



**UNITED STATES
COPYRIGHT OFFICE
ANNUAL REPORT**

FY 2022



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TABLE OF CONTENTS

COPYRIGHT FOR ALL	page 2
CONTINUOUS DEVELOPMENT	page 9
IMPARTIAL EXPERTISE	page 14
ENHANCED USE OF DATA	page 22
APPENDICES & TABLES	page 24

**Note: This report was originally published in March 2023 but was amended in April 2024, due to a calculation error that affected some statistics.*





LETTER FROM THE REGISTER OF COPYRIGHTS

I am pleased to introduce the annual report of the U.S. Copyright Office for the past fiscal year. It describes the major accomplishments of our dedicated staff in FY 2022, as we worked to fulfill the constitutional mission to promote the progress of science and useful arts.

This has been an exceptionally busy and productive year, as the Office moved forward from the challenges of the pandemic and achieved a great deal on numerous fronts.

Highlights included the establishment of the groundbreaking copyright small claims tribunal, the opening of our new online recordation system to the public, the issuance of a report on women's participation in the copyright system, the reduction of registration processing times, the completion of the eighth triennial section 1201 rulemaking, the publication of two major policy studies, and the hiring of the Office's first chief economist.

To guide our work, in January we issued a new Strategic Plan for 2022–2026: *Fostering Creativity and Enriching Culture*. This report is organized according to the plan's four overarching goals: *copyright for all, continuous development, impartial expertise, and enhanced use of data*.

On the pages that follow, you will find reports from across the Office's divisions on the milestones we have reached this first year under the strategic plan.

You will read about our activities to make the copyright system as understandable and accessible to as many members of the public as possible.

You will discover how we are improving and updating our services, using state-of-the-art technology, to meet the evolving needs and expectations of the copyright community.

You will learn about the impartial, expert advice on copyright law and policy we have been providing to Congress, the courts, and other government agencies, as well as to our counterparts abroad.

And you will see how we are enhancing the use of the data we gather and making it publicly available to advance the state of copyright knowledge.

All of these activities are taking forward the Office's strategic goals, and we will build on the results to help ensure a robust and responsive copyright system that continues to serve the public well both now and in the future.

Shira Perlmutter
Register of Copyrights and Director
U.S. Copyright Office



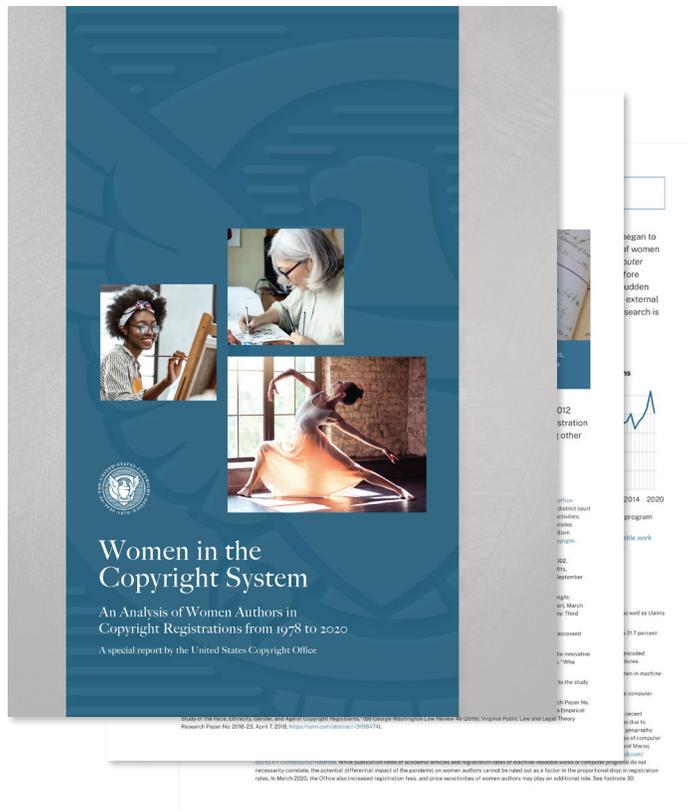
FY 2022 ANNUAL REPORT

COPYRIGHT FOR ALL

The first goal in the Copyright Office’s strategic plan is to make the U.S. copyright system as understandable and accessible to as many members of the public as possible. To do so, we are taking action on several fronts: enhancing our outreach activities, reaching out to new audiences, expanding access to justice for small copyright claims, making our services easier to use, and analyzing data to identify underrepresented groups.

REACHING UNDERREPRESENTED GROUPS

In June 2022, we released *Women in the Copyright System: An Analysis of Women Authors in Copyright Registrations from 1978 to 2020*. The report, which entailed the analysis of 20 million copyright registrations from 1978 to 2020, is based on the economic research of Professor Joel Waldfoegel, the Office’s 2021 Kaminstein Scholar in Residence.



Special report *Women in the Copyright System: An Analysis of Women Authors in Copyright Registrations from 1978 to 2020* was released in June 2022.

This research showed that women authors are underrepresented in their use of the registration system overall, although there are some encouraging trends. Notably, the gap has been shrinking over time in every category of work. The category of nondramatic literary works is the standout, with women now representing fifty percent of authors in those registrations. However, representation is considerably lower for other types of works, especially in categories relating to science, technology, engineering, and mathematics (STEM). And in nearly every category of works, women make up a smaller share of copyright registrants than they do of participants in corresponding occupations.

There is still work to do to reach gender parity, and we plan to expand our educational outreach to women, including through partnerships with other government agencies and the private sector. The Office's new chief economist will be conducting research to identify other potentially underrepresented groups, so we can develop additional targeted outreach plans.

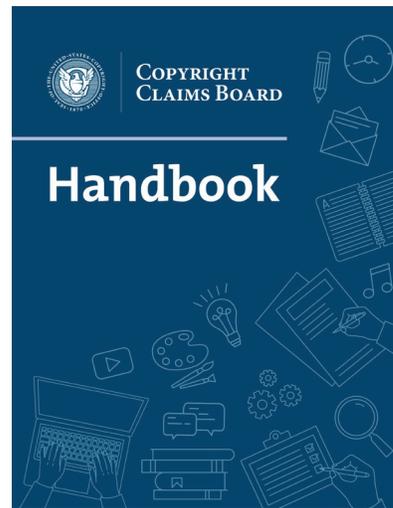
In September 2022, Register Perlmutter joined the Department of Commerce's Council for Inclusive Innovation—or CI²—as a co-vice chair. Council members from the corporate, academic, and government sectors are working together to explore ways to broaden participation in the innovative and creative economy.

EXPANDING ACCESS TO JUSTICE

One major step toward *copyright for all* was the launch of the first ever copyright small claims tribunal in the United States, expanding access to justice for those with limited resources. In June 2022, the new Copyright Claims Board (CCB), established by the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2020, opened its doors for the filing of claims.

