

The Office of Registration Policy and Practice

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**Associate Register of Copyrights
and Director of Registration Policy
& Practice**

January 21, 2016

Priorities for the Registration Program

- **New Online Registration Portal**
- **Program Realignment**
 - Creation of Deputy Position
 - New Staff Attorneys
 - Subject Matter Experts
 - Improved Q/A by Supervisory Examiners
- **Improved Communication**
- **Proactive Communication**
- **Deposit Requirements/Best Edition**



Priorities for the Registration Program

- Instill our fundamental goals into everything we do:
 - Quality
 - Clarity
 - Efficiency
- Make the culture shift from “Can I clear this?” to “How is this claim most appropriately handled?”
 - Registered?
 - Refused?
 - Questioned?
 - Clarified?
 - Annotated?
 - Internally Discussed?



Priorities for the Registration Program

Ongoing Internal Training

- Continued training on established Office practices and *Compendium (Third)*.
- Training in more uniform practices across all divisions.
- New Examiner Handbook.
- Upcoming writing training classes.
- Required copyright law classes for all copyright Examiners.
- Desk management and workflow efficiency training.
- Office software and computer training.



Staffing the Registration Program

- Twenty Three (23) new Examiners to be chosen and trained.
- New Team Leaders and Trainers (likely this FY).
- Postings for additional permanent Team Leaders in FY2017 likely.
- Postings for Subject Matter Experts in FY 2017 likely.
- Overtime availability for all three Divisions (Performing Arts, Literary, and Visual Arts).





**U.S. Copyright Office Strategic Plan
2016-2020**



STRATEGIC PLAN
2016–2020

Positioning the United States Copyright Office for the Future

No sensible decision can be made
any longer without taking into
account not only the world as it is,
but the world as it will be.

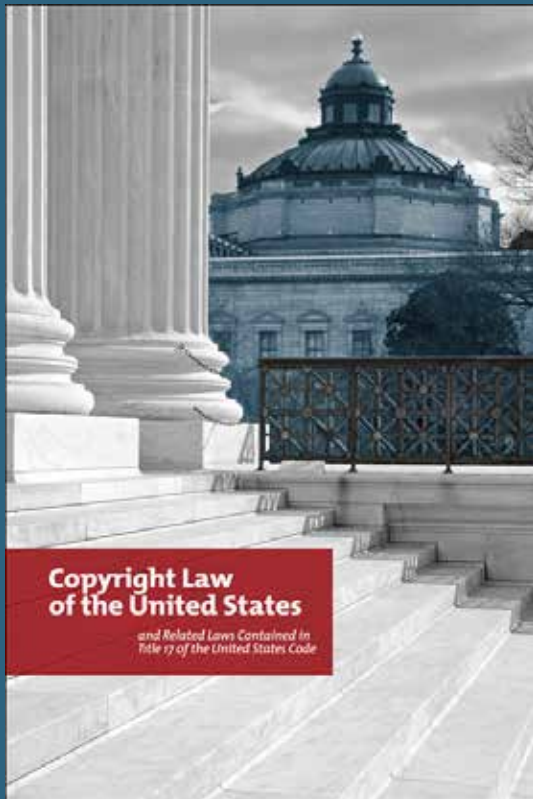
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Six Strategic Goals of the United States Copyright Office

1. Administer the copyright laws of the United States effectively, efficiently, and skillfully for the benefit of authors and the public.
2. Make copyright records easily searchable and widely available to authors, entrepreneurs, and all who need them.
3. Provide impartial expert assistance to Congress, executive branch agencies, and the courts on questions of copyright law and policy.
4. Deliver outstanding information services, educational programs, authoritative publications, and other expert resources to individuals, businesses, and other organizations.
5. Build a robust and flexible technology enterprise that is dedicated to the current and future needs of a modern copyright agency.
6. Recruit a diverse pool of legal, technology, and business experts, including a dedicated career staff, non-career professionals, contractors, and advisory committees.



1. Administer the copyright laws of the United States effectively, efficiently, and skillfully for the benefit of authors and the public.



- Administer a **Modern System** for Registering Copyright Interests in Original Works of Authorship.
- **Create Balanced and Effective Mandatory Deposit Requirements.**
- Address New Statutory Assignments, Regulatory Priorities, and Strategic Goals as Necessary.





Modern Registration System

- Establish new and updated practices to examine, register, and accurately document complex or emerging areas of authorship.
 - Assess special issues relating to registration and deposit protocols for emerging forms of digital dissemination of works across the spectrum of creative industries, including software, photography and images, publishing, motion pictures, video games, and music.
 - Identify and make appropriate changes to Office policy and procedures in response to statutory changes, judicial opinions, and emerging business standards.
 - Undertake new rulemakings, as appropriate, in accordance with these duties.
- Decrease pendency times for examining and issuing registrations or refusals.

