



# Annual Report of the Register of Copyrights

FISCAL YEAR ENDING SEPTEMBER 30, 2011

United States Copyright Office

**Copyright**  
United States Copyright Office

COVER PHOTO:  
Library of Congress's  
James Madison Building

TITLE PAGE PHOTO:  
Library of Congress's  
Thomas Jefferson Building



# Annual Report of the Register of Copyrights

FISCAL YEAR ENDING SEPTEMBER 30, 2011



United States Copyright Office

*NOTE: Title 17 U.S.C. refers to title 17 of the United States Code, which contains the copyright laws of the United States.*

# CONTENTS

2	<b>A Message from the Register</b>	
4	<b>Retirement of Register of Copyrights Marybeth Peters</b>	
6	<b>Facts at a Glance</b>	
8	<b>The United States Copyright Office</b>	
	<i>Budget</i>	9
10	<b>Service to Government</b>	
	<i>Reports, Hearings, and Legislation</i>	11
	<i>Studies</i>	14
	<i>International Activities</i>	16
	<i>Litigation</i>	18
	<i>Copyright Office Regulations</i>	19
20	<b>Public Services</b>	
	<i>Registration</i>	21
	<i>Statutory Licenses and Obligations</i>	24
	<i>Information Technology</i>	25
28	<b>Acquisition of Copyrighted Works</b>	
	<i>Contributions to Library of Congress Collections</i>	29
	<i>Mandatory Deposit</i>	29
32	<b>Information and Education</b>	
	<i>Copyright Office Website</i>	33
	<i>Outreach</i>	34
	<i>Freedom of Information Act</i>	35
36	<b>Appendices &amp; Tables</b>	
	<i>Testimony to Congress</i>	37
	<i>Litigation</i>	37
	<i>Federal Register Documents Issued</i>	40
	<i>Tables</i>	43
	<i>Copyright Office Contact Information</i>	51

# A message from the Register

*Register of Copyrights*  
*Maria A. Pallante*



This report highlights the Copyright Office's accomplishments throughout fiscal 2011. In December 2010, Marybeth Peters, the former Register of Copyrights, retired from that position after serving for more than 16 years as Register and 45 years in public service at the Copyright Office. I was honored to be named Acting Register of Copyrights in January 2011 and in June was appointed the 12th Register of Copyrights. As the copyright community knows, Marybeth leaves behind a tremendous legacy, and I look forward to building upon that legacy as I work with the talented staff of the Copyright Office, stakeholders, and Congress to address some of the issues facing the copyright system today and build a Copyright Office for the 21st century.

A handwritten signature in black ink that reads "Maria A. Pallante". The signature is written in a cursive, flowing style with a large initial 'M'.

Maria A. Pallante  
Register of Copyrights



# Retirement of Register of Copyrights Marybeth Peters



*Marybeth Peters, retired  
Register of Copyrights*

*Register of Copyrights Marybeth Peters retired at the end of December 2010 after more than 16 years as the head and voice of the Copyright Office. Her tenure was second only to the first Register, Thorvald Solberg, who served from 1897 to 1930.*

Marybeth Peters became the Register of Copyrights on August 7, 1994. From 1983 to 1994, she held the position of policy planning advisor to the Register. She also served as acting general counsel of the Copyright Office and as chief of both the Examining Division and the Information and Reference Division. Peters is the author of *The General Guide to the Copyright Act of 1976*. She delivered the 2004 Brace Memorial Lecture at New York University School of Law and the 1996 Horace S. Manges Lecture at Columbia University School of Law. She serves on the Intellectual Property Advisory Committees of several law schools and has received numerous distinguished awards for her work as Register.

From 1986 to 1995, Peters was a lecturer in the Communications Law Institute of the Catholic University of America's law school and previously served as adjunct professor of copyright law at the University of Miami School of Law and the Georgetown University Law Center. In 1989–90, Peters served as a consultant on copyright law to the World Intellectual Property Organization in Geneva, Switzerland.

Peters earned her undergraduate degree from Rhode Island College and her law degree, with honors, from the George Washington University Law School. She is a member of the bar of the District of Columbia, the Copyright Society of the U.S.A., the Intellectual Property Section of the American Bar Association, the U.S. chapter of the Association littéraire et artistique internationale, the American Intellectual Property Law Association, and the International Technology Law Association.

## FACTS AT A GLANCE

### Service to Government

- Provided ongoing assistance to Congress:
  - Completed a study on market-based alternatives to statutory licenses
  - Received comments and prepared a study on federal protection of pre-1972 sound recordings
  - Testified before Congress on rogue websites and illegal streaming
  - Supported enactment of the Copyright Cleanup, Clarifications, and Corrections Act of 2010
- Participated in proceedings of international intellectual property and trade organizations
- Participated on U.S. delegations for international intellectual property and trade negotiations
- Assisted the Department of Justice in important cases of copyright-related litigation regarding challenges to the constitutionality of amendments to the copyright law; the interpretation of the first-sale doctrine and the exclusive right to import copies of works acquired outside the United States; the registration of automated databases comprised primarily of photographs and Office practices relating to the information required to effect registration; and challenges to the constitutionality of the statutory damages provisions of the copyright law
- Addressed ongoing issues related to mass book digitization and drafted a discussion paper about the policy implications of the Google Books case on the legal landscape pertaining to mass book digitization, including orphan works

### Public Services

- Increased registration processing levels; received 539,332 claims and closed 734,256, thereby eliminating a backlog of uncompleted claims and reducing the number of open claims in process by nearly 50 percent
- Collected licensing royalties totaling more than \$325 million and distributed more than \$144 million in royalties to rights holders

### Acquisition of Copyrighted Works

- Transferred over 700,000 copies of works valued at \$31 million to the Library's collections that the Library would have otherwise been required to purchase
- Worked jointly with other units of the Library to develop the capacity to receive and ingest deposited works that are available only in electronic form; received mandatory deposits of 85 serials published only in electronic form from 25 publishers

### Information and Education

- Scanned more than 10 million copyright card catalog records for preservation and access, reaching a total of more than 12.5 million cards scanned
- Scanned 318 volumes of the 660-volume *Catalog of Copyright Entries* for access through the Internet Archive, reaching a total of 371 volumes scanned
- Accommodated 261,807 requests for nonfee reference services

# The United States Copyright Office

PROMOTING CREATIVITY  
BY ADMINISTERING  
AND SUSTAINING AN  
EFFECTIVE NATIONAL  
COPYRIGHT SYSTEM

*The Copyright Office  
registered 146,845 works  
of the performing arts  
in fiscal 2011, including  
motion pictures.*



Congress enacted the first copyright law in May 1790 and centralized the administration of the federal copyright law in the Library of Congress in 1870. The United States Copyright Office administers the U.S. copyright law and advises Congress and other government agencies regarding copyright issues. Under the law, authors and other copyright owners register claims to protect their rights in their creative works; cable operators, satellite carriers, and importers and manufacturers of digital audio recording devices pay royalties; and publishers and other distributors of works published in the United States deposit copies of copyrightable works for the Library's collections and exchange programs.

## BUDGET

The Copyright Office receives two annual appropriations from Congress, one to cover general expenses of the Office, the other specific to the Licensing Division. The Copyright Office's total fiscal year budget authority for these two appropriations was \$52,867,054 with a staff ceiling of 469 full-time equivalents. The basic appropriation derives from two revenue sources: net appropriations from the U.S. Treasury in the amount of \$16,728,476 in fiscal 2011 and authority to spend user fees and prior year reserves in the amount of \$30,689,498. The Licensing Division was fully funded from user fees withdrawn from royalty pools in the amount of \$5,449,080.

# Service to government

PROVIDING TIMELY QUALITY  
SERVICE TO THE CONGRESS,  
THE EXECUTIVE BRANCH,  
AND THE COURTS TO ADDRESS  
CURRENT AND EMERGING  
ISSUES INVOLVING COPYRIGHT  
POLICY AND LAW



*Maria Pallante (left) before  
the House Subcommittee on  
Intellectual Property, Competition,  
and the Internet*

## REPORTS, HEARINGS, AND LEGISLATION

The Copyright Office provides testimony and nonpartisan assistance to Congress on copyright matters and proposed copyright legislation and undertakes studies and provides authoritative reports on current issues affecting copyright.