Register Perlmutter cuts a ribbon along with Copyright Claims Board (CCB) staff to celebrate the opening of the CCB.





The new ccb.gov website includes a user handbook, educational videos, and FAQs, which received a combined 15,000 impressions in FY 2022.

In less than eighteen months from the enactment of the CASE Act, the Office finalized all the necessary regulations and completed all hiring. We collaborated with other Library of Congress offices to put in place an electronic filing and case management system (eCCB), virtual hearing facilities, and office space.

The CCB offers an efficient, more economical alternative to federal court for resolving copyright disputes of up to \$30,000 in value. This voluntary and virtual tribunal is accessible to anyone, with or without an attorney.

More than 180 claims were filed between June and the end of FY 2022, involving a wide range of works, including pictorial, graphic, and sculptural works as well as motion picture and audiovisual works, literary works, and sound recordings.

To ensure awareness of the CCB and its operations, the Office has produced an extensive array of public information. This includes the ccb.gov website, a user handbook, educational videos, and FAQs, which received a combined 15,000 impressions in FY 2022.

OUTREACH ACTIVITIES

The Office was able to resume in-person events this fiscal year, with the reopening of the Library's physical facilities. Combining these with ongoing virtual and hybrid events, we reached and engaged with many members of the public, including copyright stakeholders and students.

The Copyright Office hosted many virtual and in-person events throughout FY 2022.



The Office hosted forty-seven public events in FY 2022—twice as many as the prior fiscal year. We celebrated World Intellectual Property Day with a program, *Engage Your Creativity: Copyright and IP for Young Professionals*. Panelists explored the “IP and Youth” theme, discussing young artists’ IP experiences, copyright, and careers.

We worked with the World Intellectual Property Organization (WIPO) to present a virtual roundtable series for governments on copyright education for youth. Convening monthly, the *Roundtables on International Copyright Education: IP and Creativity for the Youth* (RICE) gathered policymakers and educators from fifteen countries around the world to discuss strategies and best practices for educating young creators and innovators about copyright.

The Office connected creativity, copyright, and food for a Copyright Office Presents lecture, *Food and Copyright*. This virtual event showcased authors who use film, blogs, photography, and short stories to inspire people and bring them together around food.

The Register and Office staff spoke at more than 100 virtual and in-person external events in FY 2022. Speakers connected with existing audiences by delivering remarks at meetings and conferences and reached new audiences by discussing copyright with students, creators, and copyright users. Topics ranged from the new small claims tribunal to digitization and preservation to artificial intelligence.

In the music area, staff attended virtual music industry and songwriter events, such as the Folk Alliance International Conference, and participated in person in several programs, including CD Baby’s DIY Musician Conference in Austin, Texas, and AMERICANAFEST and the MusicBiz Conference, both in Nashville, Tennessee.



During FY 2022, the Copyright Office served 29.3 million webpages to 5.0 million unique visitors during 7.6 million visits.

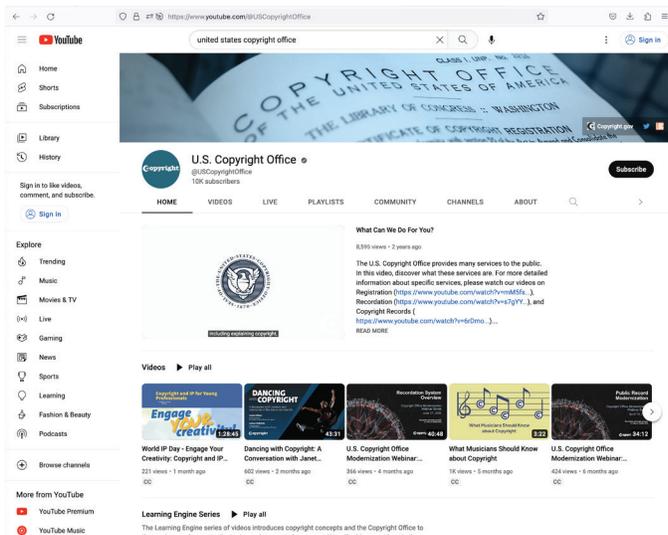
The Office also addressed outreach through employee engagement and recruitment. In FY 2022, we built capacity to promote internal and external diversity, equity, and inclusion initiatives. This included supporting the Office’s Diversity Equity and Inclusion Committee (DEIC) as well as identifying outreach opportunities and potential partnerships to reach more diverse audiences. This year, the DEIC hosted a well-attended empowerment training course, and staff members participated in the 2022 Historically Black Colleges and Universities Week Career and Recruitment Fair, providing information about Copyright Office employment and internship opportunities.

EXPANDING ACCESS THROUGH NEW MATERIALS

The Office released eight videos in our Learning Engine Series, available on YouTube, to introduce copyright concepts and describe our services. In FY 2022, the videos received a combined 6,500 views.

We developed online content to announce the launch of the CCB, to make sure that the public was aware of this new resource and how it worked. To help make the copyright system more accessible to musicians, we produced the video *What Musicians Should Know about Copyright*, which was viewed more than 350 times in FY 2022.

Also in FY 2022, the Copyright Office released the first set of new and updated copyright resources and webpages translated into Spanish. The release included five educational circulars, three music-related handouts, sixteen Frequently Asked Questions (FAQ) pages, a home page, a circulars page, and a contact page. Links to all of the new and updated resources are on the new Spanish-language home page, “Involucra su creatividad” (“Engage Your Creativity”).



The Copyright Office released several videos and updated Spanish-language materials in FY 2022.



A Copyright Office staff member organizes deposits to be reviewed for the Library's collection.

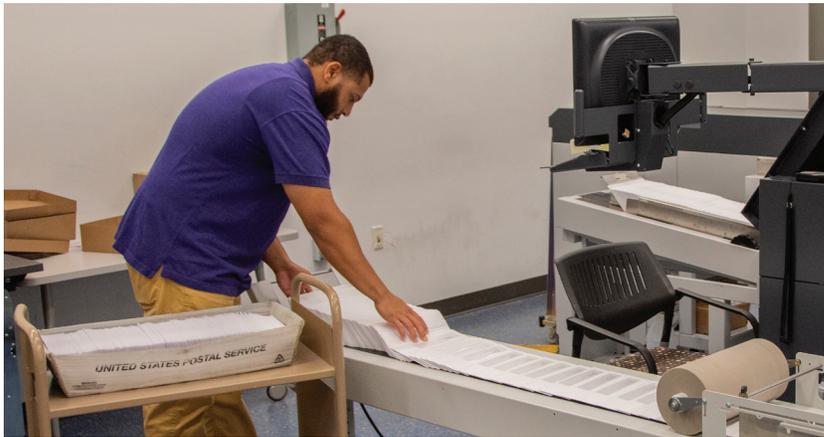
EXPANDING LIBRARY OF CONGRESS COLLECTIONS

Each year, the Office transfers hundreds of thousands of works to the Library of Congress, expanding its collections for the benefit of the public.

