



# governmentattic.org

*"Rummaging in the government's attic"*

Description of document:	Copyright Office staff newsletter entitled <u>Copyright Notices</u> , 2013-2014
Request date:	05-December-2014
Released date:	25-January-2015
Posted date:	02-February-2015
Source of document:	Freedom of Information Act Request FOIA Requester Service Center Copyright Office GC/I&R P.O. Box 70400 Washington, DC 20024

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



**United States Copyright Office**

Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · [www.copyright.gov](http://www.copyright.gov)

**FOIA Docket No. 07/2015**

January 25, 2015

I am responding to your Freedom of Information Act (FOIA) request received for processing by the FOIA Requester Service Center on December 5, 2014. You requested a copy of "the Copyright Office staff newsletter entitled 'Copyright Notices' for each issue during 2013 and 2014 to date." The requested materials are attached to this email. Due to the minimal amount of resources required to respond to your request, no fees are being assessed.

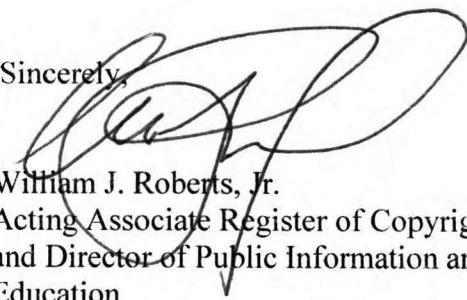
**FOIA Administrative Procedures**

*File closed if no response in 30 days.* The Copyright Office is sending you this letter because processing for your request is completed. For administrative reasons, the file for this FOIA request will be closed as of the date of this letter if you do not choose to respond or otherwise contact our office again about this request within thirty business days after that date. However, you are welcome to contact us again at a later date to renew your request.

If you do contact us again about this request, please reference Docket No. 07/2015 or provide a copy of at least the first page of this letter. You may write to this address: Copyright Office, FOIA Requester Service Center, GC/PIE, P.O. Box 70400, Washington, D.C. 20024; or email us at [copfoia@loc.gov](mailto:copfoia@loc.gov).

*Right to appeal.* In addition, should you believe that this response constitutes an improper denial of a valid FOIA request, you may file a written appeal within thirty (30) calendar days of the date of this letter. Write "APPEAL" on the envelope in a prominently visible manner and send it to the above address. Your letter should explain your arguments and any legal basis for your objection to our reply or other basis for disagreement.

Sincerely,



William J. Roberts, Jr.  
Acting Associate Register of Copyrights  
and Director of Public Information and  
Education  
U.S. Copyright Office

# Copyright Notices

*January/February 2013*

- 2 • Copyright Matters
- 3 • Retirees' Coffee
- 7 • Licensing Reengineering
- 8 • Authors Guild Anniversary
- 9 • International Book Summit
- 10 • CAD Field Trip
- 11 • Technology Upgrades
- 13 • AIPLA Awards
- 14 • Appointment
- 16 • Anniversaries
- 17 • Retirement
- 19 • Out & About
- 20 • Copyright Lore

## David Christopher Appointed Chief of Operations

WENDI A. MALONEY

Register of Copyrights **Maria Pallante** promoted **David Christopher** to the position of chief of operations on December 17.

"David is creative, collaborative, and results-driven," Pallante said in announcing Christopher's promotion. "He will be a great asset to the Office at a time when we need to be all of those things."

Christopher joined the Copyright Office in 2006 as special assistant to the Register, later serving as associate chief operating officer and acting chief of the Information and Records Division. He became division chief in 2011, remaining in that position until his recent promotion.

As chief of operations, Christopher will supervise the day-to-day operations of the Office, including the budget, staffing, contracts, and strategic planning. In doing so, he will work closely with other senior Copyright Office and Library managers.

His first assignment is to oversee a strategic reorganization of the Office to align business functions with business needs and better manage resources, Pallante said.

"These are challenging times for the Copyright Office, but I welcome the challenge," Christopher said.

Before coming to the Copyright Office, Christopher worked in the Library's Motion Picture, Broadcasting, and Recorded Sound Division and held two positions in the Congressional Research Service.

He has a bachelor's degree in philosophy from the University of Tennessee at Knoxville and a master's degree in international commerce and policy from George Mason University. He completed an executive education program at the Harvard Kennedy School of Government and was a Library of Congress Presidential Management Fellow in 2005.

For a complete profile of Christopher, see the September 2011 issue of *Copyright Notices*. ©



PHOTO BY CECILIA ROGERS

*David Christopher*

# Michael Huppe Explains Role of SoundExchange

JUDITH NIERMAN

SoundExchange president Mike Huppe spoke before a crowd of Copyright Office staffers eager to learn about the role SoundExchange plays in collecting and distributing royalties paid by Internet and satellite radio and other digital media services for digital transmissions of sound recordings. SoundExchange collects and distributes royalties on behalf of sound recording copyright owners—typically record labels—and artists.



PHOTOS BY CECELLA ROGERS

*Mike Huppe*

“The work of the Copyright Office is a fundamental part of implementing digital rights in sound recordings,” said Huppe, “and that work is incredibly important. Our intellectual property is part of U.S. identity, and it promotes U.S. culture and supports the U.S. economy.”

The statutory license administered by SoundExchange covers only the digital public performance of sound recordings. The use of the composition and lyrics, that is, the underlying musical work, must be licensed separately, often through ASCAP, BMI, or SESAC, performing rights organizations that collect license fees and pay royalties to songwriters and music publishers.

Huppe illustrated the two kinds of copyright in a musical composition: that held by the song-

writer, such as Otis Redding, who wrote the lyrics and music for the song “RESPECT”; and that held by the performer of the song, in this case Aretha Franklin, who sang and recorded the well-known version of “RESPECT.” Their respective contributions are totally different, said Huppe.

Until relatively recently in the United States, there was no right in public performances of sound recordings at all. In 1995, Congress passed the Digital Performance Right in Sound Recordings Act, amending the copyright law to add section 106(6), which gives copyright owners of sound recordings the exclusive right to perform their sound recordings publicly by means of digital audio transmissions. The law includes certain limitations, including a statutory license for digital providers that meet certain qualifications.

At present, there is no public performance right in the analog world, such as FM radio. But the digital audio performance of sound recordings transmitted within or into the United States by noninteractive digital services—ones similar to a radio broadcast in that listeners do not select what they want to hear—is subject to payment of royalties. As an aside, Huppe noted that from a business perspective, the location where the sound exits the speaker is generally considered to be where the performance takes place.

To transmit digital music legally, a webcaster has two options: go to all copyright owners and negotiate a license directly or file an intention to use the statutory license with the Copyright Office and then pay royalties to SoundExchange. As of the end of 2012, 3,282 services had filed a Notice of Use of Sound Recordings under Statutory License. (See the list of services at [www.copyright.gov/licensing/114\\_list.pdf](http://www.copyright.gov/licensing/114_list.pdf).) The royalty rate is determined through Copyright Royalty Board proceedings. “The system is unbelievably easy as well as pro-business and pro-innovation,” said Huppe. SoundExchange distributed \$462 million in royalty payments in 2012.

“The music industry is evolving and formats are shifting,” said Huppe. “While



## *Digital Right in Sound Recordings*

In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act, which created an exclusive right for copyright owners of sound recordings, subject to certain limitations, to perform publicly their sound recordings by means of certain digital audio transmissions.

Among the limitations on the performance right was the creation of a new compulsory license in section 114 of the copyright law for nonexempt, noninteractive, digital subscription transmissions.

The scope of this license was expanded in 1998 upon passage of the Digital Millennium Copyright Act of 1998 to allow a nonexempt eligible nonsubscription transmission (the “webcasting license”) and a nonexempt transmission by a preexisting satellite digital audio radio service to perform publicly a sound

recording in accordance with the terms and rates of the statutory license.

In addition to expanding the section 114 license, the DMCA also created a new statutory license in section 112 of the law for the making of an “ephemeral recording” of a sound recording by certain transmitting organizations. That statutory license allows entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in section 114, to make an ephemeral recording of a sound recording for purposes of a later transmission. The new license also provides a means by which a transmitting entity with a statutory license under section 114 can make more than the one phonorecord permitted under the exemption set forth in section 112. ©

CDs represented 86 percent of the recorded music industry business in 2003, by 2012 that number had fallen to below 50 percent. Yet the consumption of recorded music is at an all-time high. Artists are becoming brands themselves, and there is no longer a single revenue stream for the industry.”

Huppe urged all recording artists to register with SoundExchange for the purpose of getting paid when their works are performed digitally.

The January 23 presentation was part of the Register’s Copyright Matters series, which was launched in 2011. The series aims to connect staff to the practical implications of the law it administers. ©

---

## *Copyright Office Retirees Celebrate Holidays*

WENDI A. MALONEY AND JUDITH NIERMAN

Copyright Office retirees returned to the Office on December 19 for the annual coffee with the Register of Copyrights. The gala celebration included two former Registers and took place in the Register’s suite, which was decorated for the season. The current Register, **Maria Pallante**,

welcomed the guests, who told *Copyright Notices* about their activities in 2012.

**REBA BARNES** runs the in-school suspension center called the “Influence Center” at Crossland High School in Prince George’s County. She presents empowering ideas on an

Internet radio talk show Mondays at 2:00 PM at [www.rocktheflow.com](http://www.rocktheflow.com). In addition, she is a special events coordinator and publicist with RebAssociates.

**DORIS BERRY** discovered a love of travel. She visited Bermuda; Charleston and Myrtle Beach, South Carolina; the Grand Canyon; and Las Vegas. She plans a trip to Egypt next year.

**TONY BOGUCKI** and his wife visited their son in Texas twice in 2012 and traveled to Philadelphia and to Richmond and Newport News, Virginia. They also gardened and spent time with their grandchildren, ages 10, 8, 6, and 4, who live nearby.

**LEONARD CHAMBERLAIN** put a new roof on his family home in northwest Washington, built by his grandfather in 1924–25. He said he is doing well.

**DAVID CARSON** enjoys his new job in London. Since September he has traveled to Mexico City, New Delhi, and other international destinations and has crossed the Atlantic Ocean twice.

**GUY ECHOLS** likes not having a fixed schedule.

**JOHN GREENE** leaves on a trip to Australia and New Zealand in January.

Until recently, **DOROTHY HARDEN** has been the caregiver for her mother and two aunts. She and her husband plan a trip to Wimbledon next year and possibly to Paris.

**BILL HOLDER** plans to pay off his mortgage and is considering moving to a warmer climate.

**MARGY HOLLEY** visited relatives in Denver and attended a family reunion in West Virginia near the family's ancestral origins. She volunteers at her church, where she organized a fall festival, and she is writing a book of dog stories.

**FRANCINE JEFFERS** cruised to Nassau and is planning a ski trip soon. Her granddaughter, Tayia, sang at Vice President Biden's residence in December 2012.

**SANDY JONES** works with domestic violence victims and serves as associate pastor at her church. She is completing a degree in psychology online through the University of Maryland.

**CAROL KILROY**, a certified master gardener, maintained demonstration gardens and taught gardening in Virginia. She continued to play the flute for private functions and her church, and she enjoyed reading classics on her Kindle.

**EUGENE LEHR** kept busy running, biking, and square dancing. He traveled to Washington State and cruised to Alaska, where he took a turn on a zip line. He continues to research copyright records as a freelance consultant from time to time.

