanged greetings, and she said Cookie come to my office at such and such a time we need to talk. I came to her office again thinking what has happened. She greeted me with her smile and said have a seat. She then tells me she went to China and pulled out this beautiful blue koi fish keychain; it was big and moved! Yes, I did the same thing again and thanked her. Those, of course, are still in my collection, and I have the honor of telling family and friends that the Register of Copyrights Marybeth Peters brought me keychains! I will be forever grateful for her kindness and friendship. Both she and my aunt have left us in person but both will forever be in my heart.

—D'Andrea “Cookie” Hamn

Program Specialist for Acquisitions, Acquisitions & Deposits

Marybeth was a true gem and very personable. She was the Register when I joined the Copyright Office fifteen years ago. Marybeth always made you feel welcomed no matter your grade or role. She understood the work of the Copyright Office, as she was a worker bee like me! I have two fond memories of her: Once, when I attempted to change her toner cartridge, and she let me know she could do those things for herself! The second memory was that after she had a quick question for me in the hall, she asked if I would walk with her to the sixth floor cafeteria. During that walk, she told me all about her career here in the Copyright Office and why the “work” was so important to her. I remember not really wanting that walk to end because of the wisdom she provided and the interesting stories she shared.

—Carla Roberts

Support Services Specialist, Administrative Services Division

Although I did not work directly with her, I remember her as a soft-spoken, nice person.

—Ray Richardson

Copyright Office retiree





I remember Marybeth as an approachable, yet brilliant, copyright scholar and leader. As a new attorney-advisor in the Office of General Counsel in the last few years of her tenure as Register, I saw Marybeth handle her multiple responsibilities—dealing with registration, policy, litigation, the Library, Congress, WIPO—with a relaxed cheerfulness and openness to collaboration and new ideas that were striking. Her frequent laughter that would echo around the Register’s suite indicated that she wore her duties lightly. I never saw her appear upset or stressed, although I’m sure at times she was both. This leadership style, combined with her unassailable authority in all copyright matters foreign and domestic, inspired her staff to do our best.

—Chris Weston
Senior Counsel, Office of Policy and International Affairs

As Register, I found Marybeth Peters approachable to discuss copyright issues and unusual scenarios, particularly regarding copyright protection in the United States compared to other countries, which are questions I fielded because of my language skills in Ukrainian. In addition, Marybeth was instrumental in encouraging me to explore detail possibilities elsewhere in the Library, outside of the Copyright Office. Her advice was the basis for my getting an internship in the Office of the Librarian for twenty-two months, for which I am grateful.

—Larisa Pastuchiv
Subject Matter Expert, Visual Arts Division

Remembering Marybeth Peters brings to mind several of her accomplishments and attributes. Her impressive role in the copyright world is beyond dispute, and individual feats in that context are numerous. Her expressive personality was also notable, and complimentary to the former. I recently looked to YouTube to find an example of her well-known-to-many “Whoop!” In doing so, I was reminded of Marybeth relaying anecdotes, accentuated through her voice and hand movements. Most of the stories that she told best involved her own minor misfortune, which I recall as always accompanied by an endearing, self-deprecating sense of humor.

I have heard that Marybeth was a self-described Luddite. The accuracy of that assessment only went so far. For instance, when I joined the Copyright Office, it was in the midst of implementing the first iteration of electronic registration. There were inevitable hurdles in that effort, and my appreciation for the ways Marybeth navigated that and other institutional changes has increased over time. Marybeth also appreciated and confronted difficult issues involving ways that copyright law must and will interact with changing technology. Marybeth engaged with such matters with vigor, but with an open mind, both of which are laudable and worth trying to emulate.

—Steve Ruwe

Copyright Royalty Judge, Copyright Royalty Board

Early in my career as a manager, I had the opportunity to coordinate presentations for a group of fifty Junior Fellows interns at the Library. Marybeth eagerly accepted an invitation to talk with them, and instead of handing out brochures and organization charts, she shared personal stories from her career as a teacher and her journey into copyright law.

