

# **Connected: The U.S. Copyright Office and the Creative Economy**

**Jacqueline C. Charlesworth**

**General Counsel and  
Associate Register  
of Copyrights  
U.S. Copyright Office**

# ***BYU Creators***



**Senator Hatch**

- **Dan Reynolds: Musician, Imagine Dragons**
- **Orson Scott Card: Author, “Ender’s Game”**
- **U.S. Senator Orrin Hatch: Songwriter, “My God is Love”**

- **Stephenie Meyer: Author, “Twilight” series (and film adaptations)**
- **BYU Vocal Point, A Cappella Group**
- **Stephen Covey: Author, “The Seven Habits of Highly Effective People”**



**Stephenie Meyer**

# ***U.S. Creative Economy***



- **Core copyright industries contributed:**
  - **\$1.1 trillion** in value added to U.S. GDP
  - **6.71% of the U.S. economy and**
  - **5.5 million workers = 4.03% of employment**
  
- **Total copyright industries contributed more than:**
  - **\$1.9 trillion** to U.S. GDP
  - **11.44% of the U.S. economy**
  - **11.2 million workers = 8.26% of employment**

***Source: IIPA, 2014 report:  
Copyright Industries in the U.S. Economy***



# Outdated Operations

## Paper Recordation

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000 or 1-877-476-0778 (toll free).

**Privacy Act Notice:** Sections 205 and 205 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for recordation. By providing this information, you agree to routine uses of the information that include publication to the legal notice of your recordation pursuant to 17 U.S.C. § 205 and 205. The information will appear in the Office's online Public Catalog. If you do not provide the information requested, recordation may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

DO NOT WRITE ABOVE THIS LINE - SEE INSTRUCTIONS

To the Register of Copyrights: Please record the accompanying original document or its properly certified copy.

1	First party name given in the document	_____
2	First title given in the document	_____
3	Total number of titles in the document	_____
4	Return receipt requested	<input type="checkbox"/> If checked, please enclose a self-addressed post age-paid envelope.
5	Electronic title list enclosed	<input type="checkbox"/> If checked, please enclose an acceptable digital storage medium containing a properly formatted title list.
6	Amount of fee calculated	\$_____
7	Fee enclosed	<input type="checkbox"/> Check <input type="checkbox"/> Money order <input type="checkbox"/> Fee authorized to be charged to Copyright Office deposit account Deposit account number _____ Deposit account name _____
8	Completeness of document	<input type="checkbox"/> All attachments referenced in this document are included. <input type="checkbox"/> One or more attachments referenced in this document is missing but (a) the attachment is completely unavailable for recordation, (b) the attachment is not essential to the identification of the subject matter of the document, and (c) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference to the attachment.
9	Certification of photocopied documents	Complete this certification if a photocopy of the original signed document is being submitted instead of the document bearing the actual original signature. <b>NOTE:</b> This space may not be used for documents that require an official certification. <b>I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document.</b> Signature _____ Date _____ Duly authorized agent of _____ Name _____ Number/street _____ Apt./suite _____
10	Return to	_____

**Form DCS (Document Cover Sheet)**  
For Recordation of Documents under 17 U.S.C. § 205  
UNITED STATES COPYRIGHT OFFICE

Volume \_\_\_\_\_ Document \_\_\_\_\_  
Volume \_\_\_\_\_ Document \_\_\_\_\_  
Date of recordation M \_\_\_\_\_ D \_\_\_\_\_ Y \_\_\_\_\_  
(ASSIGNED BY THE COPYRIGHT OFFICE)  
Funds received \_\_\_\_\_

## Online Registration

### How to Register a Work



eCO Login



Electronic  
Copyright Office

***“Lots of companies don’t succeed over time.  
What do they fundamentally do wrong?  
They usually miss the future.”***

**- Larry Page, CEO Alphabet  
Press Release, August 10, 2015,  
Announcing Restructuring of Google**



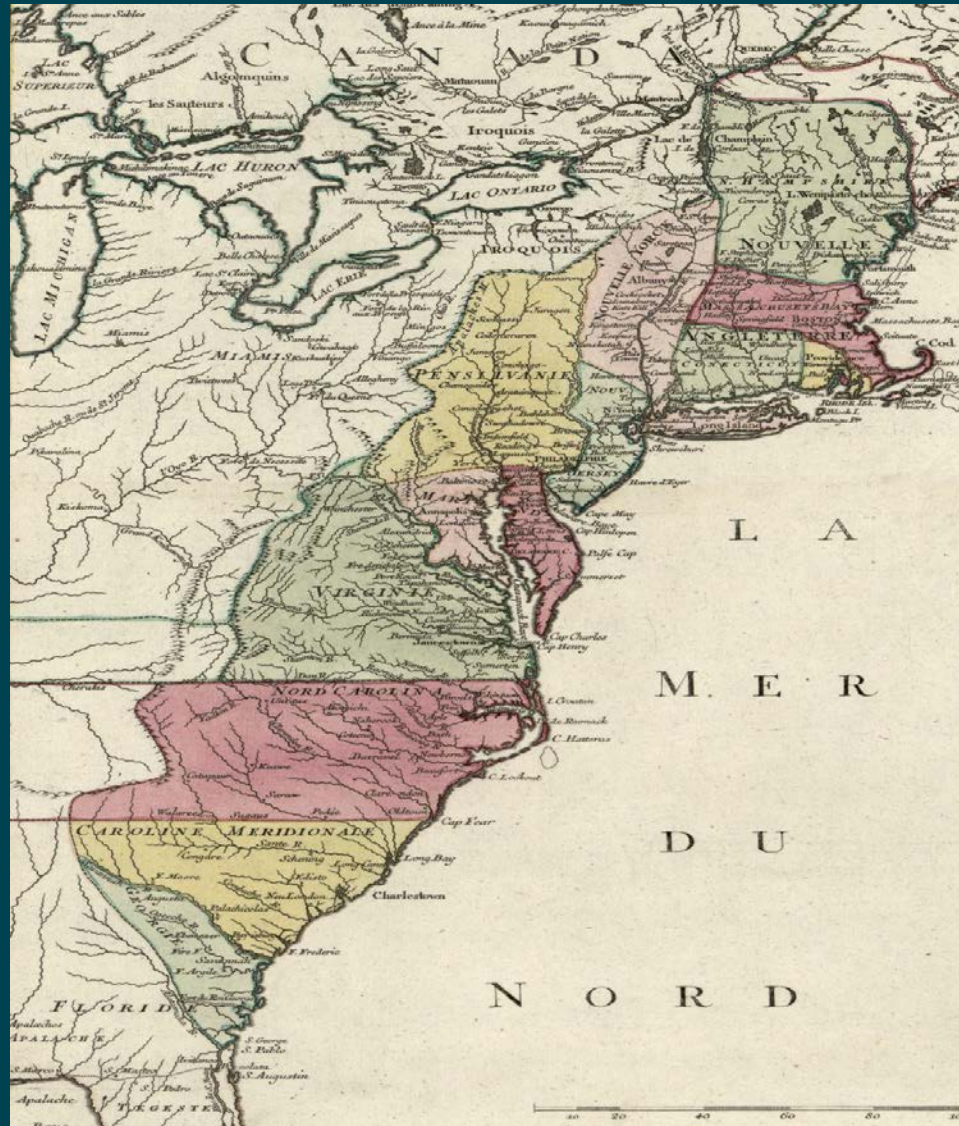
The background features a large, faint, circular seal of the U.S. Copyright Office. The seal contains an eagle with spread wings, perched on a shield. The text around the eagle reads "UNITED STATES COPYRIGHT OFFICE" and "1870".

