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# Strategic Plan 2004-2008

United States Copyright Office

## U.S. Copyright Office Strategic Plan Summary

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### MISSION

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To promote creativity by administering and sustaining an effective national copyright system.

### GOALS AND OBJECTIVES

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*Provide timely, quality service to the Congress, the Executive Branch, and the Courts to address current and emerging challenges to copyright policy and law related to—*

- Digital technology and other issues
- Protection of copyrighted works internationally

*Promote lawful use of copyrighted works and compensation to creators by providing timely, easy-to-use public services (including registration, recordation, and statutory licenses), by—*

- Increasing online registration
- Increasing online filing for Statutory Licenses and Obligations
- Providing online access to more historical copyright records

*Improve public understanding of copyright law by—*

- Reaching new audiences
- Using a broad range of information media and methods

*Support Library of Congress service to Congress and the American people by providing timely acquisition of copyrighted works required by the Library by—*

- Acquiring more digital works
- Broadening understanding of deposit requirements

### SUPPORTING INITIATIVES

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- Reengineering Program, FY 2000–2006
- Human Capital Management Plan, FY 2004–2008

### CORE VALUES

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- Service
- Knowledge
- Integrity

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## Introduction by the Register of Copyrights

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This revised strategic plan covers Fiscal Years 2004–2008 and provides a high-level framework and guide for fulfilling the Copyright Office’s mission.

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 helps to address these policy issues by working directly with the Congress, the executive branch, and the courts. The Office’s experience in administering the copyright law provides the expertise needed to respond to these issues.

The Copyright Act 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, which 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 of registered claims in copyrighted works and recorded documents that concern ownership of works. These records assist users of copyrighted works to be aware of 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.

Technology provides new opportunities to improve the timeliness of public services and increase online availability of these services. The Office is reengineering its processes to make a fundamental change from a primarily paper-based operation to greater electronic delivery of copyright services. Reengineering is the key initiative supporting the achievement of many goals in this strategic plan. The period covered by this strategic plan will witness broad changes resulting from the Office’s multi-year reengineering program and will culminate in 2006 with the full implementation of reengineered processes, supported by redesigned facilities, organization, and information technology.

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 expand its work in this area to reach new audiences with a message about the importance of a strong national and international copyright system.

*As the Office looks to the future, I am confident we will attain our vision of a twenty-first century organization providing a strong national copyright system that will continue to encourage the tremendous creative potential of the United States.*

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. These works support the Library's service to Congress and the nation. 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.

The Copyright Office Strategic Plan is the guide for the day-to-day activities of the Office's managers and staff. This plan sets out principles to focus managers and staff on the imperatives facing the Office. The plan is given practical expression through the Office's Annual Performance Plans, which form a basis for manager and supervisory plans, and periodic staff performance reviews.

This plan benefitted from informal consultation with planning staff in the Government Accountability Office, and I thank them for this assistance.

As the Office looks to the future, I am confident that we will attain our vision of a twenty-first-century organization providing a strong, effective national copyright system that will continue to encourage the tremendous creative potential of the United States.

Marybeth Peters  
*Register of Copyrights*  
*United States Copyright Office*  
*Library of Congress*



# United States Copyright Law and the Copyright System

## The Constitution and U.S. Copyright Law

### *The Constitution*

When America’s founders wrote into the Constitution a provision empowering the Congress to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,” they implied that society is dependent on the creativity of its citizens. They understood that the American people’s creative genius would flourish when the fruits of that genius are protected for a sufficient time to ensure to each creator and publisher a reasonable recompense for the effort invested. This protection supports an intellectual property system in which creative works are protected and available for the benefit of our citizens. Today, copyright is a significant driving force in the U.S. economy.

### *U.S. Copyright Law*

The Congress of the United States has created a very strong copyright system, through copyright and related laws in title 17 of the *United States Code*.

It is a principle of U.S. law, provided for in the Constitution, that an author of a work has certain rights to his or her intellectual creativity for a limited period of time. Copyright is a form of protection provided by the laws of the United States for “original works of authorship,” including literary, dramatic, musical, architectural, choreographic, pantomimic, pictorial, graphic, sculptural, sound recording, and audiovisual creations. Copyright protection does not extend to any idea, procedure, process, slogan, principle, or discovery. Over time, “copyright” has come to mean the exclusive rights granted by statute to authors for protection of their work.

The owner of a copyright has the exclusive right to reproduce, distribute, and, in the case of certain works, publicly perform or display his or her work; to prepare derivative works; and to authorize others to engage in these same acts under specific terms and conditions. These exclusive rights are balanced by a limitation on their duration, which is generally the life of the last surviving author of a work plus seventy years. Compulsory licenses, fair use, and other exceptions allow for certain uses without permission. The law

*The Copyright Office’s mission, vision, and strategy derive directly from the provisions of the copyright law and the historical role it articulates for the Office.*

thus considers both the rights of copyright owners and the benefits to the public in the use of copyrighted works.

One of the first laws enacted by the newly-formed Congress was the 1790 copyright law, which granted American authors the right to print, reprint, or publish their works (maps, charts, and books) for a period of 14 years and to renew for another 14. The law was meant to provide an incentive to authors to create original works by providing creators with exclusive rights. At the same time, these rights were limited in order to stimulate creativity and the advancement of “science” (knowledge) by placing these works in the “public domain” after a limited time for everyone to use. In an 1831 revision, the initial term of protection of copyrighted works was extended to 28 years with the possibility of a 14-year extension. Over the years, other categories of works were added and rights were expanded.