She engaged the interns by asking about their own goals and aspirations and offering valuable advice. The interns were captivated by her anecdotes and could relate to her experiences, making the presentation both informative and enjoyable. They soon were laughing along with Marybeth as she recounted travel adventures and interesting interactions with members of Congress. Through her unpretentious, candid communication style, Marybeth clearly explained the work of the Office and her role as the Register.

I was inspired by the candor and openness that Marybeth expressed not only to that group of interns but with everyone she encountered. Her approach had a profound impact on me and taught me the importance of relatable and authentic communication.

—George Thuronyi

Deputy Director, Office of Public Information and Education



I met Marybeth Peters in the early 1990s when she was a policy planning advisor, and for years thereafter, our paths would cross on copyright law developments, mostly in the international arena. My first introduction to her was at a conference in upstate New York—a gathering of many copyright lawyers. I was a young associate in a law firm, and I was more than intimidated, as I was meeting many luminaries in the copyright field. I heard laughter in a corner of the room, and sure enough, it was Marybeth. She was gathering a group of people to go out and play volleyball. I joined her team, and the goal to have simple joy and fun was accomplished.

Shortly thereafter, my first solo professional meeting with her was in suite 403, in an office stacked with piles of papers. We were discussing issues in a proposed law in another country, and I was going one-on-one with such an expert. Our time turned out to be an engaging, two-way conversation, full of discussion and problem solving. That's how I always experienced her. Marybeth had a way of making people feel at ease and appreciating their contribution. I joined the Copyright Office in 2010 before she retired, and that time was an honor and pleasure. After her retirement, she would have lunches, and a group of us continued to learn from her. Marybeth Peters, a mentor to many, an educator to all, and a friend whose lively and infectious laugh left me, and all of us, better people.

—**Maria Strong**

Associate Register of Copyrights and Director of Policy and International Affairs

Nearly sixty years ago, I met a young woman with a Rhode Island accent and a personality matching her bright red hair when she began her illustrious career as an examiner in the Music Section of the Examining Division. At that time, the Copyright Office was on the first floor of what is now the Adams Building. The Music Section was in a large room, which it shared with the Renewal and Assignment Section. I mention this because not only was Marybeth known for her warmth and intelligence, but also for what can be mostly described as a laugh, which resounded through this large space. This signature “laugh” was easily identifiable as it echoed in the corridors of WIPO and the banquet hall at the annual Copyright Society meetings.

George Cary, who was Deputy Register and taught copyright at the George Washington University Law School, told me that Marybeth was the best student he had ever had in class. It was this intelligence and outstanding performance in the positions she held in the Office that led to the inevitable—becoming Register.

On a personal note, Marybeth remained a trusted friend and colleague from the day we met in 1966. As Register, she was always approachable. Her successes never changed her. In terms of ego, the Marybeth I knew in 1966 was the same Marybeth in 2016. Many times after she became Register, I would drop into her office and we would talk about some current copyright issue or reminisce about our early days in the Office. She was never too busy to sit and chat.

We are all fortunate to have benefited from Marybeth’s professional achievement in successfully leading the Office for sixteen years, and so many of us are fortunate in being able to have had this warm talented star as a friend.

—Art Levine

Former Assistant Chief, Examining Division



Marybeth was a magnificent person, and I feel very fortunate that we became close friends. Many honors come to mind for me—the honor of knowing her for thirty years; the honor of supporting her as deputy general counsel and then as head of Policy and International Affairs during her last few years as Register; the honor of building upon her



instrumental work when I became Register; and the honor of helping her during her final years, when she was ill but always asking about copyright law, the Copyright Office, and copyright people. During the last five years of her life, she lived in a retirement home about a mile from my home, and I spent many hours with her (and her dog Maggie), as did my colleague David Carson.

