

## Circular 1a

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### **United States Copyright Office A Brief Introduction and History**

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A principle of American law is that an author of a work may reap the fruits of 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, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. "Copyright" literally means the right to copy. The term has come to mean that body of exclusive rights granted by law to authors for protection of their work. The owner of copyright has the exclusive right to reproduce, distribute, and, in the case of certain works, publicly perform or display the work; to prepare derivative works; in the case of sound recordings, to perform the work publicly by means of a digital audio transmission; or to license others to engage in the same acts under specific terms and conditions. Copyright protection does not extend to any idea, procedure, process, slogan, principle, or discovery.

### **Role of the Copyright Office**

The Copyright Office provides expert assistance to Congress on intellectual property matters; advises Congress on anticipated changes in U.S. copyright law; analyzes and assists in drafting copyright legislation and legislative reports and provides and undertakes studies for Congress; and offers advice to Congress on compliance with multilateral agreements, such as the Berne Convention for the Protection of Literary and Artistic Works. The Office works with the Executive Branch's Department of State, the U.S. Trade Representative's Office, and the Department of Commerce in providing technical expertise in negotiations for international intellectual property agreements; provides technical assistance to other countries in developing their own copyright laws; and, through its International Copyright Institute, promotes worldwide understanding and cooperation in providing protection for intellectual property.

The Copyright Office is also an office of record, a place where claims to copyright are registered and where documents relating to copyright may be recorded when the requirements of the copyright law are met. The Copyright Office furnishes information about the provisions of the copyright law and the procedures for making registration, explains the operations and practices of the Copyright Office, and reports on facts found in the public records of the Office. The Office also administers the mandatory deposit provisions of the copyright law and the various compulsory licensing provisions of the law, which include collecting royalties.

Additionally, the Copyright Office and the Library of Congress administer the Copyright Arbitration Royalty Panels, which meet for limited times for the purpose of adjusting rates and distributing royalties.

### **Brief History of the Copyright Office**

The Constitution gives Congress the power to enact laws establishing a system of copyright in the United States. Congress enacted the first federal copyright law in May 1790, and the first work was registered within two weeks. Originally, claims were recorded by Clerks of U.S. District Courts. Not until 1870 were copyright functions centralized in the Library of Congress under the direction of the then Librarian of Congress Ainsworth Rand Spofford. The Copyright Office became a separate department of the Library of Congress in 1897, and Thorvald Solberg was appointed the first Register of Copyrights.

Today the Copyright Office is one of the major service units of the Library of Congress. With public offices located at 101 Independence Avenue, S.E., Washington, D.C., the Office occupies portions of the James Madison Memorial Building and employs more than 500 people. In a recent fiscal year, the Office and its staff received more than 607,000 claims representing over a million works, registered more than half a million claims to copyright and mask works (semiconductor chip designs), recorded documents containing over 300,000 titles, and collected for later distribution to copyright holders nearly \$200,000,000 in cable television, satellite carrier, and Audio Home Recording Act compulsory license funds. Since 1870, the Copyright Office has registered more than 30,000,000 claims to copyright and mask works and provided

many millions of deposits (including books, serials, motion pictures, music, sound recordings, maps, prints, pictures, and computer works) to the collections of the Library of Congress. The Library, a great repository of more than 126 million items, has been greatly enhanced through the operations of the copyright system, and copyright deposits form the heart of the Library's Americana collections.

## **F**unctions of the Copyright Office

The mission of the Copyright Office is to promote creativity by administering and sustaining an effective national copyright system. While the purpose of the copyright system has always been to promote creativity in society, the functions of the Copyright Office have grown to include the following:

### **Administering the copyright law**

The Copyright Office is headed by the Register of Copyrights. Assisting the Register are the Copyright General Counsel and the Associate Register for Policy and International Affairs, who provide legal advice and counsel to the Register. The Chief Operating Officer coordinates policy and congressional relations and represents the Register of Copyrights in a wide range of management, operational, policy, and legislative issues.

The Copyright Office examines all applications and deposits presented to the Copyright Office for the registration of original and renewal copyright claims to determine their acceptability for registration under the provisions of the copyright law and Copyright Office regulations. The Office also records documents related to copyright ownership. In addition, the Office examines claims to mask work protection filed under the Semiconductor Chip Protection Act of 1984 and claims in vessel hull designs filed under the 1998 Vessel Hull Design Protection Act. The Office creates and provides public records of all deposits, registrations, recordations, and other actions.