**LINDA MARTIN** took a master gardening course, volunteered for Meals on Wheels, and enjoyed reading and baking.

**JOHN MARTIN** continues to enjoy the quiet life in retirement.

**WARREN MCKAY** volunteers at the National Archives in College Park, Maryland, working with World War I documents. The project is "enormous and fascinating," he said. He processes U.S. Army papers ranging from battle reports to requests for new typewriters.

**ALONZELLA MURRY** has two novels and a collection of romantic short stories in the works. She and her husband are overseeing the reconstruction of their garage that was destroyed in the June 2012 "derecho" storm. She said, "All in all, retirement has been wonderful, and I highly recommend it!"

**RALPH OMAN** and his wife plan to sell their Capitol Hill home of 42 years and split their time between Maryland and Florida. They will become first-time grandparents in February. Ralph is teaching full time at George Washington Law School and practicing copyright law on the side. He and Marybeth Peters joined Jon Baumgarten, the former Copyright Office general counsel, in preparing an amicus brief for a federal appeals court in a case about copyrighted materials held on electronic reserve at Georgia State University.



PHOTO BY JUDITH NIERMAN

*Copyright Office retirees gathered in the Register's conference room to share holiday cheer. In the center is Register of Copyrights Maria Pallante.*

**DANIEL PERNELL** works at the Environmental Protection Agency and is the community ambassador on weekends in the D.C. Office on Aging.

**MARYBETH PETERS** continued as senior counsel in the intellectual property law practice of Oblon, Spivak, McClelland, Maier, and Neustadt in Alexandria, Virginia, and as a board member of the Copyright Clearance Center. She had multiple speaking engagements, which included delivering the Meyer Memorial Lecture at George Washington University Law School in October. She also contributed to an amicus brief for a federal appeals court in a case about copyrighted materials held on electronic reserve at Georgia State University.

**CHERYL PURDY** cruised to the Bahamas and the Turks and Caicos and volunteered at the Hylton Performing Arts Center of George Mason University.

**JIM ROBERTS** attended antique car shows and is active in the lives of his 12 grandchildren.

**CAROL SHAW** works part time as office manager for an organization focusing on care for mentally challenged adults.

**JIM VASSAR** enjoyed reading, watching films, taking photographs, doing yoga, and walking his dogs. A visit to the Grand Canyon was "wonderful."

**GLADORIA WARREN** traveled to Nassau twice and to Virginia Beach. "I am enjoying every moment of my retirement," she said.

**JEAN WOODS** retired in June from her part-time job as a reference librarian for Montgomery College in Germantown, Maryland. She traveled to California and Turkey and vacationed at Bethany Beach. She enjoys spinning and Irish dance classes.

**ED YAMBRUSIC** gained satisfaction from the acquittal of Croatian generals who were tried at The Hague. His book *Peace at the Price of Justice and Human Dignity* had a positive impact on the judges, he said. He spent the summer in Croatia. Find Ed on *YouTube*.

Many staffers contributed to the success of the party. **Mamie Muse** worked with the Receipt Analysis and Control Division to send invitations. Those working on decorations and set-up and clean-up included **Monica Beach, Meg Buckley, Dayna Cooper, Eugenie Duncan, Xander Harcourt, Denise Prince, Carla Roberts, and Terrawn Rogers. Syreeta Swann-Joseph** provided the PowerPoint and music entertainment. **Helen Hester-Ossa** created name badges. **Denina Scott** coordinated the preparations.

Retired staffers who were not able to attend the event sent updates on their activities for the past year. These messages follow.

**HUGH CLARK** is living in Kansas, caring for his mother, and enjoying trips with a friend. His favorite destination was New York City before megastorm Sandy. He sings in a Topeka church choir and does vocal coaching.

**DENNIS EVERETT** is busy with his antique business in Washington. He is an auctioneer and auction coordinator with Cochran Auctioneers in Boonsboro, Maryland. An active Mason and Shriner, his greatest joy comes from seeing that sick children are treated at the Shriner's Hospital in Philadelphia.

**LINDA GILL** and her husband spent six weeks in Brittany, Paris, and Provence, France, returning on the *Queen Mary II*. She studied French in preparation for the trip and continues with tai chi. In the spring, she attended the Spoleto Festival in Charleston, South Carolina, where

she visited with fellow attendee **Laura Lee Fischer**.

**JULIA HUFF** loves New Mexico, where she is living. She is president of the Women's Nine Hole Golf Association at her club. Her best retirement activity in 2012 was returning to playing the piano. She played in one friend's musicale and is working toward bigger things in 2013.

**RICK NELDON** began his fifth year as church administrator for Trinity Presbyterian Church in Arlington, Virginia. He also serves on the board of directors of Chesterbrook Residences, Inc., an assisted living facility in Falls Church, and is active in the Rotary Club of McLean.

**JOANNA ROUSSIS** traveled to California, Colorado, the Grand Canyon, and New Mexico. She took a Caribbean cruise for basket weavers and participated in basket-making classes during days at sea. She continued as secretary to Artisans United, a local artisans' cooperative, and served as secretary to her guild of basket weavers, the High Country Basketry.

**RUTH SIEVERS** and her husband moved to a condo near Lake Anne in Reston, Virginia, after 25 years in Arlington. She continues to paint at the Columbia Pike Artists Studios, a cooperative in Arlington. The couple visited their son in Madrid, where he is teaching English, and are planning a second trip for spring 2013.

Since her 2010 retirement, **HERMINIA SMITH** has traveled to New England and Canada with her daughter; rented a lakeside house in Washington state; discovered the beauty of lupine, a wildflower; and enjoyed a trip to France. She thanks former team leaders Tom Felt and Bob Klein for their retirement planning advice and quotes another former team leader, John Eustis, "Life is good!"

**STEVIE WITHERS** relocated to High Point, North Carolina, where he and his family are enjoying the friendly people and mild climate. But he says he misses all his great friends in the Office. ☺

### ***Fiscal 2012 Statistics Available***

JUDITH NIERMAN

In fiscal year 2012, the Copyright Office received 546,597 claims to copyright and registered 511,539 claims. Staff completed a total of 562,587 claims in fiscal 2012, including those for which registration was refused.

In addition, the Office recorded 8,687 documents containing 172,826 titles. ☺



# Licensing Division Marks 35 Years of Service with Reengineering Milestones

WENDI MALONEY

Thirty-five years since opening its doors, the Licensing Division is making major progress toward streamlining its business processes for the 21st century. A pilot test of a new electronic system for managing the division's workflow concluded in January and yielded valuable feedback.

"It gives us a sense of which way to go as we fine-tune the system," said **Jim Enzinna**, the division's chief.

The Licensing Division started operation on January 1, 1978, the day the current copyright law took effect. The division supports the Copyright Office's mission to promote creativity by managing licenses in the copyright law that ensure compensation of creators. (See page 12 for details about the division's work.)

To increase its efficiency and expand public access to its records, the Licensing Division began reengineering itself in 2010. The new electronic system under development is part of this effort.

To prepare for reengineering, staff asked licensing users about division processes that could be improved. They did so through emails, telephone calls, and participation in industry trade shows.

"We wanted to determine where people were making mistakes and get out in front of that," Enzinna said.

Ensuing changes allowed the division to reduce the number of follow-up inquiries staff pursue with filers of statements of accounts and to process statements more quickly.

"Our staff is really good at figuring out how we as a team can be as effective as possible," Enzinna said.

To inform the development of the electronic system, the division organized multiple



*Representatives of copyright owners join Licensing Division staff on October 17 to test the pilot version of an electronic cable royalty statement.*

PHOTO BY CECILIA ROGERS

public meetings with stakeholders, a process that continues, and identified and secured information technology consultants to help it achieve its goals.

The division spent much of 2012 designing a framework for an electronic cable statement of account. The just-concluded pilot tested this initial phase of the new system. Subsequent teleconferences with stakeholders are helping to make sure the division meets user needs. Recently, staff have made significant progress toward building an infrastructure that will allow the system to be hosted in a cloud environment.

"We're optimistic that with a fully electronic system, our public service will continue to improve," Enzinna said. "I can't say enough about the value of the hard work of staff and the contributions of our stakeholders."

All division staff are contributing to reengineering, Enzinna said. Intern Angel Adorno and Jeffrey Thompson, a temporary employee, have also contributed. Contractor Gus Schlesier is managing the project. ©



# Scott Turow, Other Writers, Explore the Future of the Professional Author

WENDI A. MALONEY

Scott Turow, Robert K. Massie, and other writers spoke in the Coolidge Auditorium on December 11 about the history and future of the professional author. Hosted by the Copyright Office and cosponsored by the Library's Center for the Book, the event marked the 100th anniversary of The Authors Guild, which advocates on behalf of writers' interests.

"Since its founding as The Authors League of America in 1912, the Guild has played a major role in development of copyright law," said **Maria Pallante**, Register of Copyrights.

Past Guild president Mary Pope Osborne, author of "The Magic Treehouse" children's series, said the Guild continues to fight for fair copyright laws and authors' rights as new technologies transform publishing. She introduced the Guild's current president, Scott Turow, writer of *The Burden of Proof*, *Presumed Innocent*, and other best-selling legal thrillers.

He described the "future of the literary scene" as "clouded."

The rise of digital publishing is increasing readers' access to books outside traditional channels, he said. But it also "pits authors against potential allies" such as publishers, booksellers, libraries, and others who are all trying to "find their position in the digital universe."

Turow said mergers among publishers, a decline in independent bookstores, and the domination of the online book market by a single retailer limit outlets for authors and the diversity of literary culture.

Projects to digitize copyrighted books and make them available online without compensating authors also harm writers, he said, as would proposals by some libraries to make their ebook holdings available to a nationwide audience.

But he cited rampant book piracy as the "greatest threat of all."

When authors can't afford to pursue their craft, everyone loses, he said, because new voices and ideas advance democracy.



PHOTO BY CECILIA ROGERS

*Scott Turow in the Coolidge Auditorium on December 11*

Peter Hildick-Smith of the Codex Group talked about trends in digital book publishing, which his company tracks. He called 2012 a "watershed year" in which technology firms invested hundreds of millions of dollars in book retailing, changing how the market works. "Digital device growth has decimated physical stores," he said.

Although readers are "still wedded to print"—only 2 percent say they read only digital books—he said dramatic growth in ebook purchasing is diminishing diversity. Readers discover fewer new authors online than they do browsing in brick-and-mortar stores, he noted. Nonfiction is at particular risk in the online world, where light reading is preferred.

John Y. Cole, director of the Library's Center for the Book, described the center's relationship with authors since its founding in 1977 and its promotion of books and reading through the National Book Festival. To conclude the event, he moderated an exchange among Turow and authors Robert K. Massie, Louisa Thomas, and Monique Truong about the state of authorship.

A former Guild president, Massie won a Pulitzer Prize for his biography of Peter the Great. He called the trends Hildick-Smith reported "frightening, especially for a nonfiction writer." ©



# Register Moderates Copyright Panel at International Book Summit

WENDI A. MALONEY

Register of Copyrights **Maria Pallante** moderated “Copyright and the Book: A Conversation about Authors, Publishers, and the Public Interest” on December 7 at the 2012 International Summit of the Book, hosted by the Library of Congress.

“Authors and publishers are part of the public interest, not in competition with it,” Pallante stated in introducing the panel to an audience in the Coolidge Auditorium.

Peter Jaszi, professor of copyright law at American University, examined how copyright has historically supported public access to books. He focused on the first-sale doctrine in copyright law, which he said is now “under siege.”