# **The Library Legacy**





# Copyright Registration in the Colonies



# Copyright Act of 1790



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FIRST CONGRESS. Sess. II. Ch. 15. 1790.

STATUTE II.  
May 31, 1790.

Repealed.  
Act of April 20, 1802, ch. 36.  
Act of Feb. 15, 1819, ch. 18, Act of Feb. 3, 1831, ch. 16, June 30, 1834, ch. 157.  
Auditors of maps, charts and books; and purchasers from them, to have the sole right of publication for 14 years;

recording the title, &c.

Also, if living at that term, to have the further term of 14 years; recording the title, &c.

Other persons printing, &c. without consent of the author, how to be proceeded against and punished.

CHAP. XV.—An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned. (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the time of recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted*, That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or

FIRST CONGRESS. Sess. II. Ch. 15. 1790.

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exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided* always, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "District of \_\_\_\_\_ to wit: *Be it remembered*, That on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of \_\_\_\_\_."

For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a

1802, ch. 36, sec. 2.

Conditions on which the benefit of this act shall be obtained.

1802, ch. 36, sec. 1, 2.

Authors to deliver a copy of their work to the Secretary of State.

No prohibition against importing, reprinting, &c. of foreign writings or publications.

Penalty for publishing manuscripts without consent of the authors.

1.2

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FIRST CONGRESS. Sess. II. Ch. 17, 18, 19. 1790.

special action on the case founded upon this act, in any court having cognizance thereof.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

APPROVED, May 31, 1790.

(a) Wheaton and Donaldson v. Peters et al., 9 Peters, 591. Blinn v. Woodruff, 4 Wash. C. C. R. 45. Ewer v. Cove et al., 4 Wash. C. C. R. 467. Congress, by the act of 1790, instead of sanctioning an existing, perpetual copyright in an author in his works, created the right, secured for a limited time by the provisions of the law. Wheaton et al. v. Peters et al., 9 Peters, 591.

The acts required by the laws of the United States to be done by an author to secure his copyright, are in the order in which they must naturally transpire. First, the title of the book must be deposited with the clerk, and the record he makes must be inserted on the first or second page; then public notice in the newspapers must be given; and within six months after the publication of the book, a copy must be deposited in the department of state. These are acts which the law requires to be done. Every requisite under both acts of Congress is essential to the title. *Ibid.*

In the 8th section of the 1st article of the constitution of the United States, it is declared that Congress shall have power "to promote the progress of the useful arts by securing for a limited time to authors and inventors, the exclusive right to their writings and inventions." The word "secure," as used in the constitution, could not mean the protection of an acknowledged legal right. It refers to inventors as well as authors, and it has never been pretended by any one, either in this country or in England, that an inventor has a perpetual right at common law, to sell the thing invented. *Ibid.* Every requisite under both acts of Congress relative to copyrights, is essential to the title. *Ibid.*



THE  
BOOK OF MORMON,

AN ACCOUNT

WRITTEN BY THE HAND OF MORMON UPON PLATES TAKEN FROM  
THE PLATES OF NEPHI:

Wherefore it is an abridgment of the record of the people of Nephi, and also of the Lamanites, written to the Lamanites, which are a remnant of the house of Israel; and also to Jew and Gentile, written by way of commandment; and also by the spirit of prophesy and of revelation, written and sealed and hid up unto the Lord, that they might not be destroyed, to come forth by the gift and power of God unto the interpretation thereof—sealed up by the hand of Moroni, and hid up unto the Lord, to come forth in due time by the way of Gentile, the interpretation thereof by the gift of God: an abridgment taken from the book of Ether.

Also, which is a record of the people of Jared, which were scattered at the time the Lord confounded the language of the people, when were building a tower to get to heaven; which is to shew unto remnant of the house of Israel how great things the Lord hath for their fathers; and that they may know the covenants of the Lord that they are not cast off for ever: And also to the convincing of Jew and Gentile that Jesus is the Christ, the eternal God, manifest himself unto all nations. And now, if there be fault, it be the misdeed of men: wherefore condemn not the things of God, that ye may be found spotless at the Judgment seat of Christ.

By Joseph Smith, Junior,  
AUTHOR AND PROPRIETOR.

## “The Book of Mormon”

- Mr. Joseph Smith, Jr.  
Author and Proprietor
- 1829 copyright  
registration in the  
Northern District of  
New York

Be it remembered, That on the *eleven*th  
day of *June* — in the *fifty*<sup>th</sup> year of  
the Independence of the United States of America, A. D.  
*1829* *Joseph Smith Junior*  
of the said District, ha<sup>th</sup> deposited in this Office the  
title of a *Book* the right whereof he claims  
as *author* — in the words following, to wit:



# ***Library of Congress room, U.S. Capitol 1853***





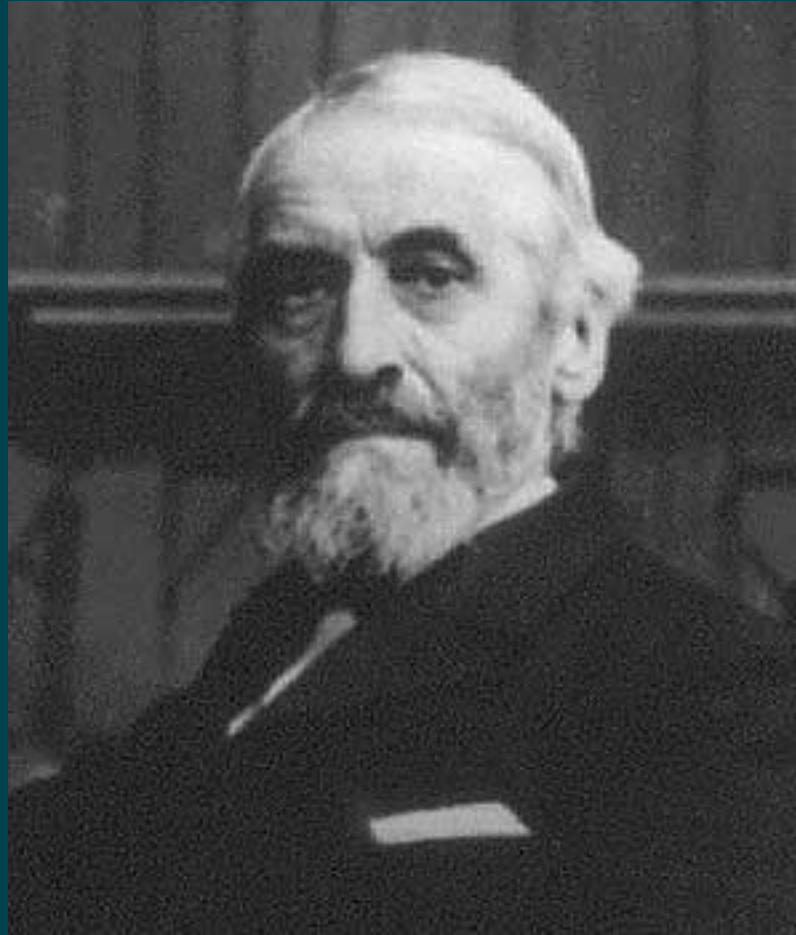
# ***America's National Library: The Smithsonian?***



- **1846: Congress requires authors to send a copy of their work to Smithsonian and Library of Congress within three months of publication**
- **1859: Requirement of deposits to Smithsonian and Library repealed**



# ***Transformation under Librarian Spofford***



**Ainsworth Spofford,  
6<sup>th</sup> Librarian of Congress  
(1864-1897)**

# *Changes to Deposits in 1865*



Copy of each book, pamphlet, &c., to be sent free of expense to library of congress.

