UNITED STATES COPYRIGHT OFFICE

ANNUAL REPORT

FISCAL 2020

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CELEBRATING CREATIVITY for 150 YEARS

HIGHLIGHTS

For 150 years, the United States Copyright Office, at the Library of Congress, has served Congress and the public by ensuring an effective copyright system. This record continued this year despite the unprecedented challenges of the COVID-19 pandemic; the Office was able to keep its operations running smoothly and achieved a number of significant accomplishments.

On July 8, 2020, the Office marked its 150th anniversary. To recognize this milestone, the Office hosted the virtual event "Copyright Office Presents: Celebrating 150 Years of Creativity," prepared a new exhibit, "Find Yourself in Copyright," which will open in fiscal 2021, and launched the **Engage Your Creativity** website.

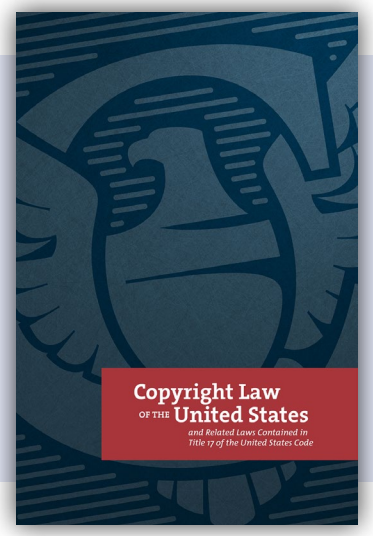
During this fiscal year, the Office went through leadership changes while successfully executing its mission. Librarian of Congress Carla Hayden appointed Maria Strong as Acting Register in January 2020, after Karyn A. Temple announced her resignation as the thirteenth Register of Copyrights in December 2019. Strong served as Acting Register, while maintaining her role as Associate Register for Policy and International Affairs, from January 5, 2020, through the remainder of fiscal 2020. On September 21, 2020, Hayden announced that Shira Perlmutter would become the fourteenth Register in early fiscal 2021.

The Office was also affected, along with the rest of the world, by the pandemic. On March 13, 2020, the Madison Building closed to staff and the public. The

Office responded to the pandemic quickly, launching **copyright.gov/coronavirus** to inform the public of all changes and modifications to operations and practices. The Office used its authority under the newly passed Coronavirus Aid, Relief, and Economic Security (CARES) Act, along with existing flexibilities, to accommodate the day-to-day challenges facing members of the public seeking to use our services. And we continued our scheduled public events and stakeholder consultations, moving virtually overnight to online platforms.

Operations continued to be impacted by the pandemic for the remainder of the fiscal year, with different phases of the Library of Congress's restored operations plan taking effect in June, July, and August. Initially, most Office staff teleworked, handling their responsibilities in a completely remote work environment. They continued to register copyright claims; record documents; assist the public with inquiries; engage in operational planning; and advise Congress, the judiciary, and executive agencies. During this time, however, the Office was unable to process any physical deposits or other mail at the Madison Building and instead stored these materials offsite. On June 22, the Office began the first phase of restored operations, allowing a limited number of staff members to return and handle mail. In only eight weeks, staff managed to process over 200 pallets of mail and send more than 27,000 certificates of registration to copyright owners. On July 20, the Office completed this first phase and brought in additional onsite staff in the Madison Building and the Landover storage facility—a total of 12 percent of all staff. August 24 saw the beginning of phase two, and 26 percent of staff returned to at least some in-person work. By the end of the summer, the Office had made considerable progress in handling mail on time, processing physical recordation

The updated Circular 92 includes the landmark Orrin G. Hatch–Bob Goodlatte Music Modernization Act, provisions implementing the Marrakesh Treaty and the CARES Act, and other updates updates to Title 17 of the *United States Code*.



documents, handling physical payments, and starting to work on applications for registration that involved physical materials.

Even in this challenging environment, the Office was able to accomplish a lot. In fiscal 2020, the Office registered 443,911 claims for registration involving millions of works and recorded 7,098 documents containing titles of 233,694 works. In April 2020, as part of its copyright modernization initiative, the Office released an electronic recordation limited pilot, with the initial release focusing on basic, English-only, unredacted documents submitted under section 205. The Office continued to assist the public, answering more than 170,618 copyright-related inquiries. Staff also retrieved and copied thousands of copyright deposit records for parties involved in litigation.

Additionally, the Office produced major legal and policy achievements. The Office worked closely with Congress on proposed legislation including the CARES Act and the Copyright Alternative in Small-Claims Enforcement (CASE) Act. The Office produced a policy report on section 512 of the Copyright Act, served as legal counsel on amicus briefs in Supreme Court matters, and finalized a new fee schedule. The Office also supported members of Congress in connection with hearings on the Digital Millennium Copyright Act (DMCA), consideration of a terrestrial performance right in the United States, and other potential changes to Title 17. The Office continued to participate with other agencies on international delegations to negotiate international copyright treaties and trade agreements and to engage with foreign countries regarding copyright legislative and policy developments.

During fiscal 2020, the Office took steps to ensure that its practices and public materials remained current. The Office closed ten interim and final rulemaking proceedings, resulting in updated regulations on filing fees, licensing, electronic delivery of litigation documents, and registration policies. And the Office released an updated Circular 92, *Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code*, in June 2020. This circular incorporates changes made

by the landmark Orrin G. Hatch–Bob Goodlatte Music Modernization Act (MMA), provisions implementing the Marrakesh Treaty and the CARES Act, and other updates to the Copyright Act.

The Office continued to administer statutory licenses that govern certain uses of copyright-protected materials. For these statutory licenses, the Office collected, managed, and dispersed royalty fees paid by cable and satellite systems and providers of digital audio recording technology. In fiscal 2020, the Office collected more than $237 million in royalty fees and $1.6 million in filing fees and distributed more than $265 million in fiduciary assets to copyright owners whose works were used under these licenses. As of September 30, 2020, the Office was managing more than $1.4 billion in statutory license fiduciary assets.

Throughout fiscal 2020, the Office made progress on its modernization initiative. These developments related to the Enterprise Copyright System (ECS) user experience and platform services projects, work on an integrated master schedule (IMS) and critical path, registration modernization, a Copyright Public Records System pilot, licensing modernization, the Copyright Business Intelligence System (COBI), record book digitization (part of the Historical Public Records initiative), business process reengineering, and organizational change management.

As we celebrate our 150th year, the Office's longevity is a testament to its talented and dedicated employees and to the nation's thriving copyright ecosystem. The Office recognizes the importance of copyright to individual creators and users and

We look forward to the next century plus of serving the public and meeting copyright's mission to "promote the progress of science . . . by securing for limited times to authors . . . the exclusive right to their respective writings" as set out in the U.S. Constitution.

to the United States' culture, knowledge base, and economy. We look forward to the next century plus of serving the public and meeting copyright's mission to "promote the progress of science . . . by securing for limited times to authors . . . the exclusive right to their respective writings" as set out in the U.S. Constitution.[1]

[1] U.S. CONST., Art. I, Sec. 8, Cl. 8.

COPYRIGHT OFFICE MODERNIZATION

Copyright Office modernization is an initiative to redesign the entire Office for the present day by (1) building a new enterprise IT system designed to be more flexible and easy to uses, (2) modernizing supporting IT systems, and (3) ensuring that Office practices and processes are efficient and productive. In fiscal 2020, the Office continued to make significant progress on modernization, working on all three of these components.

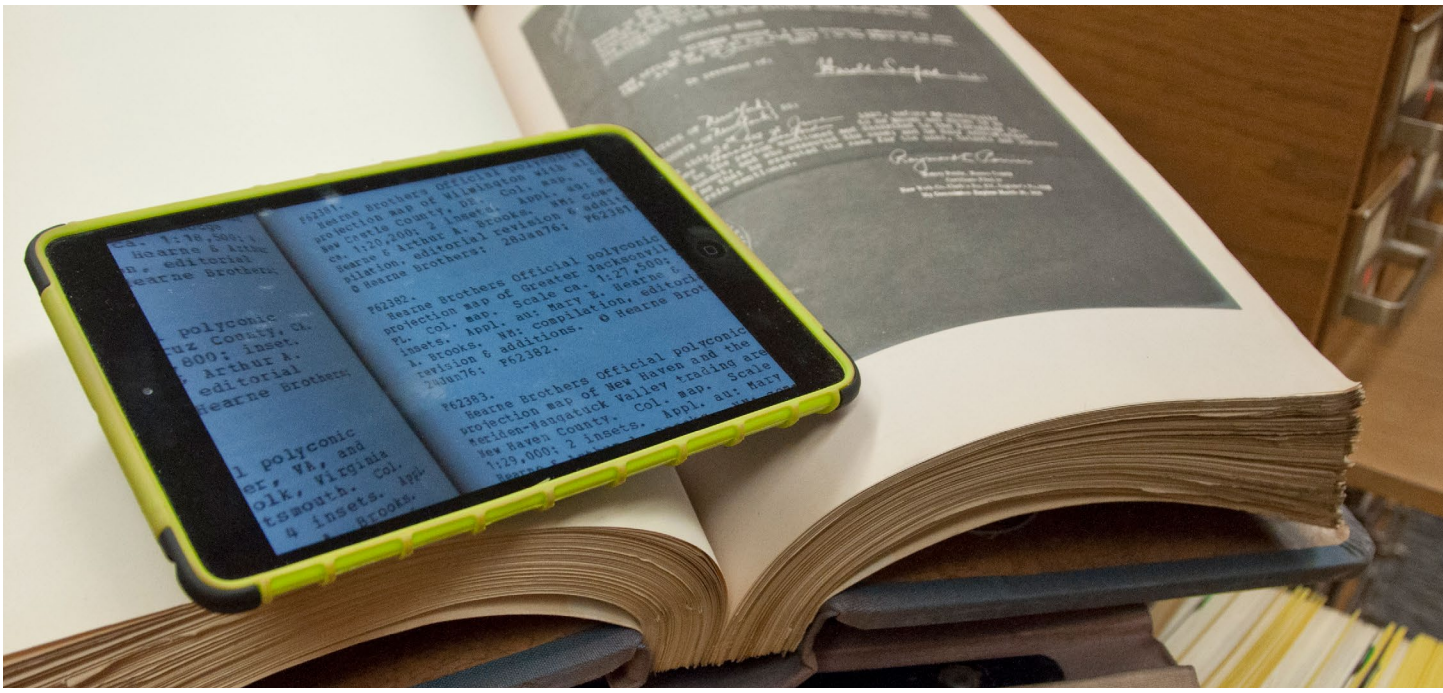
ENTERPRISE COPYRIGHT SYSTEM

One of the modernization initiative's key goals is to develop a new enterprise information technology (IT) system that integrates and improves all of the Office's technology systems, to be called the Enterprise Copyright System (ECS). The ECS will include the Office's registration, recordation, public record, and licensing IT applications. In fiscal 2020, the Office worked with the Library of Congress's Office of the Chief Information Officer (OCIO) on additional work streams to support the ECS, including modules on user experience (UX) and platform services.