Once a publisher sells a book, the buyer can lawfully resell, lend, or give it away without violating copyright law.

“First sale has helped to create great collections of books” in public institutions, including the Library of Congress, he said.

But the rise of electronic publishing has raised questions about how the first-sale doctrine applies in the digital age.

Tom Allen, president of the Association of American Publishers, discussed the role of publishers in providing information to the public and in sustaining a knowledge economy.

He described the digital environment as an “ecosystem” that must balance the needs of readers with incentives for authors and publishers to bring new books to the market. He also cited a “frenemy” relationship between publishers and the technology sector, stating

that copyright law still applies when content is digital.

James Shapiro of Columbia University, who is vice president of The Authors Guild and an academic author, acknowledged the importance of new distribution methods in bringing works to the public. But he noted that the outlook for today’s professional author is “grim and getting grimmer.” He said he values and often relies on fair use in his own work, but that fair use cannot be the only means of access.

“Many provisions in the Copyright Act require review and updating,” Pallante said. “From orphan works to library exceptions, the Copyright Office is actively engaged in such work in support of Congress.”

The 2012 International Book Summit, held on December 6 and 7, inaugurated an annual global gathering to promote the book as a crucial format for conveying scholarship and culture worldwide. The National Library Board of Singapore will host the event in 2013. ©



*From left: Maria Pallante, Tom Allen, James Shapiro, and Peter Jaszi*

PHOTO BY CECILIA ROGERS

*Staff Voices*

# Copyright Acquisitions Division Visits Culpeper

BY MYRA LAIRD

Copyright Acquisitions Division (CAD) staff visited the Library's Packard Campus for Audio-Visual Conservation in Culpeper, Virginia, on November 30. The goals of our visit were to learn how audiovisual material we acquire through mandatory copyright deposit enhances the Library's collections and how CAD and the Motion Picture, Broadcasting, and Recorded Sound (MBRS) Division can work together to increase acquisitions.

Perhaps one of the most ambitious collection and preservation facilities in the world, the Packard Campus was born of the single largest private donation made by Hewlett-Packard co-founder David Packard for the preservation and collection of motion pictures and audio recordings.

and for Saturday matinees and that live music accompanies silent film screenings. We saw a collection of motion picture formats that spanned the earliest iterations of film to the most modern digital examples. On display were new acquisitions, such as videogames, including platform variations. We also saw examples of early film projectors, antique reels, and film samples.

As the tour progressed to preservation of the motion picture collections, we experienced the icy vaults that store precious nitrate films from studios such as Columbia and Disney, as well as the labs where technicians inspect and repair film for outside loan and for storage within the collection.



*CAD staff tour the Packard Campus on November 30.*

The hosts of the tour, Gregory Lukow, chief of the Packard Campus; Eugene Deanna, head of the MBRS Recorded Sound Section; and Mike Mashon, head of the Moving Image Section, welcomed us. They tailored the tour to match CAD's acquisitions expertise and made great efforts to show just how vital copyright is to the campus's acquisition efforts.

The first stop on the tour was the elegant Packard Theater. Modeled after vintage Hollywood theaters from the carpet to the chandeliers, the theater seats over 200 in luxurious comfort. We learned that the theater is open to the public on Tuesday evenings

In the Recorded Sound Collection, we saw new musical acquisitions awaiting cataloging and preservation. We observed sorting of donated and acquired gems to be added to the collections before moving on to the preservation and restoration labs, where older materials are repaired and digitized.

We were treated to a sampling of recorded sound treasures, such as metal recording masters, a 1960 speech by John F. Kennedy, and international acquisitions of American musicians. All around, examples of antique musical players and equipment were on display.

On the final leg of the tour, we learned about the campus's digital storage capability and the benefits of digital collections for archival purposes. We also saw broadcasting, storage, and server rooms where gigabytes and terabytes are being cast aside to make way for petabytes!

Our visit lasted just under four hours, but we were thoroughly blown away by the depth

and ambition of the work being done there. As employees of the Copyright Office, we were filled with pride at how our work supports the collection, and we were inspired to do even more in the future. ©

*Myra Laird is an administrative assistant in the Copyright Acquisitions Division.*

## Staff Polled about Upgrades to Office's Electronic System

WENDI A. MALONEY

The team planning upgrades to the Office's electronic work-processing system hosted meetings in December with staff from all Office divisions to solicit feedback about potential improvements.

The Register announced the technical upgrades project in October 2011 in *Priorities and Special Projects of the United States Copyright Office*. It will address electronic-based services, including registration, recordation, data management, business processes, and public records access. The project team is now gathering intelligence from users of the system and others in the copyright and government communities.

"We need to understand the technical challenges our partners and users face so we can identify technologies to improve interaction with the Office," explained **Doug Ament**, director of the Copyright Technology Office, in a December 13 meeting with the Information and Records Division.

Ament said the team will publish its findings and present them to the Register in 2013.

At the December 13 meeting, Ament asked participants to brainstorm about technical improvements that would help them do their jobs more efficiently now and in the future.

"Think higher than problems specific to the current system," he said. "Think about what kind of system capabilities will support your daily workflow and business processes."

The project team met with the Copyright Acquisitions Division and the Copyright Technology Office (CTO) on December 11; with the Literary Division on December 12; with the Performing Arts Division on December 13; and with the Visual Arts Division and the Receipt Analysis and Control Division on December 14.

Besides Ament, project team members are Peter Desroches, a contractor; **Kiranj Patel** of CTO, **Chris Reed** of the Register's Office, and **Susan Todd** of the Registration Program. ©



*The upgrades team listens to suggestions at the December 13 meeting with Information and Records Division staff.*

PHOTO BY CECILIA ROGERS

# Librarian Rules on Circumvention of Access-Control Technologies

WENDI A. MALONEY

Dr. James Billington, the Librarian of Congress, issued a ruling on October 26 exempting certain classes of works from the prohibition in the Digital Millennium Copyright Act (DMCA) against circumventing technological measures that control access to copyrighted works. The ruling was issued following a recommendation by the Register of Copyrights, who conducted a rulemaking to explore what classes of works should be subject to exemption from the prohibition.

The DMCA, enacted in 1998, added section 1201 to the copyright law, making it unlawful to circumvent a technological measure that controls access to a work protected under the law. Section 1201 also requires the Copyright Office to conduct a rulemaking every three years to determine whether the prohibition against circumvention of access controls is adversely

affecting individuals in their ability to make noninfringing uses of copyrighted works.

Based on the record in the rulemaking, the Register of Copyrights makes a recommendation to the Librarian of Congress in consultation with the Assistant Secretary of Commerce for Communications and Information. The Librarian then designates classes of works for which he concludes the prohibition on circumvention is adversely affecting noninfringing uses. Until the conclusion of the next rulemaking, it is not a violation of section 1201 to circumvent an access control to engage in a noninfringing use of a work in one of the designated classes.

The Librarian's ruling and the Register's recommendation are available at [www.copyright.gov/1201](http://www.copyright.gov/1201). ©

---

## *Licensing Division Explains Its Work at Afternoon Tea Event*

JUDITH NIERMAN



PHOTO BY JUDITH NIERMAN

*Tracie Coleman and Jim Enzinna*

Licensing Division representatives explained the work of their office to staffers at an afternoon tea event on January 30.

"We are small but mighty," said **Tracie Coleman**, head of the Information Section. "There are 20 people working in the division."

The Licensing Division distributed \$835 million in copyright royalties in 2012 and collected \$312 million, a record high. The majority of the money coming in—69 percent—was paid by cable companies for the right to broadcast TV programs seen by viewers across the United States every day.

In addition to funds from cable operators, the Licensing Division collects royalties from satellite carriers and importers and manufacturers of digital audio recording technology (DART) products. It also collects nonroyalty fees, for example, from notices of intent filed under the section 115 license. But the bulk of the money it administers comes from cable, satellite, and DART filings.



The division consists of the Examining Section, headed by **Tony Newton**, which examines thousands of statements of account annually; the Fiscal Section, headed by **Vince Murzinski**, which performs accounting functions and invests royalty payments until they are distributed to copyright owners; and Coleman's Information Section, which provides information to the public.

**Jim Enzinna**, division chief, explained that the Licensing Division was established after the enactment of the 1976 Copyright Act. The statutory licenses were intended to promote the growth of the cable and satellite industries and to bring more choices to the public, especially to persons in rural areas. "The number of cable systems has grown substantially," he said, "and they have consolidated so that, while we receive fewer statements, the ones we do receive, about 8,000 twice a year, are more complex."

Coleman told the group that Nissan, the automobile manufacturer, recently added a digital recorder in its cars and has had to begin filing quarterly DART statements.

The Licensing Division has been undergoing reengineering (See page 7.) "The division is pioneering offsite hostings in the Library. Its new online system to receive cable and satellite filings is the first production system in the Library to be hosted offsite on a server not belonging to the Library," said Enzinna. "We worked closely with Information Technology Services to achieve this."

He told the group that filers want online batch submissions of statements of account (SOA). Due to consolidations in the industry, cable providers may own 500 different systems. An SOA of up to 32 pages in length must be filed for each. "Eventually, we hope to take the data from their submissions and incorporate it into our system."

One issue is the different accounting systems used by cable providers. "This is not a homogeneous group," said Enzinna. "We have tried to hear all voices in designing our new system."

Afternoon teas are part of Copyright Talks, an outreach program organized by **Alicia Mroczyk** as part of the Register's priorities for 2011–2013. A similar program was presented in the afternoon as a roundtable for reference librarians. ©

---

## *Copyright Office Staff Honored for Achievements*

JUDITH NIERMAN

A dozen Copyright Office staff members were selected by Maria Pallante, Register of Copyrights, to receive outstanding achievement awards from the American Intellectual Property Law Association (AIPLA). The award presentation took place during AIPLA's annual meeting on October 26 at the Wardman Park Marriott Hotel in the District. A luncheon followed the presentation. The yearly award ceremony recognizes outstanding employees from the Copyright Office and the Patent and Trademark Office.

In her announcement of the names of the awardees, the Register said, "I continue to be inspired by the dedication and entrepreneurial spirit of all of our staff as we chart a course for the 21st century and thank all of you for your commitment to our public service. There are too

few awards available to recognize the contributions of so many. However, I hope you will join me in recognizing the following individuals for their tremendous accomplishments."

The names of those who were honored, together with the area of their extraordinary contributions, follow:

### **FROM THE SPECIAL PROJECT ON EDUCATION AND OUTREACH**

**Kim Brown**—In-Processing Section head,  
Receipt Analysis and Control Division

**Melissa Crawford**—copyright registration  
specialist, Visual Arts Division

**Brad Emmett**—copyright registration specialist,  
Performing Arts Division

**Alicia Mroczyk**—special assistant, Information  
and Records Division

**Larisa Pastuchiv**—copyright registration specialist, Visual Arts Division

**Thomas Willis**—copyright registration specialist, Performing Arts Division

#### FROM THE SPECIAL PROJECT ON RECORDATION

**Zarifa Madyun**—Recordation Section head, Information and Records Division

#### REVISION OF THE COPYRIGHT OFFICE WEBSITE

**Dineda Nyepan**—automation operations coordinator, Information and Records Division

#### FROM THE SPECIAL PROJECT ON COMPENDIUM III

**Catherine Rowland**—senior counsel, Office of Policy and International Affairs

**Erik Bertin**—attorney-advisor, General Counsel's Office

#### FROM THE SPECIAL PROJECT ON THE FEE STUDY

**Megan Rivet**—budget analyst, Register's Office

#### FROM THE SPECIAL PROJECT ON PUBLIC ACCESS TO HISTORICAL RECORDS

**Megan Fritz**—copyright registration specialist, Literary Division

The AIPLA is a national bar association whose members are primarily lawyers who practice intellectual property law. ©

## Appointment

### Chih-Lan Olson

JUDITH NIERMAN

PHOTO BY JUDITH NIERMAN



*Chih-Lan Olson*

**Chih-Lan Olson** began her first federal job on November 19, in the Copyright Technology Office as an information technology specialist. Chih-Lan, a member of the team led by **Jacqui Smith**, manager for organizational effectiveness, is working on addressing the Office's technology needs. She is

meeting with business stakeholders to understand current and evolving business processes in the Copyright Office, teaming with the Library's enterprise architect, assisting with the Licensing Division's project to implement its new online system, and helping the Copyright Technology Office evolve current systems development and project management practices.