Receipt therefor.

SEC. 2. *And be it further enacted,* That a printed copy of every book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured under said acts, shall be transmitted free of postage or other expense by the author or proprietor thereof, within one month of the date of publication, to the library of congress at Washington for the use of said library; and the librarian of congress is hereby required to give a receipt in

**Copyright Act of 1865**



**Smithsonian fire**

# ***Library of Congress: Overflowing with Copyright Deposits***





# ***Jefferson Building Construction: 1886-1897***



# ***1896: Spofford's call for a Copyright Office***



- **“The fruit of [the 1870 Copyright] Act has been to enormously enrich the Library of Congress. On the other hand, it has at the same time enormously increased the difficulties of administration in such miserably narrow quarters.”**

- **The “extensive bureau of detail...should be transferred *as soon as possible*, and should be under the power of a new officer, called the registrar of copyrights.”**



# *Legislative Appropriations Act of 1897*



## APPROPRIATIONS, NEW OFFICES, ETC.

COPYRIGHT DEPARTMENT, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; two clerks, at one thousand eight hundred dollars each; two clerks, at one thousand six hundred dollars each; three clerks, at one thousand four hun

- **Librarian appointed by the President with the advice and consent of the Senate**
- **Tripled staff of Library to account for copyright functions**
- **Register of Copyrights and Copyright Office created**





# *20<sup>th</sup> Century Copyright Office*



# *20<sup>th</sup> Century Copyright Reform*



**“Our copyright laws urgently need revision. They are imperfect in definition, confused and inconsistent in expression; they omit provision for many articles, which under modern reproductive processes, are entitled to protection; they impose hardships upon the copyright proprietor which are not essential to the fair protection of the public; they are difficult for the courts to interpret and impossible for the Copyright Office to administer with satisfaction to the public.”**



**President Theodore Roosevelt  
Letter to Congress (1905)**

# *New Technology*



# 1909 Copyright Act



## AN ACT TO AMEND AND CONSOLIDATE THE ACTS RESPECTING COPYRIGHT.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

- (a) To print, reprint, publish, copy, and vend the copyrighted work; Exclusive right to print, publish and vend.
- (b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art; Exclusive right to translate, dramatize, arrange and adapt, etc.
- (c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production; Exclusive right to deliver lectures, sermons, etc.
- (d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; To represent dramatic works, or make record, or exhibit or perform, etc.



# ***Music Licensing***

## **20<sup>th</sup> Century**



## **21<sup>st</sup> Century**



# ***Evolving Technology***

## **Film**



## **Television**







# Copyright Office Studies: 1955-1961

**“Statutory  
prescription in  
precise detail may  
become outmoded  
in a relatively  
short time.”**

**Copyright Office  
Study on  
Photoduplication of  
Copyrighted Materials  
by Libraries**

86th Congress } 1st Session }	COMMITTEE PRINT
<p>COPYRIGHT LAW REVISION</p> <p>STUDIES</p> <p>PREPARED FOR THE</p> <p>SUBCOMMITTEE ON</p> <p>PATENTS, TRADEMARKS, AND COPYRIGHTS</p> <p>OF THE</p> <p>COMMITTEE ON THE JUDICIARY</p> <p>UNITED STATES SENATE</p> <p>EIGHTY-SIXTH CONGRESS, FIRST SESSION</p> <p>PURSUANT TO</p> <p>S. Res. 58</p> <p>STUDIES 1</p> <p>1. The History of U.S.A. Copyright Law Revision From 1901 to 1954</p>	
	
<p>Printed for the use of the Committee on the Judiciary</p>	
<p>UNITED STATES GOVERNMENT PRINTING OFFICE WASHINGTON : 1960</p>	

86th Congress } 2d Session }	COMMITTEE PRINT
<p>COPYRIGHT LAW REVISION</p> <p>STUDIES</p> <p>PREPARED FOR THE</p> <p>SUBCOMMITTEE ON</p> <p>PATENTS, TRADEMARKS, AND COPYRIGHTS</p> <p>OF THE</p> <p>COMMITTEE ON THE JUDICIARY</p> <p>UNITED STATES SENATE</p> <p>EIGHTY-SIXTH CONGRESS, SECOND SESSION</p> <p>PURSUANT TO</p> <p>S. Res. 240</p> <p>STUDIES 32-34</p> <p>32. Protection of Works of Foreign Origin</p> <p>33. Copyright in Government Publications</p> <p>34. Copyright in Territories and Possessions of the United States</p>	
	
<p>Printed for the use of the Committee on the Judiciary</p>	
<p>UNITED STATES GOVERNMENT PRINTING OFFICE WASHINGTON : 1961</p>	

# ***Statutory Analysis***



## **Section 701: General responsibilities and organization**

**“All administrative functions and duties under this title ... are the responsibility of the Register of Copyrights ... under the Librarian’s general direction and supervision.”**

## **Section 702: Copyright Office regulations**

**“The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions and duties ...under this title ... subject to the approval of the Librarian of Congress.”**



# 1976 Copyright Act



PUBLIC LAW 94-553—OCT. 19, 1976

90 STAT. 2541

Public Law 94-553  
94th Congress

## An Act

For the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes.

Oct. 19, 1976  
[S. 22]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Title 17, USC,  
copyrights.

## TITLE I—GENERAL REVISION OF COPYRIGHT LAW

SEC. 101. Title 17 of the United States Code, entitled “Copyrights”, is hereby amended in its entirety to read as follows:

## TITLE 17—COPYRIGHTS

CHAPTER	Sec.
1. SUBJECT MATTER AND SCOPE OF COPYRIGHT	101
2. COPYRIGHT OWNERSHIP AND TRANSFER	201
3. DURATION OF COPYRIGHT	301
4. COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION	401
5. COPYRIGHT INFRINGEMENT AND REMEDIES	501
6. MANUFACTURING REQUIREMENT AND IMPORTATION	601
7. COPYRIGHT OFFICE	701
8. COPYRIGHT ROYALTY TRIBUNAL	801

## Chapter 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT

- Sec.
- 101. Definitions.
  - 102. Subject matter of copyright: In general.
  - 103. Subject matter of copyright: Compilations and derivative works.
  - 104. Subject matter of copyright: National origin.
  - 105. Subject matter of copyright: United States Government works.
  - 106. Exclusive rights in copyrighted works.
  - 107. Limitations on exclusive rights: Fair use.
  - 108. Limitations on exclusive rights: Reproduction by libraries and archives.
  - 109. Limitations on exclusive rights: Effect of transfer of part of the right.
  - 110. Limitations on exclusive rights: Exemption of certain displays.
  - 111. Limitations on exclusive rights: Secondary transmissions.
  - 112. Limitations on exclusive rights: Ephemeral recordings.
  - 113. Scope of exclusive rights in pictorial, graphic, and sculptural works.
  - 114. Scope of exclusive rights in sound recordings.
  - 115. Scope of exclusive rights in nondramatic musical works: Copyright in the sound recording and in the underlying work.
  - 116. Scope of exclusive rights in nondramatic musical works: Mechanical reproduction by means of coin-operated phonorecord players.
  - 117. Scope of exclusive rights: Use in conjunction with computer information systems.
  - 118. Scope of exclusive rights: Use of certain works in commercial broadcasting.