### Congressional Testimony

The Register of Copyrights is frequently called upon to testify before Congress on substantive copyright policy issues as well as issues pertaining to administration of the Copyright Office. This year, the Register of Copyrights presented testimony on four occasions: once each on rogue websites and illegal streaming and twice on the Copyright Office budget.

#### *Rogue Websites*

The Register appeared before the House Judiciary Committee's Subcommittee on Intellectual Property, Competition, and the Internet to testify about the importance of protecting legitimate commerce from so-called rogue websites that compete with lawful websites by selling pirated copies of copyrighted works such as books, feature films, television programs, and music. The operators of rogue websites exploit copyrighted works with impunity because, in part, there is no expectation of enforcement. With the global reach of the Internet, such websites can be located anywhere in the world and still have a devastating effect on the market for legitimate copyrighted works by U.S. creators.

Although current U.S. law allows copyright owners and the government to take action against sites located in the United States, the Office believes additional enforcement mechanisms may be necessary to reach foreign-based websites. The Office supports an approach that calls on key members of the online ecosystem,



including service providers, search engines, payment processors, and advertising networks, to play a role in protecting copyright interests. Potential legislative solutions would make it possible for the U.S. Attorney General (and possibly copyright owners) to obtain various court orders, including injunctions ordering operators of the sites to cease their infringing activity; orders to credit card companies and Internet advertising agencies to cease providing services to the websites; and orders requiring domain name server operators and search engines to cease directing end users to websites.

### *Illegal Streaming*

The Register also presented testimony on illegal streaming of television programs, motion pictures, and other copyrighted works and the current impediments to effective prosecution of those who infringe the right to publicly perform such works by willfully streaming them worldwide. Current law provides for felony criminal penalties for certain willful reproduction and distribution of copyrighted works but provides only misdemeanor penalties for performance and display. The Register testified in support of a legislative proposal that would elevate the penalties for the latter to equate with the former, recognizing that as streaming has become a viable business model for legitimate content distribution, it has become a mechanism for large-scale infringers as well.

### *Copyright Office Budget*

The Register of Copyrights submitted written budget testimony in conjunction with the Library of Congress regarding the fiscal 2012 appropriations request.

## **Mass Book Digitization**

On March 22, 2011, Judge Denny Chin of the U.S. District Court for the Southern District of New York rejected the proposed settlement between authors, publishers, and Google, in connection with Google's large-scale mass book digitization project. The Office was instrumental in crafting the copyright portion of the U.S. government's two briefs in the matter, and former Register of Copyrights Marybeth Peters testified before the House of Representatives in 2009 on the issue. In rejecting the settlement, the court concluded that the settlement would have effectively rewritten copyright law and would have encroached upon Congress's ability to establish copyright policy,

particularly with respect to orphan works. Since the rejection, a group of authors has filed a similar lawsuit against five university libraries that participated in Google's mass digitization project. These developments have reignited a public debate on the risks and opportunities that mass book digitization may create for stakeholders.

The Copyright Office undertook a preliminary analysis identifying the issues related to mass book digitization. The result of that analysis is a discussion paper that addresses the current legal landscape and digital book marketplace; possible methods to facilitate digitization projects, including voluntary, extended, and statutory collective licensing; and the implications for prior studies and proposals addressing orphan works ([www.copyright.gov/orphan](http://www.copyright.gov/orphan)) and section 108 library and archive exceptions in the digital age ([www.section108.gov](http://www.section108.gov)). The discussion paper, which will form the basis for future research and policy discussions, was published in October 2011 ([www.copyright.gov/docs/massdigitization](http://www.copyright.gov/docs/massdigitization)).

### Copyright Cleanup, Clarifications, and Corrections Act of 2010

The Office worked with Senate and House Judiciary Committee members on the Copyright Cleanup, Clarifications, and Corrections Act of 2010 in December (P.L. No. 111-295). The legislation made a number of small but important changes in the Copyright Act that affect the Copyright Office, authors and rights holders, and parties participating in Copyright Royalty Judges proceedings.

Specifically, the bill eliminated the requirement that the Register of Copyrights maintain a directory of agents available to the public for inspection in both electronic and hard-copy formats, maintaining only the requirement that the directory be available through the Internet. It also authorized a sworn or official certification to be electronically submitted to the Copyright Office in connection with electronic submission of documents for recordation by the Office. In addition, the act added dramatic and literary works to section 303(b) of the Copyright Act (providing that distribution of a phonorecord before 1978 did not constitute publication of certain categories of works embodied in the phonorecords); subjected all regulations issued by the Copyright Royalty Judges to judicial review; repealed the manufacturing clause (17 U.S.C. section 601), which had already expired in 1986; and made other technical amendments.

## STUDIES

### Market-Based Alternatives to Statutory Licensing

The Copyright Act's three separate statutory licenses cover the public performance rights of programming transmitted by broadcast stations licensed by the Federal Communications Commission. The section 111 license permits cable operators to retransmit both local and distant television and radio signals to their subscribers. Section 119 permits a satellite carrier to retransmit distant non-network and network television station signals to its subscribers for private home viewing. Section 122 permits satellite carriers to retransmit local television station signals into the stations' local markets.

The Satellite Television Extension and Localism Act of 2010 (STELA) instructed the Register of Copyrights to prepare a report recommending how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of the Copyright Act.

The Register issued her report on August 29, 2011, in which she made the following significant recommendations to Congress:

- Copyright owners should be permitted to develop marketplace alternatives to replace the provisions of sections 111, 119, and 122, working with broadcasters, cable operators, satellite carriers, and other licensees, and taking into account consumer demands.
- Business models based on sublicensing, collective licensing, and direct licensing are largely undeveloped in the broadcast retransmission context, but they are feasible alternatives to securing the public performance rights necessary to retransmit copyrighted content in many instances.
- The Office recommends that Congress announce a date-specific trigger for the phase-out and eventual repeal of the distant signal licenses but leave repeal of the local signal licenses to a later time. This approach would allow stakeholders an opportunity to test new business models with the least likelihood of disruption to consumers and give Congress the advantage of drawing on that experience when considering when and how to address the local signal licenses.

- In selecting the sunset date for the distant signal licenses, the Office recommends that Congress build in a sufficient transition period, during which cable operators and satellite carriers should be instructed to negotiate with broadcast stations for carriage of programming on broadcast signals in cases where broadcast stations have obtained the rights necessary to retransmit all the content carried on their signals.

### Federal Copyright Protection of Pre-1972 Sound Recordings

Until 1972, sound recordings were not among the works of authorship protected by the federal copyright statute; they enjoyed protection only under state law. On February 15, 1972, federal copyright protection was extended to sound recordings fixed on or after that date; however, sound recordings fixed prior to that date remained the subject of protection under a patchwork of state statutes and common law. State law coverage of pre-1972 sound recordings persists until 2067, with some exceptions, at which point federal law will preempt state law and, assuming current federal term limits remain consistent, these sound recordings will enter the public domain.

In its March 11, 2009, legislative branch appropriations statement, Congress directed the Copyright Office to conduct a study on “the desirability and means of bringing sound recordings fixed before February 15, 1972, under federal jurisdiction.” Congress specified that the study must “cover the effect of federal coverage on the preservation of such sound recordings, the effect on public access to those recordings, and the economic impact of federal coverage on rights holders.” The study must also “examine the means for accomplishing such coverage” and include any recommendations that the Register of Copyrights considers appropriate.

The Copyright Office began conducting its study of pre-1972 sound recordings with a notice of inquiry published on November 3, 2010, seeking comments and reply comments, of which it received 76. It subsequently held a public roundtable in June, which included 20 participants. The Office also met individually with a number of interested organizations, including organizations from the sound recording industry and the scholarly community. The report was issued in December 2011 ([www.copyright.gov/docs/sound](http://www.copyright.gov/docs/sound)).