Recordation Modernization

In fiscal 2020, the Office unveiled the recordation system pilot—the first release of an ECS product and the first time that recordation can be accomplished completely electronically. The initial pilot release focused on submission and examination workflow for unredacted basic English-only documents, account management, payment, correspondence, search capabilities, uploading works, reporting, notifications and alerts, accounting-related features, and integration with the existing public records system. While the pilot is ongoing, the Office is gathering feedback from recordation staff and pilot participants and incorporating it into the ongoing design of the new system.

Since the initial release, the Office completed one other major pilot release in fiscal 2020, which included redacted basic English-only documents, and four minor releases to address feedback and issues identified by pilot participants. The average time from submission to generation of the public record in the pilot was eight days. The system transitioned into a continuous development phase, and the Office focused on maintaining the current pilot system, developing workflows to expand the submission and examination of additional recordation and document types, adding features required to retire the current recordation system, and integrating with other modernization development projects. The Office hosted webinars for each new group of pilot participants as well as regular monthly webinars to inform the public, gather feedback, and answer questions.



In addition to the recordation pilot, Office staff worked with OCIO to make it easier to file certain ownership documents. The Office enlisted the help of external filers to test a new tool as part of the development process. The effort resulted in a new Electronic Title List (ETL) Validator Tool, which helps with the verification and format of ETL files before submission to the Office. The tool is especially useful for filings with large volumes of titles.

Registration Modernization

The Office also made progress on the development of a re-envisioned registration system in fiscal 2020. Building on user research activities that focused on foundational design principles, the registration team began development work on internal components required to support end-to-end processing of registration application packages. Work also began on the creation of a clickable prototype for the Standard Application, which will undergo continuous testing with different user groups to allow the development team to adjust based on feedback. Moderated user testing of the first version of this prototype is anticipated to begin in February of 2021 to be followed by revised prototype testing in April through June.

Copyright Public Records System

Another ECS work stream with continued IT development in fiscal 2020 was the replacement of the existing system of public records with an enhanced new portal. This Copyright Public Records System (CPRS) will display registration and recordation data, make available online certain categories of paper-based records, improve record searching, and ensure access to records. The Office

Office staff digitizing historical record books.

shared development details with the public through webinars, public forums, and the **copyright.gov/modernization** website. On September 30, 2020, the Office released an internal pilot version of the system, with a public release planned for the end of 2020. This pilot will run in parallel with the existing copyright public catalog.

Licensing Modernization

Toward the end of fiscal 2020, the Office began its licensing modernization efforts, which are primarily focused on streamlining back-office processes to reduce the costs of administering the statutory licensing program.

ECS Request for Information

Working with the General Services Administration (GSA) and OCIO, on May 15, 2020, the Office issued a formal public request for information (RFI). The RFI sought information to help assess whether there are desirable alternative approaches regarding the development of a new, web-based, cloud-hosted ECS. During the rest of the fiscal year, OCIO and the Copyright Office reviewed the vendor proposals in response to the RFI. Determinations as to possible next steps will be in fiscal 2021.

HISTORICAL PUBLIC RECORDS

In fiscal 2020, the Office made progress on multiple elements of the Historical Public Records Program. In addition to maintaining the Virtual Card Catalog Proof of Concept, the Office launched a data mapping initiative that will unify and standardize data across historical records and the new CPRS and continued planning and procurement activities for the digitization of 26,278 record books.

Office staff held a webinar on business process reengineering.

COPYRIGHT BUSINESS INTELLIGENCE SYSTEM

The Copyright Business Intelligence (COBI) System is a tool for internal Office planning and business needs. Its purpose is to allow rapid integration of information in a dynamic, intuitive, and graphical interface that enables staff to access and analyze data from various sources. As of the end of fiscal 2020, the data team had collected over 200 user stories for the COBI application and implemented 39 percent of them into COBI dashboards. Work on the project will continue into fiscal 2021.

NON-IT OFFICE MODERNIZATION

The Office also made progress on modernizing internal non-IT processes, organization, and culture.

Business Process Reengineering

The Office's initial work on business process reengineering (BPR) concluded in fiscal 2020 after examination of sixty-six workflows across eight divisions to identify opportunities for improved performance. The Office is reviewing the results and will develop strategies for implementation as appropriate.

Organizational Change Management

Organizational change management (OCM) is a framework for managing the people side of change. During the fiscal year, the Office completed a comprehensive year-long training program for a group of staff members on how to use OCM tools and applications, as well as high-level training for supervisors. The Office will carry forward this foundational work to support Office activities, large and small. This will include establishing a community of practice—a peer-to-peer group that provides guidance for change activities.

REGISTRATION AND RECORDATION

The Copyright Office has long examined claims for copyright, registered eligible works, and recorded documents regarding copyright ownership. From the Office's inception 150 years ago through the end of fiscal 2020, the Office registered 39,305,045 claims to works of authorship, with these claims covering many millions more works through group registration options.

Fiscal 2020

Received **509,744 claims**

Registered **443,911 claims** (including claims remaining from prior fiscal years)—an **87 percent registration rate**

Received **637 first requests** for reconsideration and **64 second requests** for reconsideration; issued **637 first request** decisions and **42 second request** decisions

Recorded **7,098 documents**, on paper and through the electronic pilot, containing titles of **233,694 works**

REGISTRATION

As part of its responsibility to administer the U.S. copyright system, the Office registered 443,911 claims to copyright in fiscal 2020. In total, the Office received 509,744 claims and resolved 498,999 of them. Ninety-eight percent of applications were received electronically and two percent by mail. The Office received over $33.5 million in registration-related fee revenue.

Fiscal 2020 saw significant improvements in processing times overall. Beginning in March 2020, the Office provided more detailed information on the processing times for different types of claims, with separate statistics for eService claims (electronic applications with electronic deposits) and deposit ticket claims (electronic applications with physical deposits), instead of combining all electronic claims (i.e., both electronic claims with electronic deposits

Registration Processing Times

AS OF SEPTEMBER 2020

E-SERVICE CLAIMS (95 percent of claim applications)

1.6 months (claims that DO NOT require correspondence)
Claims can range from <1 month to 4 months

3.6 months (claims WITH correspondence)
Claims can range from <1 month to 8 months

DEPOSIT TICKET CLAIMS (4 percent of claim applications)

10.1 months (claims that DO NOT require correspondence)
Claims can range from <1 month to 24 months

10.3 months (claims WITH correspondence)
Claims can range from <1 month to 21 months

MAIL CLAIMS (1 percent of claim applications)

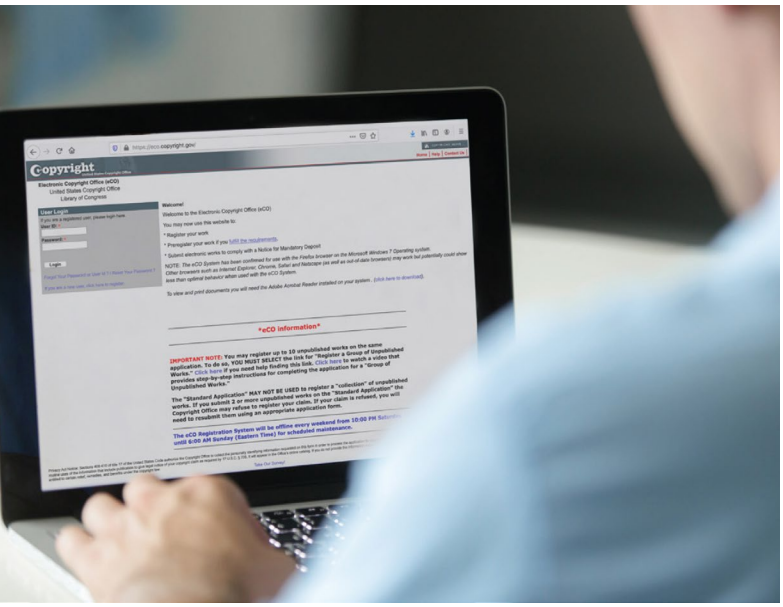
13.6 months (claims that DO NOT require correspondence)
Claims can range from <1 month to 37 months

14.5 months (claims WITH correspondence)
Claims can range from <1 month to 35 months

and those with physical deposits). This new reporting clarifies the differences in timing for various types of electronic claims. The Office continues to break out separately the statistics for ingested claims (paper applications with physical deposits).

The average overall processing time for examining all copyright claims decreased from 4.0 months in the second half of fiscal 2019 to 2.6 months in the second half of fiscal 2020, representing a 35 percent decrease. Between March and September 2020, eService claims accounted for roughly 95 percent of the claims closed by the Office. The average processing times for fully electronic claims that did not require correspondence (74 percent of all eService claims) dropped from 3.0 months to 1.6 months, and fully electronic claims that did require correspondence (26 percent of all eService claims) dropped from 6.0 months to 3.6 months.

Despite the overall reduction in processing times resulting from the large percentage of fully electronic claims, the pandemic negatively impacted processing times for paper applications and electronic applications that required the submission of physical materials. The initial Madison Building closure from March to September 2020 prevented registration staff from examining physical materials. This necessarily limited the Office's ability to examine claims with physical deposits or paper application forms. It is important to note that claims with physical components, however, accounted for a relatively small percentage of claims closed during



that time; claims requiring the submission of physical "best edition" deposits and claims submitted with paper applications respectively accounted for 4 percent and 1 percent of all claims closed. The average processing time for deposit ticket claims increased to 10.1 months for claims with correspondence and 10.3 months for claims without correspondence. The average processing time for ingested claims increased to 13.6 months and 14.5 months for claims with and without correspondence, respectively.

The Office added fourteen new registration specialists in September 2020, and one more in early fiscal 2021.

REFUSALS TO REGISTER

The Office refuses to register claims to copyright that do not qualify for protection under copyright law or do not satisfy other legal or procedural requirements. Out of the hundreds of thousands of applications containing millions of works submitted annually, the Office refuses only a small number of claims on the basis of lack of creativity. Although most claims easily meet the minimal level of creativity needed for copyright protection, some applications for registration fail to comply with other requirements of Title 17, Office regulations, or administrative practices. In fiscal 2020, the Office refused approximately 4.6 percent of the claims received.