This fiscal year, the Office transferred 576,531 works valued at \$44,978,066 to the Library—books and e-books, serials and e-serials, motion pictures, CDs and DVDs, videos, photographs, works of art, and more.

As publishers began to emerge from pandemic conditions in FY 2022, the Office engaged with them on the availability of deposit copies. This resulted in a 134 percent increase in demands for deposits and a 34 percent increase in books deposited, compared to FY 2021. Through our special relief agreements with larger publishers, we provided Library users with 655,866 e-serial and e-book titles, valued at \$96.9 million.

Collaborating with the Library of Congress's Office of the Chief Information Officer (OCIO), we streamlined deposits by moving to a cloud-based server and building a delivery tool for small publishers, increasing the timely transfer of thousands of serial issues to the Library. This year, eDeposits continued to grow, and the e-serial collection expanded to more than 10,000 titles.



A Copyright Office staff member gathers printed certificates ready for mailing. The Office registered 484,589 claims in FY 2022.

PROVIDING ENHANCED SERVICES

The Office received 486,428 claims to copyright in FY 2022 and registered 484,589. Approximately 98 percent of applications were received electronically, with less than 2 percent by mail. This fiscal year, we eliminated the backup of physical deposits caused by the pandemic and shortened processing times. In the first half of FY 2022, the average overall processing time for examining all copyright claims was 3.6 months. Later in the fiscal year, the average dropped to 2.7 months. Fully electronic claims that did not require correspondence, which account for 62 percent of all claims, were on average processed in 1.2 months.

In FY 2022, the Office recorded 14,714 documents—paper and electronic submissions—containing 1,165,653 works. These documents pertained to transfers of copyright ownership, notices of termination, Music Modernization Act (MMA) filings, and designated agents of online service providers under the Digital Millennium Copyright Act (DMCA). A majority of the documents submitted in FY 2022 were processed within sixteen days.

The Office continued digitizing physical records, like statements of account, and expanding the digital repository of records available for public use. On the last day of FY 2022, the Copyright Office held \$1.3 billion in fiduciary assets for copyright owners and had distributed more than \$131 million in royalties during the fiscal year.

In July, the Office transitioned to a single electronic fund transfer method—Pay.gov—for payment of royalty and filing fees. This change offers payment options and allows remitters to make payments without contacting the Office to establish an account. To ensure a smooth transition, we developed a tutorial and FAQs and provided guidance by phone and email.

With more staff on-site in FY 2022, operations such as processing incoming mail and rerouting materials, which were backlogged at the start of the fiscal year, were quickly addressed. Staff pivoted to new workflows and demands, and these operations were current by late FY 2022.



CONTINUOUS DEVELOPMENT

The Office made considerable progress in our information technology (IT) modernization initiative. While this initiative is the keystone of our goal of continuous development, it is only the beginning. We plan to develop new systems without waiting for existing ones to become outdated. The Office will refresh and upgrade our technology on an ongoing basis, integrating, innovating, and building new tools to meet current and future needs.

ENTERPRISE COPYRIGHT SYSTEM

The Enterprise Copyright System (ECS), which the Office is building with the Library's OCIO, will update and link all of our services and create a web-based, cloud-hosted, user-friendly platform. ECS incorporates a number of different components: registration, recordation, public records, licensing, service request processing, and financial system integration.

Recordation

In FY 2022, we made the first ECS component available to the general public, opening up the online recordation system pilot for use by all on August 1, 2022.

This landmark release transitioned the Office from a fully paper-based, manual recordation process to an online self-service portal. Members of the public can now create an account and gain access to many of the features available through the recordation system, from online document submission to payment.

A Copyright Office staff member logs onto the newly released recordation system pilot, a component of the ECS under development.



The Copyright Public Records System was updated in FY 2022, adding new features and improving record-searching capabilities.



In FY 2022, the Office welcomed more than 2,200 unique users to the online recordation system pilot and hosted webinars to inform pilot users of updates, gather feedback and suggestions, and answer questions. As work continued on the system, we incorporated the feedback and suggestions into its design and development. We're continuing to collect user data and feedback to enhance the user experience. This includes user satisfaction as well as the pace and number of documents recorded electronically.

We have seen a meaningful increase in the number of users since the release, and processing times are down, now measured in weeks rather than months. In the pilot's first month of availability to the public, more than 100 organizations joined the program, and remitters filed 831 documents, submitting 13,850 works for recordation. In total in FY 2022, the Office recorded 5,959 documents and 255,106 titles of work through the portal.

Public Records

The Office has continued to add new features to the Copyright Public Records System (CPRS) pilot—twenty-six this fiscal year alone—with the goal of replacing the existing Public Catalog. The CPRS saw 70,000 unique visitors in FY 2022. We added a pop-up survey to gather more feedback from the public as well as a name directory with associated records, and hyperlinks to related registration numbers to improve record searches.

Registration

The largest ECS component is the new and improved online registration system. It is a complex and demanding project, but development continues apace with the introduction of thirty-nine new features in FY 2022.



The new online recordation system portal recorded 5,959 documents and 255,106 titles of works in FY 2022.

CONTINUOUS DEVELOPMENT

With most registration applications now transmitted electronically, the Office continued developing new features to enhance the registration process for both staff and users. This included a demo environment for testing and training, and moderated user testing of a prototype of the group registration application for unpublished works.

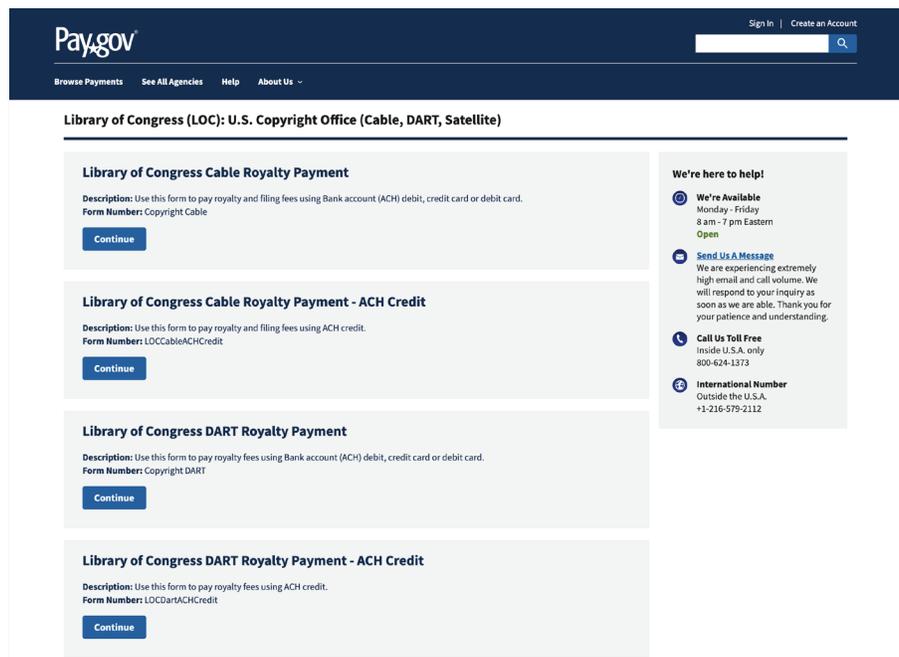
The current priority is enabling the upload of large files, like motion pictures, and large numbers of files, like photographs and newspapers, for group registrations. In FY 2022, work continued on a reimagined Standard Application form and on improving efficiency and automation for certain types of correspondence. When completed, the ECS registration system will represent major improvements over our current eCO system.

