



# UNITED STATES COPYRIGHT OFFICE **ANNUAL REPORT**

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**FISCAL 2019**





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## Table of Content

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- |           |  |           |   |
|-----------|--|-----------|---|
| <b>2</b>  | Highlights                               | <b>11</b> | Organizational Change Management                |
| <b>5</b>  | Copyright: The Engine of Free Expression | <b>12</b> | Education and Engagement                        |
| <b>6</b>  | Information Technology Modernization     | <b>20</b> | Impartial Expertise on Copyright Law and Policy |
| <b>10</b> | Optimizing Business Processes            | <b>36</b> | Measuring Success                               |
|           |  | <b>44</b> | Appendix  |

# Highlights

The Supreme Court has recognized that the Framers intended copyright to be the “engine of free expression.” The United States Copyright Office is proud of its important role in supporting a well-functioning copyright system for the benefit of all.

The Office, positioned in the Library of Congress, administers the U.S. copyright law, including by: managing the nation’s copyright registration and recordation systems; advising Congress, the courts, and executive branch agencies on domestic and international copyright matters; providing copyright information to the public; and managing significant statutory licenses.

During all this work, the Office focuses on the constitutional mandate to “promote the progress of science . . . by securing for limited times to authors. . . the exclusive right to their respective writings” as envisioned by the U.S. Constitution.<sup>1</sup>

On March 27, 2019, Librarian of Congress Carla Hayden appointed Karyn A. Temple Register of Copyrights and Director of the U.S. Copyright Office. Temple assumed the role after serving as Acting Register since October 2016.

On May 1, 2019, Temple officially launched the **2019–2023 Strategic Plan, *Copyright: The Engine***

**of Free Expression.** This strategic plan, which aligns with the Library of Congress’ strategic plan, includes six focus areas: Information Technology Modernization, Optimizing Business Processes, Organizational Change Management, Education and Engagement, Impartial Expertise on Copyright Law and Policy, and Measuring Success. The plan outlines goals, impacts, and objectives for each focus area.

This annual report focuses on the Office’s accomplishments under each of these six focus areas. Regarding IT modernization, fiscal 2019 marked the first year Congress appropriated funds specifically targeting IT modernization. This funding enabled the Office to continue its work creating a modernized Enterprise Copyright System (ECS). The ECS includes the registration system, recordation system, public interfaces, and future incorporation of statutory license processing.

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

Additionally, the Office kicked off business process reengineering (BPR) and organizational change management (OCM) in fiscal 2019. BPR objectives include improving processing times and creating timely public records, enhancing operational efficiencies through use of new or alternative technologies, containing costs, strengthening data security protections within the Office, and using staff and space efficiently. And through applying OCM practices, the Office will build and maintain a workforce that is efficient, adaptable, and inclusive.

In September 2019, the Outreach and Education Section of the Office of Public Information and Education submitted a draft communications plan to the Register. This revised look at how the Office communicates, both internally and externally, focuses on the audience first. It includes three audience personas based on copyright-related knowledge. A fourth audience, internal staff and volunteers, spans all three personas. Additionally, staff members continued outreach efforts at conferences, meetings, and other speaking engagements. The Office spent significant outreach resources educating the public about implementing the Music Modernization Act.

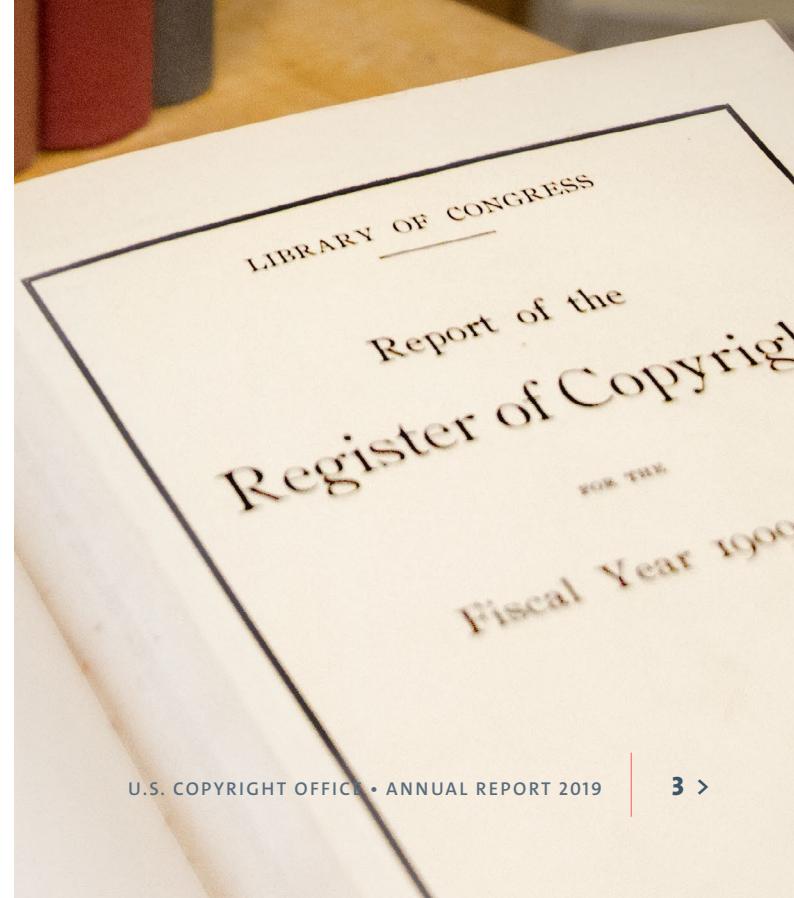
Along with the Music Modernization Act, the Office continued to provide advice on the legal interpretation of the law as enacted by Congress, develop and issue regulations to implement appropriate provisions of the law, conduct and publish policy studies, and provide legal advice

## MISSION STATEMENT

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

## VISION STATEMENT

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



## HIGHLIGHTS

PHOTO BY DAVID RICE



and assistance across the government regarding complex or emerging areas of policy, including litigation as and international matters.

The Office has been analyzing data across all divisions to measure success throughout fiscal 2019. The Office issued more than 547,000 registrations and recorded 12,550 documents containing 457,731 titles. It received 495,756 pieces via mandatory demands and registration deposits, with a total value of more than \$40 million transferred to Library collections. The Office decreased the overall average processing time for reviewing copyright claims from seven months to four, a substantial decrease of over 42 percent within a one-year period. At the beginning of fiscal year 2019, the Office had 184,506 workable claims on hand. By the end of fiscal 2019, the Office had closed 89,221 of these claims, effectively eliminating the backlog.

The Office's work continued to support the economic elements of the copyright ecosystem (which in 2017 included 5.7 million jobs and 6.85 percent of U.S. economy<sup>2</sup>), users of copyrighted materials, numerous individual creators, and the public at large. And the Office looks forward to continuing its important work and building on the accomplishments of fiscal 2019.

The Office saw several senior leadership changes in fiscal 2019. With Temple's appointment as permanent Register, she named Maria Strong Associate Register of Copyrights and Director of Policy and International Affairs and Kimberley Isbell deputy director of policy and international affairs. Kevin Amer was named deputy general counsel. Chief financial officer Jody Harry also served as acting chief of operations, and Christopher Fredericks was named deputy chief financial officer.

<sup>2</sup> International Intellectual Property Alliance, Copyright Industries in the U.S. Economy: the 2018 Report, at <https://iipa.org/files/uploads/2018/12/2018CpyrtRptFull.pdf>; see also U.S. Patent and Trademark Office and the Economics and Statistics Administration, Intellectual Property and the U.S. Economy: 2016 Update (2016), at <https://www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf> (noting that copyright-intensive industries provided 5.6 million jobs in 2014 numbers).



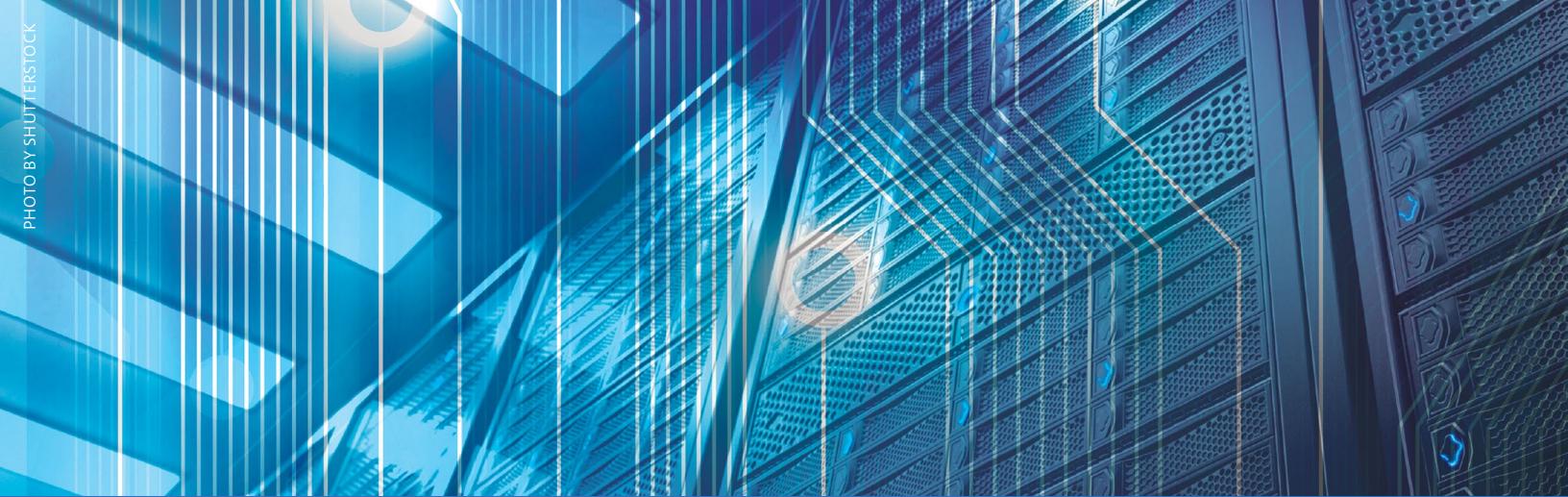
# Copyright: The Engine of Free Expression

Register of Copyrights Karyn A. Temple stated in the 2019–2023 Strategic Plan, *Copyright: The Engine of Free Expression*, that the Office must continue to “focus on ways to streamline and improve the efficiency of Office services while actively participating in discussions, both national and international, on ways to further transform the copyright law to better meet the needs of a modern digital society.” By following this Strategic Plan, the Office continued its modernization efforts throughout fiscal 2019.

Modernization focused on streamlining and improving efficiency of Office services. Additionally,

the Office continues to actively participate in discussions, both national and international, on ways to further transform the copyright law to better meet the needs of a modern digital society.

This annual report details the Office’s fiscal 2019 accomplishments based on each focus area and corresponding goal of the Strategic Plan: Information Technology Modernization, Optimizing Business Processes, Organizational Change Management, Education and Engagement, Impartial Expertise on Copyright Law and Policy, and Measuring Success.



# Information Technology Modernization

**GOAL:** We will develop a robust and flexible enterprise system that is designed for the current and future needs of the copyright community.

While Copyright Office modernization goes beyond information technology (IT) modernization, modernizing the Office's IT systems is a large part of the plan. In fiscal 2019, work focused on developing an Office-wide Enterprise Copyright System (ECS) and providing access to public records.

## ENTERPRISE COPYRIGHT SYSTEM

The ECS is a new enterprise IT system that integrates and improves all of the Office's technology systems, including the registration, recordation, public record, and licensing IT systems. The ECS design system will be shared across all applications, giving users a consistent and optimal interface. Additionally, the ECS will include shared platform services, which are central sets of capabilities that support multiple business

services (for example, using the same email, payment, authentication, and event systems). In fiscal 2019, the Office worked on the following ECS components:

### REGISTRATION

Registration modernization involves a new, enhanced web interface that allows for workflow automation, digital submission and tracking of registration applications, and uploads of digital deposit files (in either single or bulk format). In fiscal 2019, the Office developed a registration product roadmap, which establishes the product vision and, at a high level, prioritizes the registration business functions to be built and integrated into the ECS. This product roadmap and the user experience activities will allow the Office to envision the best way forward toward

development, which is anticipated to start in fiscal 2020. In June 2019, the ECS user experience (UX) held a kickoff meeting to support copyright modernization with a focus on the examiner experience and usability testing.