An additional approximately 6.0 percent of claims were closed because the Office failed to receive a response to its communications from the applicant.

APPEALS

When the Office refuses a claim for registration, two levels of appeal are available to the applicant, 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 Copyright Office Review Board, which currently is composed of the Associate Register of Copyrights and Director of Public Information and Education, the General Counsel and Associate Register of Copyrights, and the Deputy Director of the Office of Policy and International Affairs.

In fiscal 2020, the Office received 637 first requests for reconsideration and 64 second requests for reconsideration. The Registration Program issued 637 written decisions involving refusals for 724 separate works. The Registration Program upheld 581 of these refusals and registered 143 previously refused works. As of the end of fiscal 2020, 267 first requests for reconsideration were pending and awaiting review.

The Review Board issued 42 written decisions on second requests for reconsideration of refusals involving 73 separate works. Sixty-two of the Registration Program's refusals were upheld and 11 were reversed and referred back to the Registration Program for registration, provided that all other application requirements are satisfied. The Review Board's letter opinions are posted in an online index, which can be sorted by type of work. As of the end of fiscal 2020, 27 second requests for reconsideration were pending.

DOCUMENT RECORDATION

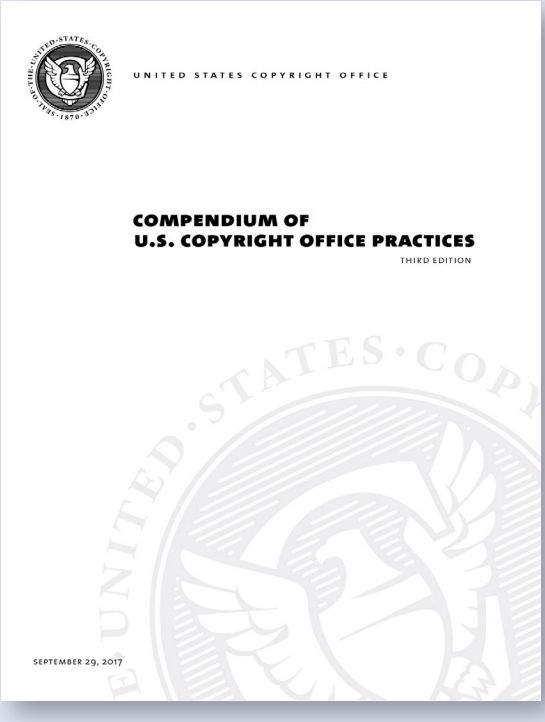
In fiscal 2020, the Office recorded 7,098 documents, on paper and through the electronic pilot, containing titles of 233,694 works and bringing in $1.6 million in receipts. The average time from submission to generation of the public record in the pilot was 8 days. The average processing time for paper submissions was approximately 11.5 months—an increase of 3.5 months from average fiscal 2019 processing times. Due to the pandemic, staff were unable to retrieve submissions from March until some on-site work resumed in June, which delayed the Office's ability to process the documents.

The Office created new email addresses for remitters to submit requests for special handling and notices of termination claims during the pandemic and received 192 notices of termination and 74 special handling requests via this new option. The Office also placed renewed focus on recordation backlogs in fiscal 2020. The Office engaged a vendor to assist with closing out the documents backlog by typing 339,929 titles; Office staff typed an additional 55,567 titles. Staff closed out 20 percent of the remaining backlog in a legacy system for entering recordation data into the Office's public catalog.

COMPENDIUM

The *Compendium of U.S. Copyright Office Practices* is the administrative manual of the Office, and serves as a guidebook for authors, copyright owners, practitioners, and the courts. The *Compendium* has been cited numerous times by the Supreme Court, federal courts of appeals, and district courts.

In fiscal 2020, the Office built upon work completed in fiscal 2019 to update the *Compendium* to reflect legal and procedural changes. The Office reviewed comments to a fiscal 2019 draft that proposed revisions regarding useful articles and rulemakings the Office conducted since the last revision, such as group registration options for unpublished works, unpublished photographs, published photographs, and serial, newspaper, and newsletter issues; new deposit requirements for literary monographs, printed music, and photographic databases; changes to regulations governing use of the single application and standard application forms; and technical upgrades to the electronic registration system. The fiscal 2019 draft also clarified certain Office practices, including the circumstances in which the Office communicates with applicants, attempts to correct deficiencies in an application, registers claims with annotations, and refuses registration. In fiscal 2020, the Office made additional revisions based on public comments. The final updated version will be released in fiscal 2021.



The Compendium *was last updated in fiscal 2017.*

LAW AND POLICY

Pursuant to its responsibilities under the Copyright Act, the Copyright Office assists Congress, executive branch agencies, and the courts regarding copyright law and policy. Fiscal 2020 was an exceptionally busy year, with work on both substantive copyright and pandemic-related matters.

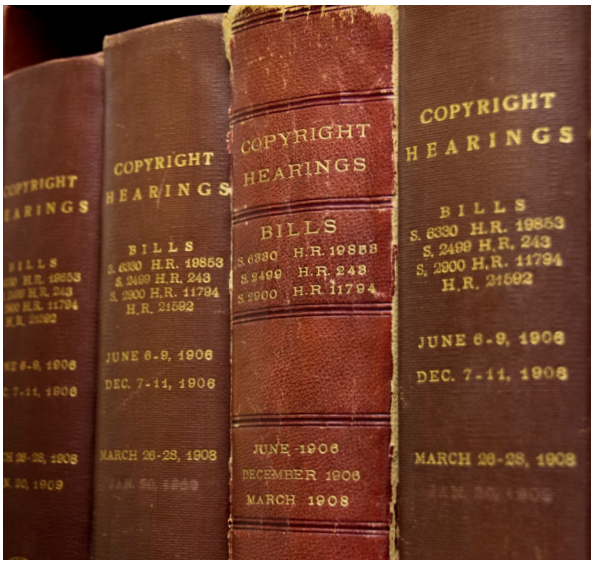
LEGISLATION

In fiscal 2020, the Office continued providing legislative support. The Office worked closely with Congress to address the impact of the worldwide COVID-19 pandemic on those who rely on the Office's services. Enacted in March 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act added section 710 to the Copyright Act, authorizing the Register of Copyrights, temporarily and subject to certain exceptions, to "toll, waive, adjust, or modify any timing provision . . . or procedural provision" in the Copyright Act if she determines that a national emergency declared by the president "generally disrupts or suspends the ordinary functioning of the copyright system . . . or any component thereof." In exercising this authority, the Register "shall consider the scope and severity of the particular national emergency, and its specific effect with respect to the particular provision, and shall tailor any remedy accordingly."

When the president declared a national emergency due to the pandemic, the Office quickly determined how the emergency could disrupt the ability to timely comply with statutory or regulatory filing and service requirements. The Office accordingly exercised its authority under the CARES Act to provide adjustments to provisions related to certain registration claims, notices of termination, and section 115 notices of intention and statements of account.

> The Coronavirus Aid, Relief, and Economic Security (CARES) Act added section 710 to the Copyright Act, which authorizes the Register of Copyrights, temporarily and subject to certain exceptions, to "toll, waive, adjust, or modify any timing provision . . . or procedural provision"

Fiscal 2020 also saw the Office continue to support Congress in its consideration of the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2019—a bill to create a small claims tribunal in the Copyright Office. This bill's provisions are largely based on the statutory language proposed in



the Office's 2013 report, Copyright Small Claims. In October 2019, the House of Representatives passed the bill by an overwhelming majority, and, as of the end of fiscal 2020, the bill was pending in the Senate. The Office briefed and responded to requests from Senators and engaged in discussions with stakeholders and congressional offices as the bill worked its way through the legislative process.

The Office consulted with Congress on the Satellite Television Community Protection and Promotion Act of 2019, H.R. 1865, which was signed into law on December 20, 2019, as part of Title XI of the Further Consolidated Appropriations Act, 2020. The Act makes permanent the section 119 license for satellite carriers to provide the distant signal of non-network stations to all subscribers and of network stations to those subscribers in recreational vehicles (RVs) and commercial trucks or in local markets that lack one or more of the four most widely available network stations. In line with the Office's longstanding recommendation to phase out aspects of this license, the Act removes other previously permitted uses and requires that a satellite carrier provide local service in all 210 designated market areas (DMAs) if it wishes to utilize the section 119 license.

Office attorneys assisted Congress with the National Defense Authorization Act for Fiscal Year 2020, which the president signed into law on December 20, 2019. The Act amends section 105 of Title 17, which precludes copyright protection for U.S. government works, to exempt civilian faculty members at certain accredited military institutions for "literary work[s] produced . . . in the course of employment . . . for publication by a scholarly press or journal." The Act also permits the federal government to direct civilian faculty members to provide "an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government."

In addition to these bills, the Office provided general support and assistance to Congress on various copyright matters. Office representatives testified three times in fiscal 2020 and supported members of Congress in connection with a potential Office modernization bill, hearings on the Digital Millennium Copyright Act (DMCA), the desirability of a terrestrial performance right for sound recordings in the United States, and legislation to extend felony penalties to criminal-scale infringing streaming activities.

POLICY STUDIES

In fiscal 2020, the Office finished an extensive study of section 512 of the DMCA, completed work on a new fee schedule arising from another study, and began two additional studies on state sovereign immunity and on unclaimed royalties for musical works.

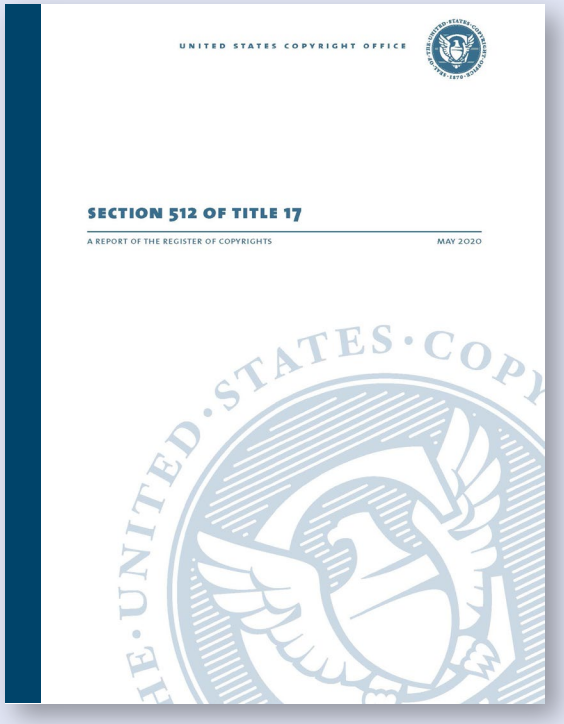
Section 512 Report

In May 2020, the Office published the report *Section 512 of Title 17*, based on several years of extensive evidence-gathering and analysis. Section 512, part of the 1998 DMCA, contains limitations on liability—referred to as safe harbors—for four types of online service providers. The safe harbors shield qualifying online service providers from monetary liability for copyright infringement based on the actions of their users, in exchange for cooperating with copyright owners to expeditiously remove infringing content and meeting certain conditions. The report addressed various elements of section 512, including eligibility of online service providers for these safe harbors, their policies for dealing with repeat infringers, requisite levels of knowledge of infringement, and voluntary initiatives to improve the operation of the notice-and-takedown system. The report concluded that the operation of the section 512 safe harbors today has skewed the balance that Congress intended to achieve in 1998.