Chih-Lan was born in Wilmington, Delaware, and grew up in Newark. She graduated from the University of Delaware with a bachelor of

science degree in marketing and information technology.

For 10 years, Chih-Lan worked for Andersen Consulting, now called Accenture, beginning as an analyst. She worked in consulting, and her clients included MCI, M&M/Mars, and American Mobile Satellite Corporation. When she left to focus on raising her daughters, she was a senior manager.

During her break from the full-time workforce, Chih-Lan was a certified personal trainer and fitness instructor. She currently teaches pilates and conditioning classes at BalletNova dance studio.

Chih-Lan's family includes her husband, Eric, and their daughters, Kai-Lan, age 15, and An-ya, age 12. Both girls attend the Arlington, Virginia, public schools and are active in the arts and dancing. The family enjoys vacationing at Hilton Head. A Boston terrier named Doc is also part of the family. ©



## Information and Records Staff Promoted

WENDI A. MALONEY

Information and Records Division supervisors announced the promotions of four staff members in November: **Juanita Frazier**, **Tonya Lewis**, **Chanda Malik**, and **Maria Perez-Morales**. On December 12, the division organized a surprise party for the group.

Juanita and Chanda advanced to senior technicians in the Records Research and Certification (RRC) Section. Tonya and Maria were promoted to copyright information specialists in the Public Information Office (PIO).

Juanita started working at the Copyright Office in 1998 as supervisor of the division's Records Management Unit, which handled retrieval and storage of copyright registrations completed on paper. When paper-based registrations declined with the advent of electronic registration, Juanita and her staff were reassigned.

Juanita started a detail in the Public Records Reading Room, part of RRC, in 2010, and became one of the room's front desk specialists in 2011. As senior technician, she will continue to assist the public in person and on the phone.

"I'm grateful to my wonderful RRC coworkers for preparing me for my new position," Juanita said.

Chanda started working at the Office in 2002 as a clerk in the Deposit Copies Storage Unit in Landover, Maryland. She came to the Madison Building in 2009 for an administrative detail in the Office of the General Counsel, later moving to RRC on detail as a customer service representative. In 2010, she joined the RRC staff permanently as a technician, helping the public research copyright records at RRC's front desk and on the phone. As senior technician, she will continue to work with the public, including in the Public Records Reading Room.

"Everyday in RRC is different," Chanda said. "I enjoy my coworkers, and I like dealing with the public."

"I'm very thankful for their support and hard work and wish them much success in their new



*From left: Tonya Lewis, Maria Perez-Morales, Juanita Frazier, and Chanda Malik.*

positions," said **Rosemary Kelly**, head of RRC, in announcing Juanita's and Chanda's promotions.

Tonya Lewis started as a work-study student, securing a permanent position in 1988 as a clerk in the Publications Section. The next year, Tonya became a correspondence and information assistant in the Reference and Bibliography Section. When the section was subsumed under RRC in 2007 after the Office reorganized, she advanced to certifications and documents technician. Since 2011, she has served two details in PIO as an information specialist. Tonya is a graduate of the Library's Career Development Program.

"I love customer service," Tonya said. "I interacted with the public in RRC, but not as directly as I do now in PIO."

Maria, also a graduate of the Career Development Program, started at the Office in 2009 in the Out-Processing Section of the Receipt Analysis and Control Division. She moved to PIO on detail as a technician in 2010, securing a permanent appointment in that position in 2011.

As the sole PIO staff member fluent in Spanish, Maria fields calls from Spanish speakers. The variety of questions she has handled required her

to learn about copyright practices, procedures, and law, knowledge that will serve her well as an information specialist.

"I'm very happy to learn more about copyright and the law and to take on more responsibility in PIO," Maria said.

Senior copyright information specialist **Page Miller** is training Tonya and Maria. The two trainees have formed an informal study group in which they review what they've learned each day and raise remaining questions with Miller.

"Tonya and Maria have proven track records with providing outstanding customer service," said PIO head **Denise Garrett** in announcing the promotions of Tonya and Maria. Garrett also cited their dedication, motivation, and hard work. "I am confident that they both will make excellent copyright information specialists."

Juanita, Chanda, Tonya, and Maria said they are grateful to their supervisors and coworkers for their kindness in helping them to advance in the Office. ©

## Anniversaries

### Rosemary Brawner

WENDI A. MALONEY



PHOTOS BY WENDI A. MALONEY

*Rosemary Brawner*

**Rosemary Brawner** has worked at the Library of Congress for 25 years. She started as a temp for the Congressional Research Service, moved to the U.S. Postal Service, and reapplied to the Library because she liked the people.

When she interviewed at the Copyright Office, she was asked to explain how copyrights, patents, and trademarks differ. "I thought I blew it, because I said I didn't know," she said.

To her surprise, she was selected. "I was told I was the only person who didn't try to invent an answer," she said.

Rosemary began as a file clerk, advancing first to certifications and documents technician, then to information specialist in the Public Information Office, her current job.

Between her file clerk and technician positions, Rosemary worked for six months in the Library's Manuscript Division.

"I came to appreciate that at the Copyright Office, it's possible to learn things that go beyond your specific job duties. With initiative, you can grow and move ahead," Rosemary said.

As a certifications and documents technician, Rosemary worked with staff across the Copyright Office and the public. Her main duty was finding deposits that had gone missing.

She found she enjoyed interacting with people, a skill that served her well as chief steward for Local 2477 of the American Federation of State, County, and Municipal Employees (AFSCME).

"I was drawn to union work because I believe in equality," Rosemary said. "As steward, I enjoyed working with staff and supervisors to help them make the connections needed to work cooperatively."

Her current job as an information specialist falls under Local 2910 of AFSCME, for which she serves as treasurer.

### Congratulations

*Copyright Notices* congratulates

- Vivian Biggers on her retirement from federal service
- **Dan Haverstock** on 20 years of federal service
- **Angela Hightower** on 25 years of federal service
- Minnie Outlaw on her retirement from federal service ©

Outside work, Rosemary enjoys reading, eating seafood, learning about her new tablet computer, and spending time with her family: husband Allen, a materials handler for the

Library; daughters Kimberlee and Ebony; and grandson, Kyle, four.

Rosemary lives in Waldorf, Maryland. ©

## Carol Garrett

JUDITH NIERMAN

**Carol Garrett**, a senior licensing examiner, celebrated 25 years of federal service in August.

Carol first applied for work in the Copyright Office on the advice of her sister, Denise, who is now section head in the Public Information Office. Carol was hired as a mail clerk and remembers being among the first to work with metered mail. After six months, she was detailed to the Registration and Numbering Unit, where she remained for five years. Her next position was in the Performing Arts Section as a technician.

In 1995, Carol was promoted to examiner in the Licensing Division. "It is very detailed work," she observed. "We research to ensure that all of the requirements are met on the submitted statement; this includes verifying call signs and communities to determine the local distant status of each reported call sign." She says she enjoys working with her colleagues, who have all been very supportive.

Carol is serving on three committees relating to the reengineering of the Licensing Division.

She is a member of the Reengineering Team that oversees the effort. In addition, she serves on the Communications Team studying the best way to communicate with the cable community, and the Motivation Team, which works to boost staff morale during the changes taking place in the division.

Outside work, Carol studies to become certified as an interior designer. Her interest in design carries over to silk floral arranging. She is now occupied with making bouquets for her daughter's upcoming wedding. Shantelé, a special education teacher in Maryland, will be wed in September.

A native of Washington, D.C., Carol lives in Brandywine, Maryland, with Denise. Sharing the residence is Cami, a Pomeranian. ©



Carol Garrett

PHOTO BY JUDITH NIERMAN

## Retirement

### David Carson

JUDITH NIERMAN

David Carson, general counsel in the Copyright Office, retired from federal service September 14. With the exception of 2007–2008, when he was associate register for policy and international affairs, David served as general counsel from 1997–2012.

David came to work for the Office under former Register Marybeth Peters. "Being

Marybeth's general counsel was the best job a lawyer could have," David reminisced. "She was a joy to work for, and she made it all fun."

The highlight of his federal career, said David, were the two Supreme Court cases—*Eldred v. Ashcroft* and *Golan v. Holder*—in which the Register of Copyrights was a defendant. Beginning in 1999, these cases

challenged copyright legislation and were particularly significant because they were the first Constitutional challenges to the Copyright Act that made it to the Supreme Court. David worked on them from beginning to end. "I believe it made a difference that the Office was involved," he said. As he sees it, the capstone of his federal career was being asked to sit beside Solicitor General Don Verrilli when Verrilli argued for the United States in the Golan case. "I believe it was a first for a Copyright Office general counsel," he remarked.

Prior to working in the Office, David had a career litigating copyright infringement and First Amendment cases in Los Angeles and New York.

While David is retiring from the federal workforce, he will not be relaxing. He has

accepted a position as executive vice president for global legal policy with the International Federation of the Phonographic Industry (IFPI), an international recorded music industry association. He will direct a staff of lawyers who focus on legislation and policy on the international front and will keep tabs on laws of other countries and copyright-related treaties.

"The most important issue will be digital piracy," he said. "Digital issues have exploded in recent years, and I am looking forward to working on them in the international arena. I welcome the new challenges presented by my position at IFPI."

David will retain his residence in Maryland, but will work four weeks out of five in London, where he anticipates apartment hunting. ©

## Obituary

### *Freda Agee*

JUDITH NIERMAN

Freda Agee, an accounting technician on Team 2 in the Accounts Section of the Receipt Analysis and Control Division, died suddenly on September 30.

Freda worked in the Copyright Office from April 1988 until her death. She began as a record technician in the former Data Preparation and Recording Unit of the then Fiscal Control Section. In 1990 she moved to the Accounting Unit. With the reorganization of the Office in 2007, Freda became an accounting technician. In 2005, her duties included handling correspondence and phone calls from deposit account holders; she prepared a daily report on deposit account activity. Prior to her service in the Copyright Office, Freda worked at the Patent and Trademark Office (PTO) as a teller in PTO's Federal Credit Union and at the Perpetual American Bank for 10 years as a teller-supervisor.

In 1991 Freda received a group award for her work in reducing a backlog in Data Prep and for helping maintain currency in the workflow.

Freda was one of the Fiscal Control Section staffers in 2003 who first used paper check

conversion, a system by which payments by check automatically result in an electronic funds transfer, and was one of the staffers who trained others in a new COINS system that was launched in 2003. In 2010, Freda was one of the staffers who tested the upgrade to Siebel 8.1.

Freda is survived by her daughter, Stephanie Agee and her brother, Rickie Agee Sr., who is a Copyright Office retiree.