## RECORDATION

Recordation involves recording documents, such as transfers and wills, related to a copyright. It currently is a paper-based system. The recordation modernization initiative will include a limited public pilot set to be released in fiscal 2020. This work focuses on submission and examination workflow, account management, payment, correspondence, searching capabilities, uploading works, reporting, notifications and alerts, accounting-related features, and integration with the public record systems.

Feedback from the recordation staff was incorporated into the ongoing design of the new application. A group of external remitters also evaluated the system during a usability testing session to gather suggestions from actual users. The Office released a webinar on recordation modernization with a 95 percent positive reception.

Also in fiscal 2019, the Office developed a new Electronic Title List (ETL) Validator tool to assist remitters with the verification and format of their ETL files before submission to the Office. The Office enlisted the help of external remitters to test the new tool as part of the development process. The

PHOTO BY STANLEY MURGOLO



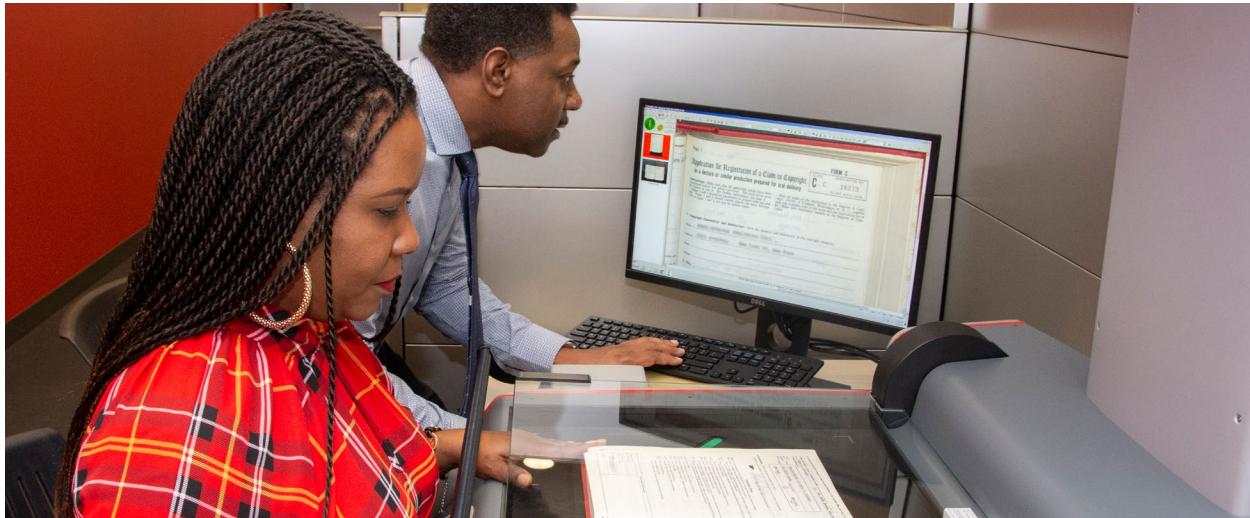
*Office of Public Records and Repositories staff members presenting an update on the recordation modernization implementation (RMI) during All Hands Meeting on May 15, 2019.*

PHOTO BY STANLEY MURGOLO



*Staff received updates on the Historical Public Records Program strategy during All Hands Meeting on May 15, 2019.*

PHOTO BY DAVID RICE



*Office staff focused on digitizing historical record books.*

tool will release in the first quarter of fiscal 2020.

## COMPREHENSIVE ACCESS TO PUBLIC RECORDS

The Office is replacing the existing public records system with a significantly enhanced new portal that will provide access to more copyright records for both registration and recordation data, enhanced search capabilities, and interfaces for internal and external use. Over time, development activities will integrate historical copyright public records into a modernized interface. In fiscal 2019, the Office focused on the following public record IT projects:

### PUBLIC RECORDS SYSTEM

In fiscal 2019, the Office began work on a new solution to replace the existing system of public record. The resulting system is intended to provide expanded access to both pre- and post-1978 records; chain-of-title information; and

associated files including certificates, enhanced search capabilities, and application programming interfaces (APIs) for internal and external use.

The Office gathered requirements for this new public record system, which will replace the existing Voyager interface. The team also began convening regular meetings of internal staff from across the entire Office to review and prioritize the requirements for the system.

This new public record system will tailor information in a new format that makes it easier to view and will provide intuitive search capabilities. To develop the system requirements, the team reviewed feedback from internal interviews and recommendations from external sources.

### HISTORICAL PUBLIC RECORDS PROGRAM

The objective of the Historical Public Records Program is to secure the Office's physical, historical public records through digitization and make

these valuable assets available on the internet to increase open access. The long-term goal is to include historical record content in the online copyright public record with advanced search capabilities and analytical features that make public research and viewing of the copyright public records more accessible.

### DIGITIZATION OF RECORD BOOKS

In fiscal 2019, the Office continued to work toward completing the digitization effort for the remaining historical records and creation of a solution to make the copyright historical records searchable online.

The Office analyzed the complex data flow and identified key data sets that must be captured during the digitization effort. Staff conducted a metadata analysis, which involved analyzing the historical records data flow and identifying key data sets across different timeframes, classes, and categories, all of which is set to be captured during scanning.

### VIRTUAL CARD CATALOG

The Virtual Card Catalog (VCC) is an online proof of concept deployed in fiscal 2019 that allows users to access the Office's card catalog online.

The Office completed the VCC with the third and final release in March 2019. With this release, the Office made the complete digitized collection of the card catalog represented by over 41.5 million digital images dating from 1870 through 1977 available to the public. These images contain copyright registrations, assignments, notices of use, commercial prints and labels, title indexes, and pseudonym files. In addition to the new

The Virtual Card Catalog represents over 41.5 million digital images dating from 1870 through 1977.

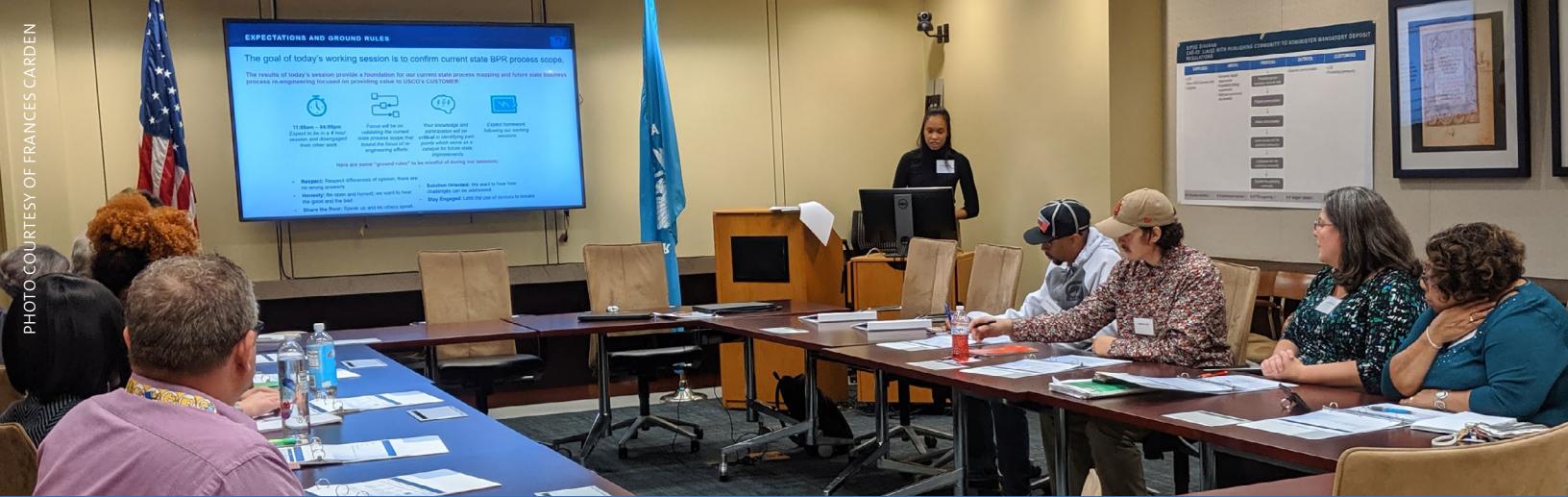


*Library and Office staff testing the Virtual Card Catalog version 3 before its March 2019 release.*

images, browsing capabilities have been enhanced, improving the user experience.

Throughout development, the Office conducted testing activities, which involved, among other things, updating test scripts, assigning testing, developing a tracked issue log, and assisting and training testers.

The Office also finished an inventory of physical card catalog drawers to validate the completeness of the VCC. A gap analysis captured and documented gaps between physical and virtual drawers and included recommendations to achieve a 100 percent match between physical and virtual.



# Optimizing Business Processes

**GOAL:** We will streamline and coordinate Copyright Office processes, practices, and policies to promote timely and reliable services.

In July 2019, the Copyright Office began working with consultants to conduct business process reengineering (BPR) activities to prepare the organization for modernization initiatives. Key BPR activities include mapping current processes, identifying issues and opportunities for improvement, and recommending redesigned workflows to resolve process bottlenecks or inefficiencies.

Objectives of BPR for the Office include improving processing times and creating timely public records, enhancing operational efficiencies through use of new or alternative technologies, containing costs, strengthening data security protections within the Office, and using staff and space efficiently.

Working with its divisions, the Office identified over sixty processes that will be reviewed. Staff from the affected divisions will be working with the consultant to identify gaps in the targeted processes and propose possible workflow and process solutions. BPR results may lead to developing requirements for automated workflows and processes as needed and analyzing how these workflows interact with one another across copyright divisions. In the coming year (fiscal 2020), the Office will be working to complete this BPR project with the consultant, and will turn to implementation efforts in fiscal 2021.



# Organizational Change Management

**GOAL:** We will promote a culture of excellence by engaging in a strategic realignment of the organization and investing in the professional development and growth of our workforce.

Change management is a method to help people handle changes in workflows and practices. It is a structured process that includes a set of tools for leading the people side of change to achieve a desired outcome. Through applying organizational change management (OCM) practices, the Copyright Office will build and maintain a workforce that is efficient, adaptable, and inclusive.

The Office has hired a contractor to develop materials and resources to improve internal communication, break silos, build trust, become a results-driven organization, and empower staff. To facilitate the process of inclusion, the Office formed an OCM working group.

Additionally, the Office of Personnel Management (OPM) reviewed the Office's organizational structure as a central component

of the Strategic Plan. In May 2019, Office staff completed detailed work logs for two weeks. From those logs, OPM is creating a strategic alignment analysis and an organization analysis; it is drafting a report to be issued in the first quarter of fiscal 2020, which includes recommendations for senior leadership's consideration.

Throughout the modernization process, the Office focused on keeping the staff informed of all change. The Copyright Modernization Office (CMO) hosted twelve department drop-ins to discuss modernization and other changes. CMO also sent the monthly *Modernization Insights* newsletter to the staff, hosted CMO Talks events, and participated in open houses and All Hands Meetings and new staff orientations.



# Education and Engagement

**GOAL:** We will expand and target our outreach and educational programs to reach a broad array of audiences.

The Copyright Office provides educational and informational services to raise awareness of, and respect for, the copyright law and the role of the Office in the copyright ecosystem. The Office also seeks to expand participation in the national copyright system by designing and offering educational content for authors and creators, teachers, students, librarians, practitioners, technology entities, and other groups within the copyright community.

## COMMUNICATIONS STRATEGY

Communication is key to ensuring that the Office fulfills the constitutional mandate to promote the progress of the sciences. To have successful communications, the Office must have a robust communications strategy that aligns with the Strategic Plan. In September 2019, the Office of

Public Information and Education submitted a draft communications plan to the Register titled *Audience First: U.S. Copyright Office Communications Strategy*.

The draft plan develops an “audience first” framework to increase copyright knowledge among users. To illustrate target audiences, the Office developed three user personas: Newbie and Novice (Novice Nora), Aware and Curious (Curious Calvin), and Knowledge Seeker and Expert (Expert Ellen). Colleagues and Volunteers, which include Office and other Library of Congress staff members as well as docents and volunteers, are identified as a fourth group, which mirrors the knowledge continuum of the three user personas. The Office will continue to review the draft and release a final plan in fiscal 2020.