Licensing

This fiscal year, the Office introduced twenty-six new features to improve the licensing process, and the development of a new licensing application is in progress. Our goals include streamlining internal processes; reducing manual entry; and leveraging existing data, systems, and services.

In FY 2022, we moved to a single electronic funds transfer payment method for current, past, and future royalty and filing fee payments, when we integrated with Pay.gov. Our work transitioning cable filers to electronic statements of account continued this year, with a new high of 74 percent of filings submitted electronically.

The Licensing Section at the Copyright Office moved to a single electronic funds transfer payment method for current, past, and future royalty and filing fee payments through Pay.gov.



Service Requests

With the Service Request Processing (SRP) initiative, we are building a modern, flexible, user-focused system to manage research requests, including order and payment submissions. We awarded the contract in February 2022, and anticipate making a prototype of the service request portal available to a group of external users in early 2023. The SRP will allow customers to electronically submit, and staff to process, orders for copies of records and research services.

Contact Center

The Office's work to modernize call routing and reporting continued in FY 2022, with a contract to develop a state-of-the-art contact center awarded in September.

Public Input

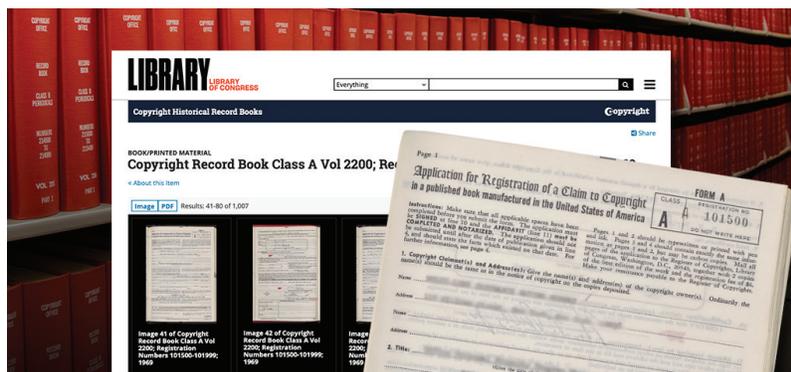
The Office consults with the Library's Copyright Public Modernization Committee (CPMC) to help ensure that ECS will meet the needs of the copyright community. The CPMC members represent a broad cross-section of interested groups and meets regularly to provide valuable input into the development of our services. The CPMC also serves as an ongoing public forum for sharing information, providing feedback, and answering questions related to ECS.

OTHER ONGOING PROJECTS AND INITIATIVES

Historical Record Books

The Copyright Office has digitized 4,794 of our more than 26,000 copyright record books, containing more than 26 million pages of records from 1870 through 1977. Beginning with an initial release in February 2022, 3,600 books were made available online at loc.gov by the end of the fiscal year, and we are adding new batches monthly in reverse chronological order. Digitizing and making these volumes accessible both expands research opportunities and bolsters preservation.

The Copyright Office has digitized 4,794 copyright record books and made available 3,600 of those online, with more being released monthly.



The head of the Records Management Division gives a tour of the new Copyright Office warehouse and describes the development of a new warehouse management system.



Warehouse Management System

Development of the Warehouse Management System (WMS) continued in FY 2022, with improved data solutions, testing, and training. The new system will optimize warehouse operations and deposit tracking functions and promote timely and reliable services. We also consolidated most deposits at the new warehouse, making searches and deliveries faster.

eCCB

The CCB's electronic filing and case management system (eCCB) went live on June 16, 2022, the day the CCB opened its doors. To make this possible, the Office, in collaboration with the Library's OCIO and contractors, expedited development of a system to handle electronic submissions as well as the long-term management, tracking, and reporting of documents, orders, and determinations. Since the launch of the CCB, we have continued to add enhanced features.

Managing Change

In FY 2022, the Office relaunched the Organizational Change Management Community of Practice for our staff. This is an internal framework for managing change through proactive two-way communications, engagement, and empowerment. Every other month, community members from across the Office meet to discuss topics, brainstorm solutions, evaluate best practices, and share updates.



IMPARTIAL EXPERTISE

The Copyright Office advises Congress, the courts, and other U.S. government agencies on copyright law and policy. We also provide authoritative information on copyright to the public and users of Office resources, establish regulations, and add our voice to international conversations about intellectual property. The Office makes available multiple opportunities to contribute comments or offer feedback, to ensure that the diverse views of the entire copyright community are part of our policy analyses, reports, and recommendations.

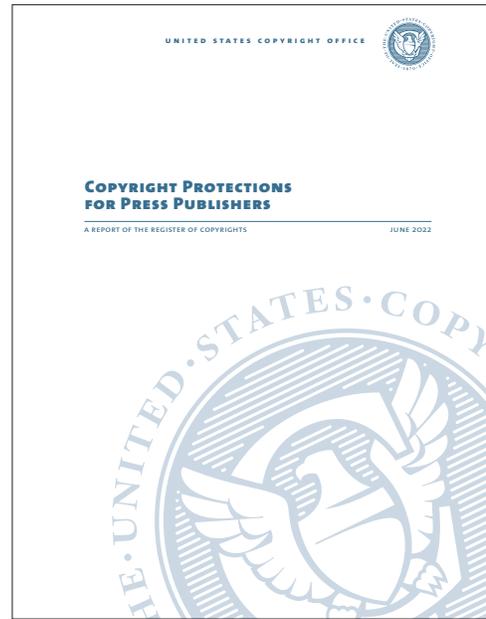
STUDIES AND REPORTS

FY 2022 was a busy year for congressional requests on issues related to copyright protection and enforcement. In response, we completed two studies and initiated two others.