## INTERNATIONAL ACTIVITIES

The Register of Copyrights and other senior leaders in the Office regularly participate in conferences and symposia sponsored by the World Intellectual Property Organization (WIPO) in Geneva and in other WIPO-sponsored meetings throughout the world. The Copyright Office and WIPO also cosponsor training programs for private-sector and government officials from developing countries, as well as from other countries that are revisiting their laws or enforcement activities.

Copyright Office experts routinely work with other U.S. government agencies to represent the United States in meetings on copyright and related subjects at WIPO.

Legal and policy experts in the Copyright Office also support the Office of the U.S. Trade Representative and other executive branch agencies by providing substantive copyright analysis to U.S. negotiators in multilateral trade and treaty deliberations. They also serve on official delegations and negotiating teams.

During fiscal 2011, the Office represented the United States at various WIPO meetings, including those specifically focused on limitations and exceptions for the blind and physically handicapped, as well as copyright protections for audiovisual performances and broadcasting organizations.

The Office played a key role in developing and representing the U.S. position on proposed WIPO consideration of exceptions and limitations for blind and visually impaired individuals as well as others afflicted with reading disabilities. Several nonbinding proposals and two treaty proposals were under consideration regarding harmonization of international laws affecting domestic and cross-border access to copyrighted works by individuals who are blind, visually impaired, or suffer from other print disabilities.

The Office also was intimately engaged in the negotiations on a treaty establishing intellectual property protections for audiovisual performances. The adoption of a treaty would strengthen the precarious position of performers in the audiovisual industry by providing a clearer legal basis for the international use of audiovisual productions, both in traditional media and in digital networks. Such an instrument would also contribute to safeguarding the rights of performers against the unauthorized use of their performances in audiovisual media, such as television, film, and video.

The U.S. delegation to WIPO, which includes the Copyright Office, proposed compromise language in January to resolve the sole outstanding issue remaining to be settled in the treaty. As long ago as 2000, discussions on a treaty that would shore up the rights of performers in their audiovisual performances made significant progress, with provisional agreement on all but one of the articles under negotiation. Negotiators at the time did not agree on whether or how a treaty on performers' rights should deal with the transfer of rights from the performer to the producer and suspended the diplomatic conference that was discussing the treaty proposal. In June 2011, the WIPO Standing Committee on Copyright and Related Rights met and agreed on compromise wording for that provision, paving the way for the conclusion of a treaty. The diplomatic conference of 2000 will be reconvened in 2012 to continue working on this treaty.

Copyright Office representatives also formed part of the U.S. delegation to other copyright-related meetings at WIPO, including the Committee on Enforcement and the Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in May and July 2011. The primary focus of the IGC meetings was to undertake negotiations to reach agreement on a text of an international legal instrument (or instruments) to provide protection for traditional knowledge, traditional cultural expressions (folklore), and genetic resources. The Office played a key role in developing and representing the U.S. position on this proposed text.

The Office also actively participated in numerous bilateral negotiations and consultations in support of the U.S. Trade Representative on copyright matters with numerous countries as part of its interagency work, including Chile, China, Japan, the Republic of Korea, Malaysia, Mexico, Russia, Spain, and Ukraine. The Office provided assistance with regard to the World Trade Organization (WTO) accession processes of a number of nations, including Afghanistan, Bosnia, Ethiopia, Herzegovina, Kazakhstan, Laos, Liberia, Serbia, Tajikistan, and Yemen, and it also participated in numerous WTO trade policy reviews, including those involving Australia, Cambodia, Canada, Congo, Ecuador, Egypt, the Republic of Guinea, Hong Kong, India, Jamaica, Japan, Mauritania, Nigeria, Paraguay, and Zimbabwe.

The Office continued to assist the U.S. Trade Representative and other executive branch agencies by serving on official delegations and negotiating teams for the proposed Trans-Pacific Partnership. The Office also tracked developments related to

the U.S. passage of free trade agreements with Colombia, the Republic of Korea, and Panama, and will continue to work on implementation of the free trade agreement obligations in those three countries.

Copyright Office staff again served on the interagency Special 301 Committee, which evaluates the adequacy and effectiveness of intellectual property protection and enforcement as well as fair and equitable market access for intellectual property products and services in other countries. The annual Special 301 process, established under U.S. trade law, is one of the tools used by the U.S. government to improve global protection for U.S. authors, inventors, and other holders of intellectual property rights.

The Office worked with U.S. interagency colleagues to develop U.S. positions at other international venues, including copyright- and intellectual property-related developments at the Organisation for Economic Co-Operation and Development, Asia-Pacific Economic Cooperation forums, and the United Nations Human Rights Council.

## LITIGATION

Although the Copyright Office is not an enforcement agency, the Office may become involved in litigation by (1) choosing to intervene under section 411(a) of the copyright law in a copyright infringement case where registration has been refused; (2) assisting in the preparation of an amicus curiae brief in support of a particular position; (3) assisting the Department of Justice in defending the constitutionality of a provision of the Copyright Act; (4) asking the Department of Justice to bring a suit under section 407 of the copyright law to compel the deposit of copies of the best edition of a copyrighted work published in the United States; or (5) being sued under the Administrative Procedure Act.

Particularly important were two cases in the Supreme Court: *Costco Wholesale v. Omega*, involving the interpretation of the first-sale doctrine and the exclusive right to import copies of works made outside the United States, in which an equally divided Supreme Court upheld a ruling that copies made outside the United States are not subject to the first-sale doctrine, and *Golan v. Holder*, a challenge to the constitutionality of section 104A of the copyright law, which “restored” copyrights in many works that had fallen into the public domain because of failure to comply with

formalities under former U.S. law, lack of national eligibility in the United States, or their status as sound recordings fixed before 1972. *Golan* was scheduled for argument in the Supreme Court on October 5, 2011.

Other cases involving registration of automated databases comprised primarily of photographs, Office practices regarding the information required on the application and certificate of registration, and challenges to the constitutionality of the statutory damages provisions of the copyright law. The most important court cases are listed in the appendix.

## COPYRIGHT OFFICE REGULATIONS

The Register of Copyrights is authorized to establish regulations for the administration of the copyright law. Regulatory action during fiscal 2011 included the following.

### Directory of Online Service Provider Designated Agents

In September 2011, the Copyright Office published a notice of proposed rulemaking to amend its regulations and practices governing the designation by online service providers of agents to receive notifications of claimed copyright infringement as provided for in section 512 of the Copyright Act. The Office intends to implement an electronic process by which service providers may designate agents to receive notifications of claimed infringement and an electronic database of designated agents of online service providers. To create the online database and update the information currently maintained by the Copyright Office, the Office has proposed that all online service providers must file new designations of agents within one year after new regulations go into effect and that thereafter, all online service providers must update or verify the accuracy of their information in the database periodically. The Copyright Office will review all comments before beginning development of this new automated designated agent directory system.



# Public services

PROVIDING APPROPRIATE  
PROTECTION AND USE OF  
COPYRIGHTED WORKS BY  
PROVIDING TIMELY EASY-  
TO-USE PUBLIC SERVICES



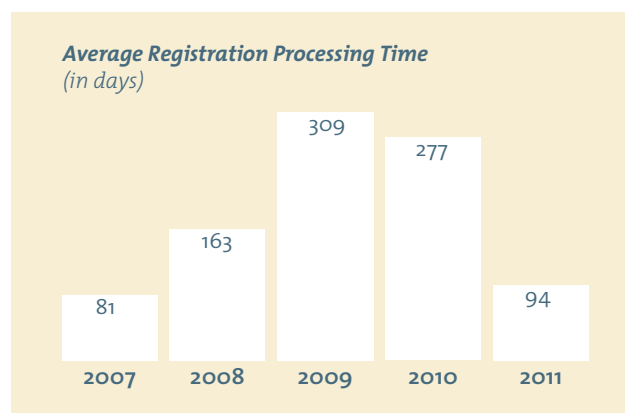
*The Copyright Office recorded  
10,298 documents related to  
copyright ownership in fiscal 2011.*

The copyright law is embodied in title 17 of the *United States Code*. The Copyright Office administers its provisions for the benefit of owners and users of copyrighted works, mask works, and vessel hull designs. Regulations governing copyright law administration are in Chapter 37 of the *Code of Federal Regulations*.