PHOTO BY DAVID RICE



*The Public Information Office assists visitors in person as well as online, over the phone, and through mail correspondence.*

## IN-PERSON OUTREACH

Staff from divisions throughout the Office continued to engage in outreach and education activities throughout fiscal 2019.

### Public Information Office

The Office fielded **130,239 inquiries** from the public for copyright information in fiscal 2019. Requests came by email, regular mail, and telephone, and **2,056 individuals** visited the Office. These inquiries span a wide range of topics—general questions about copyright, questions about specific Office services, help filling out applications to register works, to name a few.

### Copyright Matters Events

The Copyright Matters lecture series is a community forum that discusses the practical implications of copyright law in the twenty-first century, provides education and training to the

Office staff, and offers programming for the public. A wide range of invited speakers—including Congressional leaders, authors and performers, company representatives, legal scholars, and Office staff—have delivered presentations on issues of topical importance since the series started in 2011.

The Office produced four events in the Copyright Matters series in fiscal 2019. The first, “Extra! Extra! The Scoop on Copyright & the News,” discussed the relationship between copyright law and journalism. Panelists explored copyright’s role in promoting a free press, including news business models, new avenues for speakers who traditionally didn’t have a public voice, news aggregation, and copyright law exceptions and limitation such as fair use.

“Public Domain: Celebrating the Lifecycle of Copyright,” held in conjunction with works entering the public domain in the United States in January 2019 for the first time in twenty years,



*The Office hosted the annual World IP Day event, Reach for Gold: Copyright & Sports.*

featured creators showing how they used public domain works to make something new. The event included a live performance by high school students of material that had just entered the public domain.

Each year, the Office celebrates World IP day with an event supporting the theme announced by the World Intellectual Property Organization. This year's event, "Reach for Gold: Copyright & Sports," explored the unique and sometimes surprising relationship between sports and copyright.

The Office finished the fiscal 2019 Copyright Matters series with "Create an Adventure with Copyright." The event celebrated the role copyright plays in inspiring adventure and how adventure promotes copyright. Presenters shared the impact copyright has on their photographs, travel writing, music, TV shows, and movies.

## Copyright Info Stations

The Office increased its outreach to libraries with the Copyright Information Station pilot program in fiscal 2019. The pilot program has three participants: Alexandria City Libraries, Loudoun County Libraries (Rust Branch), and Howard University's Founder's Library.

Designed by the Office and led by trained library staff, Copyright Information Stations increase public access to copyright resources through a network of libraries. They also help libraries supplement their collections and resources with the high-quality, current, and accessible information the public demands.

At the Copyright Information Stations, Office-trained library staff offer in-person help for many of the public's copyright needs, including navigating copyright registration and finding copyright information online. Copyright

Information Stations refer the public to Office resources and tools such as the *Compendium of U.S. Copyright Office Practices*, information circulars, the VCC, and the searchable post-1978 online registration database; answer general questions about the registration process; explain the Office's fee schedule, including fees for copyright registration application; and host classes on intellectual property rights. Copyright Information Station librarians are not lawyers and do not offer legal advice. Librarians do, however, help find the information authors and users are looking for and answer many of their copyright-related questions.

### **Register's Speeches**

During fiscal 2019, the Register of Copyrights made presentations and served as the keynote speaker at multiple domestic and international events and symposia. She and other Office attorneys spoke at law schools and annual law and trade association meetings. Public Information Office representatives also spoke at a local school and library about the basics of copyright and what the Office does.

Among her presentations, the Register delivered the keynote address "Fine Tuning Copyright Law: The Copyright Office's Role in the New Music Marketplace" at AIMP Annual Indie Music Publisher Summit and A2IM Indie Week, both in New York. She delivered "A View from the Copyright Office" at ChIPs-Exploring New Fronts Global Summit 2018 in Washington, DC; "The Future of Copyright in the Digital Era: US/EU Perspectives" at the 16th Annual US–

PHOTO COURTESY OF WIPO



Karyn A. Temple, Register of Copyrights, participated at WIPO Assemblies of Member States 58th Series of Meetings in Geneva, Switzerland, and was moderator of the panel "Empowering Women in the Creative Industries."

EU–DE Copyright Summit in Santa Monica; and "Copyright Perspective" at the World Intellectual Property Organization Conference on Artificial Intelligence, U.S. Delegation, at the Assemblies of Member States of WIPO: Fifty-Ninth Series of Meetings in Geneva. She participated in an all-day event on women in IP, moderating the panel "Empowering Women in the Creative Industries" at the WIPO Assemblies of Member States 58th Series of Meetings in Geneva.

### **Senior Policy and Legal Staff Presentations**

Senior policy and legal staff spoke at conferences nationwide on topics including the Music Modernization Act, music and entertainment law, copyright and technology, registration issues, advanced issues in intellectual property law, and Office modernization. They engaged in a variety of conferences, including the Copyright Society of the USA meetings, CopyrightX Summit, International



*Office of Public Information and Education staff share copyright information at the National Book Festival.*

Literary and Artistic Association Annual Meeting, and the Take Creative Control Conference. They also spoke at numerous law schools such as University of Kansas School of Law, USC Gould School of Law, Texas A&M University School of Law, and University of Michigan Law School.

Office staff engaged in discussions with foreign officials visiting from Bangladesh, China, Egypt, Japan, Nigeria, Saudi Arabia, and Uzbekistan. Office attorneys also traveled to meet with international copyright officials and participate in conferences and negotiations in Bangkok; Geneva; Kingston, Jamaica; and London.

### Copyright Acquisitions

The Office continued its publisher outreach program and reported a continuing expansion of the Office's receipt of electronic deposits through strategic implementation of section 407 regulations. Staff met with publishers to

discuss mandatory deposit and special relief agreements. Within the Library, staff met with more than twenty different cross-service unit groups to discuss acquisitions. They continued an initiative to remind selected Library divisions that acquisitions through mandatory deposit could replace purchasing materials, including from foreign publishers in scope for demand.

### Other Outreach Events

Office staff members presented "Copyright & Your Business's Creative Works: How Copyright Impacts You" at the International Trade Administration's **STOPFakes Road Show** at several locations throughout the United States, including Denver, Kansas City, Philadelphia, Raleigh, Richmond, Salt Lake City, and St. Louis.

The Office participated in the Library of Congress exhibit at the **National Book Festival** in Washington, DC. Staff members handed out

information about the Office and described what the Office does and the benefits of registering a work for copyright protection. Staff also presented “Copyright and Creativity” and hosted trivia contests. Many Office staff members worked the event as ushers, author escorts, information resources, and photographers.

The **American Library Association** held their annual meeting in Washington, DC, and the Office exhibited at ALA open house in the Library of Congress. Office staff presented “Copyright the Engine of Free Expression,” “Copyright Office Modernization,” and “173 Days of Congress” at the annual meeting.

## DIGITAL OUTREACH

As the Office continues to modernize, digital outreach has increased, especially to the novice audience identified in the draft communications plan.

### Copyright Office Website

Through copyright.gov, the public can learn about the copyright law and the Office’s services and search copyright records. The website is the definitive source on copyright information and is the portal to the electronic system through which users can register claims and upload copies of their works. In fiscal 2019, the Office added the Music Modernization Act webpage, a dedicated page for media inquiries, and release 3 of the VCC.

During fiscal 2019, the Office served more than 59 million pages to 4.6 million unique users.

The Office conducted forty copyright.gov user feedback sessions between April and July of 2019.

PHOTO BY SHAWN MILLER



*Copyright Office staff participating in the ALA Annual Session open house at the Library of Congress.*

## Fiscal 2019 digital outreach by the number:

Served more than **59 million** webpages

**4.6 million** unique users

**14** blog entries

**52** NewsNet issues

More than **36,000** NewsNet subscribers

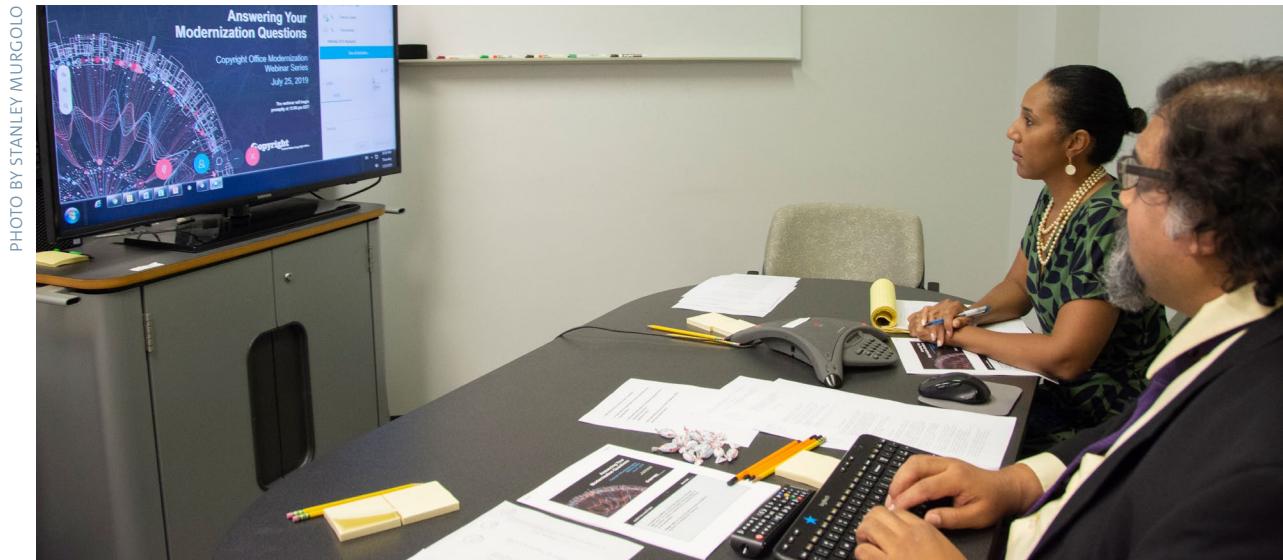


PHOTO BY STANLEY MURGOLO

*Office staff members collaborating during a modernization webinar.*

Participants navigated the website as they responded to the same set of eight prompts. From these sessions, the Office gathered qualitative feedback on intuitiveness in completing tasks, assessed the website's overall appeal to users, evaluated content availability and identified potential gaps, and provided recommendations for improvement based on participants' feedback. The Office is developing a plan to incorporate this feedback into website improvements in fiscal 2020.

## Blog

The Office posted fourteen blog entries to ***Copyright: Creativity at Work*** in fiscal 2019. Posts included Office news, registration practice updates, law and policy developments, copyright basics, and copyright lore. The Office's blog provides the public with more detailed information on issues of interest and also goes more in depth into developments—such as the Music Modernization Act or the seventh triennial section

1201 rulemaking—than is addressed in the Office's news emails.

## Webinars

Beginning January 2019, the Office hosted a series of bimonthly modernization webinars. The webinars included presentations from subject matter experts and question-and-answer sessions. The first five webinar titles were Introduction to Copyright Modernization, User-Centered Design Principles, Data Management & The Strategic Plan, Answering Your Modernization Questions, and Recordation Modernization. Recorded webinars are available on [copyright.gov](http://copyright.gov) and the Office's YouTube channel.

## Social Media

The Office increased its social media outreach in fiscal 2019 on both YouTube and Twitter. YouTube videos included Copyright Matters event and webinar recordings and tutorials. The Office worked throughout the fiscal year to produce the Learning

Engine Series of videos about the Office and copyright law. Video production will continue into fiscal 2020, when the first set of videos are released.

The Office continued to use Twitter to provide legislative updates; share copyright facts; and announce Office rulemakings, events, and system maintenance. A new feature, Trivia Tuesdays, posed copyright-related trivia questions with answers posted later in the day.

### NewsNet

The Office distributed fifty-two issues of NewsNet, an electronic news service covering legislative and regulatory developments and general Office news to **more than 36,000 subscribers** in fiscal 2018.

## ADDITIONAL OUTREACH ACTIVITIES

### Music Modernization Act Outreach

With the passage of the Music Modernization Act (MMA) in October 2018, the Office began its outreach activities. The [MMA website](#) launched, which contains up-to-date information about the act, frequently asked questions, and a four-page handout summarizing important points. The Office updated Circular 73 regarding the section 115 license and Circular 75 regarding operations of the Licensing Division. The Office notified the public of MMA updates through the website, Twitter, and the Office's NewsNet email subscription service.