In 1870, Congress centralized the copyright registration function, moving it from district courts to the Library of Congress, creating a national copyright system to provide copyright services to the public and copyrighted works to the nation’s library. In 1891, Congress passed the first U.S. copyright law authorizing establishment of copyright relations with foreign countries.

The 1909 Copyright Act continued the long historical trend of expanding the scope and availability of copyright protection under federal law. The Copyright Act of 1909 liberalized copyright provisions in many areas. For the first time, it authorized copyright registration for a number of categories of unpublished material. The Act provided a compulsory license governing the mechanical reproduction of musical compositions, and a “for profit” limitation on the performance right. The stringency of formalities was limited to a degree by basing the securing of copyright on publishing with notice of copyright. Additionally, some minor changes reduced the harshness of the manufacturing provision and notice requirement. The duration of copyright was expanded by changing the renewal term from 14 to 28 years. Shortly after passage of the 1909 Act, the law was amended to clarify that motion pictures were proper subject matter for copyright.

The major 1976 revision of the copyright law was undertaken for two primary reasons: to address technological developments and their impact on what might be copyrighted, how works might be copied, and what constituted an infringement; and to bring the U.S. into accord with international copyright law, practices, and policies. The 1976 act preempted all previous copyright laws and extended the term of protection to life of the author plus 50 years or, in the case of “works made for hire,” for 75 years for published works and 100 years for unpublished works. For the first time the fair use and first sale doctrines were codified, and copyright was extended to all unpublished works. Other legislation has since modified the copyright law to extend the term of copyright an additional 20 years and to address new technological issues.

The registration and deposit of copyrighted works have served two purposes: to create a record of copyright registration as legal evidence and to enrich the collections of the Library of Congress for the benefit of the American people.

The Copyright Office’s mission, vision, and strategy derive directly from the provisions of the copyright law and the historical role the law articulates for the Office.

## Mission, Vision, Strategic Outcomes

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### ***Mission***

The mission of the Copyright Office is to promote creativity by administering and sustaining an effective national copyright system.

### ***Vision***

The Copyright Office is: a leading advocate of an effective national copyright system that serves both creators and users of copyrighted works; the primary advisor to Congress on national and international copyright matters; a trusted source of information and assistance to federal agencies and the judiciary on these matters; and the provider of electronic copyright services.

### ***Strategic Outcomes***

During the period covered by this plan, the Copyright Office aims to achieve the following strategic outcomes:

- Promote lawful use of copyrighted works through administration of the copyright law, domestic legislation, international agreements, and educational efforts
- Play a key contributing role in congressional deliberations on how copyright law might be adapted for new technologies, while maintaining protection and incentives to create, including appropriate exceptions
- Provide public services in a timely manner
- Make copyright public services available online to the maximum possible extent
- Carry out effective programs of public education on copyright law and its importance to our national interest
- Acquire copyrighted works published in the United States for the collections of the Library of Congress, to benefit the Congress and the American people

## The Functions and Services of the U.S. Copyright Office

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The Congress has ensured that the record of American intellectual creativity is preserved through placement of the Copyright Office in the Library of Congress, where deposited works may be selected for the Library's collections and thus benefit the Congress and the American people.

In 1870, Congress centralized copyright functions in its Library under the direction of the then Librarian of Congress Ainsworth Rand Spofford. This centralization made the Library and the Copyright Office the authoritative source for advice and information on national and international copyright issues.

The Copyright Office became a separate department of the Library of Congress in 1897. Since then, the Congress has charged the Copyright Office with progressively increasing responsibilities in administering the provisions of the Copyright Act and related laws in

title 17 of the *United States Code*. Thorvald Solberg was appointed the first Register of Copyrights. Eleven individuals have served in this capacity.

### **Administration of the U.S. Copyright Law**

Congress has given the Copyright Office the authority and responsibility for administering the nation's copyright and related laws. This responsibility includes:

**Registration of claims to copyright** · Copyright claimants submit works to the Office for registration. The works are examined to determine the presence of copyrightable authorship and to ensure that other legal and formal requirements have been met. When a work is registered, the Office issues a certificate of registration and creates a public record of the registration.

The law provides incentives to registration that make available to the owner certain benefits in U.S. courts. Timely registration secures certain remedies in a legal action for copyright infringement, such as statutory damages and attorneys fees; the registration certificate is *prima facie* evidence that the factual claims made in the registration certificate are true and that the copyright is valid; and registration ensures that there is a public record of ownership. Authors of U.S. works must register before infringement takes place in order to enforce rights through the courts; authors of foreign works may go directly to the courts.

Copies of works submitted for registration may be selected by the Library of Congress for its collections or exchange program. Since 1870, copyright deposits have formed the core of the Library's "Americana" collections, and they continue to serve as the mint record of American creativity.

The Office's registration records help the public to find the owners of the rights in individual works and determine the term of protection.

**Recordation** · Documents relating to a copyright, including assignments and security interests, are submitted to the Copyright Office to create a public record of such actions. The Office verifies that the document is recordable, images the document, issues a certificate of recordation that is returned with the original document, and creates a public record of the action. These records assist the public in tracking changes in ownership of copyrighted works and create a priority between conflicting transfers.

**Licensing** · The Office handles administrative provisions of the statutory licenses and obligations of the Copyright Act, including those involving secondary transmissions by cable television systems and satellite carriers. For certain licenses, the Office collects specified royalty fees for disbursement to copyright owners. Licensing documents submitted for a statutory license are examined to determine that they meet the requirements of the copyright law.