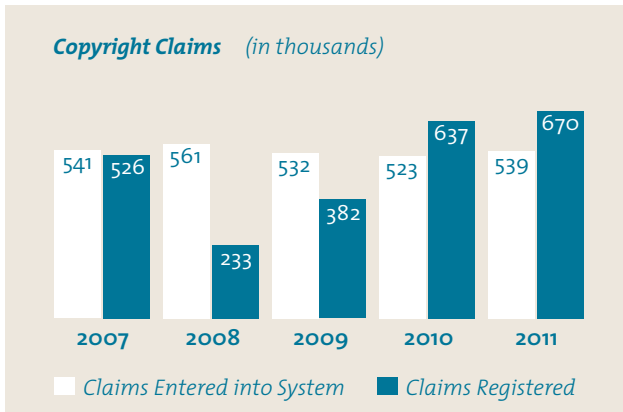
## REGISTRATION

### Copyrighted Works

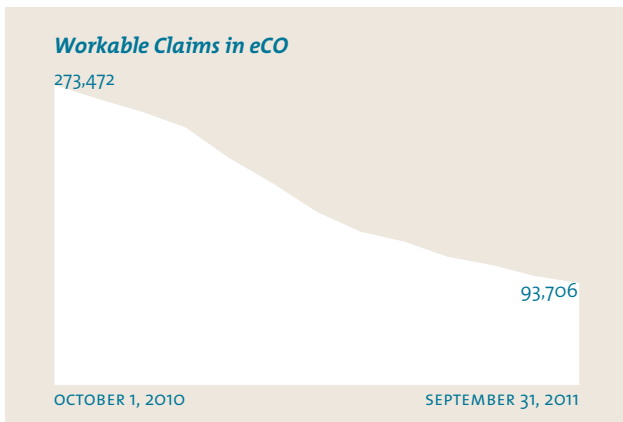
The Office examines creative works of authorship to determine whether there is copyrightable subject matter and that the claimant has complied with copyright law and applicable regulations.<sup>1</sup> At the beginning of fiscal 2011, the Office had approximately 380,000 claims on hand; it received an additional 539,332 claims throughout the year. The Office closed 734,256 claims during the year, exceeding the number of claims received by approximately 195,000, thereby eliminating the expected backlog of claims that resulted from major work process changes, temporary staff relocations, systems testing and servicing, and widespread workforce training that occurred following the Office's implementation of its new electronic processing system. At the end of fiscal 2011, the Office had approximately 185,000 claims on



<sup>1</sup> The Office also registered claims in mask works under chapter 9 of title 17 and vessel hull designs under chapter 13 of title 17. In fiscal 2011, the Office registered 214 mask works and 12 vessel hull designs.



were submitted electronically; the average time for processing such claims was between two and four months.



senior staff in the Office’s Registration Program. If the refusal is upheld, the claimant may bring a request for second reconsideration to the Copyright Office Review Board,

hand at various stages of its workflow, of which approximately 90,000 required additional information from the applicant before the Office could complete its examination.<sup>2</sup>

The Office improved its processing time significantly during fiscal 2011 due in large part to remarkable endorsement of the Office’s electronic registration system. By the fourth quarter of fiscal 2011, 84 percent of registration filings

#### *Refusals to Register*

The Copyright Office is required to refuse to register a claim to copyright when it determines that the material submitted does not constitute copyrightable subject matter or for other legal or procedural reasons. In fiscal 2011, it rejected 64,212 claims.

#### *Appeals*

Applicants whose claims for registration are rejected may seek reconsideration twice. The first appeal is reviewed by

<sup>2</sup> Because the Office’s electronic filing system allows for hybrid submissions (where the application and fee, submitted online, are followed up by a hard-copy deposit mailed or hand-delivered separately), and because some claims require the Office to further correspond with the applicant, the Office always has categories of work that take longer to process. These claims are an anticipated and routine part of the Office’s business operations.

comprised of the Register of Copyrights, the General Counsel, and the Associate Register for Registration, or their designees.

#### *First Reconsideration*

During fiscal 2011, the Office received 466 requests for first reconsideration of claims rejected for registration. The Office sustained rejections for 361 of these and reversed and approved 105. At year end, 82 requests for first reconsideration representing 205 works were pending and awaiting review.

#### *Second Reconsideration*

During fiscal 2011, the Copyright Office Review Board considered and issued decisions for second requests involving 77 works of which the board upheld 12 and reversed 3.

### Recordation

The Copyright Office records transfers of rights and other documents pertaining to copyrights (security interests, for example), pursuant to section 205 of the Copyright Act. The resulting record helps potential licensees and others determine copyright ownership and prioritizes claims in the event of a conflict. During fiscal 2011, the Office recorded 10,298 documents.

### Records Project

Initiated in 2008, the Copyright Records Digitization Project is currently scanning the Office's entire catalog of physical records of copyright registrations, assignments of copyrights, and other records in an effort to enhance the Office's existing online database of copyright registration information. Although the Office's current records dating back to 1978 are already online and fully searchable, about 70 million pre-1978 copyright records exist only in paper form and microfilm. These records serve as valuable documentation for owners and users of intellectual property and are an irreplaceable piece of cultural history, providing a timeline of the nation's creativity.

Working with the other parts of the Library of Congress, interested partners, and contractors, the Copyright Office is in the middle of a multiyear effort to digitize the entire inventory of paper records. The Copyright Records Digitization Project is

currently scanning this catalog of physical records to enhance the Office's existing online database of copyright registration records and to preserve these one-of-a-kind records.

During fiscal 2011, the Office scanned more than 10 million cards, bringing the total cards scanned during the past two fiscal years to more than 12.5 million. Indexing data is being prepared by a group of metadata catalogers. The Office also completed the scanning of 318 volumes of the 660-volume *Catalog of Copyright Entries*, bringing the total volumes scanned to 371.

### Online Service Provider Designations of Agents

In 1998, Congress amended the law to limit potential liability of service providers for monetary and injunctive relief for copyright infringement for certain activities carried out on their systems or networks. To take advantage of this limitation on liability, a service provider must file a designation of agent statement identifying an agent to receive notification of claims of infringement and also post such information on its publicly accessible website. The Office processes these online service provider designations of agents and makes them available to the public on its website. During the year, the Office posted 2,358 interim designations of agents on the directory. The total available at the end of the fiscal year was 50,725.

## STATUTORY LICENSES AND OBLIGATIONS

### Statutory Licenses

Some statutory licenses require that licensees deposit royalty funds with the Copyright Office. The Office's Licensing Division is responsible for collecting royalty fees from cable operators, satellite carriers, and importers and manufacturers of digital audio recording devices and media and investing the revenues in interest-bearing securities with the U.S. Treasury. The funds, less reasonable operating costs, are distributed to copyright owners in accordance with the copyright law. The Licensing Division also handles other matters relating to the administration of the Copyright Act's statutory licenses.

Since 2005, royalty rates, terms, and conditions of most statutory licenses, as well as distribution determinations, have been made by the Copyright Royalty Judges, an independent and separate unit of the Library under the aegis of the Librarian of Congress.

### Licensing Reengineering

The Copyright Office is reengineering the Licensing Division to streamline the processing of statements of account and notices to make them quickly accessible to the public, achieve increased productivity, improve management of royalty funds, reduce operating costs, and improve the work life and satisfaction of the staff.

In fiscal 2011, the Licensing Division completed its organizational assessment and benchmarked itself against other government agencies and private organizations that perform similar work, identifying ways to increase the satisfaction of its customers and improve efficiency. The division mapped new work processes, created new business rules, and developed functional and system requirements for a new information technology system for which a vendor was selected.

### Royalty Fee Collections and Distributions

During fiscal 2011, the Licensing Division collected more than \$325 million in royalty payments.

The Copyright Office distributes the royalties collected under sections 111 and 119 and chapter 10 of the copyright law, as determined by agreements among claimants or by proceedings of the Copyright Royalty Board. In fiscal 2011, the Office made several royalty distributions totaling more than \$144 million.

Financial statements for royalty fees are compiled and audited on a calendar-year basis as required by law. The total royalty receipts and distributions shown in calendar-year statements are therefore not the same as the fiscal year total. Calendar year 2010 financial statements are included in the appendices to this report. Calendar year 2011 financial statement figures will appear in the fiscal year 2012 report.

## INFORMATION TECHNOLOGY

Ensuring a strong information technology platform will continue to be essential to the Copyright Office's success in providing services in the 21st century. The Office's technological infrastructure and platform provide online registration capability and support for processing both electronic and hard-copy registrations. In fiscal 2011, the Copyright Office moved forward with several major enhancements to its technology platform, improving the functionality and stability of the system. These include the beginning of a three-phase project to enhance disaster recovery capability and the installation of 70 software modifications and enhancements.





# Acquisition of copyrighted works

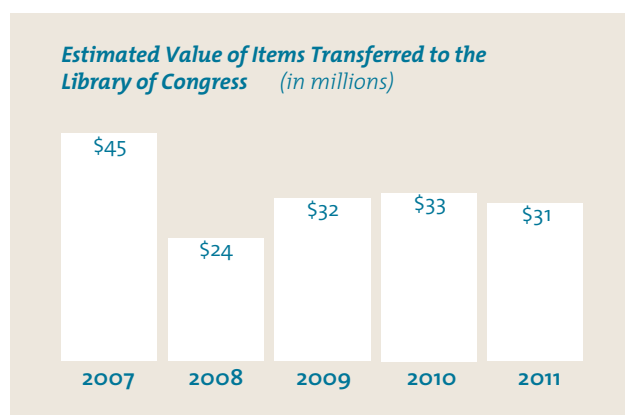
SUPPORTING LIBRARY  
OF CONGRESS SERVICE  
TO CONGRESS AND  
THE AMERICAN PEOPLE  
BY PROVIDING TIMELY  
ACQUISITION OF  
COPYRIGHTED WORKS  
REQUIRED BY THE LIBRARY



*The Copyright Office  
transferred more than  
700,000 works to the  
Library of Congress for its  
collections in fiscal 2011.*

## CONTRIBUTIONS TO LIBRARY OF CONGRESS COLLECTIONS

Copies of works submitted for registration or to fulfill the mandatory deposit provision of the law are made available for the Library of Congress to select for the Library’s collections. Copyright deposits form the core of the Library’s “Americana” collections and serve as the primary record of American creativity.



In fiscal 2011, the Office transferred 706,583 copies of registered and nonregistered works valued at slightly more than \$31 million (based on current format-specific average unit prices) to the Library of Congress for its collections. The Library would otherwise have purchased these works.

## MANDATORY DEPOSIT

The mandatory deposit provision in section 407 of the copyright law generally requires that the copyright owner, or the owner of the exclusive right of publication, deposit two copies of works published in the United States within three months of publication. The Library may add these works to its collections, or it may use them in its exchange program with other libraries.

The Office encourages copyright owners to deposit or register works regularly and voluntarily within three months after publication; however, the copyright law

authorizes the Register to issue demands for mandatory deposit copies any time after publication.

The Office made demands for 3,365 titles based on recommendations by Library of Congress librarians and recommending officers and congressional requests. The Office received 3,099 titles from publishers in response to these demands. The Office also brought 21 publishers into compliance with the mandatory deposit provisions of the copyright law through reviews of their catalogs and a process of education.

Approximately 47 percent of the copies of works the Office transferred to the Library of Congress for its use arrived under the mandatory deposit provisions of the copyright law (332,080 out of 706,583 copies).

### **Mandatory Deposit of Electronic-Only Material**

The Office continued to gain experience with mandatory deposit of works published only online. A project was initiated under the Librarian's management agenda to support the Library's goal of building its collection of electronic works, beginning with online journals that have no print counterpart. In its first phase, the project is dealing with electronic-only serials. Publishers willingly complied with demands, often providing more content than requested. In fiscal 2011, of 90 titles demanded from 31 publishers, the Office received issues of 85 online-only serials from 25 publishers.



# Information and education

IMPROVING PUBLIC  
UNDERSTANDING OF  
COPYRIGHT AND RELATED  
LAWS, PRINCIPLES, AND  
SERVICES

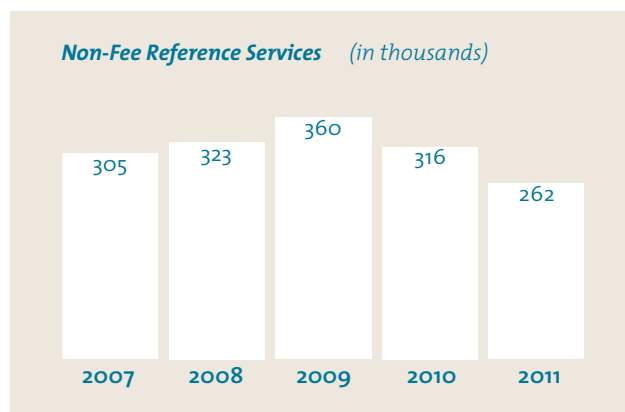


*Senior Copyright Office staff spoke at numerous law schools and annual law and trade association meetings in fiscal 2011.*

The Copyright Office, as the agency that administers the copyright law, disseminates information on the copyright law and copyright services, provides copyright education to the public, and responds to information requests.

## COPYRIGHT OFFICE WEBSITE

The Copyright Office website plays an integral role in fulfilling the Office’s strategic goal to improve public understanding of copyright law and to support the Library of Congress’s strategic goals focusing on content, customers, and outreach. Through the [copyright.gov](http://copyright.gov) website, members of the public and the copyright communities learn about copyright law, registration of copyright claims, and searching records of copyright registrations and recorded documents. The website also serves as the portal to the Office’s electronic filing system through which users can register claims and upload copies of their works. Compared with fiscal 2010, use of the website in fiscal 2011 decreased, with nearly 5 million visits (down 7 percent) and approximately 2 million page views (down 14 percent) throughout the year.<sup>3</sup>



<sup>3</sup> The number of “page views” indicates the number of times a web page has been viewed by one visitor, and “visits” indicate one user looking at one or more pages over a short period of time.

### *Public Information*

In fiscal 2011, the Office accommodated a total of 261,807 requests from the public for direct reference services and assisted close to 12,000 public visitors.

The Office distributed 34 issues of *NewsNet*, an electronic news service covering legislative developments, licensing news, and general Copyright Office News, to more than 22,000 subscribers during the fiscal year. The Office also provided support for the electronic publication of 12 issues of the Copyright Royalty Board's *CRB News*.

## OUTREACH

The Register of Copyrights made presentations and served as the keynote speaker at various events and symposia; she and other Copyright Office officials also spoke at numerous law schools and annual law and trade association meetings. In addition, senior policy and legal staff delivered presentations in the United States and abroad on topics ranging from intellectual property piracy and performance rights to mass book digitization and orphan works. The Office prepared and gave presentations about copyright law and policy to U.S. and international visitors throughout fiscal 2011, including representatives from Argentina, Chile, China, Colombia, Ghana, Iraq, Japan, Kenya, Liberia, Malaysia, Nigeria, Peru, and the Republic of Korea.

In September, the Office, in cooperation with the U.S. Patent and Trademark Office, hosted a weeklong international copyright training program, which brought 45 delegates from 19 developing countries and countries in transition to Washington to discuss copyright in the digital age. This training promoted increased understanding of copyright law and protection, including U.S. law and international treaty obligations and addressed developments involving new content distribution models.

## FREEDOM OF INFORMATION ACT (FOIA)

The Office received and responded to 54 requests under the Freedom of Information Act, 5 U.S.C. section 552, during the fiscal year.