Press Publishers’ Protections

Following a series of congressional hearings on reforms to digital copyright law in FY 2021, a group of six senators requested an evaluation of the effectiveness of current copyright protections for press publishers in the United States. They asked the Office to conduct a study to assess the viability of establishing “ancillary copyright” protections, similar to those adopted in the European Union (EU), which are intended to enable press publishers to obtain compensation from online news aggregators that use their content.

The Office issued a notice of inquiry and held a virtual roundtable to collect comments from the public on current law, the advisability of additional protections, and the potential impact on existing rights, exceptions, and limitations as well as international treaty obligations.



In a report published on June 30, 2022, the Office recommended against adopting new copyright protections for press publishers. We found that they have significant protections under existing U.S. law, without the gaps that ancillary copyright was intended to address in the EU. We concluded that the challenges of funding journalism in the internet era do not appear to be copyright specific.

Deferred Examination

On August 1, 2022, the Office responded to a request from Senator Thom Tillis for a study of the feasibility, benefits, and costs of creating a new option for copyright registration where examination of a claim may be deferred until requested by the applicant. The study concluded that a deferred examination option would not resolve the challenges with the current registration system identified by commenters. Rather, we found that offering such an option could lead to a costlier and less efficient system while creating new issues, including the reliability of the public record. At the same time, in recognition of the concerns raised, we expressed our commitment to identifying and implementing ways to ensure that the copyright registration system is meeting the needs of all.

Voluntary Technical Measures

The Office worked on a request from Senators Patrick Leahy and Thom Tillis to convene a group of relevant stakeholders “to achieve the identification and implementation of technical measures” used voluntarily to identify or protect copyrighted works online.

The Office received more than 6,000 comments and forty statements of interest to participate in consultations and held a public plenary, six moderated consultations, and six “office hour” sessions in FY 2022. After a concluding public plenary session in the first week of FY 2023, we will review all the comments as well as information received during the consultations, and report to Congress in early FY 2023.

Standard Technical Measures

In response to Senators Leahy and Tillis’s request, separately from our consultations on voluntary technical measures, the Office has been studying issues related to the DMCA condition for safe harbor eligibility requiring online service providers to accommodate and not interfere with “standard technical measures” (STMs) used to identify or protect copyrighted works.

In the Office’s 2020 report on section 512 of the Copyright Act, we noted that “not a single technology has been designated a ‘standard technical measure’ under section 512(i)” and suggested that confusion over its consensus requirements might be partly responsible.

To advise Senators Leahy and Tillis, the Office sought public comments on the interpretation of section 512(i) and the advisability of potential changes. We are reviewing the sixty comments received and will deliver a report to Congress on this issue as well in early FY 2023.

Deposits and Best Edition Requirements

In FY 2022, the Office continued our study of current deposit and best edition rules, which we initiated at the request of Senator Thom Tillis. He asked us to evaluate the deposit requirements of sections 407 and 408 of the Copyright Act and consider whether “removing the ‘best edition’ requirement from the registration deposit process in section 408 could help improve the registration process.”

The Office solicited public comments to inform our discussions with the Library of Congress about its needs concerning its collections and our needs concerning registration applications. We are examining the connection between deposits accompanying copyright registration and mandatory deposits for the benefit of the Library, the effect the best edition requirement has on registration, and the expanding role of electronic deposits in building the Library’s collections. The Office will deliver a report to Congress in early FY 2023.

HEARINGS AND CONGRESSIONAL SUPPORT

The Office also continued to provide general support and assistance to Congress on copyright matters in FY 2022.

Testimony

Register Perlmutter testified at a Copyright Office oversight hearing before the Senate Judiciary Committee’s Subcommittee on Intellectual Property on September 7, 2022, and joined the Librarian of Congress and others at the Senate Committee on Rules and Administration oversight hearing on the Library’s IT modernization efforts on October 21, 2021. The Register also provided testimony in support of the Office’s FY 2022 budget.



Register Perlmutter testifies at a Copyright Office oversight hearing before the Senate Judiciary Committee’s Subcommittee on Intellectual Property.

Additional Congressional Requests

The Office supported members of Congress by responding to a number of additional requests in FY 2022, including a request for a joint Copyright Office-U.S. Patent and Trademark Office study on IP issues involved in the use of non-fungible tokens (NFTs). We provided information relating to the operation of the MMA, including letters on royalty payment deadlines and the Digital License Coordinator. We also gave input on performing rights organization data and the Mechanical Licensing Collective (MLC). In response to other requests, we provided updates on our study of online publication and our provision of public information under the MMA, including on do-it-yourself music licensing.

In September 2022, the Register and the Director of the U.S. Patent and Trademark Office sent a joint letter to House and Senate Judiciary Committee leaders, reiterating our long-held support to amend the Copyright Act to require fair compensation to copyright owners and performers when their sound recordings are broadcast on “over the air” radio stations.

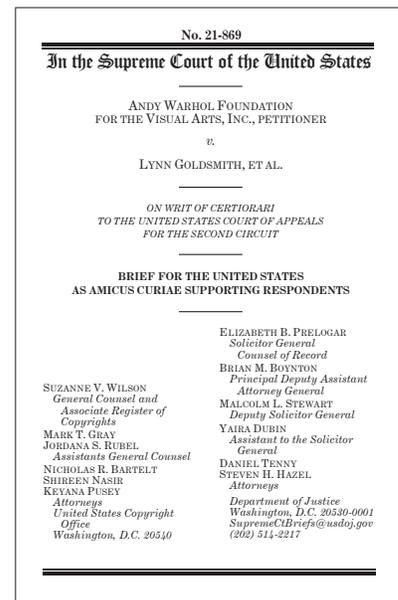
Pandemic Information

The Register kept Congress up to date on her monitoring of the situation regarding the use of Office services and any disruptions caused by the pandemic. She advised Congress that her authority under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to issue extensions for certain adjustments made during the pandemic would expire on December 31, 2021. In advance of that date, as we returned to normal operations in FY 2022, the Office informed the public of this time frame and provided instructions for parties who requested timing adjustments.

LITIGATION

The Copyright Office advised the Department of Justice (DOJ) and joined an amicus brief submitted by the United States in *Andy Warhol Foundation for the Visual Arts v. Goldsmith*, a pending U.S. Supreme Court case considering the application of the fair use doctrine.

The case involves a series of silkscreens created by Andy Warhol in 1984 based on a photograph of the musician Prince taken by photographer Lynn Goldsmith, one of which was licensed by the Warhol Foundation for use in a *Vanity Fair* tribute edition after Prince’s death in 2016. The question presented to the Supreme Court is whether a secondary work is transformative if it could reasonably be perceived to convey a different meaning or message than the original work.