**Acquisitions** · The Copyright Act includes a mandatory deposit provision that requires every copyrighted work published in the United States to be sent to the Copyright Office within three months of publication for possible inclusion in the Library's collections. While

many works are received through copyright registration, this provision ensures that the Library can acquire for its collections those works that are not submitted for registration. The Office requests works under the mandatory deposit provision in response to requests from the Library's recommending officers, selection officers, and acquisitions librarians.

**Regulatory Activity** · To administer the copyright law, the Congress has granted authority to the Copyright Office to issue such regulations as may be necessary for the effective discharge of its responsibilities included in the law.

### ***Policy and Legal Assistance***

The Copyright Office is the primary source in the U.S. government for legal and technical expertise on copyright matters. It assists the Congress, executive branch agencies, and the judiciary on copyright and related issues. Congress affirmed these functions in section 701 of the copyright law, as amended in 1998:

In addition to the functions and duties set out elsewhere in this chapter, the Register of Copyrights shall perform the following functions:

- (1) Advise Congress on national and international issues relating to copyright, other matters arising under this title, and related matters.
- (2) Provide information and assistance to Federal departments and agencies and the Judiciary on national and international issues relating to copyright, other matters arising under this title, and related matters.
- (3) Participate in meetings of international intergovernmental organizations and meetings with foreign government officials relating to copyright, other matters arising under this title, and related matters, including as a member of United States delegations as authorized by the appropriate Executive branch authority.
- (4) Conduct studies and programs regarding copyright, other matters arising under this title, and related matters, the administration of the Copyright Office, or any function vested in the Copyright Office by law, including educational programs conducted cooperatively with foreign intellectual property offices and international intergovernmental organizations.
- (5) Perform such other functions as Congress may direct, or as may be appropriate in furtherance of the functions and duties specifically set forth in this title.

**The Congress** · As part of the legislative branch, the Office works closely with the Congress in providing objective, nonpartisan analysis and recommendations on national and international copyright issues. As Congress considers the complex copyright issues involved in the growth of digital technology and computer networks, it has tasked the Copyright Office with various responsibilities to address these issues. For example, the Digital Millennium Copyright Act, signed into law on October 28, 1998, gave the Copyright Office responsibility for conducting several studies on various subjects related to technology control and use.

**Executive Branch Agencies** · The Office regularly works side-by-side with executive branch agencies on copyright issues, particularly international matters. The Office participates as a member of U.S. delegations in meetings of international organizations, multilateral negotiations, and bilateral consultations and negotiations.

**The Judiciary** · Although the Office does not enforce the provisions of title 17, it may be involved in litigation in several ways. It can choose to intervene under section 411(a) in a case where registration has been refused. It may be sued under the Administrative Procedure Act. Or it may be asked to participate in litigation either by assisting in the preparation of an *amicus curiae* brief in support of a particular position, by assisting the Department of Justice in defending a particular action, or by bringing a suit under section 407 to compel the deposit of a work.

### **Public Information and Education**

The Congress has given the Copyright Office the role of an office of public record. The Office creates records of registrations, recordations, and other copyright-related actions, and provides public access to them. The Office responds to public requests for information and provides reports and copies from these records.

With new digital and communications technologies, more people have the opportunity to use, copy, and distribute copyrighted works, and thus engage in activities that implicate copyright law. Consequently, there is a growing need for clear, accurate information about copyright law and Office practices. The Office engages in various outreach programs to inform the public of copyright issues.

The Copyright Office is one of the major service units of the Library of Congress. With public offices located at 101 Independence Avenue SE, Washington, DC, the Office occupies portions of the James Madison Memorial Building and employs over 500 people. The Office receives approximately 600,000 claims to copyright, mask works, and vessel hull designs each year. As of Fiscal Year 2003, the Copyright Office had made 30,787,934 registrations. The Office records more than 15,000 documents relating to copyright every year, representing hundreds of thousands of titles. The Copyright Office acquires nearly half a million copies of non-registered works for the collections of the Library of Congress. Various divisions respond to over 300,000 non-fee public information inquiries each year. The Office also collects hundreds of millions of dollars in cable television, satellite carrier, and Audio Home Recording Act statutory royalties for later distribution to copyright owners, authors, and performers.

The long-term outcome of the Copyright Office's work and the strategic directions taken in this five-year period will support the constitutional goal of encouraging American creativity, thereby fostering the educational opportunity, cultural heritage, and economic prosperity such creativity engenders.

# 2 Strategic Goals, Objectives, and Measures

## **GOAL 1: Provide timely, quality service to the Congress, the executive branch, and the courts to address current and emerging challenges to copyright policy and 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 strategic goal focuses on support for the U.S. government to carry out its constitutional function "to promote the Progress of Science . . . by securing for limited Times to Authors . . . the exclusive Right to their respective Writings."

The rapid development of the Internet and digital technology and their operation across national boundaries have created new challenges to copyright law. 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 needs of users. In striking this balance, the Copyright Office must ensure that the incentives for continued creativity are maintained.

### **STRATEGIC OBJECTIVE: *Digital Technology and Other Issues***

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 relatively easy to copy. Extensive and growing use of computer networks makes very broad distribution simple, especially across borders.

The *Digital Millennium Copyright Act*, enacted in 1998, addresses some of these challenges. Even as we gauge the effectiveness of these provisions, 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 problems that impede use or inhibit protection. These include such issues as the problem of "orphan works" — works whose owners simply cannot be located, thus making any negotiation of use and compensation impossible.

**Performance Goal:** Provide expert assistance to Congress, government agencies, and the courts on digital technology and other issues in light of fundamental copyright principles and the requirements of the law.