### Press Relations

In fiscal 2019, the Office developed a press strategy. Members of the press now have a dedicated email address and phone number to contact the Office. There also is a [Latest Press Updates](#) website.

PHOTOS BY DAVID RICE



Learning Engine Series video filming.

### Staff Training and Education

Early in fiscal 2019, twenty-eight Office staff members completed the in-house course Copyright Academy: Copyright Law under the 1976 Act. In the spring, seventeen staff members completed the Copyright Academy master class on fair use, and twenty-one staff members completed the master class on international copyright law.



# Impartial Expertise on Copyright Law and Policy

**GOAL:** We will provide impartial expert advice and assistance to Congress, the courts, and executive branch agencies on questions of copyright law and policy.

The Office provides its expert and impartial advice on a number of high-profile matters as well as more routine issues. In fiscal 2019, the Office continued to deliver this essential service in a number of ways, including by advising Congress on key copyright legislation, undertaking studies and important copyright-related litigation matters, conducting regulatory activities aimed at administering the Copyright Act overall, and advising the executive branch by participating in foreign copyright law and policy matters.

## LEGISLATION

The Office provides advice to Congress on legislative efforts relating to copyright. In fiscal

2019, the Office continued this longstanding role and assisted Congress as requested.

### Orrin G. Hatch–Bob Goodlatte Music Modernization Act

Enacted on October 11, 2018, the Music Modernization Act (MMA) is one of the most significant updates to copyright law in decades. The act updates the music licensing landscape to better facilitate legal licensing of music by digital services and to address creators' needs. Among other things, it modifies the existing section 115 mechanical license for reproduction and distribution of musical works in phonorecords (which was previously obtained by licensees on

a per-work, song-by-song basis) to establish a new blanket license for digital music providers to engage in specific covered activities (namely, permanent downloads, limited downloads, and interactive streaming). The act also brings sound recordings fixed before February 15, 1972, partially into the federal copyright system by extending remedies for copyright infringement to owners of these works.

The Office, continuing its earlier efforts to inform Congress of concerns with the music licensing system, briefed Congress on both the current state of the law and the act's different provisions. Staff also advised various individual offices of Congress regarding all aspects of this historic legislation, resulting in revised legislative language and furthering the consensus nature of the bill. As a result, both the House and Senate Judiciary Committee reports noted that “[t]he Copyright Office has the knowledge and expertise regarding music licensing through its past rulemakings and recent assistance to the Committee during the drafting of this legislation.”<sup>3</sup>

### **Copyright Alternative in Small-Claims Enforcement Act (CASE Act)**

In May 2019, Representative Hakeem Jeffries introduced the CASE Act in the House of Representatives by as H.R. 2426. The Office’s 2013 report on Copyright Small Claims formed the basis for this legislation, which creates a

<sup>3</sup> H.R. REP. NO. 115-651, at 14 (2018).

PHOTO BY DAVID RICE



*Register of Copyrights Office Karyn A. Temple testifies at the “Oversight of the U.S. Copyright Office” hearing of the House Judiciary Committee on June 26.*

PHOTO BY DAVID RICE



*Register of Copyrights Karyn A. Temple testifies at the “Oversight of the U.S. Copyright Office” hearing of the Senate Committee on the Judiciary, Subcommittee on Intellectual Property on July 30.*

voluntary small claims tribunal in the Office, creating a streamlined process for litigants. The Office briefed both committees and engaged in several discussions with stakeholders and specific congressional offices concerning the bill as it works its way through the legislative process.

Senator John Kennedy introduced the bill in the Senate as S. 1273. The Senate Judiciary Subcommittee on Intellectual Property unanimously passed that bill out of committee on August 18, 2019.

### Marrakesh Treaty Implementation Act

The Marrakesh Treaty Implementation Act was signed into law on October 10, 2018. These amendments to the Copyright Act represent years of work undertaken by Office staff, both in terms of international negotiations and domestic consultation on implementing legislation. The Office created materials about this act, including updating Office circulars to reflect the new text

of sections 121 and 121A and a FAQ. The Marrakesh Treaty entered into force for the United States on May 8, 2019.

### Congressional Staff Briefings

During fiscal 2019, Office staff contributed to the development of various congressional meetings related to Office modernization. In addition, Office attorneys met privately with congressional staffers to discuss pending legislation on issues related to topics such as resale royalties, open educational resources, software and open access, and proposals to exempt certain performances from copyright infringement.

### POLICY STUDIES

During fiscal 2019, the Office continued work on several policy studies. The Office has a deep commitment to transparency and enabling all members of the copyright community—including copyright owners, technology companies,

consumers, public interest groups, academics, and the general public—to be able to fully participate in and contribute to policy studies, reports, and recommendations.

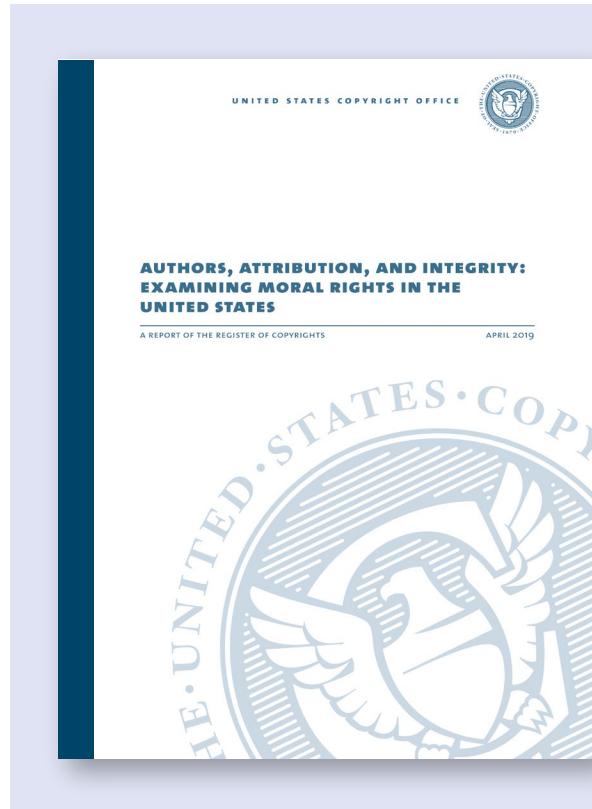
## Published Studies

In fiscal 2019, the Office published the following studies.

### *Moral Rights Study*

On April 23, 2019, the Office published *Authors, Attribution, and Integrity: Examining Moral Rights in the United States*, a report considering the current patchwork of moral rights protections in the United States. The report addresses the moral rights of attribution (the right to be credited as the author of one's work) and integrity (the right to prevent prejudicial distortions of one's work). The Office initiated its study with a public symposium in April 2016 and later solicited public comments. The report reviews significant federal laws that support moral rights, such as the Visual Artists Rights Act (VARA) of 1990, section 1202 of the Copyright Act, and the Lanham Act. The report also discusses state laws concerning moral rights as well as state privacy and publicity statutes, private ordering mechanisms like contracts and licenses, and informal plagiarism rules.

The Office concluded that the U.S. moral rights framework (which includes a variety of federal and state laws) continues to provide important protections, despite there being some room for improvement. Should Congress wish to strengthen this framework, the report provided possible avenues to do so.



*Moral Rights Study*

### *Support for the Visual Works Study*

On January 18, 2019, the Office sent letters to the House and Senate Judiciary Committees summarizing the current copyright legal landscape faced by creators and users of visual works. In 2015, the Office sought commentary on the marketplace for these visual works as well as observations regarding the obstacles that creators and users of visual works face when navigating the digital landscape. The Office's resulting review built upon previous studies and public inquiries in a number of areas, including small claims, orphan works, moral rights, section 512 notice and takedown, and overall Office modernization. The Office's review reinforced the importance of visual works

PHOTO BY STANLEY MURGOLO



Stakeholders discussed section 512 at a public roundtable.

to this nation and identified common obstacles that Congress and the Office itself may be able to alleviate. The Office continues to strongly support the idea of a small copyright claims tribunal located within the Office as well as a legislative solution to the orphan works conundrum.

## Ongoing Studies

Throughout fiscal 2019, the Office continued ongoing work on the following policy studies.

### *Section 512 Study*

During fiscal 2019, the Office continued its work on a study to evaluate the impact and effectiveness of the safe harbor provisions contained in section 512 of Title 17 of the United States Code. Among other issues, the Office considered the costs and burdens of the notice-and-takedown process on large- and small-scale copyright owners, online service providers, and the public. The Office is also reviewing how successfully section 512 addresses

online infringement and protects against improper takedown notices. On April 8, 2019, the Office held a one-day public roundtable in Washington, DC, to discuss recent updates on domestic case law and international developments that have occurred since the close of the written comment period in February 2017. Over fifty stakeholders participated in the event.

### *Fee Study*

The Office adjusts its fees every three to five years after conducting a study of the actual cost of providing fee-based services. Congress authorized the Register to set and adjust fees that are fair, equitable, and give due consideration to the objectives of the copyright system. The Office initiated the most recent cost study in June 2017 and proposed an initial fee schedule in a May 2018 notice of proposed rulemaking. The Office also provided the model used—based on the findings of the cost study—to craft the fee schedule.

In June 2019, the Office issued a supplemental notice proposing limited revisions to the 2018 notice relating to document recordation and new prospective group registration options. The Office received a number of public comments, which the Office considered carefully and used to refine the new proposed fee schedule.

## LITIGATION ACTIVITIES

Throughout fiscal 2019, the Office assisted the U.S. Department of Justice (DOJ) on important court cases, including five Supreme Court cases.

### Supreme Court

Office attorneys contributed to the two amicus briefs filed by the U.S. government in the litigation *Fourth Estate Pub. Ben. Corp. v. Wall-Street.com, LLC*. The litigation involved the interpretation of section 411(a), specifically, whether a copyright owner may commence an infringement suit after delivering the proper deposit, application, and fee to the Copyright Office but before the Register of Copyrights has acted on the application for registration. After the Court granted certiorari, the Office helped advise DOJ in filing a follow-up amicus brief regarding the merits of the litigation, again reflecting the Office's longstanding position. On March 4, 2019, the Supreme Court unanimously ruled that a person claiming copyright interest in a work must wait until the Office acts on the claimant's application for registration—by registering or refusing to register the claim—before filing a copyright infringement suit in court.

The Office also participated in the formulation and articulation of the U.S. government's position

PHOTO BY DAVID RICE



*Supreme Court of the United States.*

in *Rimini Street, Inc. v. Oracle USA, Inc.*, which concerned whether section 505 of the Copyright Act—which gives courts discretion to award “full costs” to a prevailing party—allows recovery of expenses beyond those specifically enumerated in the general federal cost-shifting statute. On March 4, 2019, the Supreme Court issued a unanimous decision adopting the government's position that section 505 does not allow recovery of such expenses.

The Office advised DOJ regarding *Georgia v. Public.Resource.org*, which concerns the copyrightability of annotations to state laws. The government filed an amicus brief arguing that while

## Litigation Activities Summary:

**S** Fourth Estate Pub. Ben. Corp. v. Wall-Street.com, LLC

**S** Rimini Street, Inc. v. Oracle USA, Inc.

**S** Georgia v. Public.Resource.org

**S** Google LLC v. Oracle Am., Inc.

**S** Allen v. Cooper

**A** Muench Photography, Inc. v. McGraw-Hill Companies, Inc.

**A** Skidmore v. Led Zeppelin

**O** APL Microscopic v. United States

**O** Redd v. Epic Games

**S** Supreme Court   **A** Court of Appeals   **O** Other

activities by lawmakers in exercise of lawmaking functions (such as acts of the legislature) cannot result in copyrightable works of authorship under the so-called government edicts doctrine, applying this doctrine to the facts of the case, the State of Georgia is entitled to copyright in the annotations, which were prepared for the state under work-made-for-hire agreements and were not ratified by the legislature.