### § 101. Definitions

As used in this title, the following terms and their meanings mean the following:

An “anonymous work” is a work on the copies of which no natural person is identified as author.

“Audiovisual works” are works that consist of images which are intrinsically intended to be shown by machines or devices such as projectors, viewers, or motion picture projectors, together with accompanying sounds, if

“The 1976 Act is a good 1950s copyright law”

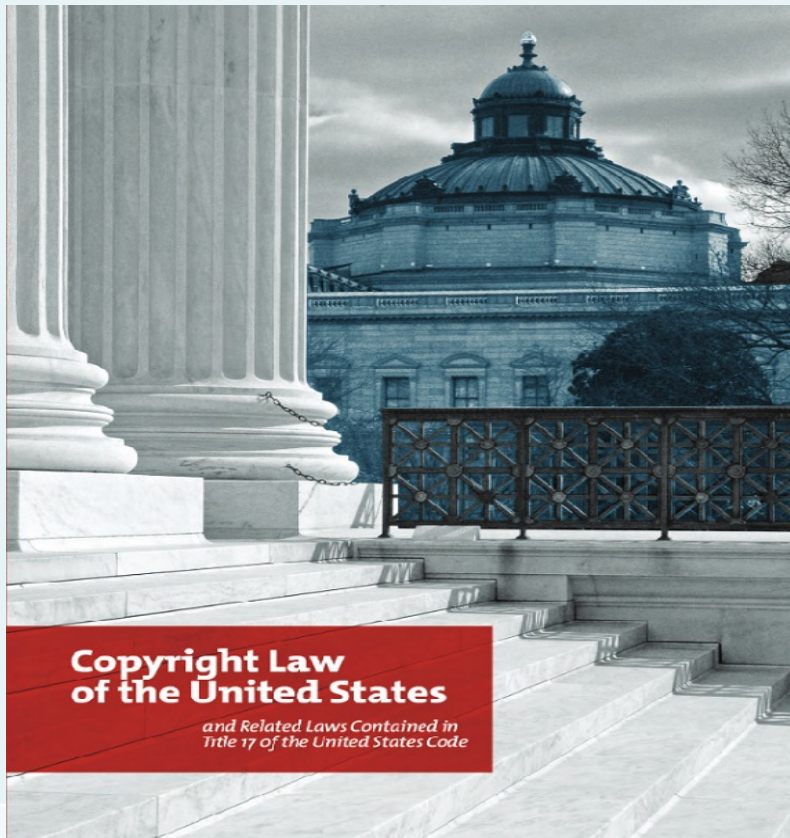


Barbara A. Ringer  
Eighth Register of  
Copyrights,  
1973 to 1980



# ***Old Law v. Digital Age***

## **20<sup>th</sup> Century Law**



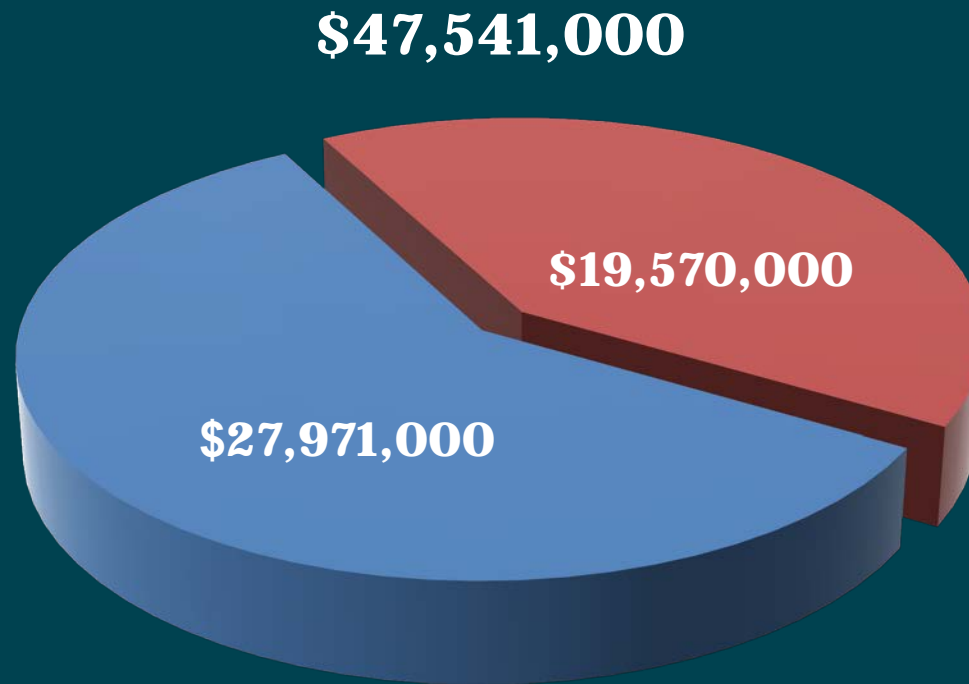
## **21<sup>st</sup> Century Consumers**



The background features a large, faint, circular watermark of the U.S. Copyright Office Seal. The seal contains an eagle with spread wings, a shield on its chest, and a scroll. The text "UNITED STATES COPYRIGHT OFFICE" is arched across the top, and "1870" is at the bottom.