**Means:** The means to accomplish this objective include

- identifying and proposing ways to address copyright issues regarding online digital technology and other emerging issues
- evaluating legislative proposals
- testifying at congressional hearings
- drafting legislative language
- assisting the Department of Justice in litigation involving important issues of copyright law and policy
- issuing necessary regulations

**STRATEGIC OBJECTIVE: *Protection of Copyrighted Works Internationally***

The Copyright Office 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 the Bureau of Customs and Border Protection to ensure that these countries' laws and enforcement are targeted in U.S. trade policy, 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 UN 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.

**Performance Goal:** Promote other countries' adherence to international copyright treaties and agreements with intellectual property provisions and other countries' implementation of effective national laws that will ensure protection and use of U.S. copyrighted works and compensation to their creators.

**Means:** The means to accomplish this objective include

- identifying and proposing ways to address copyright and related rights protection issues
- evaluating treaties and other proposals, such as trade agreements
- participating as experts on U.S. delegations
- drafting treaty and trade agreement language
- speaking at, and participating in, various international programs

- working with international organizations and other countries to strengthen protections of U.S. works abroad
- providing training to foreign government officials on U.S. copyright law and effective national copyright systems
- assisting the Department of Justice in litigation involving important issues of copyright law and policy

Three areas of activity support accomplishment of this objective:

1 *Multilateral negotiations*

- World Intellectual Property Organization (WIPO) treaty negotiations and experts meetings
- World Trade Organization (WTO) negotiations
- Hague Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters
- Intergovernmental Committee of the Universal Copyright Convention (UCC), administered by UNESCO, to oversee accessions to the UCC
- Trade agreements: participation in the development and implementation of WTO obligations, the ongoing work of WIPO, and the WTO Council on TRIPS (trade-related aspects of intellectual property rights)

2 *Bilateral consultations and negotiations*

- Trade agreements with individual countries in which there is an intellectual property component
- Discussions and agreements focused on intellectual property issues, including level of enforcement

3 *Special 301 Reviews*

- The U.S. government reviews countries' intellectual property protections. The Copyright Office is on the interagency Special 301 Committee, which considers and evaluates the adequacy and effectiveness of intellectual property protection and enforcement throughout the world.

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**GOAL 2: Promote lawful use of copyrighted works and compensation to creators by providing timely, easy-to-use public services (including registration, recordation, and statutory licenses)**

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The registration of copyrighted works and the recordation of documents indicating the transfer of ownership of a work are intended to create a public record of a work's ownership to promote the lawful use of that work. The more works are registered with the Copyright Office and the more transfers of ownership are recorded, the more complete is our national record of ownership of copyrighted works. This record facilitates the lawful use of these works for educational, recreational, research, and commercial purposes. Timely

examination of works submitted for registration and timely recordation of documents allow the public record to be made available sooner.

Ease of filing and timely processing also allow for improved collection and distribution of royalty payments under the copyright law's statutory licences and obligations.

In addition to sound management of processing and workflow, the Copyright Office's objectives for this goal are to improve and optimize

- online registration
- online filing for statutory licenses and obligations
- online access to historical copyright records

#### **STRATEGIC OBJECTIVE: *Online Registration***

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 over 60 percent of the Office's staff and 50 percent of its budget are dedicated. With online registration, registrants will have an easier, less paper-intensive procedure, saving them time, and providing for online updates on the status of their registration claims.

The Office has experience with electronic registration through its Copyright Office Electronic Registration and Deposit System (CORDS). Using a limited number of partners, this system currently registers approximately 20,000 works a year.

**Performance Goals:** Initiate online registration services for the public.

**Means:** The means to accomplish this objective include implementing a new IT systems infrastructure, now in development, in FY 2006.

#### **STRATEGIC OBJECTIVE: *Online Filing for Statutory Licenses and Obligations***

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 disbursement to eligible copyright owners. Statements of account have primarily been filed in paper form. Over 90 percent of royalty fees, on the other hand, are deposited by electronic funds transfer. Electronic filing of statements of account would increase efficiencies for the filers, the Office, and the royalty recipients, and would make licensing documents more rapidly and readily available to copyright owners and other interested parties.

**Performance Goals:** Initiate online licensing filing for statements of account.

**Means:** The means to accomplish this objective include implementing a new IT systems infrastructure, now in development, in FY 2006.

#### **STRATEGIC OBJECTIVE: *Online Access to Historical Records***

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 some 31 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. The records before 1978 are in paper form and are not available online, compelling the public to come personally to the Office, to pay a searching fee to the Copyright Office, or to hire professional searchers and law firms. 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.

One challenge to converting records to digital form is that record formats vary widely because data was recorded in different manners over different time periods.

**Performance Goals:** Explore the feasibility of increasing the types and numbers of records accessible online to provide rapid availability of copyright information.

**Means:** The means to accomplish this objective include completing a study, already under way, to determine the feasibility of converting analog records to digital form and exploring whether this group of records can be combined with post-1977 records into a single searchable database.

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### **GOAL 3: Improve public understanding of copyright law**

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 pre-teens and teenagers.

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.

The Copyright Office's objectives for this goal are to improve public understanding of copyright by

- reaching new audiences
- using a broad range of information media and methods

#### **STRATEGIC OBJECTIVE: *New Audiences***

Broader copyright education efforts are required. When the public understands the principles and values of copyright law, they will be more likely to comply with the law. Similar initiatives to students and other audiences must be increased.

**Performance Goals:** Reach more people with a message on the importance of copyright principles as a means of promoting creativity.