Marybeth was a role model to an immeasurable number of people. I remember a Copyright Society meeting many years ago in which someone introduced Marybeth by noting that no last name is necessary, like “Madonna.” Just say “Marybeth” and everyone knows who you mean, at least in copyright circles. And by copyright circles I mean the whole world. One of my lasting impressions of public service is finding myself in the far corners of the world, say Asia or Africa, only to have someone ask, “Do you know Marybeth?” I think this happened to many who worked in the Copyright Office.

Marybeth led the Office during many notable developments, including the Google Books case just before she retired. She bluntly called the proposed settlement a judicially sanctioned compulsory license that impinged on the powers of Congress.

Congress took notice and called a hearing. The Department of Justice (DOJ) took notice and quoted her testimony in its brief. The Second Circuit agreed with the DOJ. Lest my point be lost, here it is: so influential and admired an expert was Marybeth in those last years of her service, that three branches of government came together to heed her advice. (Indeed, the case went awry—in my humble opinion— only after she retired.)

One of Marybeth’s many gifts was making complex issues clear. I still remember a House hearing at which she testified, during which Howard Berman (Democrat from California) and Howard Coble (Republican from North Carolina) (we called them “the Howards”) competitively questioned her for their own purposes, with each calling her out as his absolute favorite witness. Marybeth, who respected the halls of Congress immensely—but enjoyed people even more—let her trademark laugh ring out. No one has ever left a copyright hearing in such a good mood since those treasured days when the combination of Marybeth’s expertise and charm were truly show stopping.

—**Maria Pallante**

Former Register of Copyrights from 2011 to 2016

Marybeth was the complete Register. Like her mentor Barbara Ringer, she worked her way up to the Register's Office during a long career serving in a variety of capacities at the Copyright Office. In fact, her first job at the Library of Congress was as a shelf-lister, assisting in the cataloguing of books. She soon moved to the Copyright Office, where she became an examiner in the Examining Division's Music Section—a natural fit since, as she often said, "my passion was music."

Her experiences over the next twenty-eight years molded her into the perfect candidate to lead the Copyright Office. She trained the entire professional staff of the Copyright Office to understand what was referred to as the "new act," the Copyright Act of 1976. She was chief of the Information and Reference Division and then the Examining Division—her first experiences as a manager where she had responsibility for a variety of the Office's operational and legal functions. Having attended law school while she was an examiner, she worked in the General Counsel's office, served as Acting General Counsel, and was one of the first policy planning advisors to the Register—a position that inspired her to create the Office of Policy and International Affairs after she became Register. She spent a year as a consultant at WIPO, building on her experience as a policy planning advisor to hone her expertise and reputation as an expert on international copyright. Those experiences prepared her to lead the Copyright Office. As she said about being Register, "Basically, it's service to the people. It's not testifying before Congress or giving speeches. It's a very important role."

I first met Marybeth in 1991 when she was a policy planning advisor and a fellow participant in a symposium on copyright protection for computer databases, CD-ROMs, and factual compilations at the University of Dayton. Although I had been practicing copyright law for a decade, mostly on the West Coast, I had never actually met anyone who worked at the Copyright Office up to then. But I had already heard a great deal about Marybeth from my partners at my new firm in New York, who spoke of her with great affection and reverence. Still, I was pleasantly surprised to find that she was not at all what I thought a government official would be like. She was friendly and warm, knowledgeable, and intelligent, and obviously a serious person who did not take herself seriously. I left the symposium feeling that I had made a new friend. When I heard that she was appointed Register of Copyrights three years later, I sent her a note of congratulations, telling her that I had no doubts that the Library had made the right choice.

Another three years passed, and I saw that the Office was looking for a new General Counsel. In part because I thought Marybeth would be a wonderful person to work for, I applied for the job. My recollection of the interview is that it didn't seem at all like an interview; it was just a very pleasant conversation, and it reinforced my admiration for her and my belief that we would work well together.

I have often said that being General Counsel of the Copyright Office is the best job any copyright lawyer could aspire to. What I was really thinking, however, was that being

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Marybeth's General Counsel was the best job in the world. Yes, I worked for Marybeth, and she was my supervisor. But she never acted like a supervisor, and it always felt like I was working *with* her. We were collaborators and sometimes coconspirators. Also, it rarely felt like work; it was almost always fun. It was a rare day when we didn't find something to laugh about.