Respectfully submitted to the Librarian of Congress by  
MARIA A. PALLANTE  
*Register of Copyrights and  
Associate Librarian of Congress for Copyright Services*



# Appendices & tables

*The Copyright Office scanned more than 10 million card catalog records in fiscal 2011 as part of a project to digitize more than 70 million pre-1978 copyright records that exist only on paper or microfilm.*



## TESTIMONY TO CONGRESS

- Fiscal 2012 Budget Request, House Committee on Appropriations, Subcommittee on the Legislative Branch, March 11, 2011; Senate Committee on Appropriations, Subcommittee on the Legislative Branch, March 31, 2011
- Promoting Investment and Protecting Commerce Online: Legitimate Sites vs. Parasites, House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition, and the Internet, March 14, 2011
- Promoting Investment and Protecting Commerce Online: The ART Act, the NET Acts, and Illegal Streaming, House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition, and the Internet, June 1, 2011

## LITIGATION

- ***Golan v. Holder*** [*Golan v. Ashcroft*, 310 F. Supp. 2d 1215 (D. Colo. Mar. 15, 2004), aff'd by, *Golan v. Gonzales*, 501 F.3d 1179 (10th Cir. (Colo.) Sept. 4, 2007), on remand to, 611 F. Supp. 2d 1165 (D. Colo. Apr. 3, 2009), rev'd, 609 F.3d 1076 (10th Cir. (Colo.) June 21, 2010), cert. granted, 131 S. Ct. 1600 (U.S. Mar. 7, 2011)]. A challenge to the constitutionality of amendments to the copyright law resulting from the Uruguay Round Agreements Act (URAA) and the Copyright Term Extension Act (CTEA). Section 514 of the URAA, codified in section 104A of the Copyright Act, removed certain literary and artistic works from the public domain. The petitioners claimed that Congress does not have the authority to remove works from the public domain under article 1, section 8, of the U.S. Constitution and that the statute violated the petitioners' rights under the First Amendment by interfering with their ability to use works that were previously in the public domain. The claims pertaining to the CTEA were dismissed in the district court, and that dismissal was affirmed by the court of appeals in 2007. The Copyright Office has assisted the Department of Justice in defending against these claims since the suit was filed in 2001 and most recently assisted in defending the constitutionality of the URAA before the U.S. Supreme Court.

- ***Costco Wholesale v. Omega*** [No. Civil No. 04-05443 TJH (RCx), 2007 WL 7029734, rev'd by, *Omega, S.A. v. Costco Wholesale Corp.*, 541 F.3d 982 (9th Cir. (Cal.) Sep. 3, 2008), cert. granted by, *Costco Wholesale Corp. v. Omega, S.A.*, 130 S.Ct. 2089 (U.S. Apr. 19, 2010), aff'd by an equally divided court, 131 S.Ct. 565 (2010)]. A case pertaining to the interpretation of the first-sale doctrine in section 109 of title 17 and the exclusive right to import copies of works acquired outside the United States in section 601(a) of title 17. The Office assisted in preparing a brief urging the Supreme Court not to take the case; however, in April 2010, the Court granted the petition. The Office subsequently assisted in preparing an amicus brief on the merits, urging affirmation of the lower court's decision that the first-sale doctrine does not apply to copies made outside of the United States. In fiscal 2011, the Office assisted in preparing for argument before the Supreme Court. On December 13, an equally divided court affirmed the decision without issuing an opinion.
- ***Bean v. Houghton Mifflin Harcourt Publishing*** [2010 WL 3168624 (D. Ariz. Aug. 10, 2010), appeal filed, No. 10-16771 (9th Cir. Aug. 12, 2011)]. A case pertaining to the registration of automated databases comprised primarily of photographs and the Copyright Office practices relating to the information required on the application and certificate of registration. In August 2010, the U.S. District Court for the District of Arizona issued an order refusing to recognize that a collective work registration covers the underlying works unless each of those underlying works is identified by author and title, among other things. The Court's reasoning is inconsistent with the Copyright Office's longstanding interpretation of the statutory flexibility afforded to the Register of Copyrights for providing registration accommodations for groups of related works and the Office's existing practices. *Bean* is appealing the decision to the Ninth Circuit Court of Appeals. The Office assisted the Department of Justice in filing an amicus brief to the Court of Appeals for the Ninth Circuit in support of reversal. As of the end of fiscal 2011, the Court of Appeals had not yet scheduled oral argument in this case.
- ***Alaska Stock v. Houghton Mifflin Harcourt Publishing*** [No. 3:09-CV-0061-HRH, 2010 WL 3785720 (D. Alaska, Sep. 21, 2010), appeal filed, No. 10-36010 (9th Cir. Nov. 3, 2010)]. A case pertaining to the registration of an automated database comprised of photographs and Copyright Office practices relating to the

information required to effect registration. In September 2010, the U.S. District Court for the District of Alaska issued an order refusing to recognize that a collective work registration covers the underlying works unless each of those underlying works is identified by author and title as required by section 409 of the Copyright Act. The court also held that because Alaska Stock was not the author of any of the photographs, the language of section 103 precluded the protection of such component works in Alaska Stock's compilation claim. Alaska Stock appealed the district court's ruling to the Court of Appeals for the Ninth Circuit. The Office assisted the Department of Justice in filing an amicus brief supporting reversal of the district court opinion. In July, the Court of Appeals heard arguments including those on behalf of the Copyright Office. A decision by the Ninth Circuit is pending.

- ***Capitol Records v. Thomas-Rasset*** [680 F. Supp. 2d 1045 (D. Minn. Jan. 22, 2010), reconsideration denied, No. 06-1497 (MJD/LIB), 2010 WL 4286325 (D. Minn. Oct. 22, 2010)]. A suit for infringement of the copyrights of 24 sound recordings by a participant in a peer-to-peer file-sharing network, pertaining to the constitutionality of the statutory damages provision in the section 504(c) of the Copyright Act. The case has gone to trial in a Minnesota federal district court three times, resulting in a jury verdict of \$222,000 in statutory damages at the first trial, a verdict of \$1.92 million at the second trial, and a verdict of \$1.5 million at the third trial in November 2011. Following each trial, the district court has set aside the jury's verdict on various grounds. The defendant asked the court to alter or amend the judgment arguing that it violated the Due Process Clause because it bore no reasonable relationship to the actual damages the defendant caused. The Office assisted the Department of Justice in opposing the motion and defending the constitutionality of the statutory damages provision of the Copyright Act. In July, the court granted the motion, reducing the award to \$54,000, or \$2,250 for each infringed song, which the court concluded was the maximum award permitted under the Due Process Clause. The United States filed a notice of appeal in September, following the filing of a notice of appeal by the plaintiffs.

- ***Sony BMG Music Entertainment v. Tenenbaum*** [No. Civ.A. 07CV11446-NG, 2009 WL 4723397 (D. Mass. Dec. 7, 2009), amended in part, 721 F. Supp. 2d 85 (D. Mass. July 9, 2010), aff'd in part, vacated in part, rev'd in part, Nos. 10-1883, 10-1947, 10-2052, 2011 WL 4133920 (1st Cir. (Mass.) Sep. 16, 2011)]. A case pertaining to the constitutionality of the statutory damages provision in the section 504(c) of the Copyright Act, specifically, whether statutory damages violate the Due Process Clause. The district court found that a statutory damages award of \$675,000 (\$22,500 for each work) was excessive and violated due process. The United States, which had intervened in the case in the district court to defend the constitutionality of the statutory damages provision of the Copyright Act, joined in an appeal to the U.S. Court of Appeals for the First Circuit. The Copyright Office assisted the Department of Justice in preparation of its brief. The court of appeals agreed with the United States that the district court had improperly reached the constitutional issue. The court of appeals reinstated the original award and remanded the case to the district court to determine whether to reduce the award based on common law remittitur.
- ***Muench Photography, Inc. v. Houghton Mifflin Harcourt Pub. Co.*** [No. 09-CV-2669 (LAP), 2010 WL 3958841 (S.D.N.Y. Sept. 27, 2010), partial reconsideration of, 712 F.Supp.2d 84 (S.D.N.Y. May 4, 2010)]. Same general facts as *Bean v. Houghton Mifflin*, discussed above. The case is still pending in the district court.
- ***American Soc. of Composers, Authors and Publishers v. U.S. et al.*** [627 F.3d 64 (2d. Cir. 2011), cert. denied, No. 10-1337 (U.S. Oct. 3, 2011)]. A case dealing with whether the downloading of a digital music file embodying a particular song constitutes a “public performance” of that song within the meaning the Copyright Act. The court of appeals agreed with the Copyright Office that as a general rule, a download does not constitute a public performance.

## FEDERAL REGISTER DOCUMENTS ISSUED

- Refunds Under the Cable Statutory License: Notice of Proposed Rulemaking (75 FR 61116, October 4, 2010)

- Minimum Balance Requirement and Automatic Replenishment Option for Deposit Account Holders: Notice of Proposed Rulemaking (75 FR 62345, October 8, 2010)
- Refunds Under the Cable Statutory License: Notice of Proposed Rulemaking; Correction (75 FR 62488, October 12, 2010)
- Federal Copyright Protection of Sound Recordings Fixed Before February 15, 1972: Notice of Inquiry (75 FR 67777, November 3, 2010)
- Gap in Termination Provisions: Notice of Proposed Rulemaking; Request for Comments (75 FR 72771, November 26, 2010)
- Federal Copyright Protection of Sound Recordings Fixed Before February 15, 1972: Notice of Inquiry; Extension of Comment Period; Extension of Reply Comment Period (75 FR 74749, December 1, 2010)
- Gap in Termination Provision: Notice of Inquiry; Extension of Comment Period (75 FR 81952, December 29, 2010)
- Registration of Claims of Copyright: Interim Rule (76 FR 4072, January 24, 2011)
- Cable Compulsory License: Specialty Station List; Request for Information (76 FR 5213, January 28, 2011)
- Deposit Requirements for Registration of Automated Databases That Predominantly Consist of Photographs: Notice of Proposed Rulemaking and Request for Comments (76 FR 5106, January 28, 2011)
- Administration of Copyright Office Deposit Accounts: Final Rule (76 FR 9229, February 17, 2011)
- Federal Copyright Protection of Sound Recordings Fixed Before February 15, 1972: Notice of Inquiry; Extension of Reply Comment Period (76 FR 10405, February 24, 2011)
- Section 302 Report: Notice of Inquiry (76 FR 11816, March 3, 2011)
- Cable Statutory License: Specialty Station List: Notice of Specialty Station Filings (76 FR 22733, April 22, 2011)

- Gap in Termination Provisions: Final Rule (76 FR 32316, June 6, 2011)
- Designation of Agent to Receive Notification of Claimed Infringement: Notice of Proposed Rulemaking and Request for Comments (76 FR 59953, September 28, 2011)
- Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies: Notice of Inquiry and Request for Comments (76 FR 60398, September 29, 2011)
- Discontinuance of Form CO in Registration Practices: Notice of Proposed Rulemaking and Request for Comments (76 FR 60774, September 30, 2011)

## TABLES

### Registrations, 1790–2011

<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>	1905	114,747	1941	180,647	1976	108,762 <sup>2</sup>
1870	5,600	1906	118,799	1942	182,232	1977	452,702
1871	12,688	1907	124,814	1943	160,789	1978	331,942
1872	14,164	1908	120,657	1944	169,269	1979	429,004
1873	15,352	1909	121,141	1945	178,848	1980	464,743
1874	16,283	1910	109,309	1946	202,144	1981	471,178
1875	16,194	1911	115,955	1947	230,215	1982	468,149
1876	15,392	1912	121,824	1948	238,121	1983	488,256
1877	16,082	1913	120,413	1949	201,190	1984	502,628
1878	16,290	1914	124,213	1950	210,564	1985	540,081 <sup>3</sup>
1879	18,528	1915	116,276	1951	200,354	1986	561,208 <sup>3</sup>
1880	20,993	1916	117,202	1952	203,705	1987	582,239 <sup>3</sup>
1881	21,256	1917	112,561	1953	218,506	1988	565,801
1882	23,141	1918	107,436	1954	222,665	1989	619,543 <sup>4</sup>
1883	25,892	1919	113,771	1955	224,732	1990	643,602
1884	27,727	1920	127,342	1956	224,908	1991	663,684
1885	28,748	1921	136,765	1957	225,807	1992	606,253
1886	31,638	1922	140,734	1958	238,935	1993	604,894
1887	35,467	1923	151,087	1959	241,735	1994	530,332
1888	38,907	1924	164,710	1960	243,926	1995	609,195
1889	41,297	1925	167,863	1961	247,014	1996	550,422
1890	43,098	1926	180,179	1962	254,776	1997	569,226
1891	49,197	1927	186,856	1963	264,845	1998	558,645
1892	54,741	1928	196,715	1964	278,987	1999	594,501
1893	58,957	1929	164,666	1965	293,617	2000	515,612
1894	62,764	1930	175,125	1966	286,866	2001	601,659
1895	67,578	1931	167,107	1967	294,406	2002	521,041
1896	72,482	1932	153,710	1968	303,451	2003	534,122
1897	75,035	1933	139,361	1969	301,258	2004	661,469
1898	75,634	1934	141,217	1970	316,466	2005	531,720
1899	81,416	1935	144,439	1971	329,696	2006	520,906
1900	95,573	1936	159,268	1972	344,574	2007	526,378
1901	93,299	1937	156,930	1973	353,648	2008	232,907 <sup>5</sup>
1902	93,891	1938	168,663	1974	372,832	2009	382,086
1903	99,122	1939	175,450	1975	401,274	2010	636,527
1904	104,431	1940	179,467	1976	410,969 <sup>2</sup>	2011	670,044
<b>Total</b>							<b>34,961,061</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.



## Number of Registrations by Subject Matter, Fiscal 2011

<i>Category of Material</i>	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Nondramatic literary works:			
<i>Monographs and computer-related works</i>	180,076	85,728	265,804
<i>Serials:</i>			
Serials (nongroup)	46,714	–	46,714
Group daily newspapers	2,504	–	2,504
Group serials	8,828	–	8,828
<b>Total Literary Works</b>	<b>238,122</b>	<b>85,728</b>	<b>323,850</b>
<hr/>			
Works of the performing arts, including musical works, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	54,757	92,092	146,849
Works of the visual arts, including two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, and works of applied arts	52,881	38,289	91,170
Sound recordings	30,192	77,488	107,680
<b>Total Basic Registrations</b>	<b>375,952</b>	<b>293,597</b>	<b>669,549</b>
<hr/>			
Renewals	269		269
Mask work registrations	214		214
Vessel hull design registrations	12		12
<hr/>			
<b>Grand Total All Registrations</b>			<b>670,044</b>
Preregistrations			963
<b>Documents Recorded</b>			<b>10,298</b>

Financial information published in this table is unaudited.

## Fee Receipts and Interest, Fiscal 2011

<i>Fees</i>	<i>Receipts Recorded<sup>1</sup></i>
Copyright registration	\$21,270,358
Mask works registration	\$15,435
Vessel hull design registration	\$3,540
Renewal registration	\$15,560
<b>Subtotal</b>	<b>\$21,304,893</b>
<hr/>	
Recordation of documents	\$2,726,408
Certifications	\$642,036
Searches	\$100,798
Special handling/expedited services	\$1,741,560
Preregistrations	\$120,085
Other services	\$487,286
<b>Subtotal</b>	<b>\$5,818,173</b>
<hr/>	
<b>Total Receipts Recorded</b>	<b>\$27,123,066</b>
<hr/>	
Fee Receipts Applied to the Appropriation	\$27,353,365
Interest Earned on Deposit Accounts	\$5,387
<b>Fee Receipts and Interest Applied to the Appropriation<sup>2</sup></b>	<b>\$27,358,752</b>

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

<sup>2</sup> "Fee Receipts and Interest Applied to the Appropriation" are income from fees and deposit account interest that were fully cleared for deposit to the Copyright Office appropriation account within the fiscal year. The amount of "Fee Receipts Applied to the Appropriation" during the fiscal year does not equal the "Total Receipts Recorded," because some receipts recorded at the end of a year are applied in the next fiscal year.