Office attorneys worked closely with DOJ to develop the government's position in *Google LLC v. Oracle Am., Inc.*, on petition from the Federal Circuit. This case concerns copying of portions of Oracle's Java computer code by Google to develop its Android operating system. In May 2015, the Solicitor General's Office filed a brief responding to the Court's call for its views concerning whether certiorari should be granted on the issue of copyrightability. On April 29, 2019, the Supreme Court again called for the views of the Solicitor General, this time on both the copyrightability

and fair use issues. The government filed a brief supporting the Office's view that the court of appeals correctly held that neither section 102(b) nor the merger doctrine forecloses copyright protection and no reasonable jury could find fair use on this record.

The Office participated in the interagency process to advise DOJ regarding the government's potential participation in *Allen v. Cooper*, which involves whether Congress validly made states subject to infringement liability when it enacted the Copyright Remedy Clarification Act of 1990 (CRCA). The Office also advised congressional staff on potential legislative options to ensure that copyright owners have the ability to seek redress against states—an issue of longstanding importance to the Office. The CRCA was adopted following a 1988 Office report to Congress on the issue, and the Office has subsequently testified in support of legislation to ensure that such remedies are available.

## Courts of Appeals

OGC advised DOJ in connection with the filing of amicus briefs in two circuit court matters: *Muench Photography, Inc. v. McGraw-Hill Companies, Inc.* and *Skidmore v. Led Zeppelin*.

*Muench* concerns how the statutory requirement to list the author and title of the work under section 409 relates to registrations of collective works. In fiscal 2019, the government filed an amicus brief in the Second Circuit arguing that the district court's interpretation of section 409 is erroneous. It argued that the court should give deference to the Office's longstanding view that a collective work registration covers the component works in which the claimant owns the copyrights even if the titles and authors of the component works are not identified on the copyright application.

*Skidmore v. Led Zeppelin* presented an issue of first impression before the circuit courts concerning whether the scope of a copyright interest in an unpublished musical work registered under the 1909 act is determined by the deposit submitted to the Office.

The Office has a significant interest in the outcome of this litigation through its administration of the copyright registration system, including the typical requirement that applicants deposit a "complete" copy of the work being registered with the Office, as well as its statutory responsibility to determine whether works possess the modicum of creativity required for a claim to copyright. In fiscal 2019, the government submitted a brief clarifying that the scope of a copyright interest in an unpublished musical work

deposited under the 1909 act is determined by the deposit submitted to the Office and, while the selection and arrangement of unprotectable musical elements can result in sufficiently original and copyrightable material, such arrangements may yield only a "thin" copyright, enforceable only against verbatim copying, and in no instances will common musical elements or short phrases independently qualify for copyright protection. The government participated in the oral argument on September 23, 2019.

## Other Litigation Matters

The Office was involved in additional litigation matters in fiscal 2019. Pursuant to section 411(b), the Office has responded to four requests from district courts to advise whether inaccurate information on a certificate of registration, if known, would have caused the Register of Copyrights to refuse registration. In addition, the Office assisted DOJ in the drafting of briefs in *APL Microscopic v. United States*, a case before the Court of Federal Claims involving the scope of copyright owners' exclusive rights in the online context. The Office also drafted a filing in *Redd v. Epic Games*, which concerned the copyrightability of choreographic works.

The Office advised the government in defense against constitutional challenges to two provisions of Title 17—section 407's mandatory deposit requirement and section 1201's anti-circumvention and anti-trafficking provisions. The Office also consulted with DOJ on a pending constitutional challenge to a provision of the MMA.

## ADMINISTRATIVE LAW

The Office has primary responsibility for the formulation and promulgation of copyright regulations. In fiscal 2019, the Office conducted work in sixteen rulemaking proceedings.

### Rulemakings Initiated in Fiscal 2019

<b>Oct. 16, 2018</b>	Notice of Inquiry and Proposed Rule Regarding the Noncommercial Use Exception to Unauthorized Uses of Pre-1972 Sound Recordings
<b>Feb. 5, 2019</b>	
<b>Oct. 17, 2018</b>	Registration Modernization
<b>Dec. 7, 2018</b>	Technical Amendments to Section 115 Compulsory License Regulations
<b>Dec. 21, 2018</b>	Designation of Mechanical Licensing Collective and Digital Licensee Coordinator
<b>Dec. 21, 2018</b>	Group Registration for Short Online Literary Works
<b>Dec. 26, 2018</b>	Simplifying Copyright Registration for Architectural Works
<b>May 20, 2019</b>	Group Registration of Works on an Album of Music
<b>Sept. 24, 2019</b>	Music Modernization Act Blanket License Implementation Regulations

The Office proposed to create two new “group options” to register copyright interests directed at updating group registration options for the digital age.

### Rulemaking Proceedings Initiated in Fiscal 2019

In fiscal 2019, the Office initiated eight rulemaking proceedings, including four related to registration practices and four related to the implementation of the MMA. In particular, the Office proposed to create two new “group options” to register copyright interests in short online literary works and musical works or sound recordings in an album, both directed at updating group registration options for the digital age.

The Office also continued its review and analysis of the Office’s fees. The Office initiated a cost study in June 2017, and based on its outcome, in May 2018, the Office issued a notice outlining its proposed fee schedule. In June 2019, the Office issued a supplemental notice proposing limited revisions to the 2018 notice relating to document recordation and new prospective group registration options. The Office received 158 comments, which it considered carefully and used to refine the new proposed fee schedule for presentation to Congress in October 2019.

## Closed and Interim Rulemakings in Fiscal 2019

<b>Oct. 15, 2018</b>	Electronic Royalty Payment Processes and DART Royalty Accounts
<b>Oct. 16, 2018</b>	Interim and Final Rules Regarding Schedules of Pre-1972 Sound Recordings and Notices of Contact Information by Transmitting Entities
<b>Oct. 26, 2018</b>	Section 1201 Exemptions to Prohibition Against Circumvention of Technological Measures Protecting Copyrighted Works
<b>Nov. 30, 2018</b>	Group Registration of Newsletters and Serials
<b>Dec. 7, 2018</b>	Interim and Final Rule: Technical Amendments to Section 115 Compulsory License Regulations
<b>Mar. 22, 2019</b>	
<b>Dec. 27, 2018</b>	Single Application
<b>Feb. 13, 2019</b>	Group Registration of Unpublished Works
<b>Feb. 13, 2019</b>	Freedom of Information Act Practices and Procedures
<b>Feb. 13, 2019</b>	Group Registration of Newspapers
<b>April 9, 2019</b>	Noncommercial Use Exception to Unauthorized Uses of Pre-1972 Sound Recordings
<b>April 23, 2019</b>	Simplifying Copyright Registration for Architectural Works
<b>July 5, 2019</b>	Designation of Mechanical Licensing Collective

## Rulemaking Proceedings Closed in Fiscal 2019

OGC closed twelve rulemaking proceedings in fiscal 2019. In October 2018, the Office completed the seventh triennial rulemaking proceeding under section 1201 of the copyright law. Section 1201 provides that, upon the recommendation of the Register of Copyrights, the Librarian of Congress may designate certain classes of works as exempt from the prohibition against circumventing technological measures that control access to copyrighted works. Based on the record of evidence in a fiscal 2018 proceeding, in fiscal 2019, the Office recommended and the Librarian adopted rules to renew and expand a number of exemptions, including those pertaining to excerpts for motion pictures, literary works distributed electronically, computer programs that control motorized land vehicles, and video games. In total, The Librarian adopted fourteen rules, and a consensus of stakeholders praised the rulemaking results.

The Office engaged in a number of regulatory activities to implement aspects of the MMA. As part of Title II, the Office issued interim and final regulations establishing new filing mechanisms to onboard the protection and use of pre-1972 sound recordings into the federal scheme, including a way for sound recording owners to record their interests in these recordings and a mechanism for pre-existing transmitting entities claim entitlement to receive direct notice of these interests. The Office also implemented a rule regarding a new exception for the noncommercial-use of pre-1972 sound recordings by the statutory deadline of April 9, 2019.

PHOTO BY SHAWN MILLER



*Register of Copyrights Karyn A. Temple talks about the implementation of the Music Modernization Act during the Senate Committee on Rules and Administration testimony on March 6.*

To implement Title I of the MMA, the Office updated its existing regulations related to the compulsory mechanical license under section 115 for making and distributing phonorecords of musical works. These regulations set out requirements for digital music providers to limit their liability during the transition period before the blanket license is available and clarified that the song-by-song licensing system remains available for physical uses. The Office also conducted a proceeding by which the Register designated two entities to serve as the mechanical licensing collective (MLC) and the digital licensee coordinator (DLC). Finally, in September 2019, the Office issued a notice of inquiry relating to future rulemakings to implement the new blanket licensing system before the License Availability Date of January 1, 2021.

The Office closed several rulemaking proceedings related to its registration practices. Final rules update and establish regulations for the registration of groups of newspapers, newsletters, serials, and unpublished works. For group newspapers, the rule requires applicants to file an online application rather than a paper application, and upload a complete digital copy of each issue through the electronic registration system instead of submitting them in physical form and clarifies the scope of protection for newspaper issues.

For group newsletters, the final rule eliminates the requirements that each issue be a work made for hire and that registration claims must be received within three months of publication. The final rule also requires registration applicants to use the designated online application and phases out the paper application (Form G/DN), absent

exceptional cases. For group serials, the final rule clarifies that each claim must include at least two issues, serials generally must be published at intervals of one week or longer, publication dates on the application need not match the dates on the issues, and each issue must be an “all-new” (not previously published) collective work.

In addition, beginning December 30, 2019, the rule requires serial publishers to use the online application and eliminates the paper application (Form SE/Group), absent exceptional cases. The Office also adopted a final rule creating a group registration option for unpublished works, allowing registration of up to ten unpublished works for a single fee.

The Office issued final rules streamlining the rules to register architectural works and the eligibility requirements for the Single Application. For architectural works, among other things, the rules provide that other than in cases the Office deems exceptional, applicants seeking to register architectural works are required to submit their claims using the online Standard Application.

The final rule regarding the Single Application confirms that it may be used to register one work that is created by and solely owned by one author and is not a work made for hire. It also confirms that the Single Application may be used to register one sound recording and one musical work, literary work, or dramatic work—in spite of the fact that a sound recording and the work embodied in that recording are separate works.

The Office issued a final rule incorporating changes made by the FOIA Improvement Act of 2016. It includes, among other things, the

PHOTO BY DAVID RICE



*Registration deposits line shelves in the Copyright Office.*

addition of discrete sections stating the time, place, fees, and procedures for making requests, which improves readability and accessibility for the public; an extension from thirty days to ninety days to file an administrative appeal; and notice of the availability of dispute resolution services from the Office of Government Information Services.

The Office adopted a final rule to streamline the administration of digital audio recording technology royalty accounts and electronic royalty payment processes. The final rule codified a procedure for closing out DART royalty payments accounts under section 1005 of the Copyright Act, which gives the Register discretion to close out royalty payments accounts for a calendar year four years after the close of that year. In addition, the final rule updates the Office’s regulations governing online payment procedures for cable,



*Senior officials from ten national copyright offices and one regional organization met with staff members of the Copyright Office to discuss copyright registration and infrastructure in the digital age.*

satellite, and DART statements of account to no longer require single lump sum payments when multiple statements are submitted. These modifications were intended to improve the efficiency of Office operations and simplify royalty payment procedures for filers.

Finally, The Office finalized the sports surcharge addendum form (available on pay.gov) for cable systems required to pay the separate per-program royalty in addition to the requisite royalties under the section 111 license. The Sports Surcharge applies only to certain Form SA3 filers for the secondary transmission of live, non-network broadcasts of sports events on a distant television station carried by the cable system that would have been subject to blackout under the Federal Communication Commission's sports exclusivity rule prior to its repeal in 2014.

## TRADE AND FOREIGN RELATIONS

The Office participated in and contributed to a large number of international development in

copyright law and practice during fiscal 2019. This international collaboration included work with the World Intellectual Property Organization (WIPO) and interagency work on bilateral and multilateral engagements with other countries on copyright matters.

### International Work with WIPO

The Copyright Office is a member of U.S. delegations that regularly participate in meetings of WIPO.

Office staff attended the two meetings of the Standing Committee on Copyright and Related Rights (SCCR) that took place in Geneva from November 26, 2018, to November 30, 2018, and April 1, 2019, to April 5, 2019. Both of these SCCR meetings focused on:

- protection for broadcasting organizations;
- limitations and exceptions for libraries and archives; educational, teaching, and research institutions; and persons with disabilities other than visual disabilities;

- a proposal by the Group of Latin American and Caribbean Countries to analyze copyright in the digital environment;
- a proposal by Senegal and Congo to include a resale royalty right for artists on the agenda of future work for the Standing Committee; and
- a proposal from the Russian Federation to negotiate an international instrument providing protections for the rights of theater directors.