The Copyright Office is responsible for using and enforcing the mandatory deposit requirement of the Copyright Act of 1976 and Copyright Office regulations to acquire works needed for the collections of the Library of Congress. The law requires that two copies of the best edition of every copyrightable work published in the United States be sent to the Copyright Office within three months of publication.

The Copyright Office is in charge of administering compulsory and statutory licenses. Compulsory licenses are issued for the public performance of sound recordings by means of a digital audio transmission; for making and distributing phonorecords; for public performances on coin-operated phonorecord players; and for the use of certain works in connection with noncommercial broadcasting. Statutory licenses are issued for secondary transmissions by cable systems; for making ephemeral recordings; for secondary transmissions by satellite carriers for private home viewing; and for secondary transmissions by satellite carriers for local retransmissions. A statutory obligation exists for distribution of digital audio recording devices or media. The Office collects royalty fees from cable operators for retransmitting television and radio broadcasts; from satellite carriers for retransmitting "superstation" and network signals; and from importers or manufacturers who distribute digital audio recording devices or media in the United States. After deducting its full operating costs, the Office invests the balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners.

The Copyright Office and the Library of Congress administer the Copyright Arbitration Royalty Panels, which meet for limited times for the purpose of adjusting rates and distributing royalties.

### **Creating and maintaining a public record through registration of claims and recordation of documents, including those related to compulsory licenses**

The Copyright Office records the bibliographic descriptions and the copyright facts of all works registered in the Copyright Office as well as the copyright facts of all works deposited but not registered in the Office to comply with the copyright law, thus providing effective reference access to all information of record relating to registrations, deposits, recorded assignments, and other documents. The Office also maintains records of all documents related to copyright ownership that are submitted for recordation.

The archives maintained by the Copyright Office are an important record of America's cultural and historical heritage. Containing nearly 45 million individual cards, the Copyright Card Catalog housed in the James Madison Memorial Building comprises an index to copyright registrations in the United States from 1870 through 1977. The Copyright Card Catalog, together with post-1977 automated files, provides an index to copyright registrations in the United States from 1870 to the present. A large part of the literary, musical, artistic, and scientific production of the United States and of many foreign countries is recorded in these files. They are an important supplement to the Main Catalog of the Library of Congress as a research tool.

Other records that supplement the Copyright Card Catalog include the *Catalog of Copyright Entries*, which is,

in effect, the Copyright Card Catalog published in book form from July 1, 1891, through 1978 and in microfiche from 1979 through 1982. These records from 1978 forward are available for searching over the Internet at [www.copyright.gov](http://www.copyright.gov). Additionally, approximately 150,000 copyright registrations from 1790 through 1870 were registered in the Office of the Clerk of each U.S. District Court. Most of these records are available on microfilm in the Copyright Office.

Researchers may investigate the ownership of a copyright by examining the Assignment and Related Documents Index and the Copyright Office History Documents file and may obtain copies of original applications and documents for a fee.

The Copyright Office maintains public records of transactions related to the compulsory licenses it administers, including the secondary transmission of copyrighted works on cable television systems and by satellite carriers for private home viewing; the making and distributing of phonorecords; the use of certain works in connection with noncommercial broadcasting; public performance of copyrighted music on jukeboxes from 1978-1989; and initial notices of distribution filed by importers or manufacturers of digital audio recording devices or media.

### **Providing technical assistance to the Congress and to executive branch agencies**

As a service unit of the Library of Congress, the Copyright Office is part of the legislative branch of government. The Office provides copyright policy advice to Congress. At the request of Congress, the Copyright Office advises and assists the Congress in the development of national and international copyright policy; drafts legislation; and prepares technical studies on copyright-related matters.

The Copyright Office works with other U.S. government agencies and international organizations to promote adequate and effective protection of U.S. copyright works internationally. In addition to the Department of State, the Office works with the Department of Commerce and the Office of the U.S. Trade Representative in negotiating with foreign countries to improve the copyright protection afforded U.S. authors in these foreign countries, either in bilateral copyright treaties or trade agreements or in multilateral efforts.