The Office also launched a webpage dedicated to the DMCA, which includes draft takedown and counter-notices as well as FAQs for users, copyright owners, and online service providers. In June 2020, the Office responded to a congressional inquiry regarding the report and further supported Congress in its ongoing review of the DMCA. As follow-up to the report, the Office held three online public discussions in September 2020 to lay the groundwork for engagement on the role of the standard technical measures (STMs) envisioned in section 512.

State Sovereign Immunity Study

In June 2020, the Office initiated a study examining the issue of state sovereign immunity from copyright infringement claims. The study, requested by the Senate, was prompted by the Supreme Court decision in *Allen v. Cooper*, which struck down the Copyright Remedy Clarification Act of 1990 (CRCA). To assist Congress, the Office will assess the degree to which copyright owners face infringement from state actors today, whether such infringement is based on intentional or reckless conduct, and what remedies, if any, are available to copyright owners under state law.


UNITED STATES COPYRIGHT OFFICE

SECTION 512 OF TITLE 17

A REPORT OF THE REGISTER OF COPYRIGHTS

MAY 2020

Unclaimed Royalties Study

In December 2019, as required by the Orrin G. Hatch–Bob Goodlatte Music Modernization Act (MMA), the Office began a public study to recommend best

The Copyright Office held an Unclaimed Royalties Study symposium with industry participants.

practices that the Mechanical Licensing Collective (MLC) may implement to effectively identify and locate copyright owners with unclaimed royalties of musical works, encourage copyright owners to claim accrued royalties, and ultimately reduce the incidence of unclaimed royalties. The Office held a symposium with industry participants, including songwriters and other interested members of the public, with topics including initiatives to facilitate authoritative and comprehensive music ownership databases, the challenges of matching musical works to sound recordings, the role of technology, how to measure success, and the most effective ways to educate creators on changes related to the MMA. In June 2020, the Office issued a notice of inquiry to solicit additional input and, in fiscal 2020, reviewed two rounds of written comments and began planning further public meetings.

Fee Study

In March 2020, the Office's new fee schedule went into effect, based on a 2019 Office study and public comments. The Office ordinarily adjusts its fees every three to five years after conducting a study of the actual cost of providing fee-based services. The Office increased some fees but reduced proposed increases for the most commonly used applications, the standard and single applications. Other fees were held steady without any increases, including some group registration applications and certain searches and certifications.

LITIGATION

Throughout fiscal 2020, the Office assisted the U.S. Department of Justice (DOJ) on important court cases, including before the Supreme Court.

The Office advised DOJ regarding *Georgia v. Public. Resource.org*, which concerned the copyrightability of annotations to state laws drafted by a commission established by the state legislature. The U.S. government, including the Office, filed an amicus brief in the matter, and in April 2020, the Supreme Court ruled that the annotations at issue were ineligible for copyright protection. The Court largely adopted

the government's view that the question depended upon whether the state of Georgia qualified as the annotations' "author" as defined in the Copyright Act. The Supreme Court differed, however, from the government on its application in this case, holding that the commission functions as an arm of the Georgia legislature in drafting the annotations.

The Office also continued to work closely with DOJ to develop the government's position in *Google LLC v. Oracle America, Inc.*, concerning Google's copying of portions of Oracle's Java computer code to develop the Android operating system. In April 2019, the Supreme Court called for the views of the Solicitor General (for the second time in the case's history) on both copyrightability and fair use issues. Consistent with the Office's recommendation, the government filed a brief arguing that the court of appeals correctly held that (1) neither section 102(b) of the Copyright Act nor the merger doctrine forecloses copyright protection for the code at issue, and (2) no reasonable jury could find fair use on this record. In fiscal 2020, the Supreme Court granted certiorari, and the government filed another brief reiterating that position.

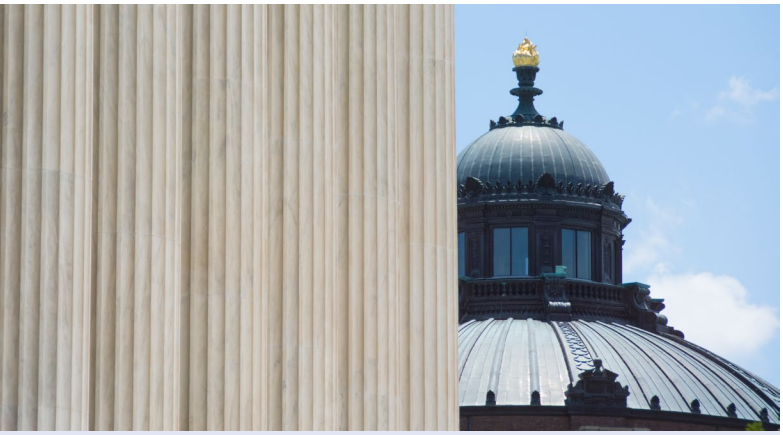
Additionally, the Office advised DOJ regarding *Allen v. Cooper*, which involved whether Congress validly made states subject to infringement liability in the CRCA. In March 2020, the Supreme Court held that Congress failed to satisfy the constitutional requirements for abrogating the states' sovereign immunity when it enacted the CRCA. As mentioned above, following the Supreme Court's decision, the Senate requested that the Office research whether there is sufficient evidence of infringement by states to support legislation under the standard established by the Court.

Supreme Court of the United States.

The Office was active in two courts of appeals cases. In *Muench Photography, Inc. v. McGraw-Hill Companies, Inc.*, the U.S. government filed an amicus brief in the Second Circuit arguing that the district court's interpretation of section 409 of the Copyright Act was erroneous. It contended that the court should give deference to the Copyright 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 application. The Second Circuit vacated the district court's decision stating, consistent with the government's position, that section 409 does not require the registrant of a compilation to list the

authors of each individual work in order for the registration to cover those individual works.

In *Universal Dyeing and Printing, Inc. v. Topson Downs of California, Inc.*, the Office participated in the U.S. government's brief in the Ninth Circuit successfully arguing for a remand to the district court with instructions to seek the views of the Register. The issues included the language of section 411(b)(2), which provides that "the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration" before invalidating a copyright registration.



Litigation Activities Summary

- Georgia v. Public.Resource.org
- Google LLC v. Oracle Am., Inc.
- Allen v. Cooper
- Muench Photography, Inc. v. McGraw-Hill Companies, Inc
- Universal Dyeing and Printing, Inc. v. Topson Downs of California, Inc.
- Milice v. Consumer Product Safety Commission
- Skidmore v. Led Zeppelin

The Office was involved in additional litigation matters in fiscal 2020. Under section 411(b), the Office responded to two requests from district courts to advise whether inaccurate information on a certificate of registration, if known, would have led the Register of Copyrights to refuse registration. In addition, the Office advised DOJ on the copyright issues raised in *Milice v. Consumer Product Safety Commission*, a case before the Third Circuit involving access to consensus standards incorporated into the Consumer Product Safety Commission's regulations. The Office also continued to advise the government on constitutional challenges to section 407's mandatory deposit requirement and section 1201's antitrafficking and anticircumvention provisions.

Finally, in fiscal 2020, the Ninth Circuit Court of Appeals agreed with the position of the U.S. government, including the Office, in a previously filed brief. In *Skidmore v. Led Zeppelin*, the Ninth Circuit, sitting en banc, found that the district court (1) correctly concluded that a deposit copy circumscribes the scope of the copyright under the 1909 Act and (2) did not err in its instructions to the jury.

REGULATORY ACTIVITY

In fiscal 2020, the Office conducted work in seventeen rulemaking proceedings.

Closed Rulemakings and Interim Rules in Fiscal 2020

JAN. 23, 2020
Supplemental Interim Rule Regarding Modernizing Copyright Recordation

FEB. 19, 2020
Copyright Office Fee Schedule

FEB. 25, 2020
Electronic Delivery of Litigation Notices Under Sections 411 and 508

FEB. 27, 2020
Emailed Waiver Requests Under DMCA Designated Agent Rule

APR. 8, 2020
Technical Amendments Regarding Electronic Submissions to the Copyright Office

MAY 8, 2020
Interim Rule Regarding Secure Tests

MAY 28, 2020
Group Registration of Newsletters (NPRM issued February 24, 2020)

JUNE 22, 2020
Group Registration for Short Online Literary Works

SEPT. 17, 2020
Interim Rule Regarding Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment (NPRM issued April 22, 2020)

SEPT. 17, 2020
Interim Rule Regarding Reporting and Distribution of Royalties to Copyright Owners by the Mechanical Licensing Collective (NPRM issued April 22, 2020)

The Office closed or issued interim rules in ten rulemaking proceedings in fiscal 2020. At the beginning of 2020, the Office issued a supplemental interim rule to govern a pilot program permitting a representative group of users to record certain types of documents online.

The Office continued to engage in a number of regulatory activities to implement aspects of the MMA. With respect to Title I, the Office issued interim regulations governing notices of license, data collection efforts, reports of usage and payment by digital music provider blanket licensees and related records of use, notices of nonblanket activity and reports of usage by significant nonblanket licensees, and data collection efforts by musical work copyright owners. The Office also issued interim regulations regarding requirements under which the MLC will be required to distribute royalties on a monthly basis along with a statement providing a detailed account of all royalties. These rules were recognized by music publishers and digital service providers as providing critical guidance to facilitate the industry shift toward the blanket license established by the MMA.

The Office closed two rulemaking proceedings relating to the Office's group registration options. In May 2020, the Office issued an updated rule governing the group registration of newsletters to expand the eligibility for this option to a broader range of publishers. The amendments removed the requirement that newsletters must be published at least twice a week and now permit publishers to submit group registration claims for newsletters that are published as infrequently as twice a month. Additionally, the Office issued a final rule establishing a new registration option that allows applicants to register a group of short online literary works with one application and one filing fee.