## Estimated Value of Materials Transferred to the Library of Congress, Fiscal 2011<sup>1</sup>

	<i>Registered works transferred to other Library departments</i>	<i>Non-registered works transferred to other Library departments</i>	<i>Total works transferred to other Library departments</i>	<i>Average Unit Price</i>	<i>Total value of works transferred to other Library departments</i>
<b>Books<sup>2</sup></b>	<b>229,899</b>	<b>81,467</b>	<b>311,366</b>		<b>\$13,724,210</b>
Hardbound	76,628	16,170	92,798	\$83.55	\$7,753,273
Softbound	134,543	13,317	147,860	\$38.13	\$5,637,902
eBooks (ProQuest)	18,728	51,980	70,708	\$4.71	\$333,035
<b>Serials<sup>3</sup></b>	<b>79,603</b>	<b>242,687</b>	<b>322,290</b>		<b>\$9,491,241</b>
Periodicals <sup>4</sup>	79,439	238,367	317,806	\$49.76	\$9,488,416
Newspapers	164	4,320	4,484	\$1.05	\$2,825
<b>Microforms</b>	<b>226</b>	<b>6,102</b>	<b>6,328</b>		<b>\$805,091</b>
Microfilm	13	6,102	6,115	\$131.47	\$803,939
Microfiche	213	0	213	\$5.41	\$1,152
<b>Motion pictures</b>	<b>9,836</b>	<b>0</b>	<b>9,836</b>		<b>\$5,477,025</b>
Film—35mm/70mm/IMAX <sup>®</sup>	390	0	390	\$11,567.93	\$4,511,493
Film—16mm	2	0	2	\$1,500.00	\$3,000
Videotape	9,444	0	9,444	\$101.92	\$962,532
<b>CD/DVDs</b>	<b>50,341</b>	<b>989</b>	<b>51,330</b>	<b>\$25.00</b>	<b>\$1,283,250</b>
<b>Printed music</b>	<b>3,592</b>	<b>727</b>	<b>4,319</b>	<b>\$54.68</b>	<b>\$236,163</b>
<b>Maps</b>	<b>367</b>	<b>108</b>	<b>475</b>	<b>\$42.83</b>	<b>\$20,344</b>
<b>Prints, pictures, and works of art</b>	<b>639</b>	<b>0</b>	<b>639</b>	<b>\$34.73</b>	<b>\$22,192</b>
<b>Total</b>	<b>374,503</b>	<b>332,080</b>	<b>706,583</b>		<b>\$31,059,516</b>

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

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

3 60 percent of "Serials" are selected for the collections, except for "Microfilm Newspapers" (100 percent of which are selected).

## Nonfee Information Services to Public, Fiscal 2011

<b>Information and Records Division Direct Reference Services</b>	
In person	11,071
By correspondence	19,144
By email	36,350
By telephone	110,952
<b>Total</b>	<b>177,517</b>
<hr/>	
<b>Office of the General Counsel Direct Reference Services</b>	
By correspondence	317
By telephone	814
<b>Total</b>	<b>1,131</b>
<hr/>	
<b>Receipt Analysis and Control Division Services</b>	
By correspondence	3,882
By email	5,503
By telephone	14,004
<b>Total</b>	<b>17,886</b>
<hr/>	
<b>Licensing Division Direct Reference Services<sup>1</sup></b>	
By correspondence or email	399
By telephone	2,682
<b>Total</b>	<b>3,081</b>
<hr/>	
<b>Acquisition Division Direct Reference Services</b>	
By correspondence or email	150
By telephone	250
<b>Total</b>	<b>400</b>
<hr/>	
<b>eCO Service Help Desk</b>	
By email	21,978
By telephone	42,895
<b>Total</b>	<b>64,873</b>
<hr/>	
<b>Grand Total Direct Reference Services</b>	<b>261,807</b>

*Financial information published in this table is unaudited.*

### Financial Statement of Royalty Fees for Compulsory Licenses for Secondary Transmission by Cable Systems for Calendar Year 2010

Royalty fees deposited	\$202,838,858.83
Interest income	\$2,510,246.32
Gain on matured securities	\$298,111.83
Transfers in	\$12,382.34
Copyright Royalty Judges' filing fees	\$7,200.00
<b>Total</b>	<b>\$205,666,799.32</b>

---

Less:	
Licensing operating costs	\$4,330,432.76
Refunds issued	\$231,981.28
Cost of investments	\$196,572,959.81
Cost of initial investments	\$2,504,485.38
Copyright Royalty Judges' operating costs	\$7,200.00
Transfers out	\$17,361.02
<b>Total</b>	<b>\$203,664,420.25</b>

---

Balance as of September 30, 2011	\$2,002,379.07
<b>Plus:</b> Face amount of securities due	<b>\$196,575,061.19</b>

---

<b>Cable Royalty Fees for Calendar Year 2010 Available for Distribution by the Library of Congress</b>	<b>\$198,577,440.26</b>
--	-------------------------

*Financial information published in this table is unaudited.*

### Financial Statement of Royalty Fees for Statutory Obligations for Distribution of Digital Audio Recording Equipment and Media for Calendar Year 2010

Royalty fees deposited	\$1,753,778.13
Interest income	\$3,453.16
Gain on matured securities	\$1,351.79
Transfers in	\$12,382.34
<b>Total</b>	<b>\$1,772,540.01</b>

---

Less:	
Licensing operating costs	\$162,925.74
Cost of investments	\$1,595,974.18
Cost of initial investments	\$4,581.32
Copyright Royalty Judge operating costs	\$890.00
Distribution of fees	\$7,894.84
Transfers out	\$263.93
<b>Total</b>	<b>\$1,772,530.01</b>

---

Balance as of September 30, 2011	\$10.00
<b>Plus:</b> Face amount of securities due	\$1,595,991.24

---

<b>Audio Home Recording Act Royalty Fees for Calendar Year 2010 Available for Distribution by the Library of Congress</b>	<b>\$1,596,001.24</b>
---	-----------------------

*Financial information published in this table is unaudited.*

### Financial Statement of Royalty Fees for Statutory Licenses for Secondary Transmission by Satellite Carriers for Calendar Year 2010

Royalty fees deposited	\$95,733,174.60
Interest income	\$3,000,721.66
Gain on matured securities	\$79,604.06
<b>Total</b>	<b>\$98,813,500.32</b>

---

Less:	
Licensing operating costs	\$519,441.50
Cost of investments	\$95,068,814.36
Cost of initial investments	\$2,870,124.46
Copyright Royalty Judge Operating Costs	\$355,110.00
<b>Total</b>	<b>\$98,813,490.32</b>

---

Balance as of September 30, 2011	\$10.00
<b>Plus:</b> Face amount of securities due	\$95,069,830.66

---

<b>Satellite Carrier Royalty Fees for Calendar Year 2009 Available for Distribution by the Library of Congress</b>	<b>\$95,069,840.66</b>
--	------------------------

## COPYRIGHT OFFICE CONTACT INFORMATION

U. S. Copyright Office  
Library of Congress  
Copyright Office–COPUBS  
101 Independence Avenue, SE  
Washington, D.C. 20559

*Website* · [www.copyright.gov](http://www.copyright.gov)

*Public Information Office* · (202) 707-3000 or 1-877-476-0778 (toll free)

Staff members are on duty to answer questions by phone from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day.

*Forms and Publications* · (202) 707-9100 or 1-877-476-0778

### *NewsNet*

Subscribe to the Copyright Office electronic mailing list on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov). Click on *News*.



**PHOTOGRAPHY CREDITS:**

COVER, TITLE PAGE	CECELIA ROGERS
PAGE 2	CECELIA ROGERS
PAGE 4	JOHN HARRINGTON
PAGE 8	CECELIA ROGERS
PAGE 10	CECELIA ROGERS
PAGE 20	CECELIA ROGERS
PAGE 28	CECELIA ROGERS
PAGE 32	JUDY NIERMAN
PAGE 36	CECELIA ROGERS



Library of Congress  
United States Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-6000

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