Copyright Office fees are subject to change. For current fees, check the Copyright Office website or when copyright you write the Copyright Office, or call 1-202-755-3000.

Form PA
Copyright Registration Form
Performances, Sound Recordings, and Derivative Works

PLEASE PRINT. Performances, Sound Recordings, and Derivative Works. Copyright Office, U.S. Department of Justice, Copyright Division, 1077 Constitution Avenue, NE, Washington, DC 20002. For more information, visit the Copyright Office website at www.copyright.gov.

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF YOUR WORK: #
PERIODIC OR ALTERNATIVE TITLES: #
NATURE OF THIS WORK: #

2 a NAME OF AUTHOR: # DATE OF BIRTH AND DEATH: #
b NAME OF AUTHOR: # DATE OF BIRTH AND DEATH: #
c NAME OF AUTHOR: # DATE OF BIRTH AND DEATH: #

3 a DATE OF PUBLICATION OF THIS WORK: # b DATE AND PLACE OF FIRST PUBLICATION OF THIS MATERIAL: #

4 CONFIDENTIAL CLAIMANT'S NAME AND ADDRESS: # APPLICATION RECEIVED: #
ONE COPY RECEIVED: #
THREE COPIES RECEIVED: #
FIVE COPIES RECEIVED: #

NOTE: This form is to be used for the registration of performances, sound recordings, and derivative works. It is not to be used for the registration of literary, musical, dramatic, or pictorial works. For more information, visit the Copyright Office website at www.copyright.gov.





Create Balanced and Effective Mandatory Deposit Requirements

- Work with Library acquisition experts to identify works and formats that are of interest and value to the national Library collection.
- Critically examine the statutory, regulatory, and practical scope of mandatory deposit rules.
- Analyze possible revisions to best edition requirements, demand for disseminated or unpublished formats, and preservation needs, incorporating public input.
- Evaluate issues relating to the security, terms, and conditions under which deposited works are made part of the Library's holdings and may be made available to the public.



2. Make copyright records easily searchable and widely available to authors, entrepreneurs, and all who need them.



- Make Registrations, Licenses, and other Copyright Records more Accessible and Useable to the Global Public.
- Allow Public to view Records in a more cohesive and comprehensive fashion.
- Bring Pre-1978 Records Online.
- Offer Business to Business services to allow public and private entities to share data.
- Provide comprehensive search reports and timely inspection of records.

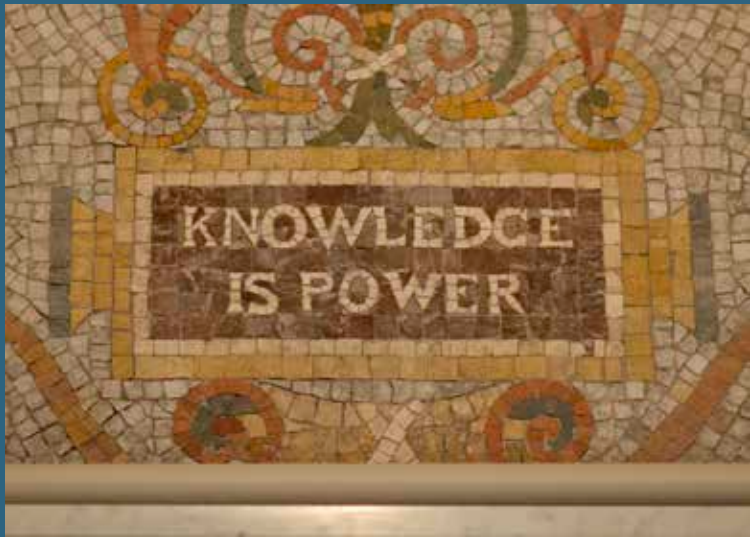


3. Provide impartial expert assistance to Congress, executive branch agencies, and the courts on questions of copyright law and policy.

- Work closely with Members of Congress regarding interpretation of the Copyright Act and Domestic and International Policy Issues.
- Provide support to Executive Branch Agencies on Copyright Law, Trade, and Treaty issues.
- Provide support to the courts regarding interpretation of the Copyright Act and other provisions of Title 17.



4. Deliver outstanding information services, educational programs, authoritative publications, and other expert resources to individuals, businesses, and other organizations.