In its brief supporting Goldsmith, the U.S. government argued that simply conveying a new meaning or message does not alone establish that a work is transformative and encouraged the court to consider all four of the statutory fair use factors in analyzing whether the Foundation’s licensing of the Warhol silkscreen was a fair use. The Supreme Court scheduled oral arguments for October 12, 2022, and we anticipate a decision in 2023.

In FY 2022, the Office responded to five requests from district courts to advise whether inaccurate information in an application for registration, if known, would have caused the Register to refuse registration. We also assisted the DOJ on two cases brought under the Administrative Procedure Act stemming from copyright registration refusals. The Office continued to advise the government in defending against constitutional challenges to section 407’s mandatory deposit requirement and to section 1201’s anticircumvention provisions.

COPYRIGHT OFFICE REVIEW BOARD

When the Office refuses a claim for registration, the applicant has two opportunities to make requests for reconsideration: first to the Registration Program itself, and second to the Office’s Review Board if the Registration Program upholds the refusal.

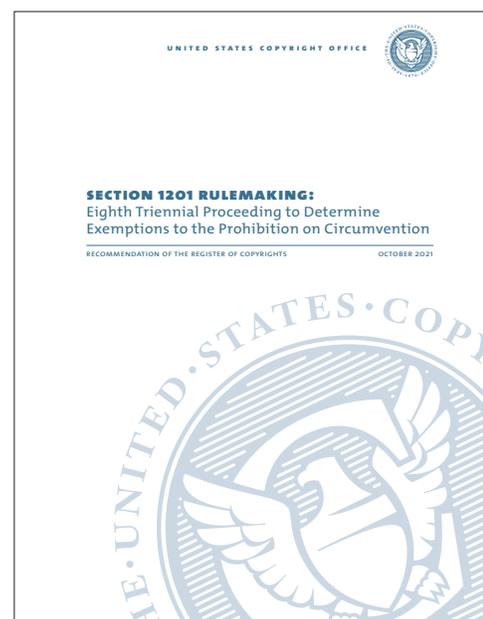
Of the hundreds of thousands of applications containing millions of works submitted each year, the Office refuses only a small number for lack of creativity or noncompliance with other requirements. In FY 2022, the Office refused approximately 3.4 percent of the 486,428 claims received. We received 429 first requests for reconsideration and 90 second requests. The Review Board issued twenty-two written decisions on second requests for reconsideration involving fifty-three separate works.

REGULATORY ACTIVITY

Eighth Triennial Section 1201 Rulemaking Proceeding

In FY 2022, the Office completed the eighth triennial rulemaking proceeding under the DMCA, codified in part in section 1201 of the Copyright Act. That section provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may adopt temporary exemptions to its prohibition against circumvention of technological measures that control access to copyrighted works.

The goal of the proceeding is to determine whether, over the next three years, users of particular classes of works are, or are likely to be, adversely affected in their



ability to make noninfringing uses due to the prohibition on circumventing access controls. For identified classes, the Librarian promulgates regulations exempting them from the prohibition for the three-year period that follows.

In early FY 2022, the Office recommended, and the Librarian adopted, rules renewing seventeen prior exemption classes. We considered seventeen additional new or expanded exemptions and recommended the adoption of fourteen. These new or expanded exemptions included permitting text and data mining of motion pictures and literary works for scholarly research, allowing the unlocking of all types of wireless devices, and permitting the repair of software-enabled consumer devices.

CASE Act and the Copyright Claims Board

As described above, the CASE Act established the CCB, a voluntary “small copyright claims” tribunal, with monetary damages capped at \$30,000 per proceeding.

The Act directed the Office to adopt regulations to govern the CCB and its procedures. As part of this process, we published multiple notices of proposed rulemakings and final or interim rules. We finalized all regulations within eighteen months of the Act’s passage, so the CCB could open its doors in June 2022.

Regulations finalized in March addressed procedures for libraries and archives to preemptively opt out of all CCB proceedings; requirements for designating a service agent, amending the designation, and maintaining a directory of designated service agents; and procedures for initiating a proceeding, opting out, and filing a response and any counterclaims.

In April, we finalized a rule governing the representation of parties by law students and the representation of business entities by authorized individuals. In May, we finalized a rule governing active proceedings, including procedural practice and party management, written testimony, hearings, rehearings, discovery, and party conduct. We asked for additional public comments regarding regulations governing “smaller claims”—those claims where total damages sought do not exceed \$5,000, which are subject to different, more streamlined procedures.

Music Modernization Act (MMA)

The MMA required the Office to adopt regulations governing the new blanket mechanical statutory license, which became available on January 1, 2021. The Office issued all regulations needed to implement the MMA in early 2021; however, we adopted multiple rules on an interim basis to maintain flexibility and allow for modifications in response to new evidence, unforeseen issues, or unintended functions. On May 24, 2022, we issued a supplemental interim rule amending the regulations governing digital music providers’ requirements for reporting adjustments and annual usage.

Remitter Payment Options and Deposit Account Requirements

On September 30, 2022, the Office finalized a rule to consolidate regulatory provisions related to payment options for our services, update regulations to articulate current Office practices, simplify requirements for maintaining a deposit account, and clarify procedures related to noncompliant accounts.

INTERNATIONAL ACTIVITIES

In FY 2022, the Office continued work on international copyright and trade matters, collaborating with counterparts in other U.S. government agencies. Along with the Office of the U.S. Trade Representative (USTR), the U.S. Patent and Trademark Office, and the State Department, we participated in meetings to discuss intellectual property topics, from bilateral matters to international issues affecting enforcement. We also participated in virtual programs with international audiences to exchange information on the U.S. and international copyright systems.

International Copyright Institute

In collaboration with WIPO, we resumed our premier training event for foreign copyright officials with an in-person International Copyright Institute during the week of September 26, 2022.



The Copyright Office hosted participants from twenty-one countries for the International Copyright Institute in September.

Participants from twenty-one countries came to Washington, DC, to discuss copyright issues in the digital age. Panel discussions and presentations addressed the topics of treaty obligations; licensing digital works; intergovernmental coordination; advantages of registration systems; and the roles of libraries, museums, and archives.

Supporting Executive Branch Agencies

Office staff serve on official delegations and negotiating teams to support USTR and other executive branch agencies. In FY 2022, we participated in the U.S. government delegation to WIPO's Standing Committee on Copyright and Related Rights, which discussed copyright limitations and exceptions as well as a proposed treaty to protect broadcasting organizations against signal piracy.

The Office also served on the U.S. delegation to WIPO's Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore, where negotiations continue on an international instrument concerning traditional knowledge and traditional cultural expressions. We participated in the annual Special 301 review led by USTR and engaged in regular consultations with executive branch agencies on copyright law and enforcement developments in other countries, World Trade Organization trade policy reviews and accessions, and other programs.



The Copyright Office participated in the U.S. government delegation to WIPO's Standing Committee on Copyright and Related Rights.