Office staff joined U.S. government delegations at the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)-38, 39, and 40 meetings. Discussion focused on addressing unresolved cross-cutting issues related to the protection of traditional knowledge and traditional cultural expressions.

This year, the Office participated in the annual meeting of the Assemblies of WIPO member states. During the 51st meeting (24th Ordinary Session) of this group, the Associate Register of Copyrights and Director of Policy and International Affairs accompanied the Register of Copyrights on the U.S. delegation at the end of fiscal 2019.

The Office organized the WIPO Experts' Meeting on Copyright Registration and Infrastructure in the Digital Age, a first-time event that facilitated government-to-government discussions on copyright registration and infrastructure in the digital age. The meeting was held October 22–23, 2018, at the Copyright Office. This event brought together senior officials from ten national copyright offices and one regional organization. These senior government officials

engaged in a candid discussion and explored issues that national copyright offices face regarding registration such as examination, deposit, and modernizing services and infrastructure. Officials from the following offices attended: Argentina, Bermuda, Hungary, Indonesia, Italy, Jordan, Nigeria, Peru, Republic of Korea, Spain, Uruguay and the African Regional Intellectual Property Organization (ARIPO).

## **Work with the U.S. Government Interagency on Copyright and Trade**

The Office participates on a number of U.S. government interagency teams to collaborate on important international policy issues throughout the year.

The Special 301 Subcommittee is headed by United States Trade Representative (USTR). Special 301 is the annual process by which USTR identifies countries that do not provide adequate and effective protection of intellectual property rights or fair and equitable market access to U.S. persons who rely on intellectual property rights. Fifteen agencies form the Special 301 Subcommittee. The Office participated in the Special 301 notorious markets out of cycle review, which resulted in USTR's publication of this report in January 2019. The annual Special 301 review ramped up in early 2019, and the Office prepared reports on countries that had either previously appeared in the Special 301 Report or had been nominated via public comments to appear in the 2018 report. Office staff also collaborated with country-specific interagency teams to encourage copyright developments in particular trading partners.

From analyzing laws to participating in digital video conferences at all hours of the night to meeting various foreign delegations, the Office provided legal advice on copyright law and policy matters involving both domestic and international principles.

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Every year, the World Trade Organization (WTO) conducts a number of Trade Policy Reviews (TPRs). All WTO members undergo review periodically, and the frequency of each country's review varies according to its share of world trade. Office attorneys serve as subject-matter experts on copyright to USTR, which submits the U.S. Government reviewed comments and questions to the WTO. The Office contributed to the biannual TPR review of the United States, which began in the summer of 2018 and was concluded in December 2018. In addition, PIA reviewed various WTO reports and relevant laws for twenty countries as part of their TPRs or accession negotiations.

*Trade Policy Reviews:* Nepal, Hong Kong, Vanuatu, Armenia, Ecuador, Bangladesh, Samoa, Papua New Guinea, Trinidad & Tobago, Canada, North Macedonia, Suriname, East African Community (Kenya, Tanzania, Uganda, Burundi, Rwanda)

*Accessions:* Belarus, South Sudan, the Bahamas

Beyond these other trade mechanisms, Office attorneys worked with colleagues at USTR and U.S. Patent and Trademark Office on dozens of copyright law developments in other countries.

From analyzing laws to participating in digital video conferences at all hours of the night to meeting various foreign delegations, the Office provided legal advice on copyright law and policy matters involving both domestic and international principles.

During fiscal 2019, the Office provided legal advice and analysis to USTR negotiators on a North American Free Trade Agreement (NAFTA) 2.0. On August 27, 2018, President Trump announced he had reached an agreement in principle with Mexico. Late on September 30, 2018, Canada announced that it would join the deal, and the United States released the proposed text of the new deal, the U.S.-Mexico-Canada Trade Agreement (USMCA). The countries signed the agreement in November 2018. Each nation now has to follow its national rules to ratify the agreement. During 2019, the administration continued to work with Congress on substance and timing of when the administration would submit the agreement to Congress for a vote. In the meantime, NAFTA 1.0 will remain in force.

The administration also began efforts to take closer look at the implementation of existing trade

agreements. Office staff engaged in technical reviews of countries' laws such as Colombia, Peru, Chile, and Panama.

The Office contributed expert advice to help develop a U.S. government position on a possible new international instrument, the Hague Convention on Enforcement of Judgments. Office staff participated—in group meetings and behind-the-scenes—in advising interagency colleagues and joined meetings with various stakeholder groups. Attorneys also wrote extensive background papers and reviewed interagency materials that contributed to the U.S. government position at a weeklong negotiation in November 2017 and additional expert groups meetings in 2018.

## ARCHIVE OF COPYRIGHT OFFICE RULINGS

The Office continued to publish an archive of Office rulings and certain government briefs in copyright cases with eight items added in fiscal 2019. The archive includes legal filings under both section 411(a) and 411(b) of the Copyright Act, which allow the Office to intervene or advise courts regarding registerability. The archive also contains legal briefs where the U.S. government participated in important copyright (and related) cases as a nonparty amicus curiae (friend of the court). The archive contains an additional database of Review Board decisions from April 2016 to present. These decisions can be filtered through an index. Finally, the archive contains questions of law referred to the Register by the Copyright Royalty Board and any instances where the Register made corrections to errors in law made by the Board.

PHOTO BY STANLEY MURGOLO



*Delegation from China visits the Copyright Office.*

PHOTO BY STANLEY MURGOLO



*The Office hosted "From Lamps to Logos," sharing cases that came before the Copyright Review Board.*



# Measuring Success

## **GOAL:** We will use data to support evidence-based decision making.

Measuring success allows the Copyright Office to validate the impacts of our services on those who participate in the copyright economy and on the general public. To measure success, the Office will ensure that valid data and analysis are applied to key metrics with continual assessment and review of Office operations. Accurately measuring success is critical to keeping the Office focused on fulfilling our stated mission and vision.

Office divisions have worked with the Library's Office of the Chief Information Officer (OCIO) and Library Services Division to understand the current data structure and to craft a data management plan, which outlines a roadmap for addressing challenges in pursuit of a modernized, integrated solution that bridges siloed systems and fosters data driven decision making.

During fiscal 2019, the Office completed the second phase of the data management plan.

This involved finalizing the baseline plan, which describes how to define standards and processes; identify vulnerabilities; make data digitally enabled; and establish principles for the collection, storage, and analyzation of data. The completed plan outlines the path forward for improving data integrity and integrating across disparate databases and systems already in existence across the Office. This focus then establishes the framework for integration with new solutions as they come online, specifically the ECS.

During fiscal 2019, the Office has also concentrated on procuring a business intelligence (BI) tool to build dashboards that will allow for greater data transparency and data-driven decision making by showcasing processes, identifying bottlenecks and gaps, and relaying key metrics and business related insights.

## REGISTRATION

For almost 150 years, pursuant to U.S. copyright law, the Office has examined claims for copyright and registered creative works for the benefit of the entire copyright ecosystem. As of the end of fiscal 2019, the Office had registered 38,861,134 claims to works of authorship.

The Office's Registration Program, which examines these claims, includes the Literary, Performing Arts, and Visual Arts Divisions. Staff members in each division examine creative works of authorship to determine whether they are copyrightable and whether claimants have complied with copyright law and regulations. In fiscal 2019, the Registration Program added twenty-five examiners, who completed extensive classroom training on copyright law and worked one-on-one with experienced examiners to learn Office procedures, practices, and workflow. An additional eighteen new examiners began training in July 2019. These examiners will continue their training into fiscal 2020.

The Registration Program received **516,713 claims** in fiscal 2019 and **closed 611,584**. The year started with close to 184,500 workable open claims on hand in the online registration system and nearly 31,800 more that the Office corresponded on and was awaiting additional information from applicants before staff could finish examining them. The fiscal year ended with **95,200 claims** on hand in the system, fewer than 27,000 of which required more information from applicants.

During fiscal 2019, the Office decreased the overall average processing time for reviewing copyright claims from seven months to four, a

PHOTO BY DAVID RICE



*Authors use the electronic registration portal on copyright.gov to register claims.*

**By the end of fiscal 2019, the Office had closed 89,221 of the workable open claims on hand, effectively eliminating the registration backlog.**

substantial decrease of over 42 percent within a one-year period. Times decreased for claims submitted electronically and via hard copy, both those with and without the need for correspondence. The Office also reduced the number of workable claims on hand by almost 50 percent. By the end of fiscal 2019, the Office had closed 89,221 of the workable open claims on hand, effectively eliminating the backlog.

## Refusals to Register

The Office refuses to register claims to copyright that do not satisfy the copyright law or other legal or procedural requirements. While the Office

receives hundreds of thousands of applications annually, it refuses only a minority of claims on the basis of copyrightability, because copyright law (as set forth in Title 17 of the United States Code and interpreted by the Supreme Court) sets a very low threshold for what works are sufficiently original. In fiscal 2019, the Office **rejected approximately 4 percent of claims received**. Twenty-six percent of claims closed in fiscal year 2019 required the Office to correspond with applicants to resolve problems with the application, deposit, or to obtain additional information. The Office closed approximately 7.4 percent without registering the works for failure to receive a response from the applicant.

## Appeals

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

In fiscal 2019, the Registration Program issued 566 written decisions involving refusals for 637 separate works. The Office upheld 448 of these refusals and overturned 189. As of the end of fiscal 2019, there were 267 first requests for reconsideration pending and awaiting review.

The Office received 58 second requests for reconsideration in fiscal 2019. The Office Review

Board issued 33 letter opinions deciding whether to register the claims. The Board affirmed 26 decisions. These letter opinions, which are posted in a filterable online index, address some of the Office's most complex claims. These decisions assess a variety of copyrightability and other copyright issues and include works such as useful articles, jewelry, and logos.

## Compendium

The *Compendium of U.S. Copyright Office Practices* is the administrative manual of the Office regarding its statutory duties under the Copyright Act. It serves as a guidebook for authors, copyright owners, practitioners, the courts, and others. In fiscal 2019, the Office published a draft update to the *Compendium*. The *Compendium* was cited by the Supreme Court as well as appellate and district courts.

## DOCUMENT RECORDATION

In addition to registering claims for copyright, the Office records information about changes in ownership in those copyright claims. Each year, authors, heirs, copyright owners, and others submit thousands of documents detailing these changes in ownership. The documents contain a variety of types of information about copyright assignments, licenses, and other transactions related to chain of title. In fiscal 2019, the Office recorded **12,550 documents** containing titles of **457,731 works**.

The Office awarded a new contract for bringing in support contractors to assist with closing out the documents backlog in preparation for the

new modernized recordation pilot system coming online in fiscal 2020. The Office worked with the Smithsonian Organization and Audience Research (SOAR) team to complete a study of the current title backlog. SOAR recommended contracting additional outside resources to close out the title backlog. Also, an internal analysis effort assessed how to effectively close out the remaining legacy-system backlog. The analysis led to a new internal workflow to semi-automate the process of recording the final public record. The new workflow reduces the time it will take to close out the backlog by at least 50 percent.

The Office also records section 115 Notices of Intent (NOIs), which relate to the statutory license for making and distributing certain phonorecords of nondramatic musical works. In fiscal 2019, the Office received **130 NOIs** covering **1,700,920 titles**.

## RECORDS SEARCHES AND CERTIFICATIONS

The Office provides copies of completed and in-process registration records (applications, certificates of registration, and related correspondence), completed and in-process recordation records (recorded documents, certificates of recordation, and related correspondence), search reports, and registration deposit materials. Completed registration and recordation records and search reports are available to any member of the public upon request. In fiscal 2019, Office staff generated **1,773** estimate requests for patrons, completed **1,483** requests for services, processed **466** litigation requests, and closed out **1,772** service requests as

PHOTO BY DAVID RICE



*The Office is digitizing the collection of historical record books.*

“No Reply.” The Office welcomed **1,746** visitors to the Copyright Public Records Reading Room.