- Improve and expand customer support services.
- Offer dynamic content via a State-Of-The-Art website.
- Reach out to a wider national and international audience with educational programming regarding copyright Issues.
- Publish and disseminate expert resources for the use of authors, copyright owners, and the public.



5. Build a robust and flexible technology enterprise that is dedicated to the current and future needs of a modern copyright agency.



- Securely integrate cloud and mobile technologies.
- Employ sound policies for acquisition and management of technology investments.



6. Recruit a diverse pool of legal, technology, and business experts, including a dedicated career staff, non-career professionals, contractors, and advisory committees.

Performance Objectives:

- Align business units and career positions with the Office's priorities.
- Put work-life balance and other retention incentives in place for qualified staff and potential leaders.
- Develop short-term and supplementary programs and employ untapped resources.
- Create special committees and advisory circles that include public and private sector experts to inform the work of the Office.



Align business units and career positions with the Office's priorities.

- Build a qualified team of technology professionals to manage enterprise systems and projects on a dedicated basis with focused training in, and accountability to, copyright systems.
- Align resources to create new positions to ensure necessary expertise in law, business, and copyright administration.
- Strengthen resources and program for expert training and career development at all levels.



Put work-life balance and other retention incentives in place for qualified staff and potential leaders.

- Expand telework options and job-share programs.
- Expand education support, awards, and distinctions.



Develop short-term and supplementary programs and employ untapped resources.

- Strengthen the ongoing viability of programs for early career professionals, scholars in residence, student interns, and academic partnerships with law schools and universities.
- Strategically utilize qualified contractor support, as appropriate, to meet targeted needs.



Funding the Future

- Investments are necessary to meet the goals outlined in the Strategic Plan.
- Funding should come from:
 - Fees paid by authors, corporate entities, and other customers, with appropriate accommodations for small actors; and
 - Annual appropriated dollars that reflect the value of Copyright Office services to entrepreneurs, the public, and the economy.



Funding the Future

- The Office should have more sophisticated fiscal authority, including the ability to:
 - Manage policies for Office investments, systems, and acquisitions processes;
 - Submit appropriations requests and operating plans directly to Congress;
 - Adopt a flexible fee schedule that differentiates between large and small actors;
 - Spend fee receipts as needed;
 - Work with outside entities consistent with government contracting requirements and conflict of interest considerations.
- The Office plans to see public comment regarding funding needs and strategies.



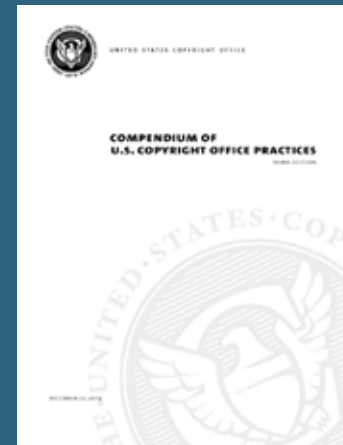
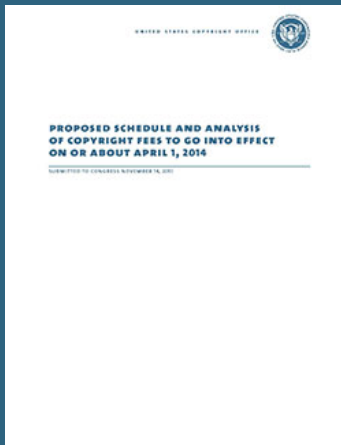
Past Modernization Efforts and Accomplishments

- **New Business Units and Special Programs**
 - Office of Chief Information Officer (2013)
 - Office of Public Records and Repositories (2014)
 - Office of Public Information & Education (2014)
 - Office of Chief Financial Officer (2015)
- **New Deputy Officers**
 - Office of General Counsel (Sarang V. Damle)
 - Office of Policy and International Affairs (Maria Strong)
 - Office of Registration Policy and Practice (Erik Bertin)
- **Abraham L. Kaminstein Scholar in Residence Program (2013)**
 - Professor Robert Brauneis (2013-2014)
 - Professor Zvi Rosen (2015-2016)
- **Barbara A. Ringer Copyright Honors Program (2013)**
- **Copyright Matters Lecture Series (2011)**



Administrative and Priorities Publications

- Report and Recommendations of the Technical Upgrades Special Project Team (2015).
- Compendium (Third) of U.S. Copyright Office Practices (2014).
- Transforming Document Recordation at the United States Copyright Office (2014).
- Fee Study (2013).
- Priorities and Special Projects of the U.S. Copyright Office (2011).



Policy Studies and Resources

- Fair Use Index (2015).
- Orphan Works and Mass Digitization (2015).
- Copyright and the Music Marketplace (2015).
- Resale Royalties: An Updated Analysis (2013).
- Copyright Small Claims (2013).
- Federal Copyright Protection for Pre-1972 Sound Recordings (2011).
- Satellite Television Extension and Localism Act § 302 Report (2011).



Copyright Office Modernization Hearings, Written Testimony, and Speeches

Hearings:

- The Register's Perspective on Copyright Review (April 2015).
- U.S. Copyright Office: Its Functions and Resources (March 2015).



- Oversight of the U.S. Copyright Office (2014).
- The Register's Call for Updates to U.S. Copyright Law (2013).



Copyright Office Modernization Hearings, Written Testimony, and Speeches



Speeches:

- *Review and Reflection: Copyright Hearings and Related Discourse in the Nation's Capitol* (2014).
- *The Next Generation Copyright Office: What it Means and Why it Matters* (2014).
- *The Curious Case of Copyright Formalities* (2013).
- *The Next Great Copyright Act* (2013).
- *Orphan Works & Mass Digitization: Obstacles & Opportunities* (2012).



Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”



Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”

Discussion Draft Introduced June 5, 2015

Bill Introduced December 11, 2015

- Sponsored by Representative Tom Marino
- Co-Sponsored by:
 - Representative Judy Chu
 - Representative Barbara Comstock
- Referred to the House Judiciary Committee

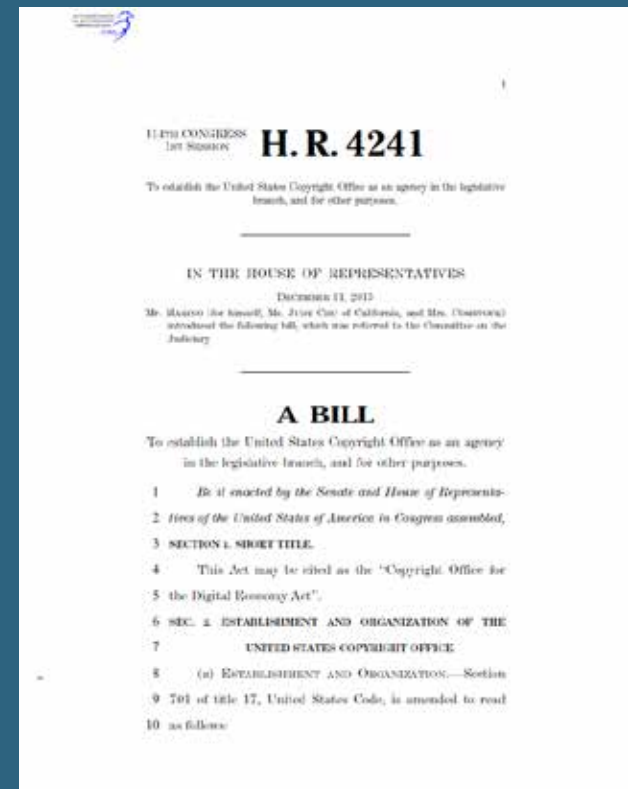


Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”

Main Points:

- Establishes the U.S. Copyright Office as an **independent agency** within the Legislative Branch.
- Director to be **appointed by the President** for one ten year term with the advice and consent of the Senate.
- Transfers administrative functions and legal duties from the Library to the Copyright Office.
- Allows the Copyright Office to deliver any and all communications directly to the legislative branch, free of executive review.
- Allows the Copyright Office the authority to make purchases and enter into contracts.



Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”

Mandatory Deposit

- Mandatory Deposit requirements of § 407 would remain in force.
- The Copyright Office would no longer be required to demand and obtain the “best edition” of a work for copyright registration under § 408.
- The Director would create new regulations specifying the types of “examination copies” would be acceptable.
- The Library would be granted access to “examination copies” solely to determine whether they will demand a copy under § 407.



Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”

Mandatory Deposit Study

- The Office is directed to seek public comment and complete a study on the Mandatory Deposit provisions under the law.
- The Office must provide observations and recommendations regarding the legal and administrative conditions under which the Copyright Office may transfer to the Library the responsibility for administering § 407.

Submit a Comment

Name

Email

Comment





Copyright Office For The Digital Economy Act—H.R. 4241

The “CODE Act”

Additional Important Points:

- **Carryover of Personnel**
- The term “**Register**” is replaced with “**Director**”
- The new Director will appoint a **Deputy Director**
- “**Technology Studies**” required periodically:

“in order to ensure that the Office has the technology and staff necessary to establish and maintain a modern copyright system.”
- Creation of a **Copyright Advisory Board**



Thank You