FY 2022 ANNUAL REPORT

ENHANCED USE OF DATA

Another way in which the Office is increasing access to the copyright system is through the enhanced use of data. We are analyzing data to shape policies, measure performance, and understand the evolving needs of the copyright community. We are developing and implementing economic research plans to inform our future outreach. And we are making more data available and accessible to help advance the state of copyright knowledge.

USE OF DATA TO INFORM POLICY

The *Women in the Copyright System* report is an example of how the Office is enhancing our use of data. The study drew on a rich internal database of registration records to produce insights into gender disparities.

When the Office published the report in June 2022, we also released the underlying data. This was the largest bulk dataset on copyrights ever released to the public and a first for the Office; we plan to continue to make data available in useful formats. Our chief economist is working with academic researchers to develop the most impactful data resources, so they can use them to increase knowledge about, and access to, the copyright system.

The chief economist discussed the report, the bulk data release, and the general role of economics in copyright policy with the media, stakeholders, and academic researchers in FY 2022. These activities have spurred substantial interest, which should help increase research and the production of empirical evidence.

In FY 2022, the chief economist also began developing a comprehensive research agenda to support evidence-based operational decisions and policy conclusions.

MANAGING DATA

The Office's data management initiative aims to use data from our internal systems to improve services, identify gaps, and measure success. This includes methods and best practices for data governance, data quality, digital asset management, data warehousing, and data architecture management.



The Office released twenty-six data sets containing copyright registration and renewal records, and recorded document records, from January 1, 1978, to July 8, 2021, for the *Women in the Copyright System* Report.

CAPTURING METADATA FOR CARD CATALOG SEARCHES

Work continued on the Office's card catalog metadata project. This project involves capturing metadata from digitized card catalog images to improve optical character recognition. The improved metadata will create searchable keywords and make it possible for users to search and retrieve card images. We captured metadata for over 500,000 registration application card images in FY 2022.

PROTECTING PERSONAL INFORMATION

The Office conducted a study to determine whether certain older copyright records contained personally identifiable information (PII) that could present risks as we implement the new CPRS. After we discovered some PII issues, such as active deposit account numbers on documents, we concluded that closing existing deposit accounts and reissuing them with new account numbers would prevent misuse when the documents become publicly available. We hosted a webinar, sent letters to account holders, created FAQs, and added notifications to deposit account statements to communicate this change. This project is underway and expected to be completed in June 2023. The Office also maintains a statutory procedure for the removal of any other PII from public records upon request, using a form available on the website.

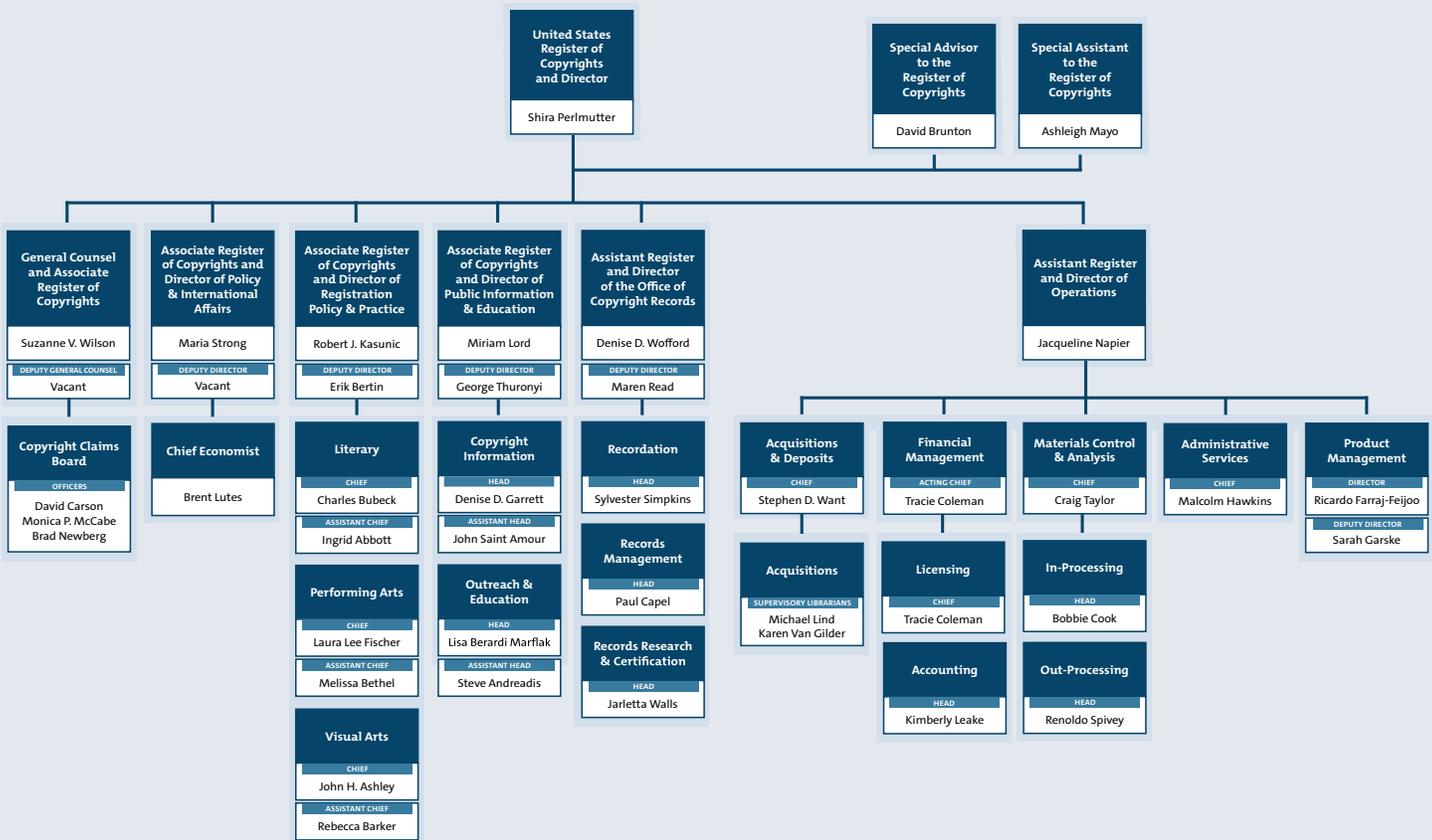
VIEWING DATA IN NEW WAYS

In FY 2022, the Office built sixteen new dashboards to make data more visible to staff, enhance operations, and strengthen data-related decision-making. Dashboards are assisting us with everything from tracking to spotting trends to assessing turnaround times. We can see average processing time statistics for all claims, know if we are waiting for a physical deposit to process a claim, and track correspondence rates. One dashboard identified our top recordation submitters, to determine the initial participants in the online recordation system pilot.