Marybeth was one of the nation's—and the world's—leading authorities on copyright law and policy. She earned and enjoyed the respect and admiration of her colleagues, members of Congress, stakeholders, and other government officials, as well as the international copyright community. During her tenure as Register, she guided the Office into the digital age. She was the first Register to recognize the need for an electronic copyright registration system (as well as electronic systems to administer the other operations of the Office) and under her leadership, the electronic Copyright Office (eCO) became a reality. She acknowledged its shortcomings and recognized that more needed to be done, but given the constraints under which we were operating, eCO was a major—indeed a revolutionary—step forward.

At least equally significantly, she played a leading role in pushing copyright policymakers, legislators, and courts to address how copyright law and policy should adapt to the challenges posed by digital technology. Under her leadership and with her active involvement, the Office confronted the changing digital environment and its copyright-related challenges, including the following treaties and legislation:

- Digital Performance Right in Sound Recordings Act (1995),
- WIPO Internet Treaties (1996, 2002),
- No Electronic Theft Act (1997),
- Digital Millennium Copyright Act (1998),
- TEACH Act (2002),
- Family Entertainment and Copyright Act (2005), and
- Shawn Bentley Orphan Works Act (which passed in the Senate in 2008 but not in the House, one of her great regrets).

She also played a major role in efforts to update the laws governing the licensing of musical works in the digital realm—efforts that did not bear fruit immediately but ultimately led to the Music Modernization Act.

During her tenure, the Office produced studies and reports, including on the following topics:

- legal protection of databases (1997),
- distance education (1999),
- encryption research (2000),
- “digital first sale doctrine” and “temporary incidental copies” (2001),
- orphan works (2006), and
- triennial rulemakings on exemptions to the prohibition against circumvention of technological measures protecting copyrighted works (2000, 2003, 2006, 2010).

continued

She also made her mark on copyright case law relating to digital and other issues. She was passionate about the authors' position in *New York Times v. Tasini*, which restricted what newspaper and magazine publishers could do with articles by freelance journalists. She persuaded the Department of Justice to oppose the proposed settlement in the Google Books case, a case she described as "probably the biggest case in copyright that I've seen in my life." She took a great interest in the Grokster case, where we persuaded the Solicitor General's Office to support the successful effort of a number of motion picture studios and record companies to overturn a ruling holding that distributors of peer-to-peer file-sharing software could not be liable for contributory copyright infringement.

In all of those efforts, her goal was "the enactment and implementation of a good, clear, well-balanced copyright law."¹ Marybeth's heart was always with authors and creators, but she recognized that copyright law represents a balance, incentivizing creativity but for the benefit of the public. Her commitment to finding a solution to the problem of orphan works, as reflected in her 2006 *Report on Orphan Works*, was a notable exercise in seeking to find a balance between the rights of copyright owners and the needs of users.

However, what stands out most when I think of Marybeth is her commitment to public service and to mentoring others who wish to serve the public, her humility and compassion, her sense of humor (and her inimitable laugh), and her devotion to her colleagues at the Copyright Office. Marybeth was very much a public figure and a leader of the copyright community. But she did not seek out the limelight. She was very successful at attracting talented public servants to the Copyright Office, to offer them guidance, and to let them do their jobs. As she said, "I'm actually much happier as a team player. I want to be on a star team, and I want everybody to be stars. I have never wanted to be the one out front, the star." Marybeth nurtured many stars, including our current Register, and her legacy will live on in their work.

—David Carson

Copyright Claims Board Officer and Copyright Office General Counsel from 1997 to 2012

¹ Marybeth Peters, Copyright Enters the Public Domain; The 33rd Donald C. Brace Memorial Lecture, 51 J. COPYRIGHT Soc'y U.S.A. 701, 704 (2004).



“My big thing is being open to what may come your way. You may take a different path from what you planned.”

Marybeth Peters



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