Said **Victor Holmes**, RAC chief, "Freda was a diligent employee whose sense of humor and ironic wit will be sorely missed." ©

## Out & About

---

On October 26–27, 2012, **Chris Weston**, attorney-advisor, attended the “In Re: Books,” a conference on law and the future of books, at the Institute for Information Law and Policy at New York Law School in New York City.

On November 1, 2012, **Rob Kasunic**, deputy general counsel; **Maria Pallante**, Register of Copyrights; **Tanya Sandros**, deputy general counsel; and Chris Weston, attended the inaugural Peter Jaszi Distinguished Lecture on Intellectual Property at the Washington College of Law (WCL) in the District. The speaker was Christopher Sprigman of the University of Virginia Law School, and his topic was “The Knockoff Economy.” The lecture series honors the contributions of Peter Jaszi, professor of law at WCL, to the study of intellectual property law and to the public interest.

On November 9, 2012, **Erik Bertin**, attorney-advisor, participated on a panel discussion on copyright litigation at the Fordham Intellectual Property, Media and Entertainment Law Journal Symposium in New York City.

**Abi Oyewole**, attorney-advisor for policy and international affairs, attended the Global Intellectual Property Center’s sixth annual IP Attaché Roundtable, held at the U.S. Chamber of Commerce in Washington, D.C., on December 11, 2012.

**Maria Strong**, senior counsel for policy and international affairs, served as a panelist at the Copyright Career Evening hosted by the D.C. Chapter of the Copyright Society of the U.S.A. held at the George Washington University Law School on January 16, 2013.

Abi Oyewole and **Molly Torsen**, counsel for policy and international affairs, attended the January 22, 2013, session of the ninth annual State of the Net Conference organized by the Congressional Internet Caucus Advisory Committee and held in Washington, D.C.

**Karyn Temple Claggett**, senior counsel for policy and international affairs; Maria Pallante; and Chris Weston spoke at “Copyright Exceptions for Libraries in the Digital Age” cohosted by the Kernochan Center Symposium in cooperation with the U.S. Copyright Office, at the Columbia University Law School in New York City on February 8, 2013. **Catherine Rowland**, senior counsel for policy and international affairs, also attended this event.

At the Copyright Society of the U.S.A.’s mid-winter meeting in Austin, Texas, on February 14–16, 2013, Maria Pallante presented “The View from the Copyright Office; Policy Priorities and Special Projects.” **Doug Ament**, technology director, and **Chris Reed**, senior advisor, spoke on “Technical Upgrades, Copyright Registration, and More.” Chris Weston served on a panel on “Library and Education in the U.S. and Canada.” Molly Torsen also attended.

Abi Oyewole attended the American Bar Association’s mid-year meeting in Dallas, Texas, on February 7–11, 2013.

Karyn Temple Claggett served as a member of the U.S. delegation at the Special Session of the World Intellectual Property Organization’s Standing Committee on Copyright and Related Rights and the Second Preparatory Committee for the Diplomatic Conference (on limitations and exceptions for visually impaired persons and persons with print disabilities) held on February 18–22, 2013, in Geneva. ©

---

### Copyright Notices 61:01/02

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress  
 PUBLICATIONS STAFF *Writer/Editors:* Wendi Maloney, 707-0979; Judith Niernan, 707-6816 · *Designer:* Cecelia Rogers, 707-3313 · *Distribution:* Helen Hester-Ossa  
 Helen Hester-Ossa, *Head, Publications Section, Information & Records Division* · George Thuronyi, *Acting Chief* · David Christopher, *Chief of Operations* · Maria A. Pallante, *Register of Copyrights*

Suggestions for articles and comments are welcomed. Please call for deadlines.

---



## Barbara Ringer Wrote a Witty Ditty

JUDITH NIERMAN

Barbara Ringer, famed Register of Copyrights from 1973 to 1980, is known as the principal architect of the 1976 Copyright Act. She was also a poet, but we didn't know it—until now.

**Erik Bertin**, attorney-advisor in the General Counsel's Office, recently discovered in the Office's historical files an unpublished handwritten ditty penned by Ringer. Bertin speculates that the untitled rhyme was written

in December 1964, perhaps while Ringer was participating in lengthy hearings leading to the revision of the copyright law. He generously provided *Copyright Notices* with explanations of certain terms in the poem.

Was Ringer writing verse during hearings? Was the poem a 1960s version of texting during meetings? We don't know, but we can enjoy her wit. ©

*Section 4311<sup>1</sup>*

*Is good for thee  
But not for me*

*Please don't import  
Things of purport  
Use any tariffs  
But save our serifs.*

*I don't publish, I don't print;  
Green stuff I don't mint.*

*So let me flourish, do  
not stint:  
Let dear Holland print  
my Gynt.<sup>2</sup>*

*The Authors Guild*

*Has never willed  
That "employer for hire"  
Means any buyer.*

*Aversion to reversion<sup>3</sup>  
Means elision of revision.*

*Words, like cud  
Are chewed to crud  
In the churning stomachs \*  
Of each spurning lummoX.*

*\*Cows have them plural  
Don't you know these things  
rural?*

*Each side says,*

*"J'accuse!"<sup>4</sup>  
But lest they all lose  
Or [illegible] they all  
woos*

*I suggest  
(For East and West)*

*The ruse of booze  
Might make 'em choose  
Between the views  
Of the two pews.*

*Talk is cheap  
And the pace does creep.*

1 A reference to the manufacturing clause, which appeared in section 43 of the 1964 revision bill. The provision prohibited "the importation into the United States of visual copies of a work consisting preponderantly of nondramatic literary material that is in the English language and is protected under this title ... unless the portions consisting of said material have been wholly manufactured in the United States." See Copyright Law Revision Part 3, Preliminary Draft for Revised U.S. Copyright Law and Discussions and Comments on the Draft at 31 (Comm. Print 1964).

2 Possibly a reference to *Peer Gynt* by Henrik Ibsen, a play that was written entirely in verse.

3 A reference to section 16 of the 1964 revision bill, which allowed authors to terminate or modify an

agreement that transferred the copyright to a third party. The provision stated that "If, at the end of twenty years following the execution by the author, after the effective date of this act, of a transfer of copyright or of any exclusive right under a copyright, the profits received by the transferee or his successors in title are strikingly disproportionate to the compensation, consideration, or share received by the author or his successors, action may be brought in any court mentioned in section 1338 of Title 28 to reform or terminate said transfer." See Copyright Law Revision Part 3, Preliminary Draft for Revised U.S. Copyright Law and Discussions and Comments on the Draft at 16 (Comm. Print 1964).

4 A reference to Emile Zola's open letter to the *L'Aurore* newspaper concerning the Dreyfus Affair.



# Copyright Notices

*March/April 2013*

- 2 • Section 108 Reform
- 3 • Change Management Practices
- 5 • Worklife Committee
- 7 • Copyright Academy
- 9 • Outreach
- 11 • NAACP Chair Visit
- 13 • CTO Interns
- 15 • Kudos for Staff
- 16 • Anniversary
- 17 • Retirement
- 19 • Obituaries
- 24 • Copyright Lore

## Register of Copyrights Testifies about “Next Great Copyright Act”

WENDI A. MALONEY

**Maria Pallante**, Register of Copyrights and Director of the U.S. Copyright Office, appeared before Congress on March 20. She discussed the possibility of a broad revision of U.S. copyright law to meet the challenges of the 21st century.

Rep. Bob Goodlatte, chair of the House Judiciary Committee, invited Pallante to testify before the Subcommittee on Courts, Intellectual Property, and the Internet following a March 4 lecture she gave at Columbia University suggesting it might be time to comprehensively reevaluate the law. She titled her lecture “The Next Great Copyright Act.”

“Consumers now routinely acquire intellectual property only in digital formats,” Goodlatte said. “They purchase apps and music files on their phones and watch streamed videos on their laptops and tablets.”

The last major copyright law revision concluded in 1976, he pointed out, when eight-track tapes were considered cutting edge.

Congress has since updated the law, but it last “acted expansively in the copyright space” through the Digital Millennium Copyright Act, which passed 15 years ago, Pallante said.

All copyright stakeholders—from industry groups to individual artists—should be at the table in any revision effort, she recommended. But she said authors must remain at the center of the discussion, both for their own sake and for that of the public.

Citing the Supreme Court, she stated, “The immediate effect of our copyright law is to secure a fair return for an ‘author’s’ creative labor. But the ultimate aim is, by this incentive, to stimulate artistic creativity for the general public good.”



PHOTO BY CECILIA ROGERS

*Maria Pallante testifies on March 20.*

◁ *Continues on page 12* ▷

# Office Cosponsors Symposium on Section 108 Reform

WENDI A. MALONEY

The Copyright Office and the Kernochan Center for Law, Media and the Arts sponsored a symposium on reform of section 108 of the copyright law on February 8. Held in New York City, the symposium supported the Office's continuing effort to seek input from a wide range of interested parties. Their feedback will inform recommendations for legislative change that the Office is preparing for Congress.

Section 108 sets forth exceptions to copyright law to permit libraries and archives to make and distribute copies of copyrighted materials in their collections under certain conditions. The exceptions are meant to help preserve works and ensure their availability over time.

"Section 108 is a recognition that regular and frequent reproduction is vital to the mission of libraries and archives," **Maria Pallante**, the Register of Copyrights, explained at the symposium. But she called section 108 study group convened by the Library of Congress, enacted in 1976, "woefully outdated."

A 2008 report by an independent section 108 study group concluded that section 108 fails to meet the needs of libraries and archives in

the digital age. Of particular concern are limits under current law on how libraries, archives, and other entities, including museums, can deal with born-digital works, digital preservation, and uses and lending of digital copies of works.

The 2008 report included recommendations for legislative change. But because some issues involved were implicated in ongoing litigation, including the Google books case, stakeholders hesitated to proceed with legislative discussions.

The Register announced in 2011 in *Priorities and Special Projects of the United States Copyright Office* that the time had come to move the discussion forward because of the significance of the issues involved.

"When we talk about section 108 reform, what we're really doing is affirming the critical importance of libraries and archives . . . and museums in the copyright system," the Register stated at the symposium. "It is because of [their] centrality to the diffusion of knowledge that libraries and archives currently enjoy an exception in the copyright law."

In 2012, the Office reconvened the section 108 study group to assess whether its views had changed since publication of its 2008 report. The group included librarians, copyright owners, archivists, academics, and other experts. They agreed that the issues raised in the report remain valid.

They recommended legislative changes in 2008 on several issues but did not reach consensus on others they identified as needing amendment.

"As the Copyright Office formulates legislative proposals on section 108 reform, it is likely we will adopt and recommend many of the conclusions of the study group. But we will also address issues that were left unsolved by that group," the Register said.

PHOTO BY MICHAEL DIVITO FOR COLUMBIA LAW SCHOOL



Chris Weston of the General Counsel's Office (far right) with panelists from a symposium session he moderated about library digitization of copyrighted works.

The Office will hold additional stakeholder meetings in coming months to explore outstanding issues.

**Karyn Temple Claggett** of the Office of Policy and International Affairs and **Chris**

**Weston** of the General Counsel's Office led discussions at the symposium.

For more details about section 108 reform, go to [www.copyright.gov/docs/section108](http://www.copyright.gov/docs/section108). ©

## *CTO Builds Mature Change Management Practices*

STEPHEN OSWALD AND JACQUELINE SMITH

Change management in information technology can be described as a methodology ensuring that standardized methods, processes, and procedures are used for all system changes. Changes may arise reactively in response to problems or externally imposed requirements, such as legislative changes. Or changes may be proactive in response to the need to improve efficiency or to enable new initiatives. Change management facilitates efficient and prompt handling of system requests and maintains the proper balance between the need for change and the risks associated with the change.

