

# 2 The Strategic Plan

## Strategic Goals

**SERVICE TO GOVERNMENT:** *Provide and enhance timely quality service to the Congress, the executive branch, and the courts to address current and emerging issues involving copyright policy and law.*

Copyright policy today faces tremendous challenges in meeting the rapidly evolving demands of our digital world and the needs of creators and users of copyrighted works. The Copyright Office works directly with the Congress, the executive branch, and the courts to provide the expertise needed to respond to these issues using the Office's experience in administering the copyright law.

In keeping with the Copyright Office's role to advise Congress and to provide information and assistance to federal agencies and to the judiciary on copyright matters (17 U.S.C. §701), this goal focuses on support for the U.S. government to carry out its constitutional function as stated in Article 1, Section 8.

The rapid development of the Internet and digital technology and their operation across national boundaries have created new challenges to copyright law. Digital and communication technologies have allowed more people access to America's creative output. They have also challenged the nation's copyright framework. Works in digital format are easy to copy. Extensive and growing use of computer networks makes very broad distribution simple. The Digital Millennium Copyright Act (1998) addressed some of these challenges, yet new challenges continue to arise. They will be met through new business models, new methods of enforcement, new legal challenges, and new legislation.

The Copyright Office must provide advice on how to deal with other situations that impede use or inhibit protection. These include such issues as the problem of "orphan works" — works whose owners cannot be located, thus making any negotiation of use and compensation impossible.

The Copyright Office also offers advice to Congress on multilateral agreements and works with executive branch agencies to promote copyright protection throughout the world. Protection against infringement of a U.S. copyrighted work in another country depends primarily on that country's laws. Most countries offer copyright protection to foreign works under the aegis of international copyright treaties and conventions and on the basis of national treatment, where foreign works should receive the same protection as domestic works.

Some countries harbor lucrative piracy sectors that copy U.S. works without permission. The Copyright Office works with executive branch agencies such as the U.S. Trade Representative and Customs and Border Protection to ensure that U.S. trade policy targets the copyright laws and enforcement of these countries, and that illegally copied works do not enter the U.S. market.

The Copyright Office's activities to assist in the protection of U.S. copyrighted works abroad advance the economic welfare of the United States by encouraging the continued creation and dissemination of works to the public throughout the world.

In addition to working through multilateral organizations such as the World Intellectual Property Organization, a United Nations specialized agency, the United States is increasing its promotion of free trade agreements with individual countries and groups of countries. These agreements contain extensive provisions on intellectual property and enforcement.

This goal, therefore, is to help Congress and the federal government address these challenges so as to maintain an appropriate balance between owners' rights and the needs of users. In striking this balance, the Copyright Office must ensure that the incentives for continued creativity are maintained.

#### **OUTCOMES**

**Outcome 1:** Increased recognition of the Copyright Office as government's resource of choice for expert advice on copyright and related issues.

**Outcome 2:** More effective protection of U.S. copyrighted works internationally.

#### **STRATEGIES**

- Sustain the highest standards of copyright regulatory and administrative stewardship on the nation's behalf.
- Assist congressional and government understanding of domestic issues affecting compliance with copyright law.
- Assist and encourage other countries in their adherence to international copyright treaties and agreements with intellectual property provisions.
- Assist and encourage other countries in their implementation of effective national laws that will ensure protection of U.S. copyrighted works and compensation to their creators.
- Improve proactive delivery of advice and information to Congress and government agencies.
- Lead in the provision of expert assistance on digital technology and other issues in light of fundamental copyright principles and the requirements of the law.

#### **PERFORMANCE INDICATORS**

The Copyright Office uses quantifiable performance indicators and measures, insofar as possible, to demonstrate the degree to which this Copyright Office goal assists the Congress, executive branch, and the courts to address challenges to copyright policy and law.

Performance indicators identify what the Copyright Office will evaluate in determining its progress toward achieving this goal and its outcomes. The representative measures identify some of the ways the Office may measure the progress of each indicator. The list of representative measures is meant only as a sample of the measures that various units in the Office will include in their annual planning. The performance indicators and representative measures for this goal are below.

**Outcome 1: *Increased recognition of the Copyright Office as government’s resource of choice for expert advice on copyright and related issues.***

Performance Indicators	Representative Measures
Assistance and expert advice on copyright to U.S. government agencies	<ul style="list-style-type: none"> <li>• Copyright-related legislation on which the Office provided assistance</li> <li>• Testimony</li> <li>• Reports</li> <li>• Requests for analysis and assistance</li> <li>• Litigation participation</li> <li>• Regulations issued</li> </ul>

**Outcome 2: *More effective protection of U.S. copyrighted works internationally.***

Performance Indicators	Representative Measures
Assistance and expert advice to U.S. and foreign government agencies and international organizations	<ul style="list-style-type: none"> <li>• Participation in delegations</li> <li>• Multilateral and bilateral negotiations and treaties</li> <li>• Requests for analysis and assistance</li> <li>• Special 301 reviews</li> </ul>

**EXTERNAL FACTORS**

- The high economic impact of creative industries will continue to generate ownership, distribution, and use issues that will result in legislation, regulation, and litigation.
- Rapid change and development in technology will deeply affect the nature and number of issues before Congress, U.S. government agencies, the courts, and in the international arena. The ability to achieve these goals largely rests on whether the resulting laws, regulations, court decisions, and international agreements are effective in defining and balancing intellectual property rights and use of creative works in the burgeoning digital environment.

**PUBLIC SERVICES: Promote appropriate protection and use of copyrighted works, mask works, and vessel hull designs by providing timely, easy-to-use public services.**

The copyright law gives the Copyright Office responsibility for providing a national system and public records of copyright registration and document recordation. It also requires the Office to administer statutory licenses and obligations. These services foster a creative output that sustains an important part of American economic and cultural life.

Copyright owners, users of copyrighted works, copyright industries, libraries, and members of the public rely on Copyright Office records. These records assist users of copyrighted works to find current copyright ownership information and to determine the copyright term of a work. The availability of this information promotes the lawful use of such works.

The greater the number of works registered with the Copyright Office, and the more transfers of ownership recorded, the more complete is our national record of ownership of copyrighted works. Timely processing of registrations and recordations allows the public record to be made available sooner.

The public is now able to conduct a growing amount of its business electronically. Many expect and demand easy-to-use online capabilities. Registration is the single largest Copyright Office business process, to which the vast majority of the Office's staff and budget are dedicated. With online registration, registrants have an easier, less paper-intensive procedure that saves time and provides for online updates on the status of their registration claims.

Ease of filing and timely processing also allow for improved collection and distribution of royalty payments under the copyright law's statutory licenses and obligations, providing an economic stimulus to creative industries. Those entities that are subject to the terms of certain statutory licenses and obligations must file statements of account with the Copyright Office and pay royalty fees for future distribution to eligible copyright owners. Statements of account have historically been filed in paper form. All royalty fees, on the other hand, are deposited by electronic funds transfer. The development of electronic filing of statements of account during this plan will increase efficiencies for the filers, the Office, and the royalty recipients, and make licensing documents more rapidly and readily available to copyright owners and other interested parties.

The Copyright Office is an office of record for information on copyright registrations, transfers of ownership, security interests, and other actions. Copyright Office records provide the most complete and accurate accounting of copyright information in the world, including more than 32 million registrations since 1790, thousands of recorded documents, and forms for payment of licensing fees. Many records from 1978 to the present are searchable through the Copyright Office website. Pre-1978 records are in paper form and are not available online. The public must then come personally to the Copyright Office, pay a searching fee to the Office, hire professional searchers and law firms, or search in U.S. government depository libraries for those records that appeared in printed volumes of the *Catalog of Copyright Entries*. Online availability of all or a larger portion of copyright

records would provide users with immediate access to these records in a searchable form, providing information to facilitate the lawful use of creative works.

Technology provides new opportunities to improve the timeliness of these public services and increase their online availability. The Office implemented reengineered processes in 2007, providing greater electronic delivery of copyright services.

#### OUTCOMES

**Outcome 1:** Increased use and timeliness of copyright services to the public.

**Outcome 2:** Improved ability of users and owners to engage in mutually beneficial copyright transactions.

#### STRATEGIES

- Provide products and services that meet the needs of owners and users of copyrighted and other protected works.
- Improve customer satisfaction with Copyright Office services.
- Improve record-keeping functions to serve customer needs, including access to and currency of ownership information.
- Increase the number of historical copyright records accessible online.
- Establish and expand online services to the public.
- Learn what customers want and need from Copyright Office services.

#### PERFORMANCE INDICATORS

Outcome 1: <i>Increased use and timeliness of copyright services to the public.</i>	
Performance Indicators	Representative Measures
Online services	<ul style="list-style-type: none"> <li>• Services appropriate to online delivery that are actually delivered in that manner</li> <li>• Level of use</li> <li>• Customer satisfaction</li> </ul>
Product delivery	<ul style="list-style-type: none"> <li>• Timeliness</li> <li>• Level of use</li> <li>• Customer satisfaction</li> </ul>
Availability	<ul style="list-style-type: none"> <li>• Paper records digitized</li> <li>• Records indexed</li> <li>• Number accessed</li> </ul>

*Outcome 2: Improved ability of users and owners to engage in mutually beneficial copyright transactions.*

**Performance Indicators**

**Representative Measures**

Transaction facilitation

• Access to rights information

**EXTERNAL FACTORS**

- Terrorism and other security issues, such as mail disruptions on Capitol Hill because of delivery of suspicious substances and disease or delays and damage caused by protective irradiation of mail, affect the Copyright Office’s ability to provide services in a timely and effective way.
- Success in achieving customer satisfaction requires that customers communicate to the Office their needs and desired outcomes for services.
- Rapid technological and software changes will affect how well the Office’s systems serve the customer and how easily those systems can be updated to better serve the customer.

**ACQUISITION OF COPYRIGHTED WORKS: *Support Library of Congress service to Congress and the American people by providing timely acquisition of copyrighted works required by the Library.***

The Office continues to be a major source of works for the collections of the Library of Congress through registration and the mandatory deposit provisions of the copyright law. Under these provisions, publishers are required to deposit in the Library two copies of a work within three months of publication in the United States. Copyrighted works received through registration and mandatory deposit are the Library’s main source of works by American authors. Mandatory deposit provisions also apply to foreign works under certain circumstances. The Copyright Office also requests works not yet received but wanted for the collections.

Increasing numbers of works are being created and distributed in digital form. Many works are made available only online. To sustain a universal collection, the Library must acquire the most current and historically valuable works now being created and disseminated only in digital form. Acquisition of digital works presents many challenges. The Copyright Office is a significant contributor to the effort to develop and realize the Library’s vision of a vibrant program of digital acquisition, and it assists the Library in copyright issues related to access and preservation.

One of the rationales that led Congress to create a centralized copyright function in the Library of Congress was the availability of deposited works for the Library’s collections. These works support the Library’s service to Congress and the nation. There is a continuing need to inform publishers of the Copyright Act’s mandatory deposit provisions and how to comply with them as new types and formats of works are being made available to the public. Under this strategic plan, the Office will strengthen its capacity to acquire copies

of works in all formats, including digital works, and assist publishers and other copyright owners to understand their legal obligation to deposit copyrighted published works. This strengthened capacity will foster continuing and improved acquisition of copyrighted works for the collections of the Library of Congress.

Content owners are producing creative works in many formats and adding new ones every day. Section 407 of the copyright law specifies deposit of the “best edition” of a work for use by the Library of Congress, but it does not limit the formats covered by the deposit provisions. The Library determines the best edition, and by regulation can specify any format as the best edition. Many of the new formats are digital. The registration and deposit of digital works forward the goals of the Library’s Digital Strategic Plan.

#### OUTCOMES

**Outcome 1:** Sustained and improved copyright contributions to the Library’s collections.

#### STRATEGIES

- Improve the Library’s ability to rely upon the Copyright Office for copyrighted works the Library wants for its collections.
- Ensure that knowledge and creativity are sustained for future generations through active encouragement of creation of new works and deposit of completed works.
- Increase the acquisition, through registration and mandatory deposit, of works created and disseminated digitally or online in a variety of formats.
- Improve the acquisition, through registration and mandatory deposit, of works created and disseminated in analog formats.
- Broaden publishers’ understanding of mandatory deposit provisions and their obligations under those provisions.

#### PERFORMANCE INDICATORS

<b>Outcome 1: <i>Sustained and improved copyright contributions to the Library’s Americana collections.</i></b>	
<b>Performance Indicators</b>	<b>Representative Measures</b>
Mandatory deposit of materials	<ul style="list-style-type: none"> <li>• Publishers who deposit voluntarily</li> <li>• Publishers who comply with demands</li> <li>• Deposited items</li> </ul>
Contributions to the Library	<ul style="list-style-type: none"> <li>• Deposit copies transferred</li> <li>• Estimated value of transfers</li> <li>• Acquisitions timeliness</li> </ul>

## EXTERNAL FACTORS

- The growing number of works that exist only in digital form will affect how the Library acquires and stores materials for its collections.

## **INFORMATION AND EDUCATION: *Improve public understanding of copyright and related laws, principles, and services.***

Education about copyright issues has become increasingly urgent in the digital age as more and more people are able to engage in activities that implicate copyright. The Copyright Office will strive to reach new audiences with a message about the importance of a strong national and international copyright system.

The Internet and digital technologies have dramatically affected the public perception of copyright law. File-sharing services and peer-to-peer networks that foster illegal copying and distribution have influenced a large audience, including children and teenagers.

Broader copyright education efforts are required. When members of the public understand the principles and values of copyright law, they will be more likely to comply with the law. Initiatives to students and other audiences must be increased. The Office will also determine the most effective means of reaching these audiences and will seek out the best ways to provide education on copyright.

The purpose of this goal is to engender a more widespread public understanding and discussion of copyright and greater respect for, as well as adherence to, copyright law.

## OUTCOMES

**Outcome 1:** Increased usage of the national copyright system and public understanding of its value.

## STRATEGIES

- Promote public respect for copyright principles, compliance with copyright laws, and use of copyright services.
- Respond actively to owners' and users' needs for knowledge about copyright and related laws, principles, and services.
- Reach more people in selected audiences with a message on the importance of copyright and related laws and principles as a means of promoting creativity.
- Increase the number of media used to convey copyright principles.

## PERFORMANCE INDICATORS

Outcome 1: *Increased usage of the national copyright system and public understanding of its value.*

Performance Indicators	Representative Measures
Audience	<ul style="list-style-type: none"><li>• Audience types</li><li>• Audience sizes</li><li>• Children reached</li></ul>
Media	<ul style="list-style-type: none"><li>• Website use</li><li>• Visitors to the Office exhibit</li><li>• Media used</li><li>• Customer feedback</li></ul>

## EXTERNAL FACTORS

- Changes in demographics of the United States population will influence the nature of the audiences to be addressed.