The Office issued an interim rule temporarily amending the definition of a secure test to adjust for the COVID-19 emergency. Specifically, due to the pandemic, some secure tests are administered remotely, and the interim rule makes these eligible for the secure test procedure until in-person testing resumes.

Also responding to the COVID-19 emergency, the Office issued a final rule to permit electronic submissions in connection with various services for which physical deliveries were previously required. The rule pertains to the following services: (1) submission of notices of termination for recordation, (2) requests for removal of personally identifiable information from the online public catalog or other public records, (3) cancellation of completed registrations, (4) filing of satellite carrier statements of account, (5) recordation of certain contracts by cable systems located outside of the forty-eight contiguous states, (6) filing of statements of account for digital audio recording devices or media, (7) filing of a Notice of Intent to Enforce a Restored Copyright, (8) filing of a Notice to Libraries and Archives of Normal Commercial Exploitation or Availability at Reasonable Price, (9) group registration of automated databases, (10) requests for reconsideration of refusals to register, (11) supplementary registrations for restored works, nonphotographic databases, and renewal registrations, (12) registration of restored copyrights, (13) renewal registrations, and (14) requests for full-term retention of copyright deposits.

Finally, the Office issued two final rules governing the submission of (1) designated agent and service provider information to the Office pursuant to the DMCA, and (2) notices to the Office pursuant to sections 411 and 508 of the Copyright Act. The former allows service providers that seek a waiver of the requirement to provide a physical street address to instead submit requests via email. The latter permits certain persons required to notify the Register about copyright litigation to submit notices via email.

Responding to the COVID-19 emergency, the Office issued a final rule to permit electronic submissions in connection with various services for which physical deliveries were previously required.

Initiated and Ongoing Rulemakings in Fiscal 2020

In fiscal 2020, the Office initiated or continued work in seven rulemaking proceedings that spanned topics from registration and recordation modernization to the MMA and section 1201 exemptions:

DEC. 4, 2019
Online Publication

MAR. 3, 2020
Registration Modernization

APRIL 22, 2020
Protection of Confidential Information by the Mechanical Licensing Collective and Digital Licensee Coordinator

JUNE 3, 2020
Modernizing Recordation of Notices of Termination

JUNE 22, 2020
Eighth Triennial Section 1201 Proceeding (2021)

JULY 17, 2020
Transition Period Cumulative Reporting and Transfer of Royalties to the Mechanical Licensing Collective

SEPT. 17, 2020
The Public Musical Works Database and Transparency of the Mechanical Licensing Collective

The Office continued work on registration modernization by issuing a statement of policy and notice of inquiry announcing several intended practice updates to be adopted with the deployment of the new technological system. The Office also published a notice of inquiry requesting written comments on issues relating to online publication, including whether and how to amend its registration regulations and to provide additional public guidance. The notice also allows the Office to gather input relevant to ensuring continued assistance to Congress in the event legislative attention may be appropriate.

The Office also published a notice proposing to amend certain regulations governing the recordation of notices of termination under sections 203 and 304(c) of the Copyright Act. This notice aims to improve efficiency in processing termination notices and to provide additional guidance to the public.

In fiscal 2020, the Office published five notices of proposed rulemaking related to the creation and governance of the MLC and adopted interim rules for two of those proceedings.

Finally, in fiscal 2020, the Office initiated the eighth triennial rulemaking proceeding under section 1201 of Title 17. 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 protect copyrighted works. Using a streamlined procedure for the renewal of exemptions that were granted during the seventh triennial rulemaking, the Office received and reviewed twenty-six petitions for new exemptions or expansion of previously granted exemptions, along with several comments in response to renewal petitions.

STATUTORY LICENSING

The Office continued to manage statutory licensing royalties and other fee collections and distributions. In fiscal 2020, the Office managed over $1.4 billion in statutory licensing fiduciary assets, handled thousands of statements of account, and worked toward modernizing its licensing systems.

The Copyright Act includes a number of statutory licenses, which allow certain uses of certain types of works in return for payment of royalties. The Office administers several of these licenses and, in fiscal 2020, managed and disbursed royalty fees collected under sections 111, 119, and 1003 of the Copyright Act. The Office collects these fees from cable operators, satellite carriers, and importers and manufacturers of digital audio recording devices, investing them on behalf of copyright owners in interest-bearing securities held by the U.S. Treasury. The Office distributes the fees, including accrued interest but less certain reasonable operating costs, pursuant to orders of the Copyright Royalty Board.

Staff from the Licensing Division.

In fiscal 2020, the Office collected more than $237 million in royalty fees and $1.6 million in associated 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 licenses to clear certain rights to the content they retransmit to viewers. Satellite carriers and importers and manufacturers of digital recording devices submitted the remainder. Following rulings of the Copyright Royalty Board, the Office distributed more than $265 million of the $1.4 billion in royalties managed by the Office through five separate distributions in fiscal 2020.

The appendices to this report include a Statement of Fiduciary Net Assets held by the Copyright Office as of September 30, 2020, and a Statement of Changes in Fiduciary Net Assets for the fiscal year ended on that date.

CABLE STATEMENTS OF ACCOUNT

Cable filers must submit semiannual Statements of Account (SOAs), which are aligned with accounting

periods that run from January to June and July through December of each calendar year. The most recent accounting period percentages revealed that SOAs filed during the calendar year 2019 filing periods consisted of approximately 70 percent electronic filings. To provide context, when the Office launched the e-filing option for the January 1–June 30, 2017, accounting period, only approximately 28 percent of cable filings were submitted electronically.

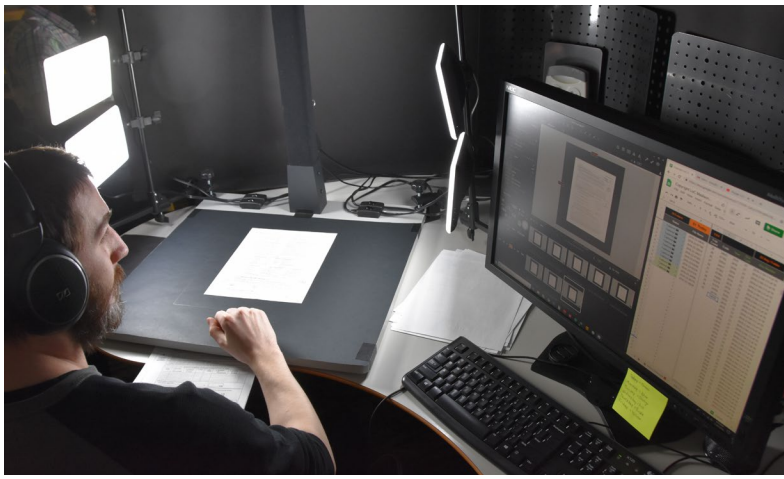
In fiscal 2020, the Office received a combined total of 4,526 SOAs for calendar year 2019 accounting periods, and processed 4,837 SOAs, including some calendar year 2020 filings and some filings from calendar years prior to 2019. The Office worked hard to complete all SOA reviews within ninety days of the end of each accounting period; however, the Office missed that target in fiscal 2020, largely due to pandemic-related processing changes.

PAY.GOV

The Office made progress in moving toward a single EFT payment process using the Treasury Department's Pay.gov system, which will ensure that the Office can receive, reconcile, and post payments in the same transaction. It also will provide remitters with the convenience of using a credit or debit card as a form of payment. Staff worked to revise the relevant circular, tutorial, and remittance advice form.

DIGITIZATION PROJECT

The licensing digitization project began in September 2018 and reached a major milestone in March 2020, delivering more than 1.5 million scanned files. The initiative will help the Office comply with National Archives and Records Administration (NARA)



Staff member digitizing cable and satellite Statements of Account.

mandates and facilitate remote access to public records by internal and external stakeholders. The goal is to digitize all paper cable and satellite SOA files and to upload them to the Copyright Office's website. This will enable the licensing division to expand its digital archives, preserve the content of documents, and expand its physical space by reducing the volume of paper document storage. In fiscal 2020, the Office made good progress in preparing the digitized SOAs for eventual posting to the public internet and developed a strategy for digitizing paper files it receives in the future.

FINANCIAL AUDIT

For the third consecutive year, the Office received an unmodified or "clean" audit opinion of the statutory licensing fiduciary asset financial statements. The Office provided SOAs, conducted walkthroughs, participated in audit interviews, responded to auditor requests, and provided supporting documents about the fiduciary assets.

TRADE AND FOREIGN RELATIONS

In addition to its domestic legal and policy work, the Office participates in international copyright matters, working closely with interagency colleagues. In fiscal 2020, this included working with the U.S. interagency teams on a potential treaty, possible international approaches on certain copyright exceptions, preparation of the Special 301 report, foreign copyright law analyses, and reviews of trade policies.

INTERNATIONAL POLICY DISCUSSIONS

The Copyright Office is a member of the U.S. delegation to several World International Property Organization (WIPO) committees. The Office participated in the Standing Committee on Copyright and Related Rights (SCCR) meeting in Geneva, Switzerland, in October 2019. The meeting primarily focused on negotiation of a possible treaty for protection for broadcasting organizations and on international approaches to exceptions and limitations for libraries, museums, and archives, educational, teaching, and research institutions, and persons with disabilities. The Office also supported the U.S. delegation to the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the next meeting of which has been rescheduled to fiscal 2021 due to the pandemic.

The Office attended the initial days of the fifty-first annual meeting of the Assemblies of WIPO member states in Geneva, which started on September 30, 2019.

Additionally, the Office worked with colleagues at the Office of the United States Trade Representative (USTR) and the United States Patent and Trademark Office (USPTO) on dozens of copyright law and policy developments in other countries. From analyzing laws to participating in digital video conferences (DVCs) to meeting with various foreign delegations, the Office provided advice on matters involving both domestic and international copyright principles.

INTERAGENCY WORK WITH THE U.S. GOVERNMENT ON COPYRIGHT AND TRADE

The Office is part of several U.S. government (USG) interagency teams collaborating on trade-related copyright matters throughout the year. This includes work on USTR's Special 301 Report, bilateral trade agreements, and World Trade Organization (WTO) reviews.

The Office continued to actively participate as one of fifteen agencies on the Special 301 Subcommittee for USTR's annual process that evaluates the

"Delegates at the Opening of the WIPO Assemblies 2019," Emmanuel Berrod, © 2019 WIPO. This work was licensed under CC BY-NC-ND 3.0 IGO and no modifications were made. Image available at ***Delegates at the Opening of the WIPO Assemblies 2019 | Flickr****.*

adequacy and effectiveness of U.S. trading partners' protection and enforcement of intellectual property rights, including equitable market access. In fall 2019, the Office contributed to the Special 301 "notorious markets" out-of-cycle review, which resulted in USTR's publication of a report in April 2020.