Using IT “best practice” guidance, new Copyright Technology Office (CTO) practices have evolved and matured into an effective process for managing change to the eCO system. Until formal change management processes were introduced in CTO during summer 2011, implementing system changes was difficult and slow. Previously, CTO change requests were catalogued in the Merant Tracker system as well as in Microsoft Excel spreadsheets. Neither provided transparency into change requests because assessing, categorizing, and reporting the entries was extremely difficult.

In an effort to revamp the process, CTO's first priority was to assess the status of numerous outstanding change requests, each now known as a “request for change.” CTO analysts and subject matter experts from each Office business unit analyzed these requests. The requests confirmed as still valid were migrated from Merant Tracker and the Microsoft Excel spreadsheets into a new CTO configuration

management database developed by Information Technology Specialist **Jaakia Carrington-Brown** as a “rapid prototype” to house change requests and other related data. At the same time, CTO worked to develop internal change management practices. Since the introduction of formal practices in 2011, CTO has implemented over 100 change requests representing approximately 50 percent of the preexisting ones.


As part of the effort to streamline the entire process, CTO established request-for-change submitters in each Office business unit (see below). Submitters can enter requests and print reports on existing requests in the configuration management database.

### *Authorized Submitters*

CTO Registration	<b>All</b> <b>Melissa Bethel</b> <b>Bill Briganti</b> <b>Ted Hirakawa</b> <b>Susan Todd</b>
Information & Records Receipt Analysis & Control	<b>Robin Coreas</b> <b>Victor Holmes</b> <b>Craig Taylor</b>
Copyright Acquisitions	<b>Lauren Fascaeski</b> <b>D'Andrea Hamn</b>

In the future, CTO will continue to develop change management practices with emphasis on maturing the CTO internal control board, a technical body that monitors changes to the eCO system and other technical practices. In addition, CTO will continue to develop strong requirements management practices. Requirements management is a collection of industry “best practices” to ensure effective development of business and functional requirements.

“Tremendous progress has been made by CTO staff to move the Office’s technology services forward,” said **Denise Wofford**, deputy director of CTO. “The most important part of the new change management process is the active engagement of the divisions in the development of requests, requirements, and design reviews. We have already seen the benefit of this partnership approach, which will continue to drive quality solutions that meet the needs of the entire Copyright Office.”

For more information on the CTO change management process, see the box to the right. 

### ***CTO Change Management Process***

**The CTO change management process contains the following stages:**

1. Each Copyright Office business unit has at least one representative who is authorized to submit requests to the change management database on behalf of the business unit.
2. The change management administrator reviews all incoming requests for completeness and makes sure the request is assigned to a CTO analyst.
3. The CTO analyst works with the submitter and subject matter experts to clarify and build requirements for the request.
4. Once the initial analysis is complete, the request is assigned to the eCO development team. IT provides an estimate of the level of effort required to design, develop, test, and implement the request.
5. Once the level of effort is provided, the CTO internal control board reviews the request to ensure that it contains sufficient information to facilitate its inclusion in a future eCO release. At this point, the approved request is eligible to be voted on by the eCO Steering Committee to be included as part of a future eCO release.



# Worklife Committee Meets to Review Progress, Look to the Future

JUDITH NIERMAN

The Worklife Committee, established as part of the Register's priorities and special projects announced in October 2011, met on February 13 to review accomplishments and to turn over leadership from Melissa Dadant, who retired February 28, to **David Christopher**, the new chief of operations. The committee is helping to address issues related to attracting, developing, and retaining staff to ensuring a dynamic and effective workforce.

Dadant named a number of results of the committee's work: an expansion of telework opportunities for staff; the successful family day picnic in August 2012; surveys of staff and supervisors; brown-bag "creativity" presentations by staff; and a revamp of details in the Office.

**Kim Leake** and **Karen Van Gilder** of the Management and Supervision Enhancements Committee reported on survey results. The staff survey, which boasted a reply rate of 30 percent of staff, showed a very positive attitude, they said. Most respondents felt valued by their supervisors and felt that the supervisor communicates goals well and is open to suggestions. The supervisor survey had a return rate of 50 percent. Of the respondents, 60 percent felt that their greatest challenge was time management. The suggestion was made to establish a supervisor forum to assist and support supervisors.

**Juanita Lyle** spoke on the success of the brown-bag workshops. Two creativity workshops—one by **Carol Garrett** on decoration and another by Melissa Dadant on water-color painting—have taken place, and others are planned. Lyle is working with **Michele Chisholm** and others on organizing a workshop on entrepreneurship.

Dadant reported that numerous suggestions have been received on how to broaden staff



PHOTO BY JUDITH NIERMAN

*On March 12, Maria Perez-Morales presented a lunchtime workshop to interested staff on making basic earrings and bracelets using beads. An activity of the Worklife Committee on Networking and Building Relationships: Engaging Staff, the brown-bag creativity workshops are organized by Michele Chisholm and Juanita Lyle. Look for more workshops in the future.*

knowledge of the Copyright Office. A group consisting of **Ingrid Abbott**, **Craig Taylor**, and **Denise Wofford** is working on a program to develop an interdivisional training program. Tentatively called WIMS for Walk in My Shoes, the program would include job shadowing and other short-term learning opportunities for established staffers and an orientation plan for new employees. The goals of the job shadowing component, said Taylor, are to learn someone else's job and to learn what various areas of the Office do. WIMS would not compete with the Copyright Academy, which teaches copyright law and policy, but instead would focus on how a job gets done, including day-to-day tasks, and how the work integrates with other areas. Abbott added that the tours for new staffers would follow the workflow. Wofford stated

that the purpose of the program is to foster collaboration and problem solving across the Office. Those who want to participate should contact Abbott, Taylor, or Wofford.

Ideas put forth by the Worklife Committee that were not brought to fruition include the establishment of new standards in productivity and quiet zones, although staffers who

wanted to move to more quiet cubicles were accommodated.

In farewell, Dadant said that she sees the Worklife Committee as an ongoing effort. She said, "I have enjoyed working with you. It has been a great coming together of creative minds. Thank you all for your dedication and hard work." ©

***The Worklife Committee had six subcommittees active in 2012 with various small groups. They are:***

**1. WORK IMPROVEMENTS/BEST PRACTICES**

*Quality and accountability* cochaired by **Lorraine Baysek** and **Clara Holloway**.

*Telework* cochaired by **Jannease Johnson**, **Mamie Muse**.

*Consulting and updating staff*; updating procedures cochaired by **Loretta Freeman** and **Kathleen Spriggs**.

*Adjusting quotas/standards* cochaired by **Karen Miscuk** and **Meredith Wearing**.

**2. MANAGEMENT AND SUPERVISION ENHANCEMENTS**

*Performance management* cochaired by **Alice Parrish** and **Kathleen Spriggs**.

*Develop a stronger supervisor cadre* cochaired by **Kim Leake** and **Karen Van Gilder**.

*Recognize all staff who work hard* cochaired by **Lorraine Baysek** and **Bobbie Cook**.

**3. BROADENING KNOWLEDGE OF THE COPYRIGHT OFFICE**

*Copyright mission and values* chaired by **Ardene Shafer**. Members are **Katie Alvarez**, **Charles Bubeck**, **Xander Harcourt**.

*Open house project* cochaired by **Ingrid Abbott** and **Ivan Proctor**.

*"Spend a day in" and buddy program* cochaired by **Rosemary Brawner** and **XANDER HARCOURT**.

**4. EMPLOYEE TRAINING AND DEVELOPMENT**

*Staff orientation program* cochaired by **Carla Roberts** and **Xander Harcourt**.

*Comprehensive training in one's job* chaired by **Bobbie Cook**.

*Details and rotation of duties* cochaired by **Dawn Craig** and **Michelle Graddy**.

*Career development* chaired by **Megan Rivet**.

**5. NETWORKING/BUILDING EFFECTIVE WORKING RELATIONSHIPS**

*Engage all staff* cochaired by **Juanita Lyle** and **Darnell Scotton**.

**6. CELEBRATING OUR COPYRIGHT COMMUNITY** chaired by **Ardene Shafer**

*Copyright fair* cochaired by **Michele Chisholm** and **Juanita Lyle**.

*Social events* cochaired by **Michelle Graddy** and **Denise Prince**.



# Staff Enthusiastic about New Copyright Course

WENDI A. MALONEY

“Introductory Copyright Basics,” the first course offered through the Office’s new Copyright Academy, ran from September to December 2012. The course had 11 sessions, each offered twice weekly, and focused on the 1976 Copyright Act.

The Copyright Academy was developed as part of a program for staff legal education. **Maria Pallante**, the Register of Copyrights, cited a need for such a program in fall 2011 in *Priorities and Special Projects of the United States Copyright Office*, calling “critical skills training and educational opportunities ... essential to furnishing public services.”

**John Ashley**, chief of the Visual Arts Division, taught the introductory course. Staff who completed it are now eligible to enroll in an intermediate course that will compare the 1976 law with the 1909 Copyright Act.

Copied below are excerpts from comments by course participants.

*I signed up for “Introductory Copyright Basics” because it was a great opportunity to enhance my knowledge and apply that knowledge to performing my responsibilities. Weekly, we received assigned materials to read and discuss in class. I’ve learned how to recognize the “copyright moments” that are all around us.*

*Thanks to John Ashley for teaching this class, for having a profound knowledge of copyright law, and for introducing it in a simple, complete, and tantalizing way.*

—**Alisha Armstrong**, Literary Division



From left: Sandra Barnes, Pat Rigsbee, and Xander Harcourt

*Taking “Introductory Copyright Basics” made me realize that “copyright moments” are around us each and every day. Even though I’ve been in the Copyright Office for years, I never had a full understanding of the law; however, this class opened my eyes to the importance of having it and how each division in the Office uses the law in different ways. This class is a “must” for all new employees as well as a refresher for present employees. Professor Ashley did an outstanding job in teaching this class.*

—**Sandra Barnes**, Copyright Acquisitions Division

*I have to say I really enjoyed the course; it offered me a more in-depth and structured understanding of copyright law. I think what I was most pleased to learn was how important copyright is to the global economy. Copyright not only provides an immediate legal benefit for creators, but it also produces long-lasting revenue streams that impact many different industries, creating jobs every step of the way. To me, this makes copyright not only legally relevant, but also an economic powerhouse!*

—**Xander Harcourt**, Receipt Analysis and Control Division

*I had a wonderful time in John's class. Mr. Ashley has the exceptional ability to instruct an introductory copyright law course and actually keep the students' attention engaged. I looked forward to attending and learned some interesting facts about copyright. Working in the Copyright Technology Office, I deal with technical procedures, hardware, and software, and I thought it would be great learning more about copyright law so I would have a better understanding of what role this agency plays in the public view. This class, and especially the instructor, brought this all together for me.*

—**Audrey Miller**, Copyright Technology Office

*John Ashley was a wonderful teacher in that he took material that is often difficult to comprehend and presented it in a way that was not only sensible but also relatable. Mr. Ashley presented the basics of copyright, including what is and isn't copyrightable, but also what copyright covers and what it doesn't. At times, we were asked to read materials not necessarily written for the layperson, but Mr. Ashley made sure we understood the material by the end of class. I often observed him after class with students discussing the readings and answering questions. I look forward to Mr. Ashley's next class.*

—**McKenna Rain**, Register's Office

*The class was both informative and interesting. As we studied different aspects of the copyright law, Professor Ashley focused on "copyright moments" all around us, as well as court cases and items in the news. He welcomed class interaction, which led to some lively discussions, and he provided excellent class notes, which contributed to our understanding of the course material.*

—**Pat Rigsbee**, Information and Records Division ©

---

## *Big Changes Are Named "ELi"*

PHOTO BY CECELIA ROGERS



*Steve Ruwe (center) with staff of the Licensing Division.*

The Licensing Division conducted a contest to name its new electronic system that was developed as a result of the division's business process reengineering plan. And the winner is... **Steve Ruwe**, an attorney-advisor in the General Counsel's Office. Ruwe's entry, ELi, was selected as the system's name by the Register from 72 entries.