### **Providing information services to the public**

The Copyright Office provides public information and reference services concerning copyrights and recorded documents. It responds to all copyright information and reference requests from the public; produces and supplies Copyright Office forms and publications; furnishes search reports based on Copyright Office records; prepares certifications and other legal documents; provides for the inspection of works submitted for copyright registration; prepares authorized reproductions of works submitted for registration; and preserves, maintains, and services copyright-related records, including the deposits registered.

The public may visit the Copyright Public Information Office or call (202) 7073000. Recorded information on copyright is available 24 hours a day, seven days a week. Information specialists are on duty to answer questions in person or by phone or email from 8:30 a.m. to 5 p.m., eastern time, Monday-Friday, except federal holidays. The Copyright Office Forms and Publications Hotline number, (202) 707-9100, is available 24 hours a day to accept requests for specific registration application forms and for any of the large number of informational circulars published by the Copyright Office. Address written inquiries to Library of Congress, Copyright Office, Publication Section, LM-455, 101 Independence Avenue SE, Washington, DC 20559-6000.

Most of the information that the Copyright Office makes available on paper is also available for viewing and downloading from the extensive Copyright Office website at [www.copyright.gov](http://www.copyright.gov). In addition, Copyright Office catalog files from 1978 forward may be examined online through the website.

The public can keep up on developments in the Copyright Office by subscribing to U.S. Copyright Office [NewsNet](#), a free electronic mailing list that issues periodic email messages to alert subscribers to hearings, deadlines for comments, new and proposed regulations, new publications, and other copyright-related subjects of interest. Subscribe on the Copyright Office website. For a fee, members of the public may obtain additional certificates of registration and certified copies of Office records. Copies of deposits may be obtained upon the request of the owner of the copyright in the deposit, by an attorney in connection with litigation involving the copyrighted work, and through a court order issued by a court having jurisdiction in a case in which the copy is to be submitted as evidence.

For a fee, the Office will conduct searches of the records and prepare reports on the copyright facts of registrations and recordations. In addition, the Office will assist the public in using the public records of the Office.

### **Supporting the Library of Congress by obtaining and making available deposits for the Library's collections**

In 1870, Congress passed a law that centralized the copyright system in the Library of Congress. No legislation was more important to the development of the Library than that law, which required all authors to deposit in the Library two copies of every book, pamphlet, map, print, and piece of music registered in the United States.

That partnership, created more than 130 years ago, has served the nation well. Supplying the information needs of the Congress, the Library of Congress has become the world's largest library and America's national library. This great repository of more than 126 million books, photographs, maps, films, documents, sound recordings, computer programs, and other items has been created largely through the operations of the copyright system, which brings deposits of every copyrighted work into the Library. In one recent year alone, the value of these deposits was more than \$30 million.

The Copyright Office also serves as an advisor to the Library on all copyright issues, including those related to the National Digital Library Program. It supports the collection development needs of the Library through Office deposit regulations. Its partnership extends to many joint projects, such as the current program to register and deposit copies electronically. The Register of Copyrights also serves as Associate Librarian of Congress for Copyright Services.

### **Serving as a resource to the domestic and international copyright communities**

The Copyright Office consults with interested copyright owners, industry and library representatives, bar associations, and other interested parties on issues related to the copyright law.

The Copyright Office promotes improved copyright protection for U.S. creative works abroad through its International Copyright Institute. Created within the Copyright Office by Congress in 1988, the International Copyright Institute provides training for high-level officials from developing and newly industrialized countries and encourages development of effective intellectual property laws and enforcement overseas.

The Copyright Office actively cooperates with U.S. business interests and the Department of State in matters concerning international copyright relations, proclamations, and treaties. The Copyright Office represents the interests of the United States at international meetings, including as a member of U.S. delegations.

