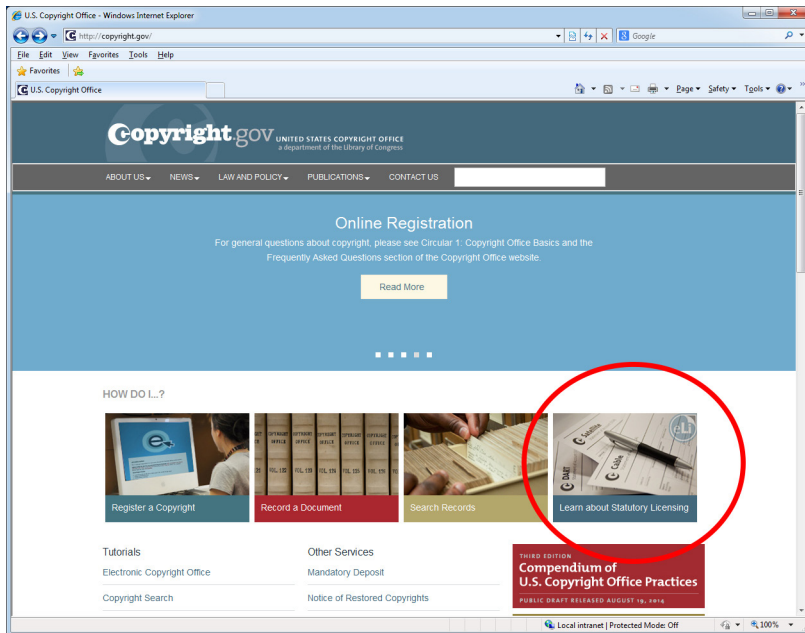


THE Licensing Connection

A NEWSLETTER FROM THE U.S. COPYRIGHT OFFICE LICENSING DIVISION

Fall 2014, Vol. 7

Copyright Office Launches New Licensing Division Website

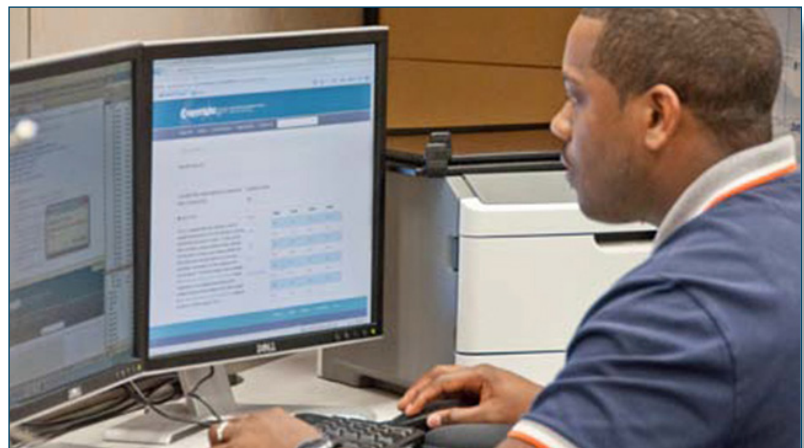


The Licensing Division is pleased to announce that our website has a new look thanks to the Copyright Office web team of Dineda Nyepan, Michael Brooks (a former staffer in the Licensing Division), and Ed Rogers of the Office of Public Information and Education (PIE). Michael became the team's third member just in time to lend his expertise to the reconstruction of the Licensing Division's web pages. Michael

explains, "Keeping in mind the goal of modernizing the Copyright Office website, our focus was to make use of the latest web technologies to improve the customer experience. Particularly for the Licensing web pages, we aimed to format the information so stakeholders and other interested parties can easily find the information they need, but with enough detail for those who want more than the basics. Each subpage is equipped with a "Related Information" section, which contains information relevant to the subject matter, in addition to breadcrumb links, to improve the navigation experience.

So, what has been the reaction to the new site? According to Michael, "The feedback received since the July 31 launch has been very positive. Many have commented on how quickly they're able to find the information they seek, in addition to how easy it is to navigate the site."

Visit the new Licensing Division website at www.copyright.gov/licensing and let us know your opinion of our new look by taking our brief survey at www.surveymonkey.com/s/LDwebsiteurvey2.



Michael Brooks (a former staffer in the Licensing Division) lends his expertise to the redesign of Licensing's website.

A Chat with Our Leaders

Meet Bill Roberts

Register of Copyrights Maria A. Pallante named William J. Roberts Jr. to the position of Associate Register of Copyrights and Director of the Office of Public Information and Education (PIE), effective September 7, 2014. The position is part of a reorganization designed to better align resources with mission-critical activities managed by the Office.

Roberts assumes responsibility for directing and overseeing public information and education programs, including the publications, hotline, and email services and a variety of internal and external seminars on the copyright law, registration policies, and administrative practices. Among other duties, PIE publishes the Copyright Act and other provisions of title 17, maintains an authoritative public website, and prepares a variety of publications, including circulars, information sheets, and newsletters. The Office has primary responsibility for maintaining the Compendium of Copyright Office Practices and releasing official revisions to the public. Roberts also brings his vast knowledge as a former Copyright Royalty Board judge and a copyright attorney overseeing the compulsory licenses to the Licensing Division's reengineering team.

Roberts joined the Copyright Office in 1987 as an attorney in the Office of the General Counsel, following work in private practice. In 2005, he was appointed by the Librarian of Congress to serve as a copyright royalty judge on the U.S. Copyright Royalty Board. He returned to the Copyright Office in 2013 as senior counsel to the Register of Copyrights, where he performed a variety of administrative and policy work. Roberts earned an A.B. from the College of the Holy Cross in Worcester, Massachusetts, and a J.D. from the University of Virginia School of Law. He has been a frequent lecturer in the field of copyright law over the years, including serving as adjunct faculty at both the Catholic University Columbus School of Law and the George Mason University School of Law.



Bill Roberts

1. What is your role in the eLi reengineering project of the Licensing Division?

When I first came to the eLi project last year, my principal role was to promote the pilot project and encourage cable operators to participate and provide their feedback to the Licensing Division. Since that time, my role has expanded somewhat to include oversight and review of project path and future and to provide information and advice on Licensing Division practices and procedures. This is something that I did years ago during my time with the General Counsel's Office of the Copyright Office, and I enjoy renewing my old friendships with Licensing Division colleagues.

2. What are you looking forward to accomplishing with this new system?

The ultimate goal of eLi is to move the statement of account and royalty deposit

procedures for the statutory licenses into the 21st century by establishing an efficient and searchable electronic filing system. We have operated on a paper basis for far too long.

3. What improvements do you expect eLi will bring to the Copyright Office?


eLi will offer many improvements over the current paper-based system, but a major one will be to prevent errors in data entry by cable operators and satellite providers. Much time is consumed in examining statements of accounts that contain data entry errors, requiring subsequent correspondence with remitters. eLi is being configured to prevent common errors, such as misidentified channel lineups and identification of communities of service, thereby increasing efficiency and reducing costs.



4. What have been the most challenging and the most rewarding aspects of the eLi project thus far?

A major goal of the eLi project is to create a system that is not only useful and advantageous to the users—meaning cable and satellite operators—but to the owner communities as well. In other words, a system that reduces the costs to users who provide the data and owners who access and search.

5. Are you excited about returning to the Copyright Office in your new role as Associate Register of Copyrights and Director of the Office of Public Information and Education?

“I am delighted that the Register is including me in her vision for the Copyright Office by entrusting me with the staff and work of the newly created Office of Public Information and Education,” said Roberts. “Rapid advances in technology have made these services more critical than ever.” 




Copyright in the Courts

Aereo Files Statements of Account with the Licensing Division

Earlier this year, the Copyright Office was involved in a case before the Supreme Court, *American Broadcasting Companies v. Aereo Inc.* (Docket No. 13-461). The case concerned whether an Internet company, Aereo, “publicly performed” copyrighted broadcast television programs when it used thousands of tiny antennas installed at central locations to receive and record television programs on a remote hard drive. Aereo then retransmitted either nearly simultaneously or at a later time to paying customers for a monthly fee over the Internet. Aereo claimed that it did not need to obtain authorization from broadcasters nor pay any royalties because it did not publicly perform copyrighted works in the way cable and satellite systems do, and thus did not violate the rights of copyright owners. The case arose from lawsuits filed across the country over the past two years challenging new Internet services that retransmit television broadcasts to customers without obtaining broadcasters’ authorization or paying royalties.