ELi will permit online filing of cable, satellite, and DART statements of account and corresponding royalty payments. Among other improvements, it will allow for bulk submission of statements and other records. The public will be able to search public records, and staff will be able to match statements and fees accurately and examine and close documents more efficiently. ©

# Roundtable Outreach Continues with Presentation on Termination

JUDITH NIERMAN

The Copyright Office outreach to Library of Congress reference librarians continued with a February 20 roundtable presentation on termination. **Zarifa Madyun**, head of the Recordation Section, described termination under section 203 of the copyright law and spoke on the expectation that numerous terminations will continue to arrive in the Copyright Office.

Termination, she explained, is “an advance notice that a transfer or license of copyright by an individual author or individual authors will end within certain statutory time limits.” In other words, if an author sold or gave some or all of his or her exclusive rights to another person or company, the author can reclaim those rights at a certain time by notifying the grantee and filing a document in the Copyright Office. That time has arrived for many authors or their heirs.

Under section 203, for grants made on or after the effective date of the 1976 Copyright Act, that is, January 1, 1978, an author or that person’s heirs may end a grant of rights 35 years after the grant was made. All rights covered by the grant revert to the persons entitled to terminate. The terms of use can then be subject to renegotiation, or the right to use a work may be withheld. The purpose of termination is to give authors of older works a second opportunity to enjoy the economic success of their works.

January 1 of this year was the first time that the right of termination under section 203 could be exercised. Madyun has recorded about 100 notices of termination a month in the first two months of 2013. Notable musical acts such as George Benson, Fleetwood Mac, Billy Joel, Tom Petty, and the Isley Brothers have exercised their right of termination so far this year. The Office



Zarifa Madyun

also received a notice of termination for the novel *Flowers in the Attic* by Virginia Andrews.

If a work was jointly authored, the majority of the authors must agree to termination. In the case of the Jackson 5, one living author declined to terminate, one author is dead, and the other three signed the notice of termination pertaining to one of their works.

Not all notices of termination have to do with claims to copyrights filed on Form SR, although the majority do.

Big record labels say that they will not relinquish their rights that have been granted to them in the past. The right of termination does not apply to works that were made for hire. Standard recording contracts usually state that recordings made under the agreement are for hire. With few legal cases on termination so far, interested parties can only guess the outcome of the recording labels’ stance. Perhaps there will be settlements with artists if they waive their right to terminate, or court battles may ensue.

Whatever happens, it is an interesting time to be working with documents in the Copyright Office.

The roundtables are organized by **Alicia Mroczyk**, special assistant in the Information and Records Division. ©

PHOTOS BY JUDITH NIERMAN



Molly Torsen

## Reference Librarians' Roundtable Looks at Traditional Cultural Expressions

JUDITH NIERMAN

**Molly Torsen**, counsel for policy and international affairs, spoke to Library of Congress reference librarians on March 13 on "Traditional Cultural Expressions and Folklore." Traditional cultural expressions, called TCEs, she explained, are sometimes called "expressions of folklore" and include music, names, signs, symbols, performances, architectural forms, handicrafts, and narratives that originate from and are important to the social and cultural identities of indigenous people. But there is, as of yet, no internationally accepted definition for what a TCE encompasses.

Since the year 2000, the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (IGC) has discussed whether and how to provide protection for TCEs for the purpose of promoting creativity, cultural diversity, and preservation of cultural heritage. But TCEs raise

legal and policy issues in the realm of intellectual property.

Many of those who create TCEs want respect, said Torsen. They want to prevent or at least control the commercial use of their TCEs to prevent uses that the creators find offensive or inappropriate. The creators wish to be associated with their TCEs, that is, they want the credit for them. And they want their TCEs preserved.

Torsen went on to say that molding protection of TCEs into an existing copyright system presents various difficulties. For example, copyright protection in most countries requires a specific individual owner of copyright, whether that be an individual person or a legal entity. At present, an indigenous group with no specific author could not own a copyright in a TCE unless that indigenous group is also a legal entity. So far, said Torsen, there is "no agreed-upon definition of the group of beneficiaries of TCEs."

In addition, "most TCEs are derived from preexisting works," said Torsen. "To many indigenous people, faithful reproduction of their TCEs is important. That is, originality, a requirement for copyright in the United States, is not important." We do not, she continued, "know what specific subject matter we would be trying to protect."

Torsen presented examples of the use of their TCEs that indigenous people found offensive. These included a facial tattoo, clothing designs, paintings, fabric patterns that originated with Maori people, and an aboriginal design on an Australian ten-dollar note that resulted in a law suit (*Yumbulul v. Reserve Bank of Australia*). ©



# NAACP Chair Speaks of Time as Copyright Office Intern

WENDI A. MALONEY

Roslyn Brock, chair of the NAACP national board of directors, spoke in the Mumford Room on February 14 in honor of African American History Month. The Daniel A. P. Murray African American Cultural Association and the Library of Congress chapter of Blacks in Government (BIG) sponsored the event.

When Brock was a student at Friendly Senior High School in Fort Washington, Maryland, she worked as a clerk-typist in the Renewals and Documents Section of the former Examining Division. At the time, her name was Roslyn McCallister.

Brock said she secured the work-study job with help from her close friend **Denise Garrett**, now head of the Public Information Office. Brock thanked BIG president **Michele Chisholm**, an information specialist in the Office's Licensing Division, for mentoring her when she was growing up next door to Chisholm.

"These two extraordinary sisters—these two women of distinction—helped me get to where I am," Brock said. "I am privileged for the opportunity to come home to the Library of Congress."

Brock said her internship taught her how to dress and act around professional men and women.

Upon completing high school, Brock attended Virginia Union University. After graduating magna cum laude, Brock earned a master's degree in health services administration from George Washington University, a master's in business administration from Northwestern University, and a master's in divinity from Virginia Union University.

Brock was elected NAACP chair in 2010. She is the youngest person and fourth woman to hold the position.

In her address, Brock called 2013 a "seminal year" in African American history, citing the 150th anniversary of the Emancipation Proclamation, the 100th anniversary of the death of Harriet Tubman, the 100th anniversary of the birth of Rosa Parks, the 50th anniversary of the March on Washington, the 50th anniversary of the assassination of Medgar Evers, the 50th anniversary of the bombing of the 16th Street Baptist Church, the 50th anniversary of the assassination of President John F. Kennedy, and the second inauguration of the nation's first African American president.

She urged the audience to continue to make a difference in their communities. "If you can change the game, you can change America," she said.

**Karyn Temple Claggett**, associate Register of copyrights and director of policy and international affairs, presented Brock with a



*Members of the Friendly Senior High School Honor Guard pose with Brock following her address.*

PHOTO BY JACKIE FOWLER



certificate of recognition from the Copyright Office.

Temple Claggett called Brock's Office experience "one very small step forward" in a stellar career. "Your achievements since then speak for themselves," Temple Claggett told Brock. "But we'd like to think that your professional career was enhanced by the training and nurturing you received at the Office."

**Juanita Lyle** of the Receipt Analysis and Control Division, BIG's vice president, welcomed

the audience to the event; **DeNina Scott** of the Register's Office sang the national anthem and led the audience in "Lift Every Voice and Sing"; Michele Chisholm introduced Brock; **Xander Harcourt** of the Receipt Analysis and Control Division read the proclamation of President Obama in honor of African American history month; and Copyright Office members of the LC Chorale performed, conducted by **John Saint Amour** of the Public Information Office. ©

◀ "Next Great Copyright Act" Continues from page 1 ▶

PHOTO BY CECELIA ROGERS



*Maria Pallante is sworn in before testifying.*

A first step is to figure out what does and does not belong under a copyright owner's control in the digital age, Pallante suggested.

"I do not believe that the control of copyright owners should be absolute, but it needs to be meaningful," she said, as more people access content on mobile devices and fewer want physical copies of works.

At the same time, the law needs to provide a blueprint for copyright users, especially in the online world, to "know what they're allowed to do with content and what they're not," Pallante testified.

Congress need not "start from scratch," she noted, because it has "already laid the groundwork for many core issues." These include

expanded performance rights for sound recordings, exceptions to copyright law for libraries, criminal penalties for illegal streaming, and treatment of "orphan works" (copyrighted works whose authors cannot be identified or located).

A comprehensive effort would "offer an occasion to step back" and consider how such issues relate to the equities of the law as a whole, Pallante said.

Rep. Goodlatte said he welcomed the Register's thoughts along with those of the subcommittee members and the copyright world, "many of whom I do not expect to be shy with their views."

Rep. Howard Coble, chair of the subcommittee, thanked Pallante for her testimony, and Rep. Mel Watt, the subcommittee's ranking member, called Copyright Office staff "invaluable resources to the subcommittee."

Access the Register's testimony at [www.copyright.gov/statements.html](http://www.copyright.gov/statements.html). ©

# Two University of Maryland Students Interning in CTO

WENDI A. MALONEY

Jeff Zhu started interning in the Copyright Technology Office (CTO) in October, just before finishing a master's degree in information systems at the University of Maryland. Qingqing Zhu will soon complete her bachelor's degree in business at the university.

A native of Shanghai, Jeff studied international business at the Shanghai University of Finance and Economics. He decided to do graduate study at the University of Maryland because of its program in information technology.

He applied for the CTO internship through the university's career development service. He has been helping CTO organize and catalog an online library of shared documents containing standard operating procedures, meeting notes, templates, and other commonly used material. There are more than 10,000 documents in the library, Jeff said, and more are created weekly.

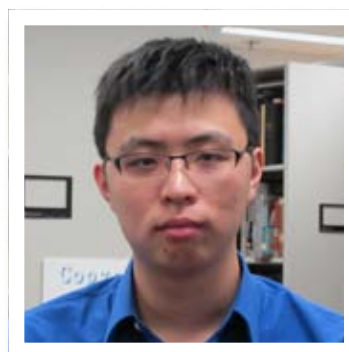
He is also supporting the ongoing project to redesign the Copyright Office website by documenting procedures for uploading documents and helping to create a thesaurus of keywords to improve searching.

Jeff said he plans to seek employment in the United States in information technology. "The internship helped me understand how I can combine my IT and business skills," Jeff said. "I am much more clear now about what I want to do in the future."

After Qingqing graduated from high school in Shanghai, she enrolled in the University of Iowa. She said Iowa City was a good first place to arrive in the United States, because it has a large Chinese American community, which helped her acclimate to living in a new country. She studied there two years, moving to Maryland for its business program and location on the East Coast. She will graduate in May.