APPENDICES & TABLES

Organization of the United States Copyright Office as of September 30, 2022



Copyright Registrations, 1790–2022

<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>	<i>Date</i>	<i>Total</i>
1790-1869	150,000 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 ⁶
1894	62,764	1925	167,863	1956	224,908	1986	561,208 ³	2017	452,122 ⁶
1895	67,578	1926	180,179	1957	225,807	1987	582,239 ³	2018	560,013 ⁶
1896	72,482	1927	186,856	1958	238,935	1988	565,801	2019	547,837 ⁶
1897	75,035	1928	196,715	1959	241,735	1989	619,543 ⁴	2020	367,307 ⁶
1898	75,634	1929	164,666	1960	243,926	1990	643,602	2021	403,593
1899	81,416	1930	175,125	1961	247,014	1991	663,684	2022	484,589
								Total	40,116,623

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.

6 Total registrations for FY2016 through FY2020 have been adjusted, due to an error in reporting in previous years.

Number of Registrations by Subject Matter, Fiscal 2022

<i>Category of Material</i>	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Literary works:			
<i>Textual works, including computer programs</i>	132,133	56,831	188,964
Serials:			
<i>Single serial issues</i>	25,437	—	25,437
<i>Group Daily Newspapers/Newsletters</i>	1,410	—	1,410
<i>Group Serials</i>	3,050	—	3,050
Total literary registrations	162,030	56,831	218,861
Works of the performing arts:			
<i>Musical, dramatic, choreography, pantomimes, motion pictures, and audiovisual works</i>	58,659	47,741	106,400
Sound recordings	30,956	39,173	70,129
Total performing arts registrations	89,615	86,914	176,529
Works of the visual arts:			
<i>Two-dimensional works of fine and graphic art, sculptural works, technical drawings and models, photographs, cartographic works, commercial prints and labels, works of applied arts, and architectural works</i>	51,861	37,002	88,863
Total basic registrations¹	303,506	180,747	484,253
Renewals	236	—	236
Mask work registrations	41	—	41
Vessel design registrations	16	—	16
GATT registrations	43	—	43
Grand total all registrations			484,589
Preregistrations			545
Supplementary Registrations			1,753

¹ Total includes group registrations containing multiple works

Financial information published in this table is unaudited.

Fee Receipts and Interest, Fiscal 2022

<i>Fees</i>	<i>Receipts Recorded¹</i>
Copyright Registration	\$32,530,726
Registration Special Handling/Expedited Services	\$2,544,000
Preregistration	\$125,820
Renewal Registration	\$11,575
GRTX (Short Online Literary Works)	\$23,140
Vessel Hull Design Registration	\$11,160
Mask Works Registration	\$300
Subtotal	\$35,246,721
<hr/>	
Recordation of Documents	\$2,769,310
RMS – DA (Deposit Account)	\$379,385
RMS – Non DA	\$508,820
Recordation Special Handling/Expedited Services	\$107,250
RMS – DA – Special Handling	\$550
RMS – Non DA –Special Handling	\$6,050
Certifications	\$876,939
Other Services & Fees	\$133,239
DMCA	\$42,324
Searches	\$38,300
Other Licensing Fees	\$8,830
Electronic CCB Payment	\$7,080
CCB DSAD (Designated Service Agent Directory)	\$438
Subtotal	\$4,878,515
<hr/>	
Total Receipts Recorded	\$40,125,236
<hr/>	
Investment Earnings	\$43,983
Reconciling Transactions ²	\$1,628
<hr/>	
Fee Receipts and Interest Applied to the Appropriation³	\$40,170,847

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 2022¹

<i>Category of Work</i>	<i>Registered Works Transferred</i>	<i>Non-registered Works Transferred</i>	<i>Total Works Transferred</i>	<i>Average Unit Price</i>	<i>Estimated Value of Works Transferred</i>
Books¹	49,379	262,749	312,128		\$28,246,203
Book-hardbound	22,656	11,814	34,470	\$96.47	\$3,325,321
Book-softbound	26,723	8,107	34,830	\$43.26	\$1,506,746
e-books (ProQuest)	0	51,301	51,301	\$6.01	\$308,319
e-books (special relief) ³	0	191,527	191,527	\$120.64	\$23,105,817
Serials¹	39,263	210,396	249,659		\$16,006,038
Periodicals ²	25,439	128,557	153,996	\$58.48	\$6,303,980
Newspapers and e-Prints ¹	13,824	26,499	40,323	\$2.00	\$80,646
e-Journals ³	0	55,340	55,340	\$173.86	\$9,621,412
Microforms	0	409	409		\$102,250
Microfilm	0	409	409	\$250.00	\$102,250
Microfiche	0	0	0	\$15.48	\$0
Motion Pictures	13	3	16		\$227,551
Film-35mm/70mm/IMAX ¹	13	0	13	\$17,503.89	\$227,551
Film 16mm	0	0	0	\$1,500.00	\$0
DCP/HDCAM	0	3	3	\$3,000.00	\$9,000
CD	8,875	458	9,333	\$20.00	\$186,660
Vinyl Record	1,062	188	1,250	\$26.14	\$32,675
DVD	2,039	24	2,063	\$30.00	\$61,890
Video recordings (Videotape)	66	0	66	\$157.86	\$10,419
Printed music	659	121	780	\$83.73	\$65,309
Maps	142	1	143	\$66.29	\$9,479
Prints, Posters, Photographs, Works of Art	84	7	91	\$53.94	\$4,909
Subtotal	101,582	474,356	575,938		\$44,953,383
Copyright Historical Public Records Review Project⁴					
Prints, Posters, Photographs, Works of Art	449	0	449	\$53.94	\$24,219
Music Box Discs ⁵	137	0	137	—	—
Maps	7	0	7	\$66.29	\$464
Subtotal	593	0	593		\$24,683
Total	102,175	474,356	576,531		\$44,978,066

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 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 Acquisitions & Deposits 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.

3 Totals include certain e-books and e-serials for which online access is negotiated with publishers for the Library of Congress under section 407.

4 Includes amounts transferred to Library collections through the Copyright Historical Public Records Review Project.

5 Value of these materials varies greatly and could not be accurately determined.

Non-Fee Information Services to the Public, Fiscal 2022

Public Information and Education

In person	471
By correspondence	5,865
By email	105,128
By telephone	93,095

Total **204,559**

Materials Control and Analysis Division

By correspondence	465
By email	74,166
By telephone	5,323

Total **79,954**

Licensing Division

By correspondence or email	1,243
By telephone	382

Total **1,625**

Acquisitions and Deposits Division

By correspondence or email	6
By telephone	6

Total **12**

Grand Total **286,150**

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).

Forms and Publications

(202) 707-9100 or 1-877-476-0778 (toll free)

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