**Means:** The means to accomplish this objective include

- determining unaddressed audiences
- developing targeted activities to reach them

**STRATEGIC OBJECTIVE: *Broad Range of Information Media and Methods***

As the Office identifies new audiences, it will also determine the most effective means of reaching them.

The Office will seek to expand the way it provides education on copyright.

**Performance Goal:** Increase the number and frequency of use of media used to convey copyright principles.

**Means:** The means to accomplish this objective include

- optimizing the Copyright Office website’s design and usability for public education on the copyright law and principles
- identifying other means to implement copyright education
- developing targeted uses of these means of education

**GOAL 4: Support Library of Congress service to Congress and the American people by providing timely acquisition of copyrighted works required by the Library**

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Under the mandatory deposit provisions of section 407, 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. The Copyright Office also requests works not yet received but wanted for the collections.

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.

The Copyright Office’s objectives for this goal are to support the Library’s service to Congress and the American people by contributing significantly to sustaining the Library’s collections through

- acquisition of more digital works, including online/web-based works
- broader understanding of deposit requirements

**STRATEGIC OBJECTIVE: *Acquisition of Digital Works***

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 assists the Library in copyright issues related to access and preservation.

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 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.

**Performance Goal:** Increase the acquisition, through registration and mandatory deposit, of works created and disseminated in digital form in a variety of formats.

**Means:** The means to accomplish this objective include

- implementing a new IT systems infrastructure, now in development, in FY 2006, which will allow for online submission of digital works
- promulgating, in consultation with the Library, updated regulations on best edition, especially for works distributed only online
- revision of copyright deposit regulations CFR 202.19

**STRATEGIC OBJECTIVE: *Broader Publisher Understanding of Deposit Requirements***

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.

**Performance Goals:** Broaden publishers' understanding of mandatory deposit provisions and their obligations under those provisions.

**Means:** The means to accomplish this objective include

- determining gaps in publisher knowledge of mandatory deposit provision
- developing initiatives for general education and targeted efforts addressing individual publishers

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## **Reengineering Program**

Reengineering is the underpinning, supporting, and enabling program for accomplishing many of the strategic and performance goals in this plan. The Copyright Office has undertaken its reengineering program to improve the efficiency and timeliness of the Copyright Office's main public services: registration, document recordation, acquisition of copyrighted works, licensing, and public information and availability of records.

The Office began the task of reengineering its processes in FY 2000, to provide copyright services online; ensure prompt availability of new copyright records; use information technology to process work; provide better tracking of individual items in the workflow; and increase acquisition of digital works for the Library of Congress collections.

The foundation of the reengineering work is the redesigned processes that have been developed to perform the Office's public services. Seven principle processes are needed to meet basic public service needs. These processes are acquiring deposits for Library of Congress collections, answering requests, maintaining accounts, receiving mail, recording documents, registering copyright claims, and processing licensing documents. The means

for implementing these processes are completion of tasks on three fronts: organization, information technology, and facilities.

The Office will implement new business processes by

- developing a new organizational structure
- developing and implementing a new information technology systems infrastructure
- reconfiguring facilities to accommodate the new workflows and organization

### ***Organization***

To implement redesigned processes, significant changes must occur in the organizational structure of the Copyright Office. The new organization will be structured around new processes; provide a team-based environment; define individual positions with a variety of duties and cross-training opportunities; support cross-training to enable the organization to deploy staff to respond quickly to fluctuations in workloads across units, sections, and divisions; and create staff career opportunities wherever possible.

As of 2004, there are six operational divisions in the Copyright Office: Receiving and Processing; Examining; Cataloging; Information and Reference; Copyright Acquisitions; and Licensing. By the mid-point of the plan, reengineered processes will have resulted in a new organization comprising the following operational divisions or programs: Receipt, Analysis, and Control; Accounts; Registration and Recordation; Information and Records; Copyright Acquisitions; and Licensing. An Administrative Services Office will continue to coordinate administrative matters for the Office. The Offices of the Register of Copyrights, the General Counsel, and Policy and International Affairs will continue to work with the Congress, executive branch agencies, and the judiciary, and will address legal and regulatory issues. To develop the new organizational structure, the Office will create new and revised position descriptions and organizational units; present the organizational package for Library approval in advance of implementation; negotiate any adverse impact with labor organizations; transition staff into the new organizational environment through a training plan that reflects an already-conducted skills assessment; develop prototypes and pilot programs; and deliver ongoing training and support for staff.

### ***Information Technology (IT)***

The new processes rely heavily on the use of new technology and cannot be implemented using the Office's current IT systems. Work is now under way to build the new IT systems infrastructure to support the new processes and meet the other IT needs of the Office.

### ***Facilities***

Reengineered processes and a changed organizational structure require reconfiguration of the Office's current space. The Office will furnish and reconfigure its space in conjunction with installing new technology and moving staff into new positions.

The design is intended to implement architectural improvements in the most efficient way and with the least disruption to work. It will utilize space efficiently, reduce movement

of materials, create functional workspace, provide more secure facilities, consolidate public viewing areas, improve lighting levels, and provide aesthetically pleasing spaces.

The Office will complete its new facilities design and construction by preparing a space requirements report, completing space design plans and construction documents in FY 2004, moving Copyright Office staff to an alternative facility in FY 2005 before and during construction, and constructing the redesigned facilities in FY 2006.

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## Human Capital Management

Management of human capital is essential to achieving each goal in this plan. The Copyright Office can demonstrate results only insofar as it ensures that employees are working effectively to achieve its strategic and annual plans, hires people with the proper knowledge and skills, invests in their training and development, and retains them. The Copyright Office has developed and printed a separate Human Capital Management Plan for 2004–2008. The Human Capital Management Plan is a companion management document to this Strategic Plan.

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## Performance Measures

In preparing this plan, the Copyright Office relied on several information sources about past performance to determine strategic priorities.

### Key Performance Measures

The Copyright Office uses quantitative performance measures to assess progress in achieving its strategic goals and objectives. These measures help demonstrate the degree to which the Copyright Office

- assists the Congress, executive branch, and the courts to address challenges to copyright policy and law
- promotes lawful use of copyrighted works
- improves public understanding of copyright law
- supports Library of Congress service to Congress and the nation

Performance measures include

- *Testimonies, reports, and requests for analysis*, an indicator that the Copyright Office uses as a measure of direct support to Congress
- *Copyright legislation* on which the Copyright Office provided assistance to members of Congress, committees and their staff, expressed as a percentage of all copyright-related legislation
- *Services* appropriate to online delivery that are available online
- *Statutory rulemakings* completed by due dates

- *Timeliness* in delivering services to the public within targeted time frames
- *Timeliness* of receipt of deposited works for the Library of Congress collections in the format desired by the Library
- *Outreach audience type and size*, including website use
- *Number of media* in use for outreach and education
- *Online availability of records* once technical and cost feasibility are determined
- *User satisfaction levels* from surveys, in cases when surveys are the best method for obtaining data

# 3 Moving Forward

## Implementing the Strategic Plan

In 1997, the Library of Congress implemented a structured Planning, Programming, Budgeting, Execution, and Evaluation System. This system serves as the means of executing the Copyright Office's Strategic Plan. It encompasses strategic and annual planning; fiscal planning and budget formulation based upon program requirements; financial execution that supports implementation of the annual program plan; quarterly and annual assessments of accomplishments in relation to stated goals and targets; and accountability of management and staff to achieve promised results by linking annual organization plans to the individual performance plans of executives, managers, and supervisors.

This new strategic plan for Fiscal Years 2004 through 2008 must maintain sufficient flexibility to take advantage of changing circumstances. As with any strategic plan, this one will be revisited to allow for mid-course adjustments and changes as events unfold.

In making resource allocation decisions, the Copyright Office will be guided by the statutory requirements of its mandate.

## Strategic Plan Operating Assumptions

- The Copyright Office's mission statement will remain essentially unchanged throughout the five fiscal years covered by this strategic plan, but technology will drive rapidly evolving changes in how the mission is accomplished.
- Congress will continue to provide timely guidance as to its expectations and will provide resources to execute those expectations.
- The Reengineering Program will be completed according to the current implementation plan and will bring the expected benefits.
- Copyright claims will continue to arrive at or above the present rate of approximately 600,000 per year.
- Deposit of copies of copyrighted works will continue to be a major source of material for the Library's Americana collections.
- An increasing percentage of works will be deposited in electronic form.
- Approximately twelve percent of the Office's current workforce will be eligible for retirement at any given time.
- Approvals and planning will be completed for a new facility to store copyright deposits at Fort Meade.

## Evaluations and Scheduled Updates

### *Evaluations of Strategy*

The Copyright Office has used and will continue to use a number of resources to evaluate its strategic direction:

- areas of legislative concern and action on copyright matters
- publications and studies on copyright issues
- performance on Annual Program Performance Plans
- reengineering studies
- public feedback on services
- the Library of Congress management control program

The Library of Congress Strategic Planning Office provided assessments of the Copyright Office's goals and objectives for the previous 2002–2006 plan and for the initial versions of this 2004–2008 plan. The Government Accountability Office (formerly the General Accounting Office) provided informal advice that was also incorporated.

### *Methods of Review and Revision*

The Office will use three methods of review and revision to update the plan.

- 1 *Annual reviews:* As the Copyright Office executes its annual performance plans supporting this strategic plan, it will conduct quarterly program reviews to determine and report on progress in attaining annual goals. As long as deviations from the annual performance plans are minimal, no revisions to this strategic plan will be necessary. At the end of each fiscal year, the Office will conduct a year-end program review, at which time the Register may direct appropriate adjustments to the strategic plan. These adjustments will typically be minor unless some aspect of attaining the strategic plan is clearly in jeopardy or the evaluative criteria above require a change of direction. In addition to minor adjustments to the strategic plan, the Register will identify modifications needed to the annual performance plans being executed, the annual plans that are the basis for the budget request being reviewed by the Congress, and/or the annual plans about to be created.
- 2 *Mid-plan review:* Major review of the plan will be conducted during Fiscal Year 2006 at the mid-point of the plan. This review may entail “mid-course corrections,” with the possibility of a major revision if significant strategic shifts have occurred.
- 3 *Major revision:* During the penultimate year of the plan, Fiscal Year 2007, the Office will undertake the next major revision/rewrite covering the next strategic planning period.

### *Integrating the Plan into Copyright Office Management Efforts*

Managers throughout the Office will use this plan's strategic goals and objectives and their organization's work plans to develop measurable annual goals and targets. The resulting annual performance plan serves as the basis for detailed planning and coordination of

support requirements between organizations and the annual goals and targets will form the basis for individual annual performance plans wherever such plans are required by management within the organization.

### ***Reporting to Stakeholders***

The Office's annual performance and accountability report, the *Annual Report of the Register of Copyrights*, articles in Office internal publications, and staff meetings will provide the basis for reporting progress to stakeholders. Additionally, changes made to the strategic plan as a result of annual program reviews and the mid-course review will be distributed to the stakeholders.