The Office was also active in trade agreement negotiations and implementation. During fiscal 2020, the Office continued assisting on implementation by Canada and Mexico of the United States-Mexico-Canada Agreement (USMCA), the successor agreement to the North American Free Trade Agreement, working with colleagues at USPTO and USTR to give feedback to Canada and Mexico on draft provisions and to analyze enacted laws. The Office also provided technical advice and analysis to USTR negotiators for two in-process free trade agreements—one with the United Kingdom and one with Kenya.

In addition, the Office was involved in the WTO's Trade Policy Reviews (TPRs) and Accession Reviews. All WTO members periodically undergo a review of their trade policies and compliance with international obligations; the frequency of each country's review varies according to its share of world trade. The Office provides subject matter expertise on copyright to USTR, which submits the U.S. government's comments and questions to the WTO. The Office reviewed various WTO reports and relevant laws for seven countries as part of their TPRs or accession negotiations. In fiscal 2020, the Office participated in an accession review for Curacao and trade policy reviews for Australia, Belarus, Bosnia and Herzegovina, Ethiopia, European Union, Japan, Lao People's Democratic Republic, Peru, Somalia, Timor-Leste, Uzbekistan, and Zimbabwe.

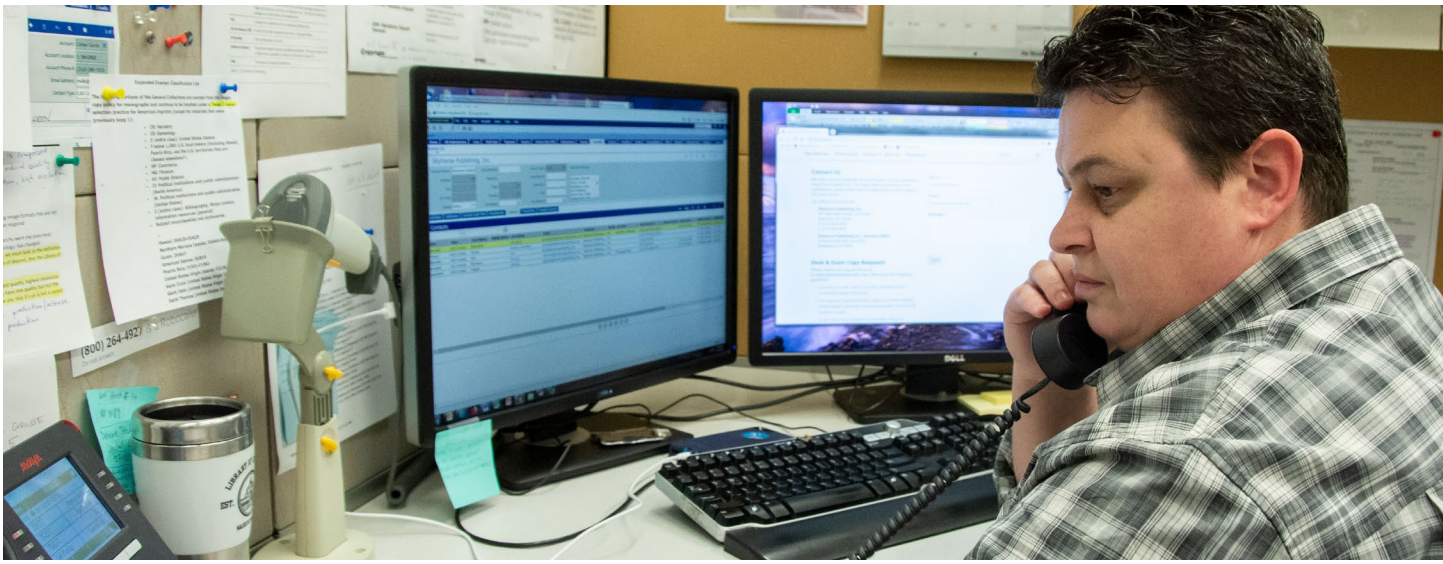
ACQUISITION OF COPYRIGHTED WORKS

The Office manages Title 17's mandatory deposit provision (section 407), which requires copies of the best edition of copyrightable works to be sent to the Copyright Office within three months of publication. In fiscal 2020, the Office continued to receive mandatory deposit submissions, including electronic materials, and transferred deposits valued at $40.3 million to the Library for its collections.

The Office was unable to process physical deposits from the date of the Library's shutdown on March 13, 2020, until in-office work resumed. This naturally impacted the Office's acquisition of materials for Library collections in the third and fourth quarters of fiscal 2020. The Office was, however, able to maintain an effective e-deposit program throughout fiscal 2020. E-serial and, in particular, e-book acquisitions made up a significant portion of the contributions the Office made to Library collections. In fiscal 2020, the value of deposits came in just under the previous year's total (fiscal 2020: $40.03 million vs. fiscal 2019: $40.43 million). The value of the access that special relief relationships with major e-serial and e-book publishers provided for Library staff and patrons increased from $69.87 million in fiscal 2019 to $75.26 million in fiscal 2020. The year also saw the Office reach a total of over 100 million files deposited for e-serials since the beginning of the program in 2010, ending fiscal 2020 with nearly 125 million files deposited.

Copyright Acquisitions Division project team members processing deposits before the Madison Building was shutdown.

The Office initiated a newspaper e-print deposit workflow to expand its e-deposit program, and by the end of the fiscal year had received 7,542 e-print issues from twenty newspaper titles.



Office staff contacting publishers.

The Office was able to maintain an effective e-deposit program throughout fiscal 2020.

FY 2020 e-Deposit Program Stats

Nearly **125 million** files deposited since the beggining of the program

55,818 e-serial issues transfered

21,620 e-books (ProQuest)

222,641 e-books through special relief agreements

7,542 newspaper e-print issues

20 newspaper titles

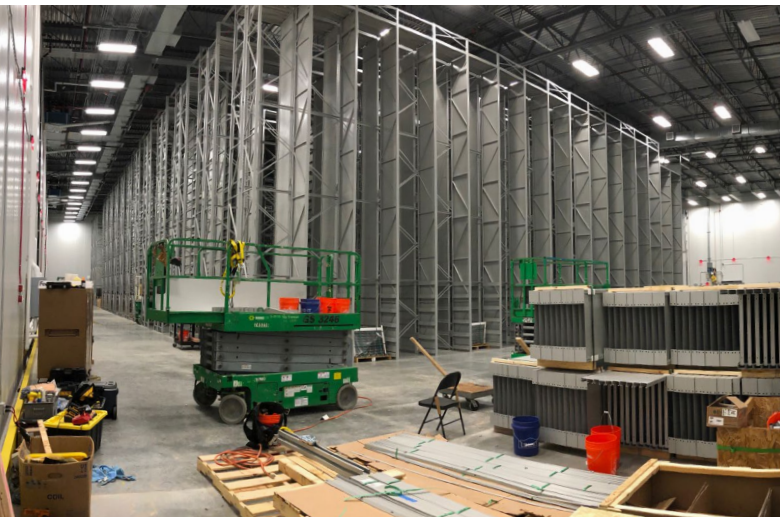
Office staff receiving requests from the Library of Congress.

COPYRIGHT RECORDS

The Copyright Office maintains a rich collection of copyright records that document the nation's creativity. These records include registration and recordation materials that provide information on copyright claims and transfers. In fiscal 2020, the Office completed over 1,500 requests for various documents, securely stored over 12,000 boxes of records, catalogued and reviewed over 16,000 record books, and maintained the Virtual Card Catalog.

RECORDS RESEARCH AND CERTIFICATION

Office staff generated 2,523 estimate requests for patrons, completed 1,520 requests for services, and closed out 725 service requests as "No Reply." Staff processed 594 litigation-related requests. Before the pandemic-related building closure, the Copyright Records Reading Room welcomed 675 visitors.



One of the new storage bays under construction at the new Copyright Office warehouse.

RECORDS MANAGEMENT

On average, the Office ships forty-five securely sealed boxes to storage each week, totaling 12,652 in fiscal 2020. Additionally, staff processed 1,860 record book requests between October 2019 and March 2020. The Office exceeded its inventory goal this year, securing around 20,000 deposit copies for future holdings. Staff also made great strides in locating deposits with unknown location information, adding them to the official inventory. In fiscal 2020, staff located more than 2,904 such records, which are now available for retrieval immediately upon request. As each of these records is updated and searchable in the records system, the Office can better serve patrons needing physical deposit copies for examination or litigation.

NEW COPYRIGHT OFFICE WAREHOUSE

The Office's collaboration with the Architect of the Capitol (AOC) and Integrated Support Services (ISS) to build a new 40,000 square foot warehouse continued without interruption during the pandemic. Warehouse construction was completed, and the

Office will begin moving 88,000 boxes of deposit copies into the building in early fiscal 2021. The Office worked with consultants to complete a technical proof of concept (TPOC) for a possible automated solution for a new warehouse management and inventory system.

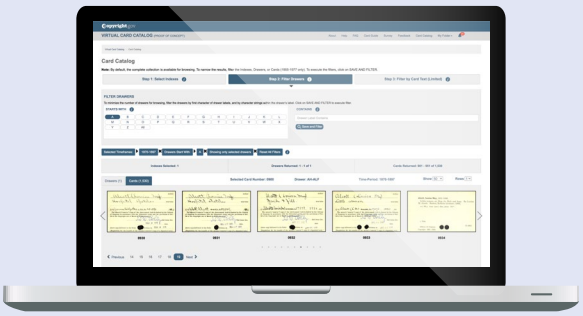
RECORD BOOK PRESERVATION, INVENTORY, AND COLLATION

Metadata specialists and other staff catalogued and reviewed 16,383 out of the 26,278 record books, confirming the number of records and number of pages in each volume, and identified blank pages and other issues that might impact digitization. These efforts support both digitization and the associated volume-level metadata to make the record books available online. Prior to the building closures, staff also conducted regular record book quality assurance inspections to verify bookshelf locations and re-verify book counts.

VIRTUAL CARD CATALOG

The Virtual Card Catalog (VCC) Proof of Concept includes the complete digitized collection of the copyright card catalog, with over 41.5 million digital images dating from 1870 through 1977. These images contain copyright registrations, assignments, notices of use, commercial prints and labels, title indexes, and pseudonym files. This fiscal year, the VCC had 11,823 unique visitors with over 94,000 page views.

The Office is also continuing its data perfection of digitized historical records. The goal of this effort is to capture, transcribe, and perfect specific metadata fields from the card catalog records optical character recognition (OCR) to make online searching and retrieval capabilities more robust.



