



Reform of the U.S. Copyright Office

The 20th Century statutory framework for the U.S. Copyright Office is not sufficient to meet the needs of a modern 21st Century copyright system. To update the Office for the future, a significant investment of funds and changes to how the Office operates are required.

The Register of Copyrights and Copyright Office Structure

The Copyright Office should remain part of the Legislative Branch where it can provide independent and timely advice to Congress on copyright law and policy. Furthermore, the Copyright Office should have autonomy over its budget and technology needs.

Currently, the Register is not subject to the same nomination and consent process as other senior government officials. To ensure that the American people have an opportunity to provide input into the selection of future Registers of Copyright through their elected officials, the next Register and all that follow should be subject to a nomination and consent process with a 10-year term limit, subject to potential re-nomination. The Copyright Office should also add several positions to advise the Register including a Chief Economist, Chief Technologist, and a Deputy Register.

Copyright Office Advisory Committees

As copyright creation and distribution rapidly changes due to technological advances, the Copyright Office needs to have quicker information regarding marketplace changes as it develops policies and provides guidance to federal agencies. Other federal agencies have standing advisory committees that enable a more efficient knowledge transfer from the private sector to federal agencies. This model should be duplicated at the Copyright Office.

The Copyright Office of the future should have a combination of permanent and ad-hoc advisory committees to advise the Register on critical issues. Members of these committees should reflect a wide range of views and interests. Permanent advisory committees should be created that focus on issues that include but are not limited to the registration and recordation system, public outreach efforts, access for the visually impaired, and issues related to libraries, museums, and archives. To ensure that a diverse set of voices is represented, committee membership should be term limited and the ability of individuals to serve on more than one committee should be limited.

Information Technology Upgrades

The Copyright Office has released an IT modernization plan with an estimated cost of \$165 million over 5 years. The Committee welcomes the thoroughness of the plan and urges the quickest rollout possible. Although the Library of Congress is building a datacenter in Virginia for its own collections, this datacenter is more appropriate for archival purposes than the needs of a modern copyright economy. The Register should have the autonomy to determine whether the costs and reliability of using this datacenter for its future IT needs match or exceed what can be obtained from private sector providers and choose accordingly.

The Copyright Office should maintain a searchable, digital database of historical and current copyright ownership information and encourage the inclusion of additional information such as licensing agents that would be available to the public. This database should allow copyright owners to include additional metadata, such as standardized identifiers, for a fee. The Copyright Office should also be allowed to charge a fee for high speed, high volume access to this database.

The Copyright Office needs the authority to build up reserve accounts and offer additional fee-for-service options that would generate revenue for IT modernization. In addition, the Copyright Office should be authorized to undertake pilot projects to increase the federal registration of copyrights.

Small Claims

The Copyright Office should host a small claims system consistent with the report on the issue released by the Copyright Office. The small claims system should handle low value infringement cases as well as bad faith Section 512 notices. The Register should be given the authority to promulgate regulations to ensure that the system works efficiently.