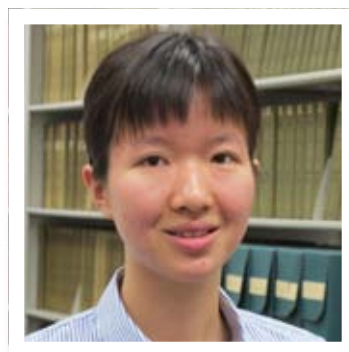
Like Jeff, Qingqing secured her internship through the university's career development service. She has been supporting development of the new electronic system for processing the work of the Licensing Division.

"I'm proud to be at the Copyright Office," Qingqing said. "This is my first time to work in a U.S. organization, and it's a good experience." ©



Jeff Zhu

PHOTO BY WENDI A. MALONEY



Qingqing Zhu

PHOTO BY WENDI A. MALONEY

# Outreach Extends to Polish Librarians and Independent Filmmakers

JUDITH NIERMAN

PHOTO BY CECILIA ROGERS



*Alicia Mroczyk (left) and Yvonne Dooley (right), both Copyright Office staff, gave a tour of the Copyright Office Card Catalog to three visiting Polish librarians on February 12.*

On February 12, Copyright Office employees gave presentations to three Polish librarians. **John Saint Amour** spoke on “What’s Copyrightable and What’s Not”; **Yvonne Dooley** spoke on “How the Copyright Office Benefits the Library’s Collections”; and **Guy Messier** spoke on “Is Your Coffee Table Copyrighted?”

In addition, on March 7 **Karin Sweet** addressed a group of independent filmmakers accompanied by their staff members who were visiting the Office. The filmmakers were winners in the feature film and feature documentary categories in the 2013 D.C. International Film Festival. Sweet talked about motion picture registration and answered questions. Both public outreach events were coordinated by **Alicia Mroczyk**.

PHOTO BY WENDI A. MALONEY



## Copyright Office Service Flag Draws Visitors

**Richardson Libby** (left) and **Jack Lowe**, members of the Chesapeake Bay Flag Association, visited the Library of Congress on March 14 to view the Copyright Office Service Flag, on display in the offices of the Veterans History Project. The flag honors the World War II service of Copyright Office staff; a star appears for each staff member who served. Libby is a U.S. Air Force veteran; Lowe, who is president of the flag association, is a veteran of the U.S. Navy Medical Corps.

### *Leroy Hayes Copies a Videocassette*

**Leroy Hayes**, a copyright technician in the Motion Picture Unit of the Performing Arts Division, makes a copy of a videocassette to help **Chanda Malik**, a senior technician in the Records Research and Certification Section. Malik needed to provide a copy of a deposit at the request of the copyright owner, who said he had lost his only copy. Malik located the deposit but found that she could not copy it because of its age. Hayes, however, figured out how to make the copy.



PHOTO BY JUDITH NIERMAN

## *Kudos for Staff*

“Kudos” recognizes extraordinary work by Copyright Office staff that has attracted comment from external constituents. Supervisors are invited to submit notices to this column by sending an email message to [wmal@loc.gov](mailto:wmal@loc.gov).

**Khan McKay** and **Fred Weiss**, Publications Section, Information and Records Division

Author John Schult of St. Petersburg, Florida, wrote the note below after receiving a response from a message he left on the Publications Section’s phone messaging system. Khan McKay and Fred Weiss respond to callers’ requests. **Helen Hester-Ossa**, head of the Publications Section, forwarded the note to *Copyright Notices*.

*Quick thanks for the extremely prompt turnaround of my request for copyright information and forms from your recorded line. Excellent administration in record time!*

**Alicia Mroczyk**, Division Office, Information and Records Division

Jennifer Cutting of the Library’s Folklife Center sent the note below after attending “Copyright Talks” events organized by Alicia Mroczyk.

**David Christopher**, chief of operations, forwarded the note to *Copyright Notices*.

*Wow! Just wanted to say how exciting your “Copyright Talks” series is. So up-to-the minute! Keep up the great work.*



## *In the Limelight*

---

### *I&R Is Well Represented*

JUDITH NIERMAN

Congratulations to two Copyright Office staffers who were elected to Library of Congress Professional Association offices in March.

**Yvonne Dooley** was elected president, and **John Saint Amour** is the new vice president. Both are information specialists in the Public Information Office. **Rhonee Patten**, a senior

records research and certification technician in the Records Research and Certification Section, serves as secretary. She was elected in 2012 and will hold the position for two years. **Helen Hester-Ossa**, head of the Publications Section, heads the "What If...Sci-Fi and Fantasy Forum." ©

## *Anniversary*

---

### *Robert Raum*

JUDITH NIERMAN



PHOTO BY JUDITH NIERMAN

*Robert Raum*

**Robert Raum**, an accounting technician in the Accounts Section of the Receipt Analysis and Control Division, celebrated 20 years of federal service in October 2012.

Robert began federal service as a deposit copies storage clerk in the Copyright Office's

Landover, Maryland, storage facility, where he worked from 1992 to 1998. He was then detailed to the Correspondence Control Unit, which maintained the Office's central correspondence files, including unfinished business correspondence and oversized deposits.

In 2006, Robert moved to the Data Preparation and Recording Unit in the Receiving and Processing Division. There he recorded receipts into COINS. He enjoyed working in Crystal City when the division was transferred there while the Office was undergoing renovation as part of reengineering.

In 2007, Robert returned to the Madison Building as an accounting technician, a job for which he had to apply. In addition to dealing with payments for Office services, he spends time talking by phone with customers and answering email queries, mainly having to do with the status of payments sent to the Office. Some payments are still processed in the old COINS system, and due to his experience in Data Prep, Robert is adept at that.

Born in Cheverly, Maryland, Robert lives in Capitol Heights, and is raising his two nephews, De'Andre Raum, 20, who works and goes to tech school, and David Hughes, 15, a student at Suitland High School.

Robert enjoys traveling to the Bahamas and Block Island, Rhode Island. His plans for the future include trips to Jamaica and Hawaii. He likes to cook and occasionally caters private parties. He is active in his church, providing transportation for guest artists who perform at the church. ©



# Retirement

## Melissa Dadant

JUDITH NIERMAN

**Melissa Dadant**, senior advisor for operations and special projects, retired February 28 with 38 years of federal service and a long list of contributions to the Copyright Office.

"I've had wonderful opportunities to do interesting and challenging work," Melissa said.

Melissa began her career in 1974 as a cataloger. After a year she moved to the Examining Division as a book examiner in the old Literary Section. She successively held the positions of senior examiner, supervisor of the Mask Works Unit, team leader in the Visual Arts Section, and special assistant to the chief of Examining. In the latter position, she developed examining practices and new workflow procedures relating to registration, oversaw automation of the division's correspondence, trained staffers, and drafted first appeal letters.

Melissa led the Examining Division's computer program study group to look at registration issues raised by computer programs. She led or participated in numerous other study groups, including ones focused on computer screen displays, costumes, and architectural works.

Serving as the first head of the new Mask Works Unit, Melissa greeted visitors to the unit from Japan and Europe who were interested in learning how the Office handled mask work registration. Melissa also traveled three times to Japan with the Register at the invitation of the Japanese government to speak and participate in discussions on mask work protection. She also attended a committee of experts session on mask works in Geneva and participated in a 1989 diplomatic conference in Washington, D.C.

Melissa was appointed chair of the COINS (Copyright Office In-process System) Coordinators Committee in 1986. She designed the original Short Form SE, served on the Library's electronic journals study group, and helped develop CORDS (Copyright Office Electronic Registration, Recordation and Deposit

System), an early but limited online registration system.

She chaired the 1992 Security Group that worked to identify and address issues related to protecting materials from loss and theft.

In 1993, Melissa began her close involvement with Office fees by chairing the first task group devoted to the study of fees. She later conducted or oversaw several studies of Office fees. At the time of her retirement, she was serving as an advisor to **Megan Rivet**, who is conducting a cost study as part of the Register's priorities.

Melissa served details as acting head of the Literary Section and acting head of the Public Information Office. Later that year, she performed an efficiency study of Landover deposit storage operations, making several recommendations, including IT enhancements, that were adopted over time.

She served as chief of the Receipt Analysis and Control Division from 1999 to 2010, bringing the division through reengineering, and as chief of the Performing Arts Division, enjoying a return to examining copyright claims and dealing with registration issues.

As senior advisor, Melissa was responsible for overall operations and for a project to bring about digital deposit of TV programs for copyright registration. She also headed the Worklife Project, one of the Register's special projects announced in October 2011. (See page 5.) This project consists of several working groups focused on improving the work experience for staffers.

Melissa's home town is Hamilton, Illinois. She came to the Office with bachelor's and master's degrees in French and education from the University of Illinois at Urbana-Champaign.

"I've had a lucky career," Melissa said, "I was offered new challenges along the way, and I never had a chance to get bored." As a retiree, she



PHOTO BY CECILIA ROGERS

Melissa Dadant

has no “grand plan,” but hopes to “get in touch with my retired self and discover what I like to do.” She looks forward to having more time for her interests in painting, bridge, gardening, swimming, biking, and reading. Her first event as a retiree was a yoga retreat near Buckingham, Virginia, which she saw as a way to transition from work to retirement.

She and her husband, Richard Price, plan a month-long sojourn in Europe in the fall. Their family includes daughters Major Jessica Hegenbart, U.S. Army, and her husband, Brian, and Lesley Rose and her husband, Chris; and four grandsons, Xavier, 14, Jaxon, 9, Gavin, 3, and Chance, 1. ©

## Obituaries

---

### *Joe “Bogie” Bogert*

JUDITH NIERMAN

**Joseph Coleman “Bogie” Bogert**, who retired from the Copyright Office in September 2004 with nearly 34 years of service, died at his home in Stafford County, Virginia, on November 17, 2012.

Born in Quantico, Virginia, Bogie studied at Emory and Henry College in Emory, Virginia, before teaching math and science to special education students at the Devereux Foundation near Philadelphia.

Bogie began working in the Copyright Office in Crystal City in October 1970. He was about to be married and needed a job. As *Copyright Notices* noted in 1995, “In spite of the necessity of the situation, the job, the Office, and the man were a good fit, and Joe built a career in the Receiving and Processing Division (RACC).”

He started as a clerk numbering applications. From there, he moved to the Materials Control Section as an expediter and then as an area specialist before becoming supervisor of the Expediting Unit II. He spent 22 months working as a cataloger in the Literary Section of the Cataloging Division, but found he preferred the work in the RACC. He became head of the Fiscal Control Section in 1989, but again returned to Materials Control after several years. As section head, he led a successful 1994 push to clear out a backlog in the Data Preparation and Recording Unit.

Bogie was intrigued by searching and found every case interesting. He considered his expertise to lie in the workflow of the Office, and many would agree. Team Leader **Claire Gardiner** said, “Anytime I needed something

searched in the Office, he would drop whatever he was doing and search for it. He was especially a whiz at accounting searches in COINS.”

Bogie served on numerous committees. He helped produce a training guide to the Correspondence Management System in 1981 and also in that year served on a task group helping to develop Office automation (COINS III). In 1994 he was a member of a task force to analyze the Office’s fee structure. In 1995, he was part of a committee dealing with the processing of foreign currency. He trained some current staff members, including **Craig Taylor**, RAC assistant chief, who learned the account searcher position’s skills from Bogie.

Stevie Withers, a retiree who worked closely with Bogie, said, “He was always telling funny stories and jokes, and in fact we used to call him Joke-a-Minute Bogