



UNITED STATES COPYRIGHT OFFICE
ANNUAL REPORT

FY 2021

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HIGHLIGHTS

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

Librarian of Congress Carla Hayden appointed Shira Perlmutter as the fourteenth Register of Copyrights on October 25, 2020. Maria Strong, who had served as Acting Register, returned full-time to her position of Associate Register for Policy and International Affairs. Other leadership changes included Kevin Amer serving as Acting General Counsel upon Regan Smith's resignation and George Thuronyi serving as interim director of public information and education upon Catherine Zaller Rowland's resignation.

In May 2021, Register Perlmutter announced an Office reorganization to enhance collaboration by consolidating USCO's operational functions under one umbrella, creating the new Office of the Assistant Register and Director of Operations, led by Jody Harry. The reorganization also incorporated changes to several division names to communicate the nature of their work more clearly. USCO's new organization chart can be found in the appendices of this report.

The reorganization also allowed for the creation of the Copyright Claims Board (CCB), as required by the passage of the Copyright Alternative in Small-

Claims Enforcement (CASE) Act of 2020. The CASE Act instituted a voluntary, streamlined adjudication process in the Copyright Office to consider copyright disputes regarding small claims for damages not exceeding \$30,000. The CASE Act is the culmination of years of work by the Copyright Office at the request of Congress to address the need for a more efficient and economical option in resolving claims with a relatively low economic value. The law requires the CCB to be operational by December 27, 2021, with the possibility of delaying until June 2022 for just cause. The Librarian has appointed three Copyright Claims Officers: David Carson, Monica P. McCabe, and Brad Newberg.

USCO used its authority under the 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 USCO's services during the pandemic. The Register evaluated the situation every ninety days and updated these flexibilities accordingly. Scheduled public events and stakeholder consultations continued via online platforms.



A staff member from the Public Information Office assists a visitor with a registration question.

Operations continued to be impacted by the pandemic for the entire fiscal year. As of the end of FY 2021, the Library was in phase 3.2 of on-site operations, with approximately 43 percent of staff members on-site full or part time, while remaining staff continued to telework full time. The Copyright Public Information Office and Records Research and Certification Section reopened their doors to the public on July 8, 2021, to provide on-site services by appointment. The Copyright Public Records Reading Room closed permanently to support Office renovations, and the construction of a new Copyright Public Records Reading Room space started.

In FY 2021, USCO registered 403,593 claims for registration involving millions of works and recorded 11,625 documents containing titles of 961,291 works. As part of its copyright modernization initiative, USCO released four updates to its electronic

recordation pilot. USCO continued to assist the public, answering more than 283,300 copyright-related inquiries. Staff also retrieved and copied thousands of copyright deposit records for parties involved in litigation.

On the legal and policy front, USCO produced major achievements. USCO released studies on state sovereign immunity, on unclaimed royalties for musical works, and on the impact of the Satellite Television Community Protection and Promotion Act of 2019 (STCPA) on the satellite television market for subscribers defined as “unserved households.” Additionally, USCO provided general support and assistance to Congress on various copyright matters. Office representatives testified before Congress and responded to members’ research and engagement requests, including on matters related to the DMCA, and e-book licensing.

After another unusual year under pandemic operations, the Copyright Office's success is the result of its talented and dedicated employees. USCO recognizes the importance of copyright to individual creators and users and to the United States' culture, knowledge base, and economy.

During FY 2021, USCO ensured that its practices and public materials remained current. USCO completed the eighth triennial section 1201 proceeding and closed interim and final rulemaking proceedings resulting in updated regulations on the Music Modernization Act (MMA), CASE Act, mandatory deposit of e-books, registration, recordation, and notices of termination. USCO released an updated Circular 92, *Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code*, in May 2021. This circular incorporates changes made by the CASE Act and other updates to the Copyright Act.

USCO continued to administer statutory licenses that govern certain uses of copyright-protected materials. For these statutory licenses, USCO collected, managed, and dispersed royalty fees paid by cable and satellite systems and providers of digital audio recording technology. In FY 2021, USCO collected more than \$222 million in royalty fees and \$1.27 million in filing fees and distributed more than \$434.8 million in fiduciary assets to copyright owners whose works were used under these licenses.

Throughout FY 2021, USCO made progress on its modernization initiative. This included developments related to the Enterprise Copyright System (ECS) user experience and platform services, an electronic recordation pilot, registration, a Copyright Public

Records System pilot, licensing, historical record book digitization, and a customer call center.

In October 2020, USCO opened its new modern warehouse facility. This effort involved the final inventory and relocation of 90,000 boxes from the old warehouse in Landover, Maryland. In addition, in May 2021, the team completed the inventory and permanent withdrawal of 23,000 boxes from the National Archives and Records Administration (NARA) Federal Records Center to the new warehouse.

In September 2021, the exhibit, "Find Yourself in Copyright," opened online and on the Madison Building's fourth floor. The exhibit explores how U.S. copyright law has evolved and how the millions of copyright claims registered with USCO illustrate the varied nature of original works.

After another unusual year under pandemic operations, the Copyright Office's success is the result of its talented and dedicated employees. USCO recognizes the importance of copyright to individual creators and users and to the United States' culture, knowledge base, and economy. USCO looks forward to a future 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 Office for the present day by (1) building a new enterprise IT system that is more flexible and easy to use, (2) modernizing supporting IT systems, and (3) ensuring that Office practices and processes are efficient and productive. In FY 2021, USCO continued to make significant progress on modernization, working on all three of these components.

ENTERPRISE COPYRIGHT SYSTEM

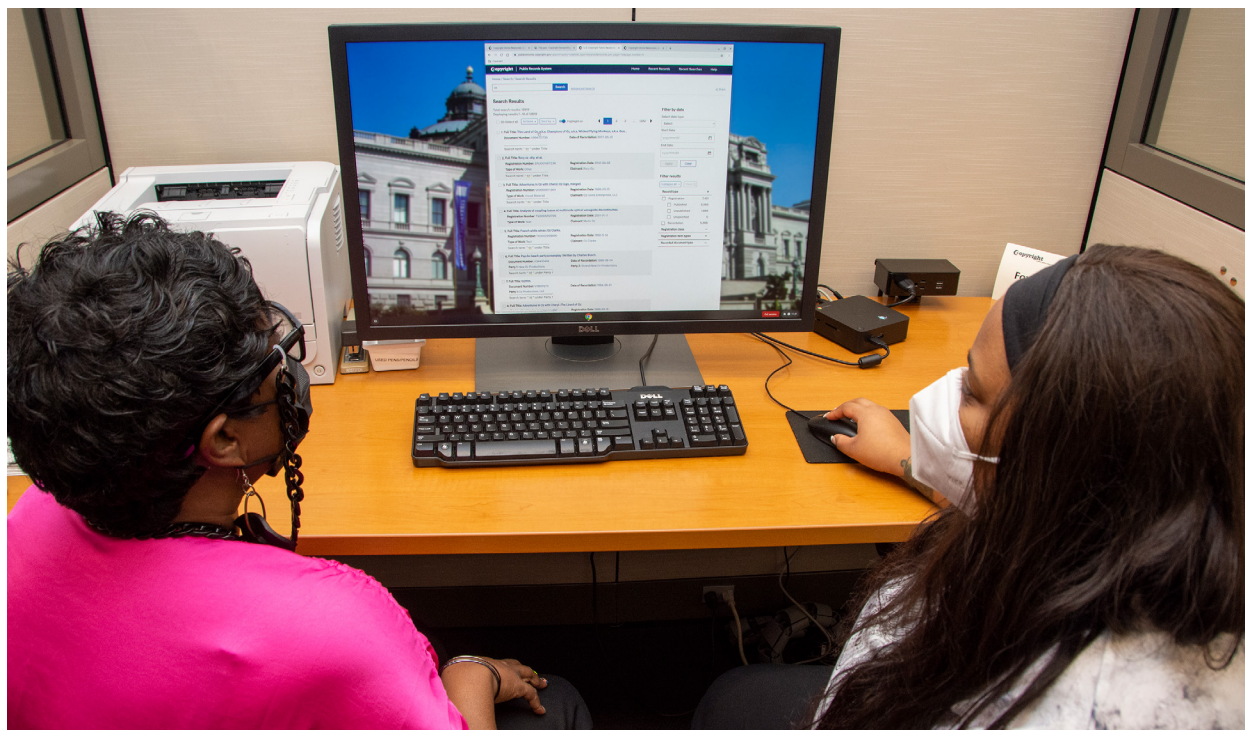
One of the modernization initiative's key goals is to develop a new enterprise information technology (IT) system that integrates and improves all of USCO's technology systems, called the Enterprise Copyright System (ECS). The ECS will include USCO's registration, recordation, public records, and licensing IT applications. In FY 2021, USCO worked with the Library of Congress's Office of the Chief Information Officer (OCIO) on four workstreams for the ECS: registration, recordation, the Copyright Public Records System (CPRS), and licensing.

Registration Modernization

The goal of registration modernization is to replace the current online system with a new, user-centric application that allows for workflow automation, digital submission and tracking of registration applications, and uploads of digital deposit files (in either single or bulk format). The modernized registration application will allow for both a public portal, where users can interact with USCO and acquire its services, and a back-end workflow application for reception, review, and processing of applications.

A clickable prototype of the Standard Application was successfully demonstrated internally in December 2020. This clickable prototype is being leveraged to test and adapt USCO's user experience while also communicating the workflows to the development team. So far, USCO has conducted two rounds of moderated user testing of the prototype with experienced users of the current system. The second version of the prototype, which was completed in March 2021, focused on gathering feedback on the ability of an applicant to choose the category and





Staff members view search results in the new Copyright Public Records System.

type of work for the standard application, as well as enhancements to the fields for author information, work made for hire, and claim limitations. During spring 2021, development work began on the external-facing side of the Standard Application.

Recordation Modernization

USCO continued improving the recordation modernization pilot, which launched in FY 2020. Through this pilot, USCO accepts a limited number of electronic submissions of documents related to the transfers of copyright ownership and other documents pertaining to copyright that may be recorded under section 205 of Title 17. In FY 2021, USCO supported and implemented four major new system releases.

Copyright Public Records System

Another ECS workstream that continued development into FY 2021 is the new Copyright Public Records System (CPRS) pilot. The new CPRS runs in parallel with the Copyright Public Catalog and contains the same information but uses a more powerful search engine, provides easy filtering capability, and follows user-centered design principles that align with the new ECS.

On December 15, 2020, USCO released the CPRS pilot. The Office released another update on August 31, 2021, which allowed users to view their recent searches, display recordation records, and improve the nightly upload process. In FY 2021, the pilot had over 257,000 page views and over 135,000 unique visitors.

Licensing Modernization

The ECS licensing workstream is focused on creating a new technology system to improve USCO's administration of the section 111 statutory license relating to cable operators' royalty payments for retransmission of over-the-air television and radio broadcast stations, and for satellite carriers' secondary transmissions to distant television programming viewers (satellite) and parties who manufacture and distribute or import and distribute any digital audio recording devices or media (DART) in the United States. The goal is to improve the efficiency by which USCO ingests information from remitters and the timeliness and accuracy of its financial and statistical reporting. This involves prioritizing value-driven improvements that streamline internal processes, reduce manual entry, and leverage existing data, systems, and services.

HISTORICAL PUBLIC RECORDS

In FY 2021, USCO made considerable progress under the Historical Public Records Program to digitize and provide online search capabilities for historical copyright records. The Office continued the online availability and maintenance of the Virtual Card Catalog proof of concept and continued data perfection of the registration application cards. USCO digitized 1,007 record books and collaborated with the Library's OCIO on plans to provide online access to the public.

INTEGRATED MASTER SCHEDULE

Congress directed USCO to create a critical path for modernization in its *Report on the FY 2020 Legislative Branch Appropriations Act*. Work on identifying program planning and communications support

began in FY 2019. Subsequently, USCO engaged an outside consulting firm to validate the existing baseline Integrated Master Schedule (IMS) data and identify any information gaps. USCO resumed management of the IMS and produced three additional versions in FY 2021.

PIO CONTACT CENTER

The Office has obtained a gap analysis and roadmap planning for a new contact center system, working with the GSA Centers of Excellence. The goal is to implement a high-performing, multichannel contact center to support the copyright community and improve communications.

NON-IT OFFICE MODERNIZATION

USCO also made progress on further ensuring that Office practices and processes are efficient and productive.

Business Process Reengineering

USCO's initial work on business process reengineering (BPR) concluded in FY 2020. In FY 2021, USCO consolidated the BPR analysis recommendations and examined the results to validate the feasibility of recommendations and prioritize implementation.

Organizational Change Management

Organizational change management (OCM) is a framework for managing the people side of change. During the fiscal year, USCO established a community of practice—a peer-to-peer group that provides guidance for change activities.

REGISTRATION AND RECORDATION

The Copyright Office examines hundreds of thousands of copyright claims per year, resulting in an average of over half a million registrations annually. Every year, these records are supplemented with thousands of documents, relating to hundreds of thousands of titles of works, which provide additional ownership information.

Fiscal 2021

Received **456,815 registration claims**

Registered **403,593 claims** (including claims remaining from prior fiscal years) — a **91 percent registration rate**

Received **578 first requests** for reconsideration and **89 second requests** for reconsideration; issued **581 first request** decisions and **43 second request** decisions

Recorded **11,625 documents** containing titles of **961,291 works** via paper submissions and through the electronic recordation pilot

REGISTRATION

As part of its responsibility to administer the U.S. copyright system, USCO examined 456,815 claims in FY 2021 and registered 403,593 claims to copyright. Approximately 98 percent of applications were received electronically and 2 percent by mail. USCO received over \$37 million in registration-related fee revenue.

USCO provided 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). This new reporting clarifies the differences in timing for various types of electronic claims. USCO continues to break out separately the statistics for



A staff member prints and readies registration certificates for mailing.

ingested claims (paper applications with physical deposits).

The average overall processing time for examining all copyright claims was 3.1 months in the first half of fiscal 2021 and 3.4 months in the second half. During FY 2021, eService claims accounted for roughly 98 percent of the claims closed by USCO. In the second half of FY 2021, the average processing times for fully electronic claims that did not require correspondence (76 percent of all eService claims) was 1.6 months, and fully electronic claims that did require correspondence (24 percent of all eService claims) averaged 3.6 months.

Despite the overall low processing times resulting from the large percentage of fully electronic claims, the pandemic did negatively impact processing times for paper applications and electronic applications that required the submission of physical materials. For several months, the Library's pandemic guidelines only allowed for a small number of examiners on-site at any given time, which limited USCO's ability to examine these claims. In the second half of FY 2021, the average processing time for deposit ticket claims was 14.5 months for claims with correspondence and 9.5 months for claims without correspondence.

REGISTRATON MODERNIZATION

During FY 2021, registration teams continued to build the structure and foundation of internal- and external-facing components of the ECS registration system that will support submission and management of registration applications by applicants and examination workflows for staff.

These teams initiated basic functionality of features to support claim examination workflows and the submission of Standard Application information, which accounts for approximately 76 percent of submissions each year. The teams also contributed to the development of shared services and global user experience components that support all ECS products.

Teams conducted multiple rounds of user research with internal and external stakeholders, including formative testing with Library Services staff serving as a proxy for novice or inexperienced users. USCO also tested a re-imagined limited clickable prototype for the Standard Application with two rounds of moderated user testing by experienced users of the current eCO system.

USCO also released a technical upgrade to the

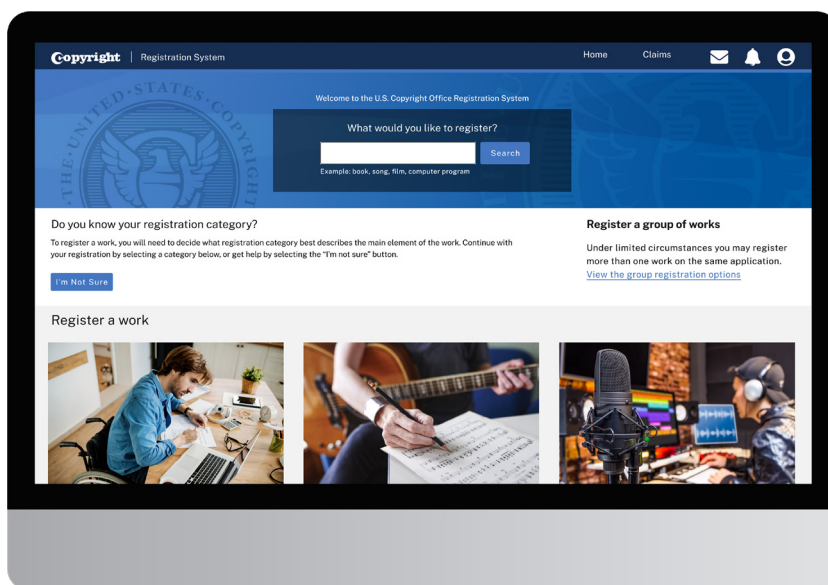
current electronic registration system in August 2021. Following the upgrade, the system became unavailable for five days, and the Register issued a declaration pursuant to 37 CFR 201.8(a) that a disruption of a Copyright Office electronic system had occurred. She exercised her authority under 37 CFR 201.8(b) to adjust the effective date of registration for claims affected by the disruption.

REFUSALS TO REGISTER

Out of the hundreds of thousands of applications containing millions of works submitted annually, USCO 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 FY 2021, USCO refused approximately 4.1 percent of the claims received.

An additional approximately 4.8 percent of claims were closed because USCO failed to receive a response to its communications from the applicant.

USCO tested a clickable prototype for the Standard Application. Note: This is not the final version; it is still in development.



APPEALS

When USCO 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 USCO upholds the refusal, the applicant can submit a second request for reconsideration to the Copyright Office Review Board, which consists of three members; the first two members are the Register of Copyrights and the General Counsel or their respective designees. The third member is designated by the Register.

In FY 2021, USCO received 578 first requests for reconsideration and 89 second requests. The Registration Program issued 581 written decisions involving refusals for more than 700 separate works, upholding 470 of these refusals and registering 111 that were previously refused. As of the end of FY 2021, 202 first requests for reconsideration were pending and awaiting review.

The Review Board issued forty-three written decisions on second requests for reconsideration of refusals involving eighty-three separate works. Seventy-three of the Registration Program's refusals were upheld and ten 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 FY 2021, fifty-seven second requests for reconsideration were pending.

RECORDATION

The Copyright Office maintains official records pertaining to transfers of copyright ownership and notices of termination, as well as Music

Modernization Act filings and designated agents of online service providers under the DMCA. In FY 2021, USCO recorded 8,021 documents submitted via paper, containing 813,655 titles of works, with a total of \$2,270,365 in receipts. These numbers included 1,901 notices of terminations submitted via paper and 211 Notices of Termination submissions through the COVID-19 email box.

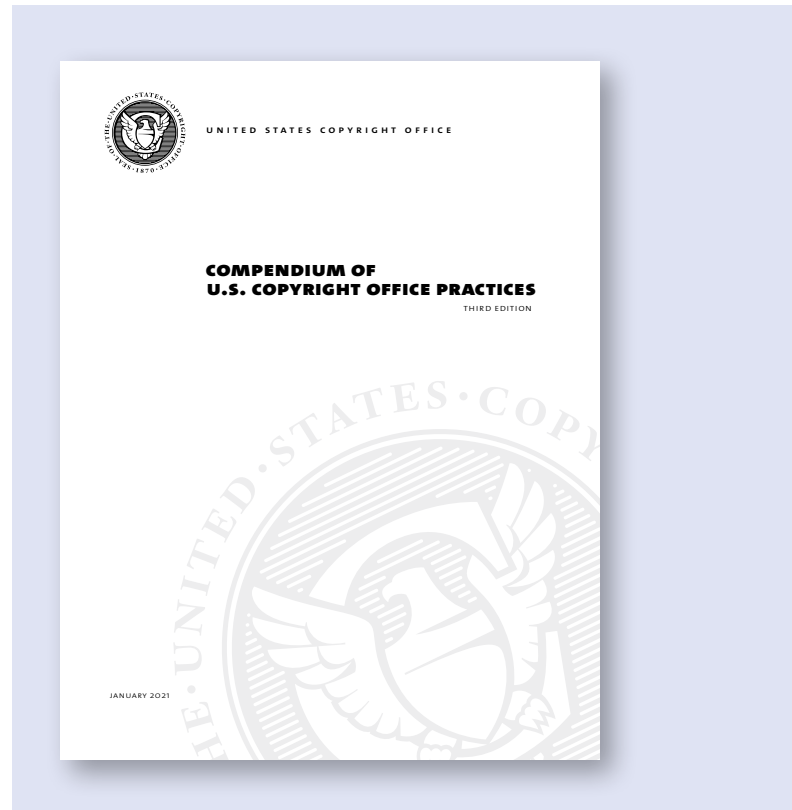
In FY 2021, USCO continued work on reducing recordation title backlogs. Under a contract to assist with closing out the title backlog, USCO accepted 381,125 CORDOC titles, and staff typed 111,395 eCO Siebel titles. In total, USCO closed out 492,520 titles during the year, making the CORDOC system closeout effort 75 percent complete. The Electronic Title List (ETL) Validator Tool continued to assist remitters in submitting the titles of their works before submission to Recordation. USCO supported uploading 82,096 titles via the ETL Validator Tool for paper recordation submissions.

Throughout FY 2021, USCO welcomed sixty-eight additional users into the recordation pilot and hosted eighteen webinars to inform pilot users of updates, gather user feedback and suggestions, and answer questions. In FY 2021, the recordation pilot recorded 3,604 documents and 147,636 titles of works, with \$519,410 collected in fees. There were twenty-four newly created deposit accounts, and USCO collected \$284,805 through (pilot-specific) Deposit Accounts. A majority of documents submitted were processed within twenty-five days. For documents requiring correspondence during the examination process, most required an extra fourteen days for processing. These numbers represent an 85 percent reduction in processing time compared to the paper-based submission process.

COMPENDIUM

The *Compendium of U.S. Copyright Office Practices* is the administrative manual of USCO, 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.

USCO released an updated version of the *Compendium* in FY 2021. The latest version included revisions regarding useful articles and U.S. government works, which were prompted by recent Supreme Court decisions. It also addressed rulemakings that USCO completed since FY 2016, including 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 the use of the single application and standard application forms; and technical upgrades to the electronic registration system. The latest version also clarified certain registration practices, such as the circumstances in which USCO will communicate with applicants, attempt to correct deficiencies in an application, register a claim with annotations, or refuse registration.



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. FY 2021 was a busy year, with work on both substantive domestic and international copyright matters.

LEGISLATION

In FY 2021, USCO worked to implement the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2020 and continued its implementation of the Music Modernization Act, passed in 2018. The CASE Act creates a small claims tribunal in the Copyright Office. This Act's provisions are largely based on the statutory language proposed in USCO's 2013 report, *Copyright Small Claims*.

In addition to these bills, USCO provided general support and assistance to Congress on various copyright matters. Office representatives testified three times in FY 2021 and supported members of Congress in response to several research and engagement requests, including on matters related to the DMCA and e-book licensing.

POLICY STUDIES

In FY 2021, USCO released studies on state sovereign immunity, satellite television community protection and promotion, and unclaimed royalties for musical works.

State Sovereign Immunity Study

In June 2020, USCO 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).



USCO released three policy studies in FY 2021.

The final report was published on August 31, 2021. The report discusses comments provided by a wide variety of stakeholders in written submissions and during public roundtables held in December 2020. The report concludes that although many state entities, in particular universities and libraries, have adopted policies and programs to deter copyright infringement, the record of alleged infringement by state entities is significantly greater than when Congress last considered the issue. Given the demands of the Supreme Court’s legal standard, however, and some ambiguity in its application, USCO could not conclude with certainty that the evidence would be found sufficient to meet the constitutional standard for abrogation. The report notes that if Congress decides not to proceed with abrogation legislation, USCO would support consideration of alternative approaches to address this issue.

Satellite Television Community Protection and Promotion Act of 2019 Study

USCO conducted a study on the impact of the Satellite Television Community Protection and Promotion Act of 2019 (STCPPA) on the satellite television market for subscribers defined as “unserved households” at the direction of the Appropriations Committee of the U.S. House of Representatives. The STCPPA makes permanent the satellite carrier distant broadcast signal license found in section 119 of the Copyright Act for certain network and nonnetwork stations transmitted to recreational vehicles (RVs) and commercial trucks, as well as to households in “short markets” that lack one or more of the four most widely available network stations. On June 21, 2021, USCO sent a letter to the House and Senate Appropriations Committees detailing the results of its study, which concluded that the impact of the Act on the satellite television marketplace could not yet be determined.

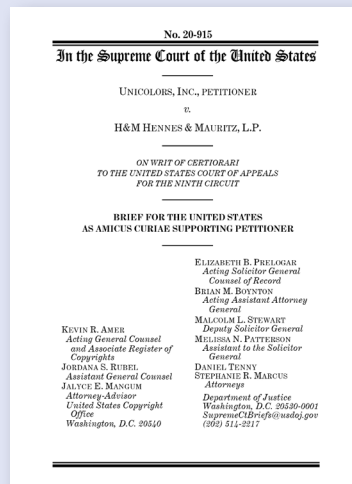
Unclaimed Royalties Study

In July 2021, as required by the Orrin G. Hatch–Bob Goodlatte Music Modernization Act (MMA), USCO, in consultation with the Government Accountability Office, issued a public report to recommend best 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 best practice recommendations were developed after careful consideration of the views and suggestions made by a wide variety of stakeholders. USCO's recommendations were comprehensive and ranged from high-level conceptual notions to detailed suggestions.

LITIGATION

Throughout FY 2021, USCO assisted the U.S. Department of Justice (DOJ) on important court cases, including before the Supreme Court.

USCO advised DOJ regarding *Unicolors, Inc. v. H&M Hennes & Mauritz, LP*, on the construction of section 411(b) of the Copyright Act. This section provides that a certificate of registration is valid regardless of whether it contains inaccurate information, unless the information was included on the application with knowledge that it was inaccurate, and the inaccuracy, if known, would have caused the Register to refuse registration. The case involves a two-dimensional artwork for which Unicolors obtained a single copyright registration the artwork and thirty other designs. After H&M was found liable for infringement of the registered artwork, it filed a motion asserting



USCO submitted an amicus brief regarding Unicolors, Inc. v. H&M Hennes & Mauritz, LP.

that Unicolors had knowingly included inaccurate information in its application by seeking a single-unit copyright registration for thirty-one individual works, and therefore the registration was invalid and the suit should be thrown out. The district court held that the registration could be invalidated only if there were evidence that Unicolors had intended to defraud the Copyright Office, and the court found no such evidence. The Ninth Circuit reversed and remanded, holding that that, the only “knowledge” that matters under section 411(b) is knowledge of the relevant facts. The question before the Supreme Court is whether Unicolors had “knowledge” that its application contained “inaccurate information” within the meaning of section 411(b)’s threshold requirement for invalidating a copyright registration. The U.S. government, including USCO, filed an amicus brief in the matter supporting Unicolors. The Supreme Court was expected to hear arguments in late 2021.

USCO also responded to five 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.

REGULATORY ACTIVITY

In FY 2021, USCO conducted the following rulemaking proceedings.

Closed Rulemakings and Interim Rules in Fiscal 2021

NOV. 12, 2020

Mandatory Deposit of Electronic-Only Books

DEC. 31, 2020

The Public Musical Works Database and Transparency of the Mechanical Licensing Collective

JAN. 11, 2021

Transition Period Cumulative Reporting and Transfer of Royalties to the Mechanical Licensing Collective

FEB. 11, 2021

Protection of Confidential Information by the Mechanical Licensing Collective and Digital Licensee Coordinator

FEB. 23, 2021

Group Registration of Works on an Album of Music

FEB. 26, 2021

Modernizing Recordation of Notices of Termination

MAR. 5, 2021

Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment

AUG. 18, 2021

Small Claims Expedited Registration Procedures and FOIA Conforming Amendment

USCO closed or issued interim rules in eight rulemaking proceedings.

MMA Rulemakings

The MMA was enacted in October 2018 and requires, among other things, that the Copyright Office adopt regulations to govern the new blanket licensing system created under Title I. This replaces the existing song-by-song compulsory license for making and distributing musical works with a blanket license for digital music providers to make and distribute digital phonorecord deliveries, such as permanent downloads, limited downloads, or interactive streams. The new system became available January 1, 2021.

In early 2019, USCO engaged in rulemakings under Title II of the MMA, and preliminary regulatory matters relevant to Title I, including technical amendments and designation of a Mechanical Licensing Collective (MLC) and Digital Licensee Coordinator (DLC). In September 2019, USCO issued a notification of inquiry seeking comments on several subjects, including notices of license; notices of nonblanket activity; usage reports and adjustments; information to be included in the MLC's database; database usability, interoperability, and usage restrictions; and the handling of confidential information. After reviewing the comments submitted in response, USCO issued five notices of proposed rulemaking and one supplemental notice of proposed rulemaking. These efforts resulted in one interim rule in FY 2020 and three interim rules and one final rule in FY 2021.

The first FY 2021 interim rule was issued on September 17, 2020, and became effective on October 19, 2020, (with supplemental interim rules published on December 28, 2020, and March 5, 2021). This rule

governs 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. It addresses a variety of reporting obligations between blanket licensees or significant nonblanket licensees and the MLC, establishes a baseline requirement for blanket licensees to make specific and targeted efforts to attempt to collect relevant data. The rule also addresses the separate, commercially reasonable data collection efforts required of musical work copyright owners whose works are listed in the MLC's database. Subsequently, based on requests received following the adoption of these requirements, USCO adjusted requirements concerning reporting information about certain permanent download licenses that are passed through by record labels to digital music providers. The final adjustments to the interim rule became effective April 5, 2021.

The second FY 2021 interim rule was issued on December 31, 2020, and became effective on February 16, 2021. It deals with the contents of the public musical work database, database access, and database use, as well as ensuring appropriate transparency of the MLC. This interim rule prescribes the categories of information to be included in the database and rules related to its usability, interoperability, and usage restrictions. It also requires the MLC to disclose certain categories of information in its statutorily-required annual reports to ensure transparency and specifies requirements related to an abbreviated, onetime public update due by December 31, 2021, regarding the MLC's operations.

The third FY 2021 interim rule was issued on February 11, 2021, and became effective on March 15, 2021. This rule relates to the protection of confidential information by the MLC and DLC. As part of fulfilling its obligations under the blanket license regime, the MLC will receive competitively sensitive information from certain digital music providers and copyright owners (e.g., information regarding voluntary license agreements). The rule creates restrictions on the disclosure and use of confidential information by the MLC and DLC, as well as their employees, agents, consultants, vendors, and independent contractors and members of their board of directors and committees. It also creates categories of "MLC Internal Information" and "DLC Internal Information" to separately address the use and disclosure of sensitive financial or business information about the MLC's and DLC's internal operations.

A final rule was issued on January 11, 2021, and became effective on February 10, 2021. This rule pertains to cumulative statements of account required to be submitted by digital music providers to the MLC to be eligible for the statutory limitation on liability for unlicensed uses of musical works prior to the January 1, 2021, license availability date. It addresses the formats for submission of cumulative statements and provides for the MLC to receive metadata, including through supplemental reporting, to enable it to match past uses so it can distribute royalties to the matched copyright owners. The rule also adopts a mechanism for digital music providers to rely upon royalty input estimations and make subsequent adjustments once inputs are finalized. This includes allowing them to employ good-faith estimates in calculating total accrued royalties,

subject to subsequent adjustments, to reflect the potential effect of pre-existing private agreements upon their reporting obligations. It also allows relevant copyright owners to notify the MLC of good-faith disputes over reliance on such an agreement and establishes a process for the MLC to invoice and hold the disputed royalties until it is otherwise ready to distribute the funds.

Eighth Triennial Section 1201 Rulemaking Proceeding under the DMCA

In FY 2021, USCO initiated the eighth triennial rulemaking proceeding under the Digital Millennium Copyright Act (DMCA), 17 USC § 1201, which provides that the Librarian of Congress, upon the recommendation of the Register of Copyrights, may adopt temporary exemptions to section 1201's prohibition against circumvention of technological measures that control access to copyrighted works. The goal of the proceeding is to determine whether there are particular classes of works as to which users are, or are likely to be in the next three years, adversely affected in their ability to make noninfringing uses due to the prohibition on circumventing access controls. When such classes are identified, the Librarian promulgates regulations exempting those classes from the prohibition for the succeeding three-year period. USCO again used a streamlined procedure for the renewal of exemptions that were granted during the seventh triennial rulemaking.

On October 15, 2020, USCO issued a notice of proposed rulemaking based on a review of all renewal petitions and related comments. There was sufficient support to renew each existing exception with no meaningful opposition. USCO grouped the

new or expanded exemptions into seventeen classes and has initiated three rounds of public comment on those classes. USCO accepted two types of written comments: brief support for or in opposition to a proposed exemption and longer submissions for those wishing to provide a full legal and evidentiary basis for their position.

In the first round of comments, which were due December 14, 2020, USCO sought legal and evidentiary submissions from parties who supported the adoption of a proposed exemption as well as parties who neither supported nor opposed an exemption but sought to share pertinent information about a proposal. Responsive legal and evidentiary submissions from those who opposed the adoption of a proposed exemption were due February 9, 2021, and reply comments were due March 10, 2021. USCO held public hearings in this proceeding on April 5–8 and April 19–21, 2021, via Zoom.

CASE Act and the Copyright Claims Board

The Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2020, established within the USCO the Copyright Claims Board (CCB), a voluntary “small copyright claims” tribunal comprising three Copyright Claims Officers, with the authority to render determinations on certain copyright claims of low financial value. The CASE Act directs USCO to adopt several regulations to govern the CCB and its procedures, including rules addressing service of notice and other documents, waiver of personal service, notifications that parties are opting out of participation, discovery, a mechanism for certain claims to be resolved by a single CCB Officer, review of CCB determinations by the Register of Copyrights, publication of records, certifications, and fees.



Register Perlmutter testifies online before the House Judiciary Committee.

The statute further vests USCO with general authority to adopt such regulations as may be necessary or appropriate.

To assist in promulgating these regulations, USCO issued a notification of inquiry on March 26, 2021, seeking public comment. Initial written comments to the notification of inquiry were due April 26, 2021, and written reply comments were due May 10, 2021.

USCO also initiated and closed a rulemaking proceeding to establish procedures for a new expedited registration option for works at issue before the CCB and to adopt a conforming amendment to its Freedom of Information Act (FOIA) regulations. This rule enables a claimant or counterclaimant with a pending copyright

registration application to seek expedited review of that application. Such a request may only be made after they have submitted the completed registration application and the respondent either has responded or has not timely opted out of the proceeding. The CCB cannot proceed with a dispute involving a work for which registration is still pending or has been denied.

On September 2, 2021, USCO issued a notice of proposed rulemaking to address procedures for libraries and archives to preemptively opt out of all CCB proceedings. The rule also proposes procedures related to federal court class actions involving a party who is before the CCB. Comments are due in early FY 2022.

Mandatory Deposit of Electronic-Only Books

Section 407 of the Copyright Act generally requires the owner of the copyright in a work published in the United States to deposit two copies with the Copyright Office for use by the Library of Congress. The Register of Copyrights is authorized to exempt certain classes of works from this deposit requirement. In a 2010 interim rule, USCO created an exception to this general rule, providing that electronic-only serials published in the United States are subject to mandatory deposit only if they are affirmatively demanded by USCO.

In November 2020, USCO issued a new final rule, which took effect on December 14, 2020. The rule clarified the scope of material subject to demand and adjusted the provisions governing the use of technological protection measures on deposited material, as well as adding one clarification regarding its applicability to print-on-demand books.

Group Registration for Works on an Album of Music

USCO has established a new group registration option for musical works or sound recordings and associated literary, pictorial, and graphic works contained on an album, known as Group Registration for Works on an Album of Music (GRAM). Under this option, an applicant may register up to twenty musical works or twenty sound recordings contained in an album, if the works are created by the same author or have at least one common author and if the claimant for each work is the same. In the case of sound recording applications, the applicant may also register any associated literary, pictorial, and graphic works in the album, such as cover art, liner notes, or posters.

The final rule, which took effect March 26, 2021, provides two new electronic applications specifically for GRAM claims. To register works under this option, applicants must submit the online application designated for musical works (GRAM-PA) or sound recordings (GRAM-SR), as appropriate.

Recordation and Notices of Termination

On June 3, 2020, USCO published a notice of proposed rulemaking to amend its regulations for recordation of notices of termination under sections 203 and 304(c) of the Copyright Act. In addition, USCO announced changes to its examination practices for certain notices of termination that pertain to multiple grants. On February 26, 2021, it adopted a final rule on March 29, 2021, that largely tracks the proposed amendments, with some modifications relating to regulatory provisions governing timeliness, harmless errors, manner of service, and the date of recordation for notices of termination. These amendments are intended to improve efficiency in the processing of notices in conjunction with the development of USCO's online electronic recordation system.

Initiated and Ongoing Rulemakings

OCT. 15, 2020

Section 1201 Exemptions to Prohibition Against Circumvention of Technological Measures Protecting Copyrighted Works

MAR. 26, 2021

CASE Act and the Copyright Claims Board (CCB) Implementation Regulations

SEPT. 2, 2021

Small Claims Procedures for Library and Archives Opt-Outs and Class Actions

SEPT. 29, 2021

Copyright Claims Board: Initiation of Proceedings and Related Procedures

STATUTORY LICENSING

USCO continued to manage statutory licensing royalties and other fee collections and distributions. In FY 2021, USCO managed over \$1.2 billion in statutory licensing fiduciary assets, handled thousands of statements of account, and made progress 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. USCO administers several of these licenses and, in FY 2021, managed and disbursed royalty fees collected under sections 111, 119, and 1003 of the Copyright Act. USCO 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. USCO distributes the fees, including accrued interest but less certain reasonable operating costs, pursuant to orders of the Copyright Royalty Board.

In FY 2021, USCO collected more than \$222 million in royalty fees and more than \$1.2 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, USCO distributed more than \$434 million of the \$1.2 billion in royalties it manages by USCO through five separate distributions in fiscal 2020.

In FY 2021, USCO collected more than \$222 million in royalty fees and more than \$1.2 million in associated filing fees from users of copyright statutory licenses.

The appendices to this report include a Statement of Fiduciary Net Assets held by the USCO as of September 30, 2021, 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 2020/2 July 1–December 31, 2020, accounting period consisted of approximately 73 percent electronic filings, and the 2020/1 January 1–June 30, 2020, accounting period consisted of approximately

70.5 percent electronic filings. To provide context, when USCO 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 FY 2021, USCO received a combined total of 5,076 SOAs for calendar year 2020 accounting periods and processed 2,873 SOAs. The number of completed statements increased as more staff members were able to work on-site.

PAY.GOV

In August 2021, USCO released its statutory license royalty payment form on the Pay.gov system, allowing it to receive, reconcile, and post payments in the same transaction. The form also provides remitters with the convenience of using a credit or debit card. USCO revised the relevant circular, tutorial, and Remittance Advice form and created a communications plan regarding the eventual transition to mandatory Pay.gov payments for filing and royalty fees under the cable, satellite, and Digital Audio Recording Technology (DART) licenses. Three Cable filers used the new form to make royalty payments for the 2021.1 accounting period.

DIGITIZATION PROJECT

USCO completed the second quality review of the 2016–2018 SOAs and transferred the documents to the Library and prepare them for posting to the Licensing website. It also signed an Inter-Agency Agreement with the Library’s Digital Scan Center and delivered the 2019/1-2020/1 SOAs for digitization. USCO plans to expand its digital archives, preserve the content of documents, and create physical space by reducing the volume of paper document storage.

FINANCIAL AUDIT

For the fourth consecutive year, USCO received an unmodified or “clean” audit opinion of the statutory licensing fiduciary asset financial statements.



A staff member scans and reviews Licensing SOAs.

TRADE AND FOREIGN RELATIONS

In addition to its domestic legal and policy work, USCO participates in international copyright matters, working closely with interagency colleagues. In FY 2021, this included working with the U.S. interagency teams on a potential treaty, possible international approaches to certain copyright exceptions, preparation of the Special 301 report, foreign copyright law analyses, and reviews of trade policies.



USCO participates virtually with WIPO members in the Standing Committee on Copyright and Related Rights meeting.

INTERNATIONAL POLICY DISCUSSIONS

The Copyright Office is a member of the U.S. delegation to several World Intellectual Property Organization (WIPO) committees. USCO participated in the Standing Committee on Copyright and Related Rights (SCCR); Committee on Development and Intellectual Property (CDIP); and Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) meetings via WIPO's virtual meeting platform.

Additionally, USCO 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 virtual meetings with various foreign delegations, USCO provided advice on matters involving both domestic and international copyright principles.



USCO participates in discussions of Special 301 Review at the Office of the United States Trade Representative.

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

USCO 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 and policy discussions.

USCO continued to actively participate as one of fifteen agencies on the Special 301 Subcommittee for USTR's annual process that evaluates the adequacy and effectiveness of U.S. trading partners' protection and enforcement of intellectual property rights, including equitable market access.

USCO also supported the USTR in discussions at the WTO on waiver of certain portions of the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) with respect to the prevention, containment, and treatment of COVID-19.

In addition, USCO 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. USCO provides subject matter expertise on copyright to USTR, which submits the U.S. government's comments and questions to the WTO. USCO reviewed WTO reports and relevant laws for twenty countries as part of their TPRs or accession negotiations.

ACQUISITION OF COPYRIGHTED WORKS FOR DEPOSIT

USCO manages Title 17's mandatory deposit provision (section 407), which requires copies of the best edition of copyrightable works to be sent to USCO within three months of publication. In FY 2021, USCO continued to receive mandatory deposit submissions, including electronic materials, and transferred deposits valued at \$44.7 million to the Library for its collections.



USCO was able to maintain its in-office processing of physical deposit items with a rotating crew of ten staff members throughout FY 2021. While the fiscal year saw a continuing decrease of physical deposits received, e-deposits, particularly e-seriales and e-books increased by 15 percent. E-seriales alone increased 154 percent over FY 2020. In fiscal 2021, the value of these deposits came in just above the previous year's total (fiscal 2021: \$40.7 million vs. fiscal 2020: \$39.9 million). The estimated value of the access that special relief relationships with major e-seriales and e-book publishers provided for Library staff and patrons increased from \$75.26 million in fiscal 2020 to \$83.5 million in fiscal 2021.

◀ *A copyright acquisitions librarian reads a deposit for the Library's collection.*

COPYRIGHT RECORDS

USCO maintains a rich collection of copyright records that document the nation’s creativity. These records include registration, recordation, and other records that provide information on copyright status, claims, and transfers. In FY 2021, USCO responded to over 1,756 public requests for services, relocated 90,000 registration deposit copies and other records into a new modern warehouse facility, digitized 1,007 historical record books, continued data perfection of registration application cards, and maintained the publicly available Virtual Card Catalog along with supporting modernization activities.



RECORDS RESEARCH AND CERTIFICATION

In FY 2021, USCO staff generated 3,838 estimate requests for patrons, completed 1,756 requests for services, closed out 1,576 service requests as “No Reply,” and processed 588 litigation requests. Due to remodeling efforts supporting the CCB, the Copyright Public Records Reading Room (CPRRR) remained closed. USCO made temporary copyright on-site services available to external patrons by scheduling appointments through the Public Information Office (PIO) and implemented workarounds that included scheduling physical card catalog deliveries and record books for public review. Because of these challenges and the pandemic, on-site reading room services during FY 2021 were capped at 129 patrons.

◀ *A staff member researches a copyright record in the Copyright Office card catalog.*



USCO's new warehouse facility opens in Maryland.

COPYRIGHT PUBLIC RECORDS SYSTEM

The new Copyright Public Records System (CPRS) pilot was launched on December 15, 2020. The CPRS runs in parallel with the Copyright Public Catalog and contains the same information but uses a more powerful search engine, provides easy filtering capability, and follows user-centered design principles in line with the new Enterprise Copyright System (ECS) on August 31, 2021, USCO released the second version of the CPRS, which allowed users to view their recent searches, display recordation pilot records, and improve the nightly uploads process. In FY 2021, the new CPRS had over 257,000 page views and over 135,000 unique visitors.

RECORDS MANAGEMENT AND DEPOSIT COPY STORAGE

In October 2021, USCO moved all copyright deposit copies and records to a brand-new warehouse facility

in Maryland. This effort included the final inventory and relocation of 90,000 boxes. In May 2021, USCO completed the inventory and permanent withdrawal of 23,000 boxes from the National Archives and Records Administration (NARA) Federal Records Center to the new warehouse. USCO also led a major acquisition effort to purchase a new automated warehouse management system to achieve greater efficiencies in managing registration deposit copies.

Staff processed 5,321 physical record book requests to support patrons and the Historical Public Records Program and pulled 3,662 deposit copies for both the public and USCO staff. They also processed and secured 598 boxes of registration deposit copies that are now part of USCO's holdings at the new warehouse. USCO inventoried a total of 31,335 boxes to support the warehouse relocation effort. In addition, USCO made great strides in locating missing deposit copies information, adding

1,636 records to the official Copyright Public Records Catalog.

Record Retention

In FY 2021, USCO kicked off execution of a systematic record retention review and disposal of those beyond their retention period. USCO updated the NARA retention schedule by reevaluating the amount of time it retains each class of records, considered the addition of new record types, and evaluated whether records past retention should be offered to the Library and other institutions. In addition to updating the NARA retention schedule, USCO established an internal Copyright Historical Review Committee (CHRC) to review deposits past their retention period. The CHRC identifies works with legal, historical, or cultural significance to retain or offer to the Library or other cultural institutions. The first sets of large-scale deposits were inventoried, and archival images were created for review or passed onto the Library for final disposition.

HISTORICAL PUBLIC RECORDS PROGRAM

The Historical Public Records (HPR) Program aims to secure the USCO physical, historical public records (1870–1977) through digitization and online search capabilities to increase open access. The goal is to make these valuable records available in the new online Copyright Public Records System, consolidating copyright information for research by the public and staff.

The Virtual Card Catalog

In FY 2021, the Virtual Card Catalog (VCC) proof of concept had 12,482 unique visitors with over 129,000 page views. USCO encourages the public to comment

on the VCC through various feedback options at the VCC proof of concept website, and this feedback is being incorporated into the design of the new CPRS.

Record Book Inventory

To support the digitization of the historical record books, staff cataloged and reviewed 3,166 record books this fiscal year. As of September 30, 2021, USCO had cataloged 19,704 record books. As part of the inventory, staff confirmed the number of records, the number of pages, and other elements that impacted the digitization workflow. Staff also conducted regular quality assurance inspections to verify that the books and bookshelf locations were accurate.

Inventory and Analysis of Card Catalog Files

This effort reconciles the digitized VCC drawers and card images to the physical card catalog records. In FY 2021, staff reviewed and reconciled over 5,826, representing 89 percent of the total of 6,562 drawers in scope for this project.

Record Books Digitization

The record book digitization project began in February 2021. This multiyear effort, the most extensive digitization effort ever undertaken at the Library of Congress, aims to create searchable digital images of the collection of approximately 26,278 record books. In FY 2021, the team successfully digitized 1,173 record books. Work is already underway to make the books available online in increments in an online digital collection when they can be integrated using keyword metadata into the CPRS.



A staff member scans copyright record books.

Data Perfection

During FY 2021, work continued to perfect the data in the digitized registration application cards. This effort transcribes specific metadata fields from the digitized card catalog images to improve the optical character recognition (OCR) captured during the digitization completed in 2010. The goal is to create keywords that allow online search and retrieval of the card images through the CPRS. The first 1,467,393 registration application cards were started in FY 2021.

Data Mapping

USCO completed a data mapping effort to create a business glossary, data dictionary, and data-mapping schema for the HPR to align with the development of a comprehensive public records system. These artifacts will be used to expand the Copyright Office's official data mapping documentation and assist

in defining and identifying the required metadata across all the HPR collections to allow efficient search and retrieval online in the CPRS.

Quality Assurance Tool

To establish a continuous improvement and efficient quality assurance process that incorporates automation to support mass production, USCO designed and developed a quality assurance tool in coordination with OCIO.

Digitization Production Management System

USCO developed a production management system to track, report, and manage the largescale workstreams underway for the record book digitization project to support current and future multiyear efforts.

INFORMATION AND EDUCATION

The Copyright Office provides information and education to the public to raise awareness of, and respect for, the copyright law and the role of the Office in the copyright ecosystem. The Office also seeks to expand participation in the national copyright system by designing and offering educational content for authors/creators, teachers, students, librarians, practitioners, and other groups within the copyright community.

PUBLIC INFORMATION

The Public Information Office reopened its doors on July 8, 2021, after more than a year. All visitors were required to set up on-site appointments ahead of time. USCO fielded 258,128 inquiries from the public in FY 2021. Requests came by email, regular mail, telephone, in-person, and through a chat service pilot program, which ran from September 2, 2020, through February 2, 2021. 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 FY 2021, USCO distributed sixty-nine issues of NewsNet, an electronic news service covering legislative and regulatory developments and general Office news, to more than 79,000 subscribers. USCO also responded to press inquiries, in coordination with other Office divisions.

OUTREACH

USCO produced twenty-three events for staff and the public in FY 2021, all on virtual platforms.

USCO hosted two events as part of the Copyright Office Presents series. “The Enduring Copyright Legacy of Justice Ruth Bader Ginsburg” highlighted the

Supreme Court Justice’s unique and lasting influence on copyright, from her opinions impacting copyright law and policy, to the inspiration she gave creators of copyright-protected works, including movies, books, operas, and more. “The Creative Business: Celebrating World IP Day and Taking Your Ideas to Market,” cohosted with WIPO, featured a discussion of the importance of small and medium-sized businesses in copyright, the economy, and culture.

USCO co-hosted “Advancing Inclusion in Copyright & Register Barbara Ringer’s Legacy” with the Georgetown Intellectual Property and Information Policy Clinic and Georgetown Institute for Law and Policy. Presenters examined the importance of creating opportunities in copyright and developing more diverse and inclusive legal systems for the benefit of all. The program built on the legacy of Barbara Ringer, a lead architect of the Copyright Act of 1976 and the first woman to serve as U.S. Register of Copyrights, who was a strong promoter of broader representation among women and minorities during her tenure.

In FY 2021, USCO hosted six webinars. Five focused on modernization updates, and the sixth featured Group Registration of Works Published on an Album of Music (GRAM). USCO also hosted



A staff member gives a tour of the "Find Yourself in Copyright" exhibit.

online roundtables for its reports on Copyright and the State Sovereign Immunity and Unclaimed Royalties: Best Practice Recommendations for the Mechanical Licensing Collective, and hearings for the Eighth Triennial Section 1201 Proceeding. USCO co-hosted with WIPO the International Copyright Institute, a two-day symposium where senior-level copyright officials from countries around the world were brought together to hear from government, private industry, and civil society experts on emerging issues of law and policy. Also co-hosting with WIPO, USCO held monthly sessions for the Roundtables on International Copyright Education (RICE). RICE provides invited government officials, education policymakers, and educators from around the world with an opportunity to share and discuss strategies and best practices for educating youth about copyright.

During the year, the Register of Copyrights made presentations and served as the keynote speaker at multiple domestic and international events and symposia. She and other Copyright Office attorneys also spoke at law schools and legal and trade association meetings.

USCO participated in the Library of Congress presentation at the virtual National Book Festival, highlighting the Learning Engine video series and providing information about USCO and the benefits of registration.

Toward the end of fiscal 2021, USCO opened its new exhibit, Find Yourself in Copyright. The physical exhibit is on the fourth floor of the Madison Building, and USCO also released an online version. The exhibits explore how U.S. copyright law has evolved and how the millions of copyright claims registered with USCO illustrate the varied nature of original works.

COPYRIGHT OFFICE WEBSITE

Through copyright.gov, the public can learn about copyright law and USCO's services and 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. USCO launched an update to the website homepage and navigation in January 2021. Throughout FY 2021, USCO updated the coronavirus update page, which details all changes to Office policy and procedure under the authority of the CARES Act. During FY 2021, USCO served more than 60.2 million pages to 6.2 million unique visitors during 8.7 million visits.

BLOG

USCO posted twenty-five blog entries to Copyright: Creativity at Work in FY 2021. Posts included Office news and history, heritage month celebrations, pandemic operations, law and policy developments, and copyright lore. The blog grew to approximately 63,000 subscribers by the end of FY 2021—an increase of 58 percent.

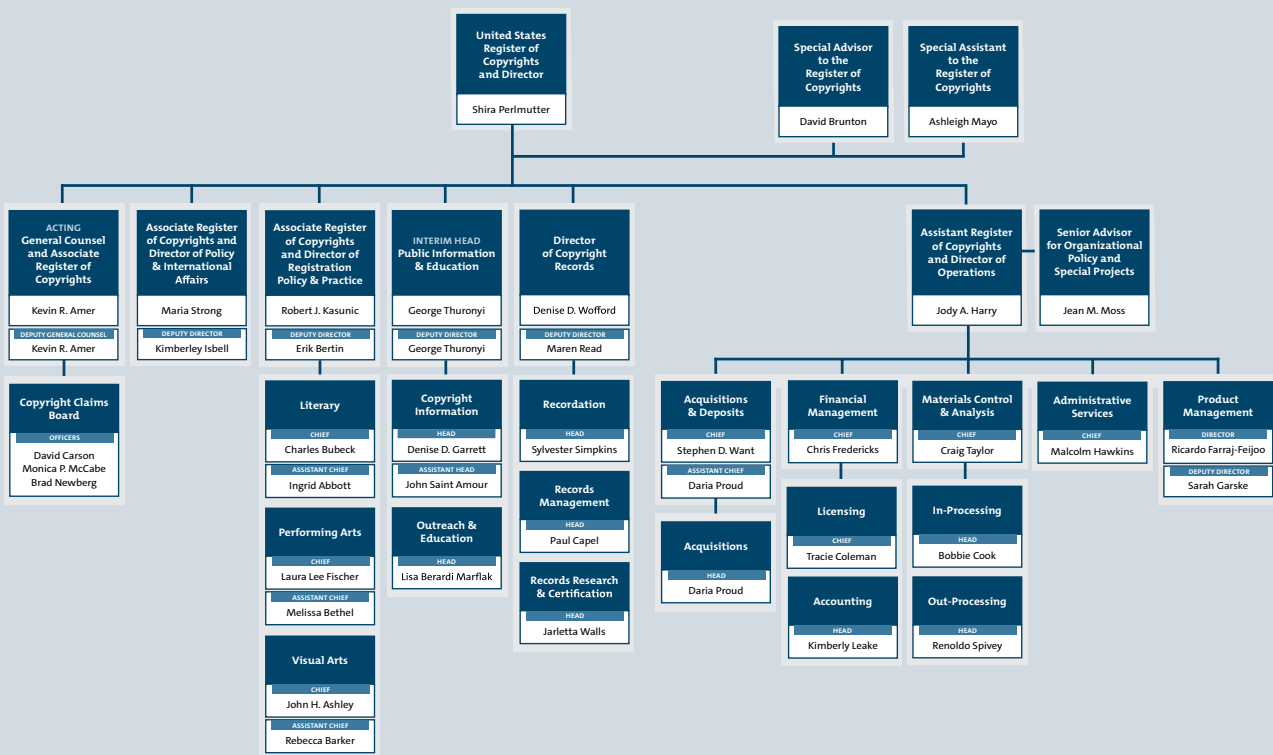
SOCIAL MEDIA

USCO issued 621 tweets, which received approximately 2.7 million views and 39,000 engagements for an engagement ratio of 1.4 percent, which is above industry standards. The account gained approximately 2,000 subscribers over the fiscal year for a total of approximately 31,000—a 7 percent increase.

USCO released twenty-nine videos in FY 2021. USCO's YouTube channel gained approximately 2,800 subscribers, growing from 4,300 to 7,100 total subscribers. These videos received 14,000 total views and a total of 930 hours. Over the course of their lifespan, all office videos received 148,000 views and a total of over 6,000 hours. During FY 2021, USCO completed five Learning Engine series videos. Concepts included recordation, the DMCA notice and takedown system, and educational uses of copyright-protected material. The video titled What Can We Do For You? performed the best with 3,200 views.

APPENDICES

Organization of the United States Copyright Office as of September 30, 2021



Copyright Registrations, 1790–2021

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	414,285 ⁶
1894	62,764	1925	167,863	1956	224,908	1986	561,208 ³	2017	452,145 ⁶
1895	67,578	1926	180,179	1957	225,807	1987	582,239 ³	2018	560,037 ⁶
1896	72,482	1927	186,856	1958	238,935	1988	565,801	2019	547,855 ⁶
1897	75,035	1928	196,715	1959	241,735	1989	619,543 ⁴	2020	443,982 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		
								Total	39,708,790

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 FY 2004 annual report to include mask works registrations.

4 The total for 1989 was corrected as of the FY 2004 annual report to be consistent with the FY 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 The totals for 2016–2020 were corrected, due to reporting errors in those years.

Number of Registrations by Subject Matter, FY 2021

<i>Category of Material</i>	<i>Published</i>	<i>Unpublished</i>	<i>Total</i>
Non-dramatic literary registrations:			
<i>Monographs and computer-related works</i>	75,602	53,321	128,923
Serials:			
<i>Serials (non-group)</i>	19,529	–	19,529
<i>Group Daily Newspapers/Newsletters</i>	1,063	–	1,063
<i>Group Serials</i>	3,041	–	3,041
Total literary registrations	99,235	53,321	152,556
Works of the performing arts , including musical works, sound recordings, dramatic works, choreography and pantomimes, and motion pictures and filmstrips	49,553	51,268	100,821
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	46,708	33,683	80,391
Sound recordings	24,752	44,787	69,539
Total basic registrations	220,248	183,059	403,307
Renewals	181	–	181
Mask work registrations	33	–	33
Vessel design registrations	58	–	58
GATT registrations	14	–	14
Grand total all registrations			403,593
Preregistrations			464
Documents Recorded			11,625

APPENDICES

Financial information published in this table is unaudited.

Fee Receipts and Interest, FY 2021

Fees	Receipts Recorded¹
Copyright Registration	\$34,460,886
Registration Special Handling/Expedited Services	\$2,372,000
Preregistration	\$117,140
Renewal Registration	\$25,225
GRTX (Short Online Literary Works)	\$21,515
Vessel Hull Design Registration	\$16,015
Mask Works Registration	\$1,500
Subtotal	\$37,014,281
<hr/>	
Recordation of Documents	\$2,120,102
RMS – DA	\$243,660
RMS – Non DA	\$264,855
Recordation Special Handling/Expedited Services	\$216,700
RMS – DA – Special Handling	\$3,300
RMS – Non DA –Special Handling	\$6,600
Certifications	\$521,141
Other Services & Fees	\$138,672
DMCA	\$62,460
Searches	\$49,155
Other Licensing Fees	\$9,395
Subtotal	\$3,636,040
<hr/>	
Total Receipts Recorded	\$40,650,321
<hr/>	
Investment Earnings	\$3,009
Reconciling Transactions ²	\$3,034
<hr/>	
Fee Receipts and Interest Applied to the Appropriation³	\$40,656,364

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, FY 2021¹

<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>
Books^{1,2}	3,558	198,874	202,432		\$16,944,228
Book-hardbound	1,472	8,386	9,858	\$97.76	\$963,718
Book-softbound	2,086	8,557	10,643	\$45.31	\$482,234
e-books (ProQuest)	0	49,626	49,626	\$5.84	\$289,816
e-books (special relief) ⁵	0	132,305	132,305	\$114.95	\$15,208,460
Serials^{1,3}	12,765	317,594	330,359		\$27,590,828
Periodicals ⁴	765	149,234	149,999	\$57.62	\$6,050,060
Newspapers and e-Prints ¹	12,000	26,659	38,659	\$2.00	\$77,318
e-Journals ⁵	0	141,701	141,701	\$151.47	\$21,463,450
Microforms	0	348	348		\$87,000
Microfilm	0	348	348	\$250.00	\$87,000
Microfiche	0	0	0	\$14.07	\$0
Motion Pictures	18	24	42		\$126,000
Film-35mm/70mm/IMAX ¹	0	0	0	\$16,512.89	\$0
Film 16mm	0	0	0	\$1,500.00	\$0
407 DCP/HDCAM	18	24	42	\$3,000.00	\$126,000
CD/DVDs	578	369	947		\$0
Printed Music	0	233	233	\$78.99	\$18,405
Maps	23	55	78	\$62.54	\$4,878
Prints, Posters, Photographs, Works of Art	28	26	54		\$0
Total	16,970	517,523	534,493		\$44,771,339

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; 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 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.

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

Non-Fee Information Services to Public, FY 2021

Public Information & Education/Copyright Records direct reference services	
In person	73
By correspondence	5,490
By email	173,224
By telephone	71,800
By online chat	7,541
Total	258,128
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Office of the General Counsel direct reference services	
By correspondence	10
By telephone	2
Total	12
<hr/>	
Materials Control and Analysis Division	
By correspondence	336
By email	16,561
By telephone	5,866
Total	22,763
<hr/>	
Licensing Section direct reference services	
By correspondence or email	2,164
By telephone	231
Total	2,395
<hr/>	
Acquisitions & Deposits Division direct reference services	
By correspondence or email	5
By telephone	0
Total	5
<hr/>	
Grand Total Direct Reference Services	283,303

Financial information published in this table is unaudited.

Statement of Fiduciary Net Assets, as of September 30, 2021

	<i>(in thousands)</i>
Investments in U.S. Treasury securities, net	\$1,216,092
Fund Balance with Treasury	\$119
Accounts receivable	\$991
<hr/>	
Total Fiduciary Net Assets	\$1,217,202

Financial information published in this table is unaudited.

Statement of Fiduciary Activity, as of September 30, 2021

	<i>(in thousands)</i>
Beginning Fiduciary Net Assets	\$1,433,240
Royalty Fees Received	\$222,595
Investment Earnings	\$697
Total Inflows to Fiduciary Net Assets	\$223,292
Distributions to copyright owners	(\$434,876)
Refunds of royalty fees	(\$1)
Net royalty fees retained for administrative costs	(\$4,453)
Total Outflows from Fiduciary Net Assets	(\$439,330)
Decrease in Fiduciary Net Assets	(\$216,038)
<hr/>	
Ending Fiduciary Net Assets	\$1,217,202

Financial information published in this table is unaudited.

Statutory Licensing Filing and Royalty Fees Collected and Offset for Administrative Costs, Fiscal 2021

	<i>(in thousands)</i>		
	Total	Licensing Copyright	Copyright Royalty Judges
Filing Fees	\$1,273	\$1,270	\$3
License filing year 2021 royalty fees	\$4,128	\$3,721	\$407
License filing year 2020 royalty fees	\$1,377	\$1,241	\$136
Total	\$6,778	\$6,232	\$546

Financial information published in this table is unaudited.

Statutory Licensing Net Royalty Fees Retained for Administrative Costs, FY 2021

	<i>(in thousands)</i>		
	Total	Licensing Copyright	Copyright Royalty Judges
2021 royalty fees retained	\$4,128	\$3,721	\$407
2021 royalty fees refunded or payable to the fiduciary fund	(\$744)	(\$539)	(\$205)
2020 royalty fees retained	\$1,377	\$1,241	\$136
2020 royalty fees refunded or payable to the fiduciary fund	(\$247)	(\$179)	(\$68)
2019 royalty fees retained	–	–	–
2019 royalty fees refunded or payable to the fiduciary fund	–	–	–
2018 royalty fees refunded	–	–	–
2017 royalty fees refunded	–	–	–
2016 royalty fees refunded	(\$37)	(\$15)	(\$22)
2015 royalty fees refunded	(\$24)	(\$8)	(\$16)
Total	\$4,453	\$4,221	\$232



PHOTOGRAPHY CREDITS:

David Rice (pages 1,3, 6, 9, 19, 26, 29, 31, back cover)

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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 a.m. to 5:00 p.m., 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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