# **Current Operations**

# *Copyright Office Basic Budget FY 2015*

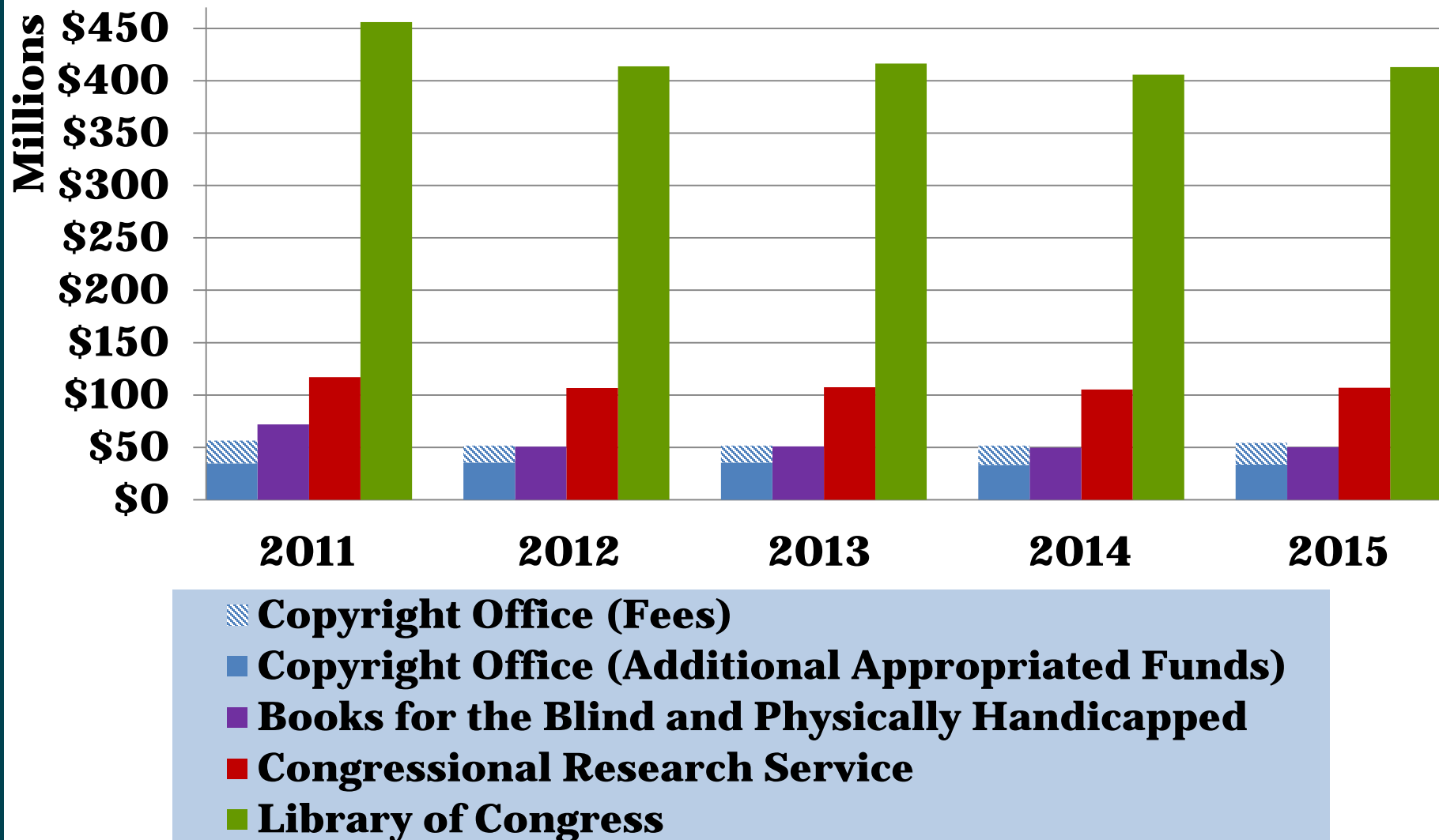


■ **Fees (59%)** ■ **Additional Appropriation (41%)**

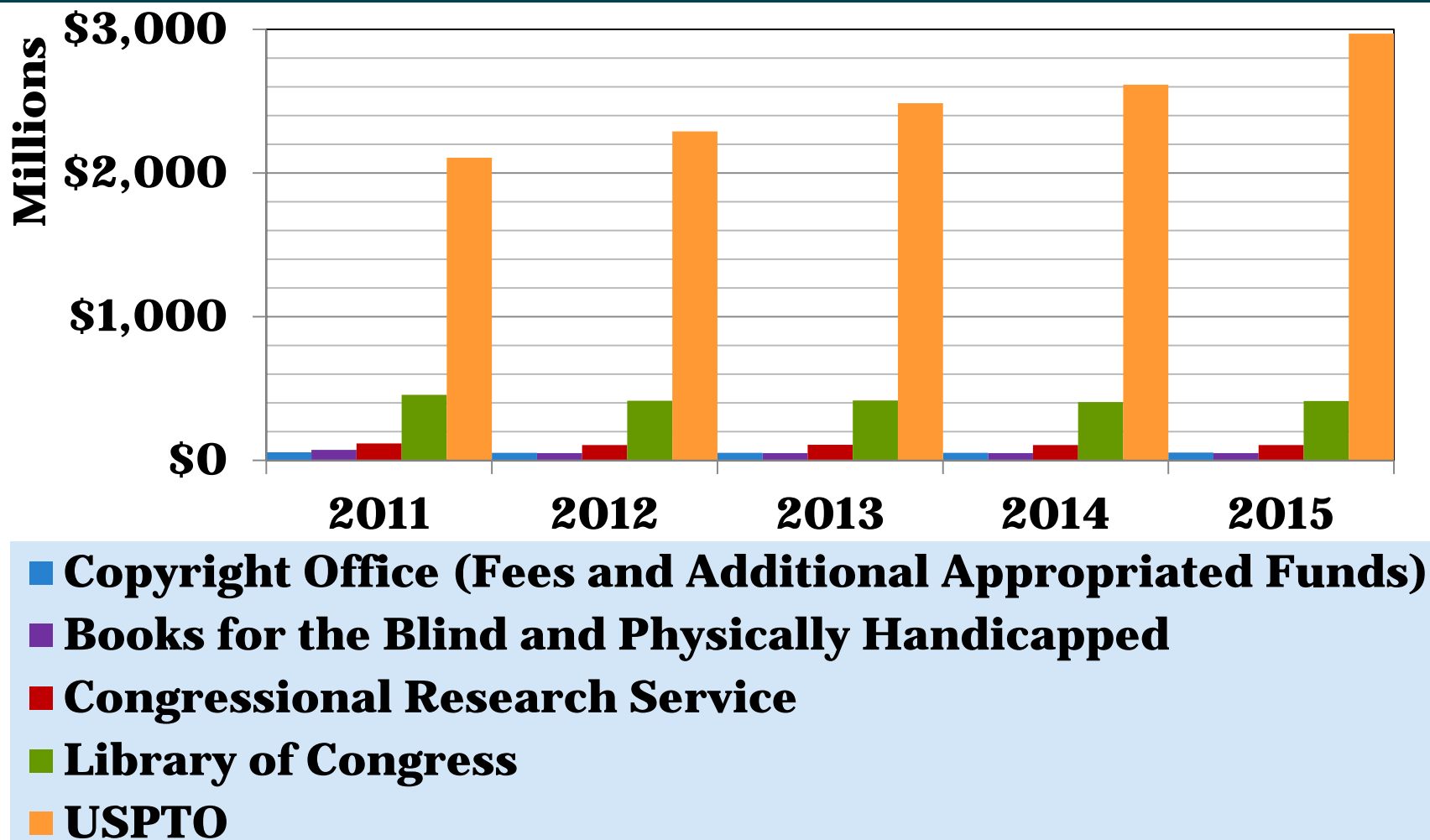
**Value of works added to the Library's  
collections: \$30,000,000 (annually)**



# *Library, Copyright, and Others Budget FY 2011 - 2015*



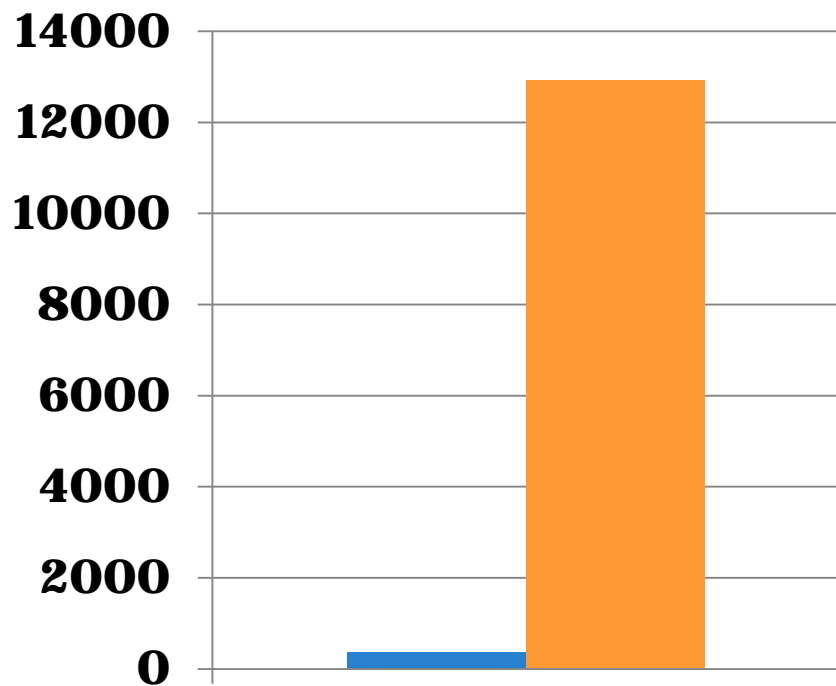
# *Library, Copyright, and PTO Budget FY 2011 - 2015*



# *Copyright Office and PTO FTEs and Budget FY 2015*



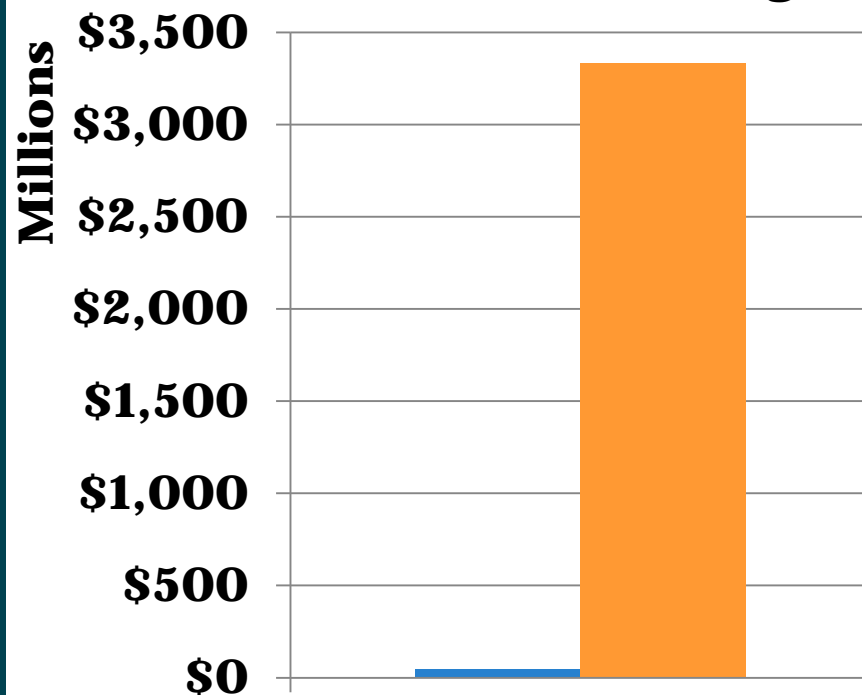
**Total FY 2015 FTEs**



■ Copyright Office (Total FTEs)

■ USPTO (Total FTEs)

**Total FY 2015 Budget**



■ Copyright Office (Fees and Appropriated Funds)

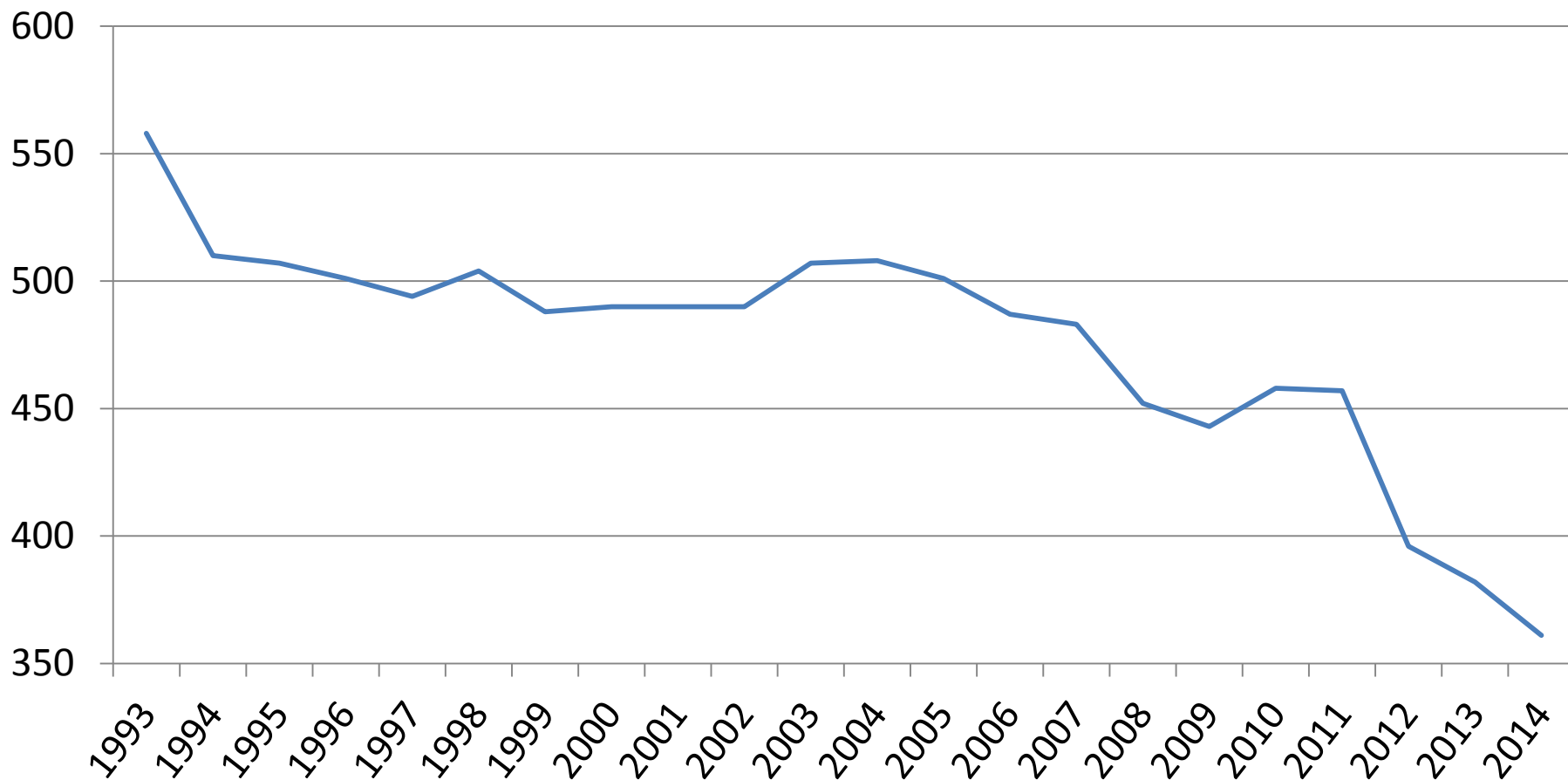
■ USPTO (Total Budget)



# Copyright Office Staffing

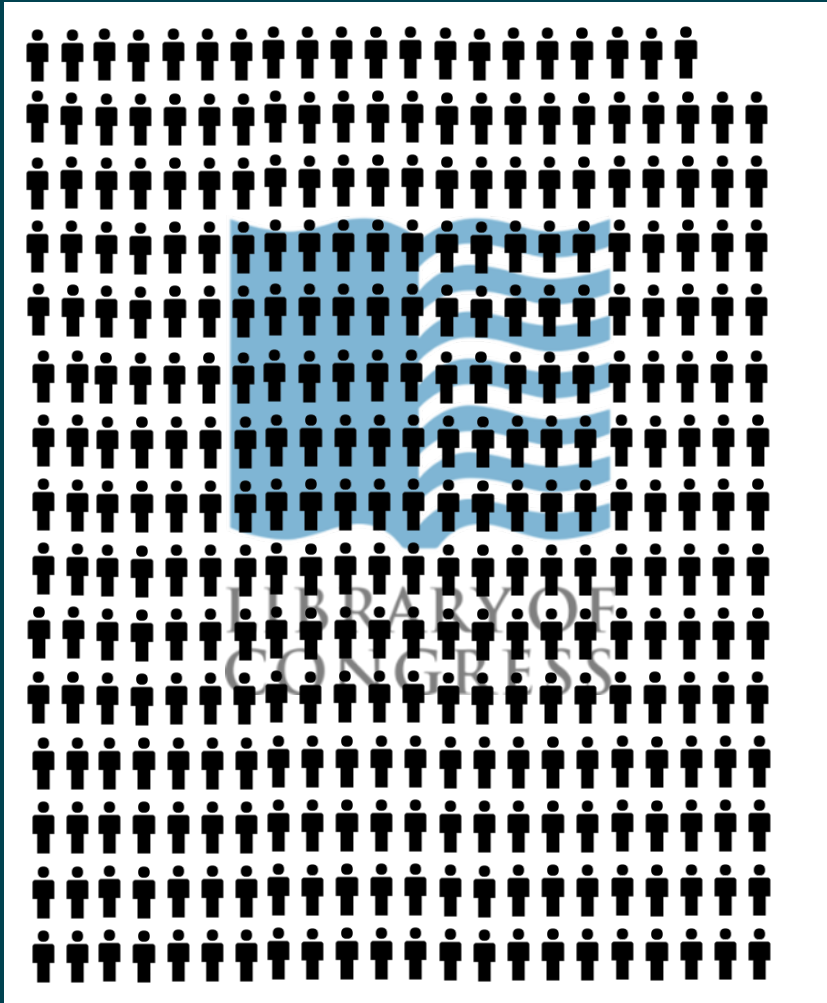


## Full-Time Equivalents (FTEs)



# *Technology Staffing*

**Library of Congress: 328**



**Copyright Office: 23**



# Current Operations

## Paper Registration

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at: [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

**Form TX**  
For a Nondramatic Literary Work  
UNITED STATES COPYRIGHT OFFICE  
REGISTRATION NUMBER

TX TXU  
EFFECTIVE DATE OF REGISTRATION  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1	TITLE OF THIS WORK ▼	
	PREVIOUS OR ALTERNATIVE TITLES ▼	
	PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼	
	If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼	
2	NAME OF AUTHOR ▼	
a	Was this contribution to the work a "work made for hire"? <input type="checkbox"/> Yes <input type="checkbox"/> No	AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR { Citizen of Domiciled in
	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼	
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer to either of these questions is "Yes," see detailed instructions.	
NOTE	NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼	
	NAME OF AUTHOR ▼	
b	Was this contribution to the work a "work made for hire"? <input type="checkbox"/> Yes <input type="checkbox"/> No	AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR { Citizen of Domiciled in
	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼	
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer to either of these questions is "Yes," see detailed instructions.	
	NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼	
c	NAME OF AUTHOR ▼	
	Was this contribution to the work a "work made for hire"? <input type="checkbox"/> Yes <input type="checkbox"/> No	AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR { Citizen of Domiciled in
	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼	
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer to either of these questions is "Yes," see detailed instructions.	

## Online Registration

### How to Register a Work

eCO Login



Electronic  
Copyright Office



# ***Library “Best Edition” Deposit Requirements***



**The “best edition” of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.  
17 U.S.C. § 101**



**Deposit for “NASCAR 3D:  
The IMAX Experience”  
weighing over 400 lbs**



# *Updating Recordation*

## **Paper Process**

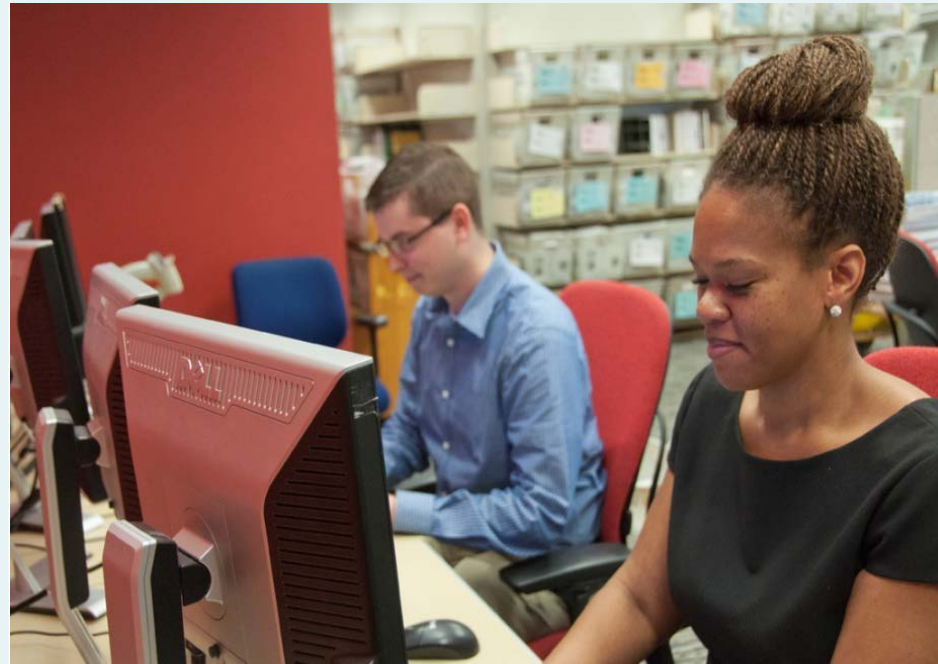
### **Mailing and Delivery Instructions**

Submissions to record transfers of copyright ownership and other documents pertaining to a copyright should be mailed to:

Library of Congress  
U.S. Copyright Office–DOC  
101 Independence Avenue SE  
Washington, DC 20559

Documents may also be submitted in person at the Copyright Public Information Office, which is open to the public 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. It is located in Room LM 401 in the Library of Congress, James Madison Memorial Building, at 101 Independence Avenue SE, Washington, DC.