# Appendices

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## **A · Stakeholder Roles and Responsibilities**

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To achieve this plan’s strategic goals and objectives, stakeholder commitment is required. The commitment must begin at the top. Senior managers must communicate their support for implementing the strategic plan. The goals and objectives of this strategic plan and the annual plans that arise from it must be incorporated into managerial and supervisory performance plans.

### ***Register of Copyrights and Associate Librarian for Copyright Services***

- Maintain commitment to the strategic plan and communicate that commitment
- Provide accountability for implementation of the strategic plan

### ***Senior Managers and Supervisors***

- Provide guidance and direction for the strategic planning effort
- Implement strategic goals and objectives in their areas
- Communicate the strategic plan to supervisors and staff in their area
- Identify potential impediments and opportunities to achieve strategic goals

### ***Employees***

- Identify and understand their link to the strategic plan
- Perform their duties with a focus on the goals of the plan
- Provide feedback

### ***Unions***

- Collaborate with management to implement strategies
- Identify and resolve issues through collaboration and/or collective bargaining

### ***LC Infrastructure Support Units***

- Support the Copyright Office’s annual and multi-year performance goals and targets where the Office requests such support

## B · Links to the Library of Congress Strategic Plan

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### *Functions and Infrastructure*

*Copyright Office Strategic Plan 2004–2008*

Goal 1

Goal 2

Goal 3

Goal 4

*Library of Congress Strategic Plan 2004–2008*

Goal 10

Goal 9

Goal 11

Goal 9

### *Initiatives*

*Copyright Office Strategic Plan 2004–2008*

Reengineering

*Library of Congress Strategic Plan 2004–2008*

Goals 9–11

## C · Implementation Framework

**GOAL 1: Provide timely, quality service to the Congress, the executive branch, and the courts to address current and emerging challenges to copyright policy and law**

Strategic Objectives	Target Dates*
Digital Technology and Other Issues: Provide expert assistance to Congress, government agencies, and the courts on digital technology and other issues in light of fundamental copyright principles and the requirements of the law	2004–2008  Oct. 28, 2006
Protection of Copyrighted Works Internationally: Promote other countries’ adherence to international copyright treaties and agreements with intellectual property provisions, and other countries’ implementation of effective national laws that will ensure protection and use of U.S. copyrighted works and compensation to their creators	Ongoing  2004–2008 2004–2006  2007–2008

### Accomplishments toward meeting objectives of Goal 1

- 1201 Rulemaking, Oct. 28, 2003
- Study of the Vessel Hull Design Protection Act, Nov. 3, 2003
- Testimony and advice on proposed bills re: database protection; copyright enforcement and piracy in the digital arena
- Potential amendments to 17 U.S.C. 407 to enable the Library to more easily acquire digital-only works
- U.S. Court of Appeals for Third Circuit, in *Bonneville International v. Peters*, upholding the Office’s determination that radio broadcast signals transmitted over a digital communications network are not exempted by 17 U.S.C. 114(d)(1)(A)
- Diplomatic meetings with Chinese officials in Nov. 2003

**Target Actions****Stakeholders**

Ongoing as required by Congress, agencies, and courts—in the form and within the time requested

Section 1201 rulemaking

Register

General Counsel

Associate Register for Policy and International Affairs

Office of the General Counsel

Policy and International Affairs

As required by Congress, agencies, and international organization agendas—in the form and within the time requested.

Annual International Copyright Institute

Bilateral and multilateral negotiations of trade agreements with copyright provisions; WIPO negotiations on a treaty on broadcaster's rights, experts meetings on protection of folklore

Possible diplomatic conferences on treaty re: audiovisual performers; negotiations on treaties for database protection; any new round of WTO negotiations re: intellectual property

Register

Associate Register for Policy and International Affairs

Policy and International Affairs

Office of the General Counsel

*\*Fiscal year unless otherwise specified.*

- Free Trade Agreements with Australia, Bahrain, Central American countries, Chile, Morocco, and Singapore
- World Summit on the Information Society
- Conference for a delegation from the National Copyright Administration of China, March 2004
- International Copyright Institute, May 2004

## C • Implementation Framework, continued

**GOAL 2: Promote lawful use of copyrighted works and compensation to creators by providing timely, easily-used public services (including registration, recordation, and statutory licenses)**

Strategic Objectives	Target Dates
Online Registration: Initiate online registration services for the public	2004–2006 2007–2008
Online Filing for Statutory Licenses and Obligations: Initiate online licensing filing for statements of account	2004–2006 2007–2008
Online Access to Historical Records: Explore the feasibility of increasing the types and numbers of records accessible online to provide rapid availability of copyright information	2005 2006–2008
Optimal Processing Times: Set optimal processing times and maintain or reduce current processing times to meet the optimal	2004–2008 2004–2006 2007–2008

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**Target Actions****Stakeholders**

Implement as part of the new IT systems infrastructure

Register  
Senior managers

Refine and increase the percentage of registrations submitted online

Registration Program managers, supervisors, and staff  
Copyright Technology Office

Implement as part of the new IT systems infrastructure

Register  
Senior managers

Refine and increase the percentage of statements of account filed online

Licensing managers, supervisors, and staff  
Copyright Technology Office

Determine feasibility

Convert any categories of records determined feasible

All

Set optimal processing times and annual targets

Sustain acceptable processing times during reengineering implementation

Maintain or better target processing times for recordations and creation of records