Virtual Card Catalog

Proof of Concept

41.5 million digital images dating from 1870 through 1977

11,823 unique visitors

94,000 page views

INFORMATION AND EDUCATION

The Copyright Office provides information and education to raise awareness of, and respect for, copyright law and the role of the Office. The Office offers authoritative information about copyright law and Office services, as well as educational content for the copyright community and the general public. In fiscal 2020, the Office handled over 170,000 public inquiries, provided news releases to over 60,000 newsletter subscribers, held numerous events highlighting copyright issues, and grew its social media presence considerably.

Public Indormation Offfice staff fielding questions about copyright from the public.

PUBLIC INFORMATION

The Office fielded more than 170,618 inquiries from the public in fiscal 2020. Requests came by email, regular mail, and telephone, as well as in-person before the building closure. These inquiries spanned a wide range of topics, from questions about specific Office services, to help filling out applications for registration, to more general questions about copyright.

In fiscal 2020, the Office distributed seventy-five issues of NewsNet, an electronic news service covering legislative and regulatory developments and general Office news, to more than 60,000 subscribers. The Office also responded to press inquiries, in coordination with other relevant Office divisions.

OUTREACH

The Office produced twenty-eight events for staff and the public in fiscal 2020, converting planned in-person events to virtual platforms beginning in March 2020. The Office celebrated World Intellectual Property Day with the virtual event "From Awareness

to Action: Innovate for a Green Future." Three presenters discussed how creators—who through the copyright system can earn a living from their work—play a key role in creating a vision of a green future and its untold benefits. Other events in the Copyright Matters series included "Quoth the Raven: Edgar Allan Poe and Derivative Works" and "Copyright and Social Justice."

As the Office celebrated its 150th anniversary, it held "Celebrating 150 Years of Creativity," which highlighted the rich history of the Office and the copyright system, the importance of the Office's connection with creators and users of copyright-protected works, and the role of the Office in promoting creativity.

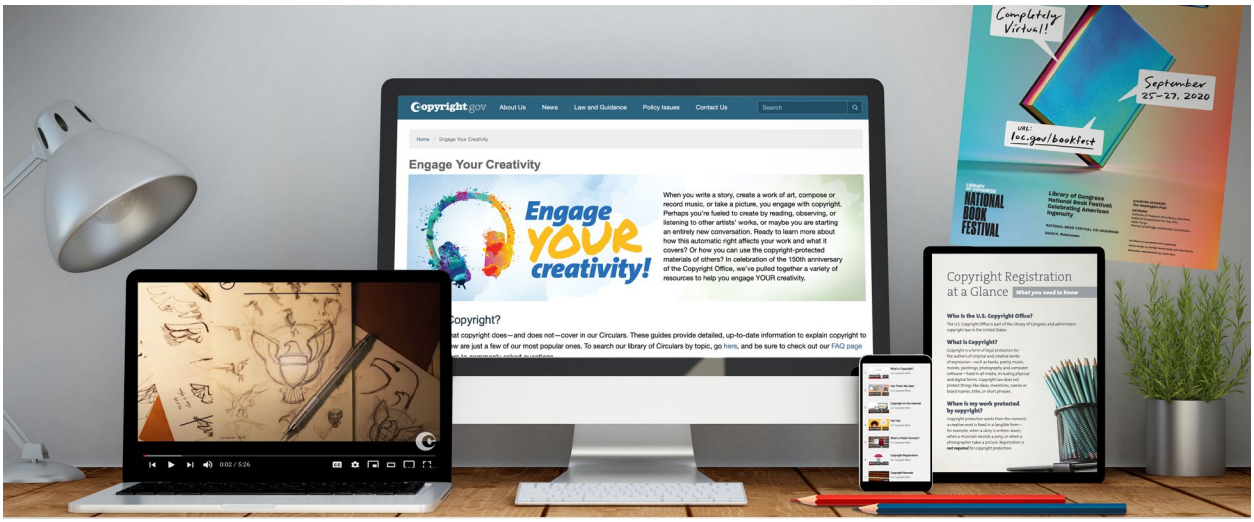
The Office co-sponsored "Copyright in the Age of Artificial Intelligence" with WIPO. This symposium took an in-depth look at how the creative community is using artificial intelligence (AI) to create original works. The panelists' discussions included the relationship between AI and copyright, what level of human input is sufficient for the resulting work to be eligible for copyright protection, the challenges and considerations for using copyright-protected works to train a machine or to examine large data sets, and the future of AI and copyright policy.

In fiscal 2020, the Office hosted eight webinars. Five focused on modernization updates, with the others featuring the Group Registration for Short Online Literary Works (GRTX), the Office's fee study, and section 1201 of the Copyright Act. The Office also hosted a South by Southwest panel and three programs on section 512 standard technical measures (STM).

Copyright Matters series event, "Quoth the Raven: Edgar Allan Poe and Derivative Works."

The Office co-sponsored "Copyright in the Age of Artificial Intelligence" symposium with WIPO.

The Office celebrates its 150th anniversary with a virtual event, "Celebrating 150 Years of Creativity."



The Office participted in the Library of Congress presentation at the virtual National Book Festival.

During the year, the Register of Copyrights and the Acting Register of Copyrights made presentations and served as the keynote speakers at multiple domestic and international events and symposia. After March 13, 2020, the Acting Register made all presentations virtually. She and other Copyright Office attorneys also spoke at law schools and annual law and trade association meetings.

The Office participated in the Library of Congress presentation at the virtual National Book Festival, where the Office highlighted the Learning Engine video series and provided information about the Office and the benefits of registration.

COPYRIGHT OFFICE WEBSITE

Through copyright.gov, the public is able to learn about copyright law and the Office's services and to search copyright records. The website is also the portal to the electronic system through which users can register claims and upload copies of their works. The Office initiated an update to the website homepage and navigation in fiscal 2020, which it will launch in the next fiscal year. In March 2020, the Office added a coronavirus update page, which details all changes to Office policy and procedure under the authority of the CARES Act. During fiscal 2020, the Office served more than 63 million pages to 7 million unique users.

BLOG

The Office posted thirty-one blog entries to Copyright: Creativity at Work in fiscal 2020. Posts included Office news, registration practice updates, law and policy developments, copyright basics, and copyright lore. The blog grew to approximately 40,000 subscribers by the end of fiscal 2020—an increase of 260 percent.

SOCIAL MEDIA

The Office issued 633 tweets, which received approximately 3.6 million views and 42,000 engagements for an engagement ratio of 1.1 percent,

which is above industry standards. The account gained approximately 2,000 subscribers over the fiscal year for a total of approximately 29,000—a 7 percent increase.

The Office released fifty-four videos in fiscal 2020. The Office's YouTube channel gained approximately 2,800 subscribers, growing from 1,500 to 4,300 total subscribers. These videos received 92,000 total views and a total of 3,500 hours. The Office completed ten Learning Engine series videos. Concepts included basic copyright principles, the idea/expression dichotomy, copyright on the internet, fair use, and the public domain. The video titled What is Copyright? performed the best with 35,000 views.

Information and Education

By the Numbers

170,618 public inquiries

75 NewsNet issues
60,000 subscribers

25 events
8 webinars

63 million webpages
7 million unique users

31 blog entries
40,000 subscribers

633 tweets
3.6 million views
42,000 engagement

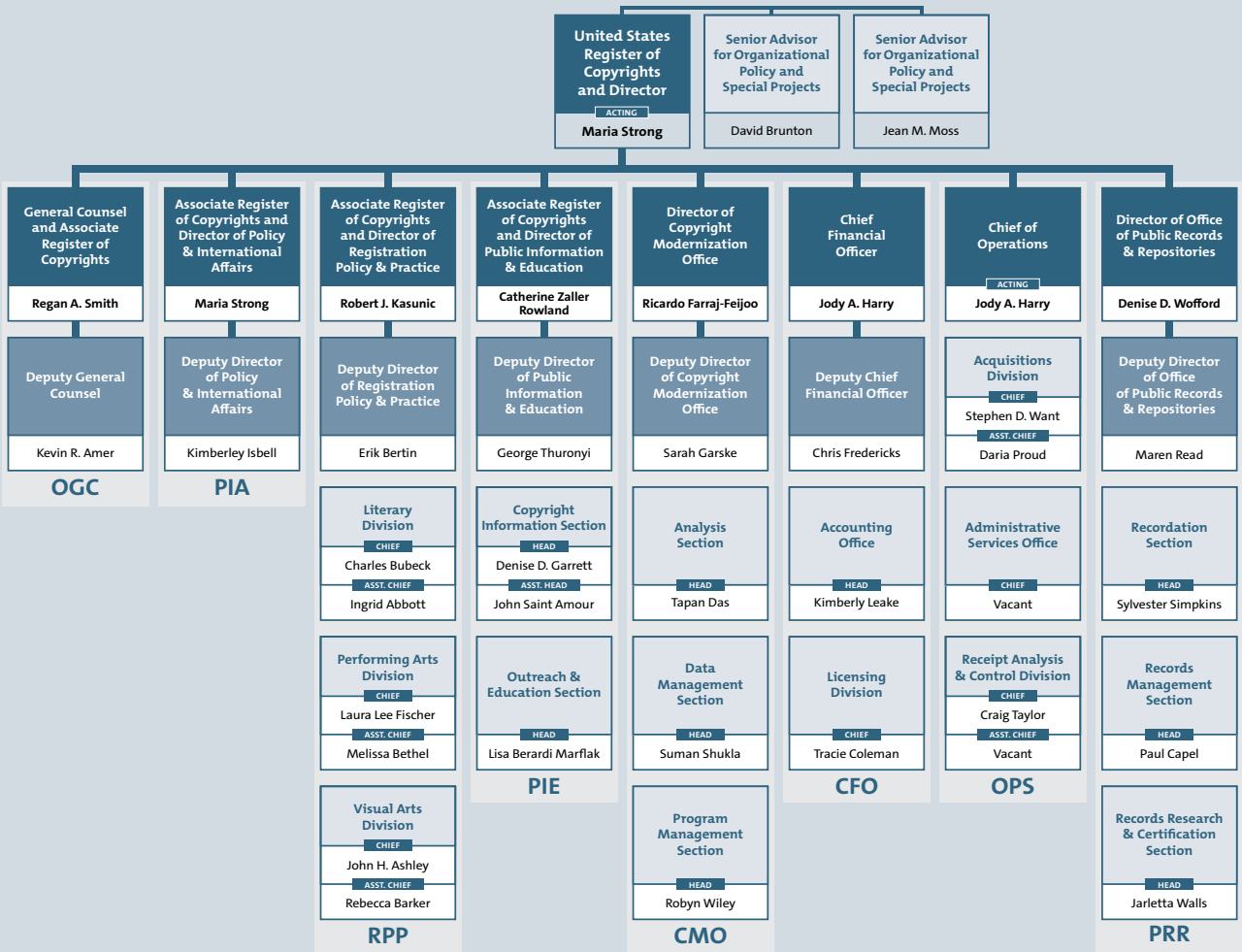
54 videos released
10 Learning Engine series videos