## RECORDS MANAGEMENT

The Office is responsible for managing records and storing and retrieving copyright deposits in a timely and professional manner. This enables the Office to maintain a secure chain of custody for materials at all times for the benefit of staff, researchers, copyright owners, and the public. Staff electronically inventory and process deposit copy materials for shipment to the Deposit Copy

PHOTO BY DAVID RICE



*The Office upgraded the storage system at its Landover, Maryland, warehouse.*

Storage Unit (DCSU) in Landover, Maryland. The electronic inventory process allows easier and quicker access when future retrievals are needed. The Office ships forty-five securely sealed boxes to our Landover warehouse for storage each week. In fiscal 2019, 7,972 new deposit boxes were sent to Landover. The Office processed 1,006 deposit copy requests and 5,405 record books requests.

The Office collaborated with OCIO to update the [copyright.gov record book request portal](#). Additional fields were added to the screen to improve request accuracy and allow patrons to request assignment books. Additionally, the Office increased the number of designated public room drop off locations, which improved transfer, handling, and dispatch services to patrons.

### Inventory Goals Met

The Office made great strides in locating missing deposits with unknown location information

(Q-missing), adding them to the official inventory of copyright deposits. In fiscal 2019, staff discovered more than 2,794 Q-missing records, which are now available for customer retrieval immediately upon request. As each Q-missing item is updated and searchable in the Voyager system, Office staff are better able to serve better patrons needing physical deposits for examination or litigation.

### Warehouse Inventory and Management

The Office continued its multi-year inventory and move preparatory project to vacate the Landover warehouse before January 2022. In fiscal 2019, staff accessioned 5,000 boxes to Iron Mountain to make room for new deposit boxes and permanently withdrew 4,000 boxes from the National Archives and Records Administration (NARA) to start the NARA inventory. The team accomplished their fiscal move preparation goal by inventorying 20,096 boxes.

To support the new ECS, the Office will be implementing a warehouse management system that can accommodate tracking the growing collection of deposit materials through their final retention period. The Office awarded a contract to assist in identifying a warehouse management solution and associated tools needed to achieve chain of custody for copyright deposits. The study will incorporate an actual technical proof of concept phase, where solutions and tools will be demonstrated in a live environment.

### New Copyright Office Warehouse

The interim warehouse project will consolidate all copyright deposits under a single warehouse location to achieve operational economies and improved service to the public. In fiscal 2019, the Register approved final construction plans. The warehouse build is approximately eleven months ahead of schedule.

### DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) DESIGNATED AGENT DIRECTORY

The Digital Millennium Copyright Act provides safe harbors from copyright infringement liability for online service providers. In fiscal 2019, the DMCA Designated Agent Directory added 3,643 new accounts and listed 21,789 active service providers. Modern software development features were completed that improved financial reporting and allowed administrators to transfer service providers to new accounts and redact personally identifiable information (PII) if requested.

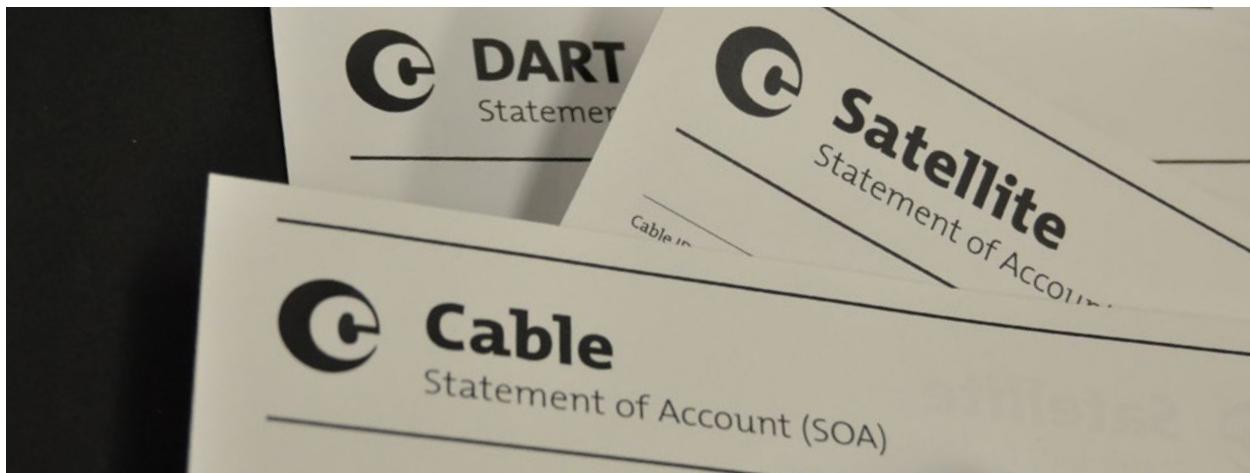
### ACQUISITION OF COPYRIGHTED WORKS

Fiscal 2019 saw a continuing expansion of the Office's receipt of electronic deposits through strategic implementation of section 407 regulations. The number of serial issues and related files deposited increased as the Office secured and ramped up special relief relationships with more publishers. In fiscal 2019, publishers electronically deposited 97,735 serial issues (a 45 percent increase from fiscal 2018) and 36,911,068 files (a 29 percent increase). Additionally, the total amount of voluntary e-book deposits from special relief publishers increased by 102 percent from fiscal 2018 to 124,456 for a program total of 246,219 e-books.

Consequently, this substantial expansion of e-book deposits meant that the overall value of deposits transferred to Library of Congress collections increased 49 percent from fiscal 2018 to \$40,432,004. The Office's special relief relationships also secured a 14 percent increase over fiscal 2018 values with a **\$69.8 million** access value provided to the Library of Congress by publishers to their online e-serial and e-book services.

### STATUTORY LICENSING

The Copyright Act includes several statutory licenses, which allow certain uses of specific works for a royalty fee. The Office administers several copyright statutory licenses and in fiscal 2019 managed and dispersed private monies pursuant to sections 111, 114, and 1003 of the Copyright Act. The Office's Licensing Division collects royalty fees from cable operators, satellite carriers, and importers and manufacturers of digital audio



recording devices, investing the fees on behalf of copyright owners in interest-bearing securities with the U.S. Treasury. The Office distributes these fees, less certain reasonable operating costs, in accordance with orders of the Copyright Royalty Board. The division also handles other matters related to administration of statutory licenses.

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

In fiscal 2019, the Office collected **more than \$242 million** in royalty fees and **\$1.4 million** in filing fees from users of copyright statutory licenses. The bulk of the fees collected came from cable television companies, which rely on one of the statutory licenses to clear certain rights to content they retransmit to viewers. Satellite carriers and importers and manufacturers of digital recording devices submitted the

remainder. As of September 30, 2019, the Office was managing more than \$1.4 billion in statutory licensing fiduciary assets.

In accordance with rulings of the Copyright Royalty Board, the Office distributed more than **\$130 million** in fiduciary assets through four separate distributions in fiscal 2019.

The appendices to this report include a Statement of Fiduciary Net Assets held by the Copyright Office as of September 30, 2019, and a statement of changes in Fiduciary Net assets for the fiscal year ended September 30, 2019.

## ADMINISTRATIVE AND SECURITY ACCOMPLISHMENTS

The Office's security initiatives stem from security studies, risk assessments, and the Library of Congress Strategic Plan for Safeguarding Collections, which directly supports the Library's strategic plan and provides a comprehensive framework for Library-wide security related initiatives, programs and activities.

The Office continued the labeling initiatives established by the Labeling Joint Implementation Team (I-JIT), created to oversee and manage the implementation of recommendations from the Library of Congress Joint Issues Group on Labeling (JIG-L). Ongoing work in fiscal 2019 included:

- identifying new material formats received in the Office for which JIG-L procedures are lacking;
- providing training for new In-Processing staff of the Receipt Analysis and Control Division
- placing mini Item Barcode Access Labels (IBAL) on all copyright deposits and edge stamps on all book formats; and
- producing and applying serial shelving labels on acquisitions deposits as part of the serial check-in process.

In fiscal 2019, the Office completed three major projects that it initiated in fiscal 2018. The Office restacking project included a full program of requirements, planning, floor plans, budget, and phasing for improved utilization of assigned Office space. The licensing digitization reconfiguration included space modifications to accommodate digitization contractors and equipment in the Copyright Records Reading Room. And the Office of Public Records and Repositories digitization reconfiguration included space modifications to accommodate digitization contractors and equipment.

Three projects held a kickoff meeting late in fiscal 2019: Office of the Register wall painting, Office exhibit space in the fourth floor corridor, and the Cabin Branch warehouse construction.