## **Registers of Copyright**

1. Thorvald Solberg, Register 1897-1930
2. William L. Brown, Acting Register 1930-1934; Register 1934-1936
3. Clement L. Bouvé, Register 1936-1943
4. Richard De Wolf, Acting Register 1944-1945
5. Sam Bass Warner, Register 1945-1951
6. Arthur Fisher, Acting Register 1951; Register 1951-1960
7. Abraham L. Kaminstein, Register 1960-1971
8. George D. Cary, Register 1971-1973
9. Abe A. Goldman, Acting Register 1973
10. Barbara Ringer, Register 1973-1980
11. David Ladd, Register 1980-1985
12. Donald Curran, Acting Register 1985
13. Ralph Oman, Register 1985-1993
14. Barbara Ringer, Acting Register 1993-1994
15. Marybeth Peters, Register 1994-present

## **Notable Dates in United States Copyright**

*August 18, 1787*

James Madison submitted to the framers of the Constitution a provision "to secure to literary authors their copyrights for a limited time."

*June 23, 1789*

First federal bill relating to copyrights (H.R. 10) presented to the first Congress.

*May 31, 1790*

First copyright law enacted under the new U.S. Constitution. Term of 14 years with privilege of renewal for term of 14 years. Books, maps, and charts protected. Copyright registration made in the U.S. District Court where the author or proprietor resided.

*June 9, 1790*

First copyright entry, *The Philadelphia Spelling Book* by John Barry, registered in the U.S. District Court of Pennsylvania.

*April 29, 1802*

Prints added to protected works.

*February 3, 1831*

First general revision of the copyright law. Music added to works protected against unauthorized printing and vending. First term of copyright extended to 28 years with privilege of renewal for term of 14 years.

*August 18, 1856*

Dramatic compositions added to protected works.

*March 3, 1865*

Photographs added to protected works.

*July 8, 1870*

Second general revision of the copyright law. Copyright activities, including deposit and registration, centralized in the Library of Congress. Works of art added to protected works. Act reserved to authors the right to create certain derivative works including translations and dramatizations. Indexing of the record of registrations began.

*March 3, 1891*

First U.S. copyright law authorizing establishment of copyright relations with foreign countries. Records of works registered, now called the *Catalog of Copyright Entries*, published in book form for the first time in July 1891.

*January 6, 1897*

Music protected against unauthorized public performance.

*February 19, 1897*

Copyright Office established as a separate department of the Library of Congress. Position of Register of Copyrights created.

*July 1, 1909*

Effective date of third general revision of the copyright law. Admission of certain classes of unpublished works to copyright registration. Term of statutory protection for a work copyrighted in published form measured from the date of publication of the work. Renewal term extended from 14 to 28 years.

*August 24, 1912*

Motion pictures, previously registered as photographs, added to classes of protected works.

*July 13, 1914*

President Wilson proclaimed U.S. adherence to Buenos Aires Copyright Convention of 1910, establishing convention protection between the United States and certain Latin American nations.

*July 1, 1940*

Effective date of transfer of jurisdiction for the registration of commercial prints and labels from the Patent Office to the Copyright Office.

*July 30, 1947*

Copyright law codified into positive law as title 17 of the U.S. Code.

*January 1, 1953*

Recording and performing rights extended to nondramatic literary works.

*September 16, 1955*

Effective date of the coming into force in the United States of the Universal Copyright Convention as signed at Geneva, Switzerland, on September 6, 1952. Proclaimed by President Eisenhower. Also, date of related changes in title 17 of the U.S. Code.

*September 19, 1962*

First of nine special acts extending terms of subsisting renewal copyrights pending Congressional action on general copyright law revision.

*February 15, 1972*

Effective date of act extending limited copyright protection to sound recordings fixed and first published on or after this date.

*March 10, 1974*

United States became a member of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, which came into force on April 18, 1973.

*July 10, 1974*

United States became party to the 1971 revision of the Universal Copyright Convention as revised at Paris, France.

*October 19, 1976*

Fourth general revision of the copyright law signed by President Ford.

*January 1, 1978*

Effective date of principal provisions of the 1976 copyright law. The term of protection for works created on or after this date consists of the life of the author and 50 years after the author's death. Numerous other provisions modernized the law.

*December 12, 1980*

Copyright law amended regarding computer programs.

*May 24, 1982*

Section 506(a) amended to provide that persons who infringe copyright willfully and for purposes of commercial advantage or private financial gain shall be punished as provided in Section 2319 of title 18 of the U.S. Code, "Crimes and Criminal Procedure."

*October 4, 1984*

Effective date of Record Rental Amendments of 1984. Grants the owner of copyright in a sound recording the right to authorize or prohibit the rental, lease, or lending of phonorecords for direct or indirect commercial purposes.

*November 8, 1984*

Federal statutory protection for mask works became available under the Semiconductor Chip Protection Act with the Copyright Office assuming administrative responsibility. Copyright Office began registration of claims to protection on January 7, 1985.

*June 30, 1986*

Manufacturing clause of the Copyright Act expired.

*March 1, 1989*

United States adhered to the Berne Convention for the Protection of Literary and Artistic Works.

*November 15, 1990*

Section 511 added to copyright law. Provided that states and state employees and instrumentalities are not immune under the Eleventh Amendment from suit for copyright infringement.

*December 1, 1990*

Effective date of the Computer Software Rental Amendments Act of 1990. Grants the owner of copyright in computer programs the exclusive right to authorize or prohibit the rental, lease, or lending of the program for direct or indirect commercial purposes.

*December 1, 1990*

Protection extended to architectural works. Section 106A added to copyright law by Visual Artists Rights Act of 1990. Granted to visual artists certain moral rights of attribution and integrity.

*June 26, 1992*

Renewal registration became optional. Works copyrighted between January 1, 1964, and December 31, 1977, automatically renewed even if registration not made.

*October 28, 1992*

Digital Audio Home Recording Act required serial copy management systems in digital audio recorders and imposed royalties on sale of digital audio recording devices and media. Royalties are collected, invested, and distributed among the owners of sound recording and musical compositions, certain performing artists, and/or their representatives. Clarified legality of home taping of analog and digital sound recordings for private noncommercial use.

*December 8, 1993*

North American Free Trade Agreement Implementation Act (NAFTA) extended retroactive copyright protection to certain motion pictures first fixed in Canada or Mexico between January 1, 1978, and March 1, 1989, and published anywhere without a copyright notice; and/or to any work embodied in them; made permanent the prohibition of sound recordings rental.

*December 17, 1993*

Copyright Royalty Tribunal Reform Act of 1993 eliminated the CRT and replaced it with ad hoc Copyright Arbitration Royalty Panels administered by the Librarian of Congress and the Copyright Office.

*December 8, 1994*

Uruguay Round Agreements Act restored copyright to certain foreign works under protection in the source country but in the public domain in the United States; repealed sunset of the Software Rental Amendments Act of 1990; and created legal measures to prohibit the unauthorized fixation and trafficking in sound recordings of live musical performances and music videos.

*November 16, 1997*

The No Electronic Theft Act defined "financial gain" in relation to copyright infringement and set penalties for willfully infringing a copyright either for purposes of commercial advantage or private financial gain or by reproducing or distributing, including by electronic means phonorecords of a certain value.

*October 27, 1998*

The Sonny Bono Copyright Term Extension Act extended the term of copyright protection for most works to the life of the author plus 70 years after the author's death.

*October 28, 1998*

The Digital Millennium Copyright Act provided for the implementation of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty; limited certain online infringement liability for Internet service providers; created an exemption permitting a temporary reproduction of a computer program made by activating a computer in the course of maintenance or repair; clarified the policy role of the Copyright Office; and created a form of protection for vessel hulls.

*November 2, 2002*

The Technology, Education, and Copyright Harmonization (TEACH) Act of 2002 provided for the use of copyrighted works by accredited nonprofit educational institutions in distance education.

## **F**urther Information

The Copyright Office is open to the public Monday-Friday, 8:30 a.m. to 5 p.m., eastern time, except federal holidays.\* The Copyright Office is located in the Library of Congress, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C., near the Capitol South Metro stop. The Public Information Office is in room LM-401, and information specialists are available to answer questions, provide circulars, and accept applications for registration. Access for disabled individuals is at the front door on Independence Avenue, S.E.

\*The Records Maintenance Unit (RMU) (Room B-14) public hours were changed to 9:00 a.m. to 4:30 p.m. as of January 10, 2005.

### **Copyright Office website** **www.copyright.gov**

The Copyright Office website makes available all copyright registration forms, many in fill-in format; all informational circulars; the Register's 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.

### **Telephone**

#### **Public Information Office: (202) 707-3000**

Information specialists are on duty to answer questions by phone from 8:30 a.m. to 5 p.m., eastern time, Monday-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.

#### **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 p.m., eastern time, Monday-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, say: Subscribe USCopyright.

### **Mailing Address**

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

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