2800 new YouTube subscribers
92,000 total views

APPENDICES

Organization of the United States Copyright Office

as of September 30, 2020



Copyright Registrations, 1790–2020

Date	Total	Date	Total	Date	Total	Date	Total	Date	Total
1790–1869	150,000 [1]	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 [2]	2006	520,906
1884	27,727	1915	116,276	1946	202,144	1976	108,762 [2]	2007	526,378
1885	28,748	1916	117,202	1947	230,215	1977	452,702	2008	232,907 [5]
1886	31,638	1917	112,561	1948	238,121	1978	331,942	2009	382,086 [5]
1887	35,467	1918	107,436	1949	201,190	1979	429,004	2010	636,527
1888	38,907	1919	113,771	1950	210,564	1980	464,743	2011	670,044
1889	41,297	1920	127,342	1951	200,354	1981	471,178	2012	509,112
1890	43,098	1921	136,765	1952	203,705	1982	468,149	2013	496,599
1891	49,197	1922	140,734	1953	218,506	1983	488,256	2014	476,298
1892	54,741	1923	151,087	1954	222,665	1984	502,628	2015	443,823
1893	58,957	1924	164,710	1955	224,732	1985	540,081 [3]	2016	414,269
1894	62,764	1925	167,863	1956	224,908	1986	561,208 [3]	2017	452,122
1895	67,578	1926	180,179	1957	225,807	1987	582,239 [3]	2018	560,013
1896	72,482	1927	186,856	1958	238,935	1988	565,801	2019	547,837
1897	75,035	1928	196,715	1959	241,735	1989	619,543 [4]	2020	443,911
1898	75,634	1929	164,666	1960	243,926	1990	643,602		
1899	81,416	1930	175,125	1961	247,014	1991	663,684		
								Total	**39,305,045**

1 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).

2 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.

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

4 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."

5 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 2020

Category of Material	*Published*	*Unpublished*	*Total*
Non-dramatic literary registrations:			
Monographs and computer-related works	90,749	61,262	**152,011**
Serials:			
Serials (non-group)	19,480	–	**19,480**
Group Daily Newspapers/Newsletters	1,909	–	**1,909**
Group Serials	4,735	–	**4,735**
Total literary registrations	**116,873**	**61,262**	**178,135**
Works of the performing arts, including musical works, sound recordings, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	81,558	101,502	**183,060**
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	45,975	36,741	**82,716**
Total basic registrations	**244,406**	**199,505**	**443,911**
Renewals	0	–	0
Mask work registrations	0	–	0
Vessel hull design registrations	0	–	0
Grand total all registrations			**443,911**
Preregistrations			**482**
Documents Recorded			**7,795**

Financial information published in this table is unaudited.

Fee Receipts and Interest, Fiscal 2020

Fees	*Receipts Recorded*[1]
Copyright Registration	$31,073,621
Registration Special Handling/Expedited Services	$2,433,600
Preregistrations	$93,860
Renewal Registration	$10,575
Vessel Hull Design Registration	$2,860
Mask Works Registration	$2,710
Subtotal	**$33,617,226**
Recordation of Documents	$1,541,638
Certifications	$731,875
Other Services & Fees	$162,486
Recordation Special Handling/Expedited Services	$182,600
Searches	$18,226
DCMA	$75,114
Other Licensing Fees	$8,225
Subtotal	**$2,720,164**
Total Receipts Recorded	**$36,337,390**
Investment Earnings	$60,743
Reconciling Transactions[2]	$115
Fee Receipts and Interest Applied to the Appropriation[3]	**$36,398,248**

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

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

3 "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 2020[1]

Category of Work	*Registered Works Transferred*	*Non-registered Works Transferred*	*Total Works Transferred*	*Average Unit Price*	*Estimated Value of Works Transferred*
Books[1,2]	**55,168**	**265,355**	**320,523**		**$30,857,716**
Book-hardbound	20,607	11,968	32,575	$94.45	$3,076,709
Book-softbound	34,561	9,126	43,687	$49.02	$2,141,537
e-books (ProQuest)	0	21,620	21,620	$5.67	$122,585
e-books (special relief)	0	222,641	222,641	$114.61	$25,516,885
Serials[1,3]	**33,394**	**184,668**	**218,062**		**$13,700,699**
Periodicals[4]	33,358	97,548	130,906	$56.77	$5,202,074
Newspapers[1]	36	31,302	31,338	$2.00	$43,873
e-Serials[5]	0	55,818	55,818	$151.47	$8,454,752
Microforms	**134**	**266**	**400**		**$100,000**
Microfilm	134	266	400	$250.00	$100,000
Microfiche	0	0	0	$12.77	$0
Motion Pictures	**1,454**	**22**	**1,476**		**$255,079**
Film-35mm/70mm/IMAX[1]	3	0	3	$15,577.89	$46,734
Film 16mm	1	0	1	$1,500.00	$1,500
Videotape	1,450	22	1,472	$140.52	$206,845
CD/DVDs	**10,226**	**531**	**10,757**	$25.00	**$268,925**
Printed Music	**580**	**215**	**795**	$75.59	**$60,094**
Maps	**206**	**155**	**361**	$59.04	**$21,313**
Prints, Posters, Photographs, Works of Art	**208**	**11**	**219**	$47.99	**$10,510**
Total	**101,370**	**451,223**	**552,593**		**$45,274,336**

1 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.

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

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

4 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.

5 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 2020 the Library was granted access to 535,429 e-books, 9,172 e-serials, and 20 newspaper e-prints that are not included in the numbers in the table.

Non-Fee Information Services to Public, Fiscal 2020

Public Information & Education/Public Records & Repositories Direct Reference Services	
In person	1,183
By correspondence	2,146
By email	85,109
By telephone	79,596
By online chat	2,584
Total	**170,618**
Office of the General Counsel Direct Reference Services	
By correspondence	1
By email	33
By telephone	17
Total	**51**
Receipt Analysis and Control Division Services	
By correspondence	557
By email	5,496
By telephone	8,792
Total	**14,845**
Licensing Division Direct Reference Services	
By correspondence or email	2,127
By telephone	295
Total	**2,422**
Acquisition Division direct Reference Services	
By correspondence or email	0
By telephone	0
Total	**0**
eCO Service Help Desk	
By email	24,576
By telephone	28,431
Total	**53,007**
Grand Total Direct Reference Services	**240,943**

Financial information published in this table is unaudited.

Statement of Fiduciary Net Assets, *as of September 30, 2020*

	(in thousands)
Investments in U.S. Treasury securities, net	$1,432,589
Fund Balance with Treasury	$81
Interest receivable	$105
Accounts receivable	$465
Total Fiduciary Net Assets	**$1,433,240**

Financial information published in this table is unaudited.

Statement of Fiduciary Activity, *as of September 30, 2020*

	(in thousands)
Beginning Fiduciary Net Assets	**$1,451,161**
Royalty Fees Received	$237,088
Investment Earnings	$13,292
Total Inflows to Fiduciary Net Assets	**$250,380**
Distributions to copyright owners	($265,599)
Refunds of royalty fees	($51)
Net royalty fees retained for administrative costs	($2,651)
Total Outflows from Fiduciary Net Assets	**($268,301)**
Decrease in Fiduciary Net Assets	**($17,921)**
Ending Fiduciary Net Assets	**$1,433,240**

Financial information published in this table is unaudited.

Statutory Licensing Filing and Royalty Fees Collected and Offset for Administrative Costs, Fiscal 2020

(in thousands)

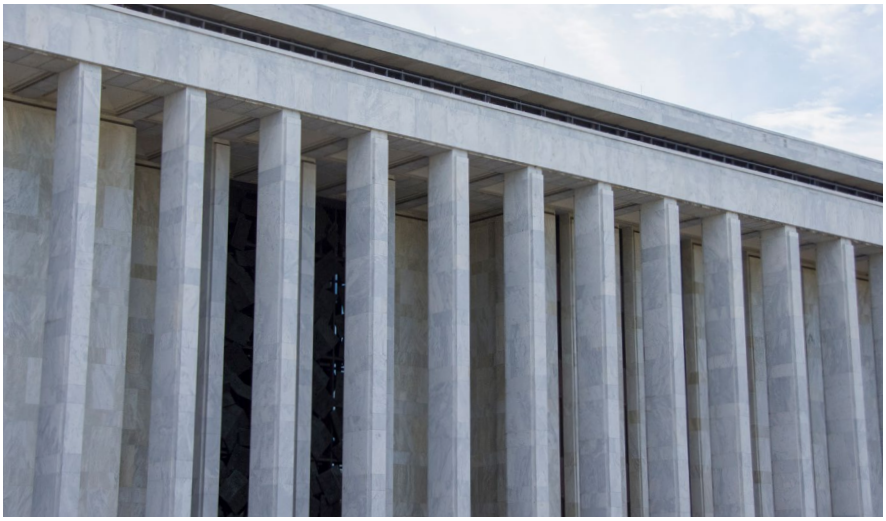
	Total	***Licensing Copyright***	***Copyright Royalty Judges***
Filing Fees	$1,566	$1,564	$2
License filing year 2020 royalty fees	$3,687	$3,291	$396
License filing year 2019 royalty fees	$1,229	$1,097	$132
Total	**$6,482**	**$5,952**	**$530**

Financial information published in this table is unaudited.

Statutory Licensing Net Royalty Fees Retained for Administrative Costs, Fiscal 2020

(in thousands)

	Total	***Licensing Copyright***	***Copyright Royalty Judges***
2020 royalty fees retained	$3,687	$ 3,291	$ 396
2020 royalty fees refunded	($349)	($262)	($87)
2019 royalty fees retained	$ 1,229	$ 1,097	$132
2019 royalty fees refunded	($1,445)	($1,383)	($62)
2018 Royalty fees retained	–	–	–
2018 Royalty fees refunded	($444)	($433)	($11)
2017 Royalty fees refunded	($1)	($1)	–
2016 Royalty fees refunded	–	–	–
2015 Royalty fees refunded	($16)	($8)	($8)
2014 Royalty fees refunded	($10)	($7)	($3)
Total	**$2,651**	**$2,294**	**$357**



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COPYRIGHT OFFICE CONTACT INFORMATION

United States Copyright Office

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

Website

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).

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