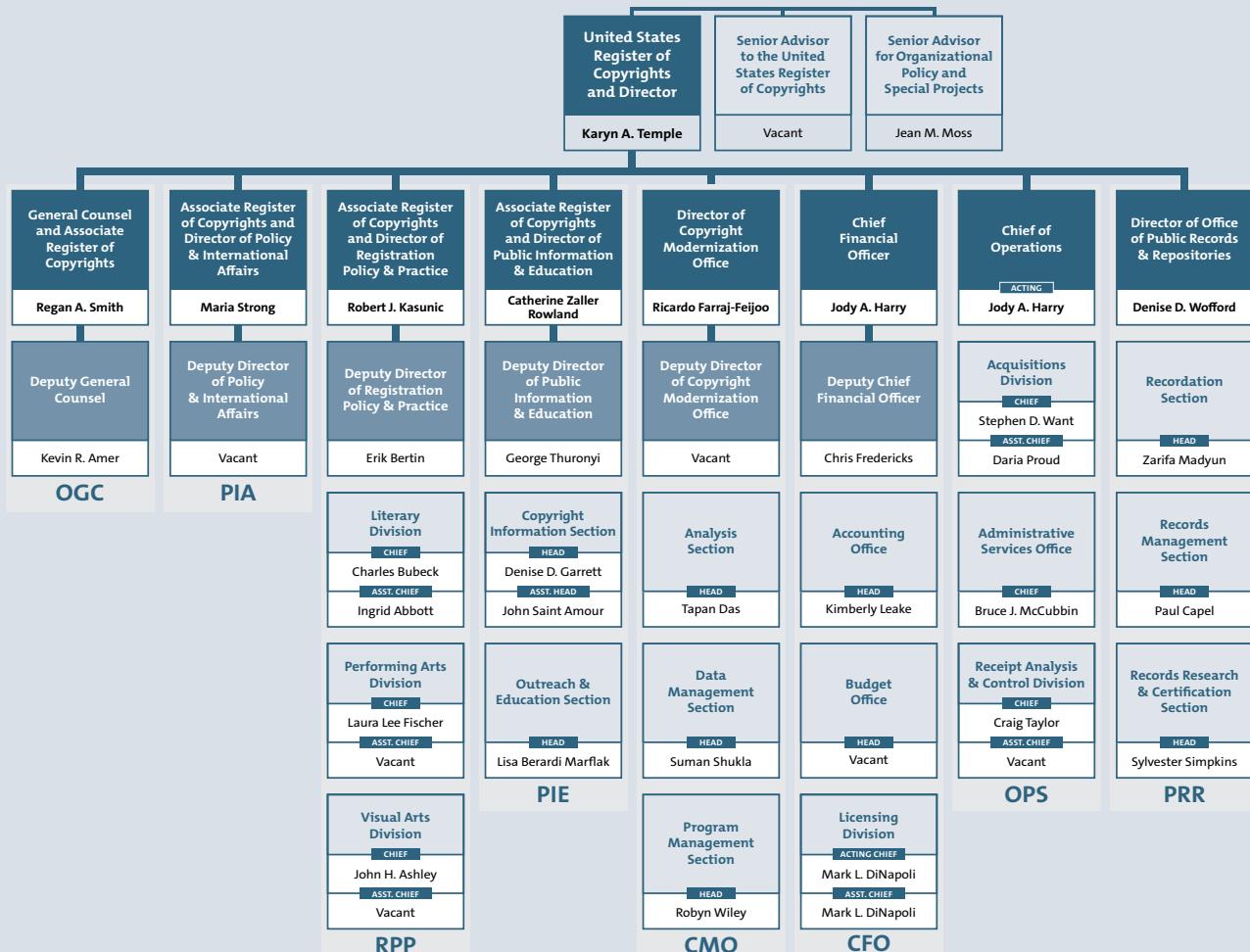
PHOTO BY DAVID RICE



*Receipt Analysis and Control Division staff scan and track deposit copies.*

# Appendices

## Organization of the United States Copyright Office as of September 30, 2019



## Copyright Registrations, 1790–2019

<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 <sup>1</sup>	1900	95,573	1931	167,107	1962	254,776	1992	606,253
1870	5,600	1901	93,299	1932	153,710	1963	264,845	1993	604,894
1871	12,688	1902	93,891	1933	139,361	1964	278,987	1994	530,332
1872	14,164	1903	99,122	1934	141,217	1965	293,617	1995	609,195
1873	15,352	1904	104,431	1935	144,439	1966	286,866	1996	550,422
1874	16,283	1905	114,747	1936	159,268	1967	294,406	1997	569,226
1875	16,194	1906	118,799	1937	156,930	1968	303,451	1998	558,645
1876	15,392	1907	124,814	1938	168,663	1969	301,258	1999	594,501
1877	16,082	1908	120,657	1939	175,450	1970	316,466	2000	515,612
1878	16,290	1909	121,141	1940	179,467	1971	329,696	2001	601,659
1879	18,528	1910	109,309	1941	180,647	1972	344,574	2002	521,041
1880	20,993	1911	115,955	1942	182,232	1973	353,648	2003	534,122
1881	21,256	1912	121,824	1943	160,789	1974	372,832	2004	661,469
1882	23,141	1913	120,413	1944	169,269	1975	401,274	2005	531,720
1883	25,892	1914	124,213	1945	178,848	1976	410,969 <sup>2</sup>	2006	520,906
1884	27,727	1915	116,276	1946	202,144	1977	452,702	2007	526,378
1885	28,748	1916	117,202	1947	230,215	1978	331,942	2008	232,907 <sup>5</sup>
1886	31,638	1917	112,561	1948	238,121	1979	429,004	2009	382,086 <sup>5</sup>
1887	35,467	1918	107,436	1949	201,190	1980	464,743	2011	670,044
1888	38,907	1919	113,771	1950	210,564	1981	471,178	2012	509,112
1889	41,297	1920	127,342	1951	200,354	1982	468,149	2013	496,599
1890	43,098	1921	136,765	1952	203,705	1983	488,256	2014	476,298
1891	49,197	1922	140,734	1953	218,506	1984	502,628	2015	443,823
1892	54,741	1923	151,087	1954	222,665	1985	540,081 <sup>3</sup>	2016	414,269
1893	58,957	1924	164,710	1955	224,732	1986	561,208 <sup>3</sup>	2017	452,122
1894	62,764	1925	167,863	1956	224,908	1987	582,239 <sup>3</sup>	2018	560,013
1895	67,578	1926	180,179	1957	225,807	1988	565,801	2019	547,837
1896	72,482	1927	186,856	1958	238,935	1989	619,543 <sup>4</sup>		
1897	75,035	1928	196,715	1959	241,735	1990	643,602		
1898	75,634	1929	164,666	1960	243,926	1991	663,684		
1899	81,416	1930	175,125	1961	247,014				
								<b>Total</b>	<b>38,861,134</b>

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

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

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

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

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

## APPENDICES

### Number of Registrations by Subject Matter, Fiscal 2019

<i>Category of Material</i>	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Non-dramatic literary works:			
<i>Monographs and computer-related works</i>	131,919	53,984	185,903
Serials:			
<i>Serials (non-group)</i>	35,126	—	35,126
<i>Group Daily Newspapers/Newsletters</i>	<b>1,406</b>	—	<b>1,406</b>
<i>Group Serials</i>	<b>5,389</b>	—	<b>5,389</b>
<b>Total literary works</b>	<b>173,840</b>	<b>53,984</b>	<b>227,824</b>
<b>Works of the performing arts</b> , including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	80,065	67,432	<b>147,497</b>
<b>Works of the visual arts</b> , including two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works commercial prints and labels, and works of applied arts	50,347	38,415	<b>88,762</b>
<b>Sound recordings</b>	34,909	48,749	<b>83,658</b>
<b>Total basic registrations</b>	<b>339,161</b>	<b>208,580</b>	<b>547,741</b>
Renewals	76	—	76
Mask work registrations	20	—	20
Vessel hull design registrations	0	—	0
<b>Grand total all registrations</b>			<b>547,837</b>
<b>Preregistrations</b>			<b>600</b>
<b>Documents Recorded</b>			<b>11,221</b>

*Financial information published in this table is unaudited.*

## Fee Receipts and Interest, Fiscal 2019

<i>Fees</i>	<i>Receipts Recorded<sup>1</sup></i>
Copyright Registration	\$28,618,713
Registration Special Handling/Expedited Services	2,149,600
Renewal Registration	25,255
Vessel Hull Design Registration	11,940
Mask Works Registration	5,200
<b>Subtotal</b>	<b>\$30,810,708</b>
<hr/>	
Recordation of Documents	\$2,537,431
Certifications	662,477
Other Services & Fees	259,386
Notice of Intention (NOI)	219,795
Recordation Special Handling/Expedited Services	172,150
Preregistrations	95,340
Searches	28,881
DCMA	27,324
Other Licensing Fees	11,750
<b>Subtotal</b>	<b>\$4,014,534</b>
<hr/>	
<b>Total Receipts Recorded</b>	<b>\$34,825,241</b>
<hr/>	
Investment Earnings	178,415
Reconciling Transactions <sup>2</sup>	610
<hr/>	
<b>Fee Receipts and Interest Applied to the Appropriation<sup>3</sup></b>	<b>\$35,004,266</b>

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

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

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

## Estimated Value of Materials Transferred to the Library of Congress, Fiscal 2019

<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>
<b>Books<sup>1,2</sup></b>	<b>126,080</b>	<b>175,625</b>	<b>301,705</b>		<b>\$23,965,075</b>
Book-hardbound	45,712	18,104	63,816	\$105.80	\$6,751,733
Book-softbound	80,366	17,866	98,232	\$41.84	\$4,110,027
e-books (Pro Quest)	0	20,234	20,234	\$5.50	\$111,287
e-books (special relief)	2	119,421	119,423	\$108.79	\$12,992,028
<b>Serials<sup>1,3</sup></b>	<b>67,556</b>	<b>319,039</b>	<b>386,595</b>		<b>\$26,182,045</b>
Periodicals <sup>4</sup>	67,548	198,984	266,532	\$55.93	\$10,434,994
Newspapers <sup>1</sup>	8	22,320	22,328	\$1.50	\$23,444
e-Serials <sup>5</sup>	0	97,735	97,735	\$160.88	\$15,723,607
<b>Microforms</b>	<b>343</b>	<b>1,628</b>	<b>1,971</b>		<b>\$295,373</b>
Microfilm	341	1,628	1,969	\$150.00	\$295,350
Microfiche	2	0	2	\$11.61	\$23
<b>Motion Pictures</b>	<b>3,092</b>	<b>11</b>	<b>3,103</b>		<b>\$737,769</b>
Film-35mm/70mm/IMAX <sup>1</sup>	15	7	22	\$14,969.12	\$329,321
Film 16mm	0	0	0	\$1,500.00	\$0
Videotape	3,077	4	3,081	\$132.57	\$408,448
<b>CD/DVDs</b>	<b>29,939</b>	<b>1,082</b>	<b>31,021</b>	<b>\$25.00</b>	<b>\$775,525</b>
<b>Printed Music</b>	<b>1,846</b>	<b>495</b>	<b>2,341</b>	<b>\$71.31</b>	<b>\$166,937</b>
<b>Maps</b>	<b>188</b>	<b>33</b>	<b>221</b>	<b>\$55.70</b>	<b>\$12,310</b>
<b>Prints, Posters, Photographs, Works of Art</b>	<b>422</b>	<b>48</b>	<b>470</b>	<b>\$45.27</b>	<b>\$21,277</b>
<b>Total</b>	<b>229,466</b>	<b>497,961</b>	<b>727,427</b>		<b>\$52,156,311</b>

<sup>1</sup> 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.

<sup>2</sup> Approximately 60 percent of Books are selected for the collections; 40 percent are used for the Library's exchange program.

<sup>3</sup> In the "Serials" category, approximately 70 percent of periodicals and newspapers are selected for the collections; 100 percent of e-serials are selected. For this reason the dollar amount in the estimated value of works transferred column for periodicals and newspapers has been reduced by 30 percent.

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

<sup>5</sup> Totals do not include certain e-books and e-serials for which online access is negotiated with publishers for the Library of Congress under section 407. In FY 2019 the Library was granted access to 508,560 e-books and 9,046 e-serials that are not included in the numbers in the table.

## Non-Fee Information Services to Public, Fiscal 2019

### Public Information & Education/Public Records & Repositories Direct Reference Services

In person	2,056
By correspondence	1,700
By email	46,850
By telephone	81,689
<b>Total</b>	<b>132,295</b>

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### Office of the General Counsel Direct Reference Services

By correspondence	20
By telephone	10
<b>Total</b>	<b>30</b>

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### Receipt Analysis and Control Division Services

By correspondence	1,010
By email	6,832
By telephone	1,388
<b>Total</b>	<b>9,230</b>

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### Licensing Division Direct Reference Services

By correspondence or email	346
By telephone	527
<b>Total</b>	<b>873</b>

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### Acquisition Division direct Reference Services

By correspondence or email	6
By telephone	40
<b>Total</b>	<b>46</b>

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### eCO Service Help Desk

By email	19,181
By telephone	25,702
<b>Total</b>	<b>44,883</b>

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<b>Grand Total Direct Reference Services</b>	<b>187,357</b>
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## APPENDICES

### Statement of Fiduciary Net Assets, as of September 30, 2019

	<i>(in thousands)</i>
Investments in U.S. Treasury securities, net	\$1,450,811
Fund Balance with Treasury	\$218
Interest receivable	\$132
 <b>Total Fiduciary Net Assets</b>	 <b>\$1,451,161</b>

### Statement of Fiduciary Activity, as of September 30, 2019

	<i>(in thousands)</i>
<b>Beginning Fiduciary Net Assets</b>	<b>\$1,313,736</b>
Royalty Fees Received	\$242,349
Investment Earnings	\$30,524
 <b>Total Inflows to Fiduciary Net Assets</b>	 <b>\$272,873</b>
Distributions to copyright owners	(\$130,697)
Refunds of royalty fees	(\$506)
Net royalty fees retained for administrative costs	(\$4,245)
 <b>Total Outflows from Fiduciary Net Assets</b>	 <b>(\$135,448)</b>
<b>Increase in Fiduciary Net Assets</b>	<b>\$137,425</b>
 <b>Ending Fiduciary Net Assets</b>	 <b>\$1,451,161</b>

## Statutory Licensing Filing and Royalty Fees Collected and Offset for Administrative Costs, Fiscal 2019

	<i>(in thousands)</i>	<i>Total</i>	<i>Licensing Copyright</i>	<i>Copyright Royalty Judges</i>
Filing Fees		\$1,400	\$1,392	\$8
License filing year 2019 royalty fees		\$3,654	\$3,272	\$382
License filing year 2018 royalty fees		\$1,218	\$1,091	\$127
<b>Total</b>		<b>\$6,272</b>	<b>\$5,755</b>	<b>\$517</b>

## Statutory Licensing Net Royalty Fees Retained for Administrative Costs, Fiscal 2019

	<i>(in thousands)</i>	<i>Total</i>	<i>Licensing Copyright</i>	<i>Copyright Royalty Judges</i>
2019 Royalty fees retained		\$3,654	\$3,272	\$382
2018 Royalty fees retained		\$1,218	\$1,091	\$127
2018 Royalty fees refunded		(\$207)	(\$168)	(\$39)
2017 Royalty fees refunded		(\$112)	(\$93)	(\$19)
2016 Royalty fees refunded		(\$52)	(\$42)	(\$10)
2015 Royalty fees refunded		(\$109)	(\$95)	(\$14)
2014 Royalty fees refunded		(\$120)	(\$98)	(\$22)
2013 Royalty fees refunded		(\$27)	(\$20)	(\$7)
<b>Total</b>		<b>\$4,245</b>	<b>\$3,847</b>	<b>\$398</b>



## Copyright Office Contact Information

### UNITED STATES COPYRIGHT OFFICE

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

### WEBSITE

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

### PUBLIC INFORMATION OFFICE

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

### FORMS AND PUBLICATIONS

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