All

***Accomplishments toward meeting objectives of Goal 2***

- Reengineering Program; development of new IT systems infrastructure, scheduled for FY 2006 implementation
- Copyright Records Project feasibility study, Feb. 2004–Feb. 2005
- Monthly workload monitoring
- Annual Program Performance Plans targets to reach optimal processing times
- Approx. 50% reduction in registration processing time, FY 2001–2004
- Approx. 50% reduction in document recordation processing time, FY 2004

## C • Implementation Framework, continued

### GOAL 3: *Improve public understanding of copyright law*

Strategic Objectives	Target Dates & Actions	Stakeholders
New Audiences: Reach more people with a message on the importance of copyright principles as a means of promoting creativity	2004–2005: Create a plan 2006–2008: Execute the plan	Register Senior Managers Managers, supervisors, and staff of the new Information and Records Division
Broad Range of Information Media and Methods: Increase the number and frequency of use of media used to convey copyright principles	2004–2005: Create a plan 2006–2008: Execute the plan	Register Senior Managers Managers, supervisors, and staff of the new Information and Records Division

#### *Accomplishments toward meeting objectives of Goal 3*

- Spanish pages of the Copyright Office website, launched Oct. 3, 2003
- Support for Copyright Awareness Week (reaching youth)
- Video conference for graduate classes, Nov. 6, 2003
- Western Cable Show, Dec. 4, 2003; National Cable Show, May 3–5, 2004
- Federal Library and Information Center (FLICC) Forum on fair use issues, Feb. 24, 2004
- Department of Health and Human Services cites the Copyright Office website as a good example that meets user expectations regarding navigation, content, and organization

**GOAL 4: Support Library of Congress service to Congress and the American people by providing timely acquisition of copyrighted works required by the Library.**

Strategic Objectives	Target Dates & Actions	Stakeholders
Acquisition of Digital Works: Increase the acquisition, through registration and mandatory deposit, of works created and disseminated in digital form in a variety of formats	2005: Implement §407 e-deposit pilot 2006: Implement new IT systems infrastructure	Register Senior Managers Registration program managers, supervisors, and staff Program managers, supervisors, and staff Copyright Technology Office
Broader Publisher Understanding of Deposit Requirements: Broaden publishers' understanding of mandatory deposit provisions and their obligations under those provisions	2004–2005: Create a plan 2006–2008: Execute the plan	Register Senior Managers Program managers, supervisors, and staff

**Accomplishments toward meeting objectives of Goal 4**

- Identification of system requirements for the §407 e-deposit pilot
- Increased number of publisher reviews and followup monitorings beginning in 2004

## C · Implementation Framework, continued

**REENGINEERING PROGRAM:** *Design and implement new business processes, supported by new organizational structure, a new information technology systems infrastructure, and reconfigured facilities*

Objectives	Target Dates & Actions	Stakeholders
Processes	<p>2004–2006: Execute the communication plan</p> <p>2005–2006: Update procedures manuals</p> <p>2006: Begin bridge activities; implement new processes</p>	All
Organization	<p>2005: Complete and submit a reorganization plan for approval</p> <p>2005–2006: Carry out comprehensive staff training for new processes and systems</p> <p>2006: Implement the new organizational structure and position descriptions</p>	All
Information Technology	<p>2004: Complete, test, evaluate initial operating capability (release 1) of new IT systems infrastructure</p> <p>2005: Complete full operating capability (release 2) of new IT systems infrastructure; test the systems</p> <p>2006: Implement full operating capability; evaluate and refine the systems</p>	All

[Objectives]	[Target Dates & Actions]	[Stakeholders]
Facilities	<p>2004: Complete space design plans, construction documents</p> <p>2005: Refine and finalize all construction documentation and approvals; locate/prepare offsite space; procure new workstations, per scheduled plan, for FY 2006 installation</p> <p>2006: Move affected staff to offsite location; construct redesigned Copyright Office space; install new furnishing; move affected staff back to reconstructed office space</p>	All

***Accomplishments toward meeting objectives of the Reengineering Program***

- Processes defined and procedures manuals drafted
- Most position descriptions drafted
- New organizational units defined
- IT action plan developed
- Contractor hired
- Initial builds in process
- Space design plans and construction documents nearing completion





## Contact Information

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### Street Address

U.S. Copyright Office  
Library of Congress  
101 Independence Avenue SE  
Washington, DC 20559-6000

### Website · [www.copyright.gov](http://www.copyright.gov)

The Copyright Office Website makes available copyright registration forms, informational circulars, testimony, announcements, general copyright information, and links to related resources. The Website also provides a means of searching copyright registrations and recorded documents from 1978 forward.

### Public Information Office · (202) 707-3000

Information specialists are on duty to answer questions by phone from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is also available.

### Forms and Publications Hotline · (202) 707-9100

The Forms and Publications Hotline is available 24 hours a day, seven days a week. Use this number to request application forms for registration or informational circulars if you know which forms or circulars you want. If you are unsure which form or circular to order, please call the Public Information Office.

### Fax-on-Demand · (202) 707-2600

Call from any touchtone phone to order up to three circulars and/or announcements via fax. Key in your fax number at the prompt and the document number of the item(s) you want. The item(s) will be transmitted to your fax machine. If you do not know the document number of the item(s) you want, you may request that a menu be faxed to you. Applications forms are not available via fax.

### TTY · (202) 707-6737

Messages may be left on the TTY line 24 hours a day. Calls are returned between 8:30 a.m. and 5:00 p.m., eastern time, Monday through Friday, except federal holidays.

### NewsNet

Subscribe to the Copyright Office free electronic mailing list online on the Copyright Office Website. Or, send an email message to [listserv@loc.gov](mailto:listserv@loc.gov). In the body of the message, write “subscribe uscopyright”.