## **Online Process**



# *Impartial Advisor*



**Copyright law “will need to be more forward thinking and flexible than before. Because the dissemination of content is so pervasive to life in the 21st century, the law also should be less technical and more helpful to those who need to navigate it.”**

**Maria Pallante  
Register of Copyrights  
March 20, 2013  
Testimony to House Judiciary  
IP Subcommittee**



# ***Congressional Copyright Review:***

## ***2 Years, 20 Hearings, 100 Witnesses***

The Register's Call for Updates to U.S. Copyright Law

A Case Study for Consensus Building: The Copyright Principles Project

Innovation in America: The Role of Copyrights

Innovation in America: The Role of Technology

The Role of Voluntary Agreements in the U.S. Intellectual Property System

The Rise of Innovative Business Models

The Scope of Copyright Protection

The Scope of Fair Use

Section 512 of Title 17



Preservation and Reuse of Copyrighted Works

Compulsory Video Licenses of Title 17

First Sale Under Title 17

Music Licensing Under Title 17 (two hearings)

Moral Rights, Termination Rights, Resale Royalty, and Copyright Term

Copyright Remedies

Chapter 12 of Title 17 (Circumvention/TPMs)

Copyright Issues in Education and for the Visually Impaired

The U.S. Copyright Office: Its Functions and Resources

The Register's Perspective on Copyright Review



# *Recent Reports*



- **Copyright Small Claims**
- **Fee Study**
- **Copyright and the Music Marketplace**
- **Resale Royalty**
- **Mass Digitization & Orphan Works**
- **Document Recordation**
- **Technical Upgrades**
- **Making Available (forthcoming)**

# ***Copyright and the Music Marketplace***

**“This horribly dull government report  
could change music forever.”**

**- Vox**

# ***Orphan Works and Mass Digitization***

**“The Copyright Office report on Orphan Works and Mass Digitization is an important step in the long road toward resolving the orphan works problem and seeing more of our cultural and intellectual heritage made accessible to the public and to authors who want to build upon this heritage.”**

**- Pamela Samuelson  
Authors Alliance**

# ***Copyright Small Claims***

**“In short: no lawyers. Fewer fees. No cross-country travel. Rewards capped at reasonable levels. Fair use defenses for infringers encouraged.**

**It’s all so ... *reasonable*.”**

**- Scientific American**



# *1201 Rulemaking*



## Copyright Office Recommendation

“[I]n recognition of the expertise of the Copyright Office, the **Register of Copyrights will conduct the rulemaking**, including providing notice of the rulemaking, seeking comments from the public ... and recommending final regulations in the report to the Librarian.”

## Librarian Publication

“Having duly considered and **accepted the Recommendation of the Register of Copyrights** ... the **Librarian of Congress** is exercising **his authority** under 17 U.S.C. 1201(a)(1)(C) and (D) and is **publishing as a new rule** the classes of copyrighted works that shall be subject to the exemption found in 17 U.S.C. 1201(a)(1)(B)”

# 2014 Update: Compendium III



- **Digital, searchable, user-friendly copyright registration guidelines**
- **Guidelines include examples of works that cannot be registered, including works that lack human authorship, such as:**
  - *A photograph taken by a monkey.*
  - *A mural painted by an elephant.*



# ***Statutory and Compulsory Licenses***

## **Section 111:**

*Cable Retransmission*

## **Section 112:**

*Ephemeral  
Recordings*

## **Section 114:**

*Public Performance  
of Sound Recordings  
by Digital Audio  
Transmission*

## **Section 115:**

*Mechanical Licensing*

## **Section 118:**

*Non-commercial  
Broadcasting*

## **Section 119:**

*Satellite  
Retransmission –  
Distant Programming*

## **Section 122:**

*Satellite  
Retransmission –  
Local Programming*

## **Section 10:**

*Digital Audio  
Recording Device Fee*



**Downloading Future  
Please Wait...**



**Cancel**



# ***Seizing the Future***

***Congress “has an opportunity to position the Copyright Office to act nimbly and efficiently, and in doing so to facilitate the extraordinary digital economy.”***

**Maria Pallante  
Register of Copyrights  
Letter to Congress (Rep. Conyers)  
March 23, 2015**

***Intercollegiate Broad. Sys. v.  
Copyright Royalty Bd.,  
684 F.3d 1332 (D.C. Cir. 2012)***



- **Assessed constitutionality Librarian's Appointment of CRJs under Appointments Clause**
- **Librarian is a “principal officer,” appointed by President with advice and consent of Senate**
- **Though Library has legislative functions, Librarian is part of Executive Branch for purposes of administering copyright system**
- **Librarian must have unrestricted removal power to ensure that CRJs are “inferior” rather than “principal” officers**

# Legacy IT Challenges



**Copyright** | **Notices**

**Notice**

The U.S. Copyright Office is closed, and [www.copyright.gov](http://www.copyright.gov) is not available due to the federal government shutdown effective 12:01 AM ET, Tuesday, October 1, 2013. The Public Information Office and the Technical Support Desk of the Copyright Office are also closed.

If you would like to file a copyright registration online, select the Continue to eCO button below. Filing your claim now will help ensure the earliest possible effective date of registration, although copyright registrations will not be processed until the Copyright Office reopens.

**October 2013: eCo is offline during government shutdown**

**August 28 – September 5, 2015: Technical difficulties after routine maintenance leave eCo offline for 9 days.**

**OFFLINE**

Due to system outages at the data center maintained by the Library of Congress, the U.S. Copyright Office's eCO registration system is offline. The Library of Congress informs us that it is working to resolve the problems as expeditiously as possible, but we do not have an estimated time for service resumption.

Please note that during this outage, you can still file a copyright registration for your work using a paper registration form. All regulations for paper submitted applications, including fees, will apply. Fillable PDF registration forms are available at <http://copyright.gov/forms>. For further information, please contact (202)-707-3000 or 1-877-476-0778 (toll free).

# GAO & Other Technology Reports



## TRANSFORMING DOCUMENT RECORDATION AT THE UNITED STATES COPYRIGHT OFFICE

A REPORT OF THE ABRAHAM L. KAMINSKY SCHOLAR IN RESIDENCE DECEMBER 2016



United States Government Accountability Office  
Report to Congressional Committees

March 2015

## LIBRARY OF CONGRESS

Strong Leadership  
Needed to Address  
Serious Information  
Technology  
Management  
Weaknesses



United States Government Accountability Office  
Report to the Subcommittee on the  
Legislative Branch, Committee on  
Appropriations, U. S. Senate

March 2015

## INFORMATION TECHNOLOGY

Copyright Office  
Needs to Develop  
Plans that Address  
Technical and  
Organizational  
Challenges

GAO 15-338

■ **“Office serves an economically significant marketplace, [and] requires a sophisticated technology enterprise”**

■ **“A third of the Register’s future staff should be experts in technology, data standards, and information management concerns”**

## REPORT AND RECOMMENDATIONS OF THE TECHNICAL UPGRADES SPECIAL PROJECT TEAM

OFFICE OF THE CHIEF INFORMATION OFFICER

FEBRUARY 2015





# ***Different Missions: Different Futures***

## **Library of Congress**



## **Copyright Office**





# ***Congressional Proposals***

# ***Copyright Office for the Digital Economy (CODE) Act***

***Discussion Draft – June 2015***



- **Major Provisions:**
  - **Independent and Impartial**
  - **Budget control**
  - **Modern information technology (IT)**
  - **Continued deposits for the Library of Congress**



***“Creativity is just connecting things.”***

**Steve Jobs**  
**Former CEO, Apple**



# **Connected: The U.S. Copyright Office and the Creative Economy**

**Jacqueline C. Charlesworth**

**General Counsel and  
Associate Register  
of Copyrights  
U.S. Copyright Office**