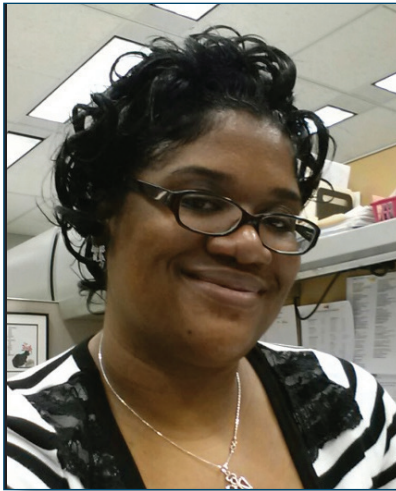
The U.S. Justice Department and the Copyright Office filed an amicus brief in March supporting the plaintiffs. Oral arguments were held on April 22. On June 25, the Supreme Court rejected Aereo’s argument in a 6 to 3 decision. Since the deci-

sion, Aereo claimed in a lower court that it is a cable company, eligible for a statutory license under section 111 of the Copyright Act that would require it to pay royalties to the Copyright Office but not the higher royalty fees charged directly by broadcasters. Pending the outcome at the District Court level regarding its eligibility under the statutory license, Aereo has, in the meantime, submitted cable statements of account (SOAs) and royalty and filing fee payments to the Copyright Office during July and August for service it provided to many cities throughout the United States. These SOA filings cover semiannual accounting periods ranging from January—June 2012 through January—June 2014. The Office received the SOAs and payments without taking definitive action on Aereo’s filings, as explained in a July 16 letter to Aereo from Copyright Office general counsel Jacqueline C. Charlesworth. Thus, the Licensing Division is not processing the original Aereo filings at this time. Photocopies of Aereo’s SOAs and the general counsel’s letter are available for public inspection and photocopying in the Copyright Office Public Records Reading Room located in the James Madison Memorial Building. 



Employee Spotlight

Lesya Jefferson, Senior Library Technician



Lesya Jefferson is a senior library technician in the Licensing Information Section of the Copyright Office Licensing Division.

How long have you worked here?

I've worked at the Library of Congress for almost 20 years. Five of those have been with the Licensing Division.

What is your contribution to the daily workings of the Licensing Division?

I provide information to the public and Congress regarding the statutory licenses, review the website, process SOAs and fees, provide reading room assistance, and support Licensing's education and outreach program. Having worked

in other divisions within the Copyright Office, I also provide general copyright information.

Including all the licenses, approximately how many total statements do you process a year?

I process about 7,000 statements a year.

What are you looking forward to accomplishing with the new system and what is the one thing you hope to see the system do?

I am looking forward to the system modernizing intake processes and procedures for the Statements of Account. One thing I hope is that the system meets the expectations of our stakeholders. 🗣️



Erica Divers, Technician



Erica Divers is a technician in the In-Processing Section of the Copyright Records Recordation Office, Receipt Analysis and Control Division. She was detailed to the Licensing Division for 120 days.

During your detail, what was your contribution to the daily activities of the Licensing Division?

I performed a variety of services such as processing Statements of Accounts (SOAs), reviewing the website, providing customer service, and participating in the reengineering project.

What have you learned about the Licensing Division?

One of the interesting things I learned is the difference between the Copyright Office's electronic registration system (Siebel) and eLi, the Licensing Division's electronic filing system. I was accustomed to working in Siebel, so I was able to help the eLi project by providing valuable feedback, which also gave me exposure to a new system.

What do you like best about working in the Licensing Division?

I really enjoyed working in the Licensing Division because it is a change of pace from working in my former positions in the Copyright Office. Because the subject matter is totally different, my tasks are different. I find the atmosphere very professional. 🗣️





Terri Harris-Wandix, Technician



Terri Harris-Wandix is a technician in the Literary Division of the Office of Registration Policy and Practices. She was detailed to the Licensing Division for 120 days.

During your detail, what was your contribution to the daily activities of the Licensing Division?

My contribution was answering the telephones and assisting members of the public. I also did

data entry, fee processing, file maintenance, system updates, and I participated in the eLi reengineering project.

What do you like best about working in the Licensing Division?

I like that the division has a small number of employees and everyone is friendly. I like that I had a variety of duties and responsibilities, and that I participated in various activities of the section (reengineering project, team motivation and building, teleconferences) With the guidance of my trainer, Lesa Jefferson, I learned several processes and procedures and how to work independently. 🗣️



Being There

Got Conferences, Meetings, or Conventions?

Licensing Division staff may be available to attend, exhibit, or participate in upcoming activities. Email us at licensing@loc.gov to let us know of your plans.

Here are examples of events U.S. Copyright Office and Licensing Division staff have attended:

Recently Attended:

- July 27–30: Independent Cable Show, Kansas City, Mo. 🗣️



Tracie Coleman, Copyright Office Licensing Division Section Head for Outreach and Education, pictured with Bill Self, Jayhawks Men's Basketball Coach at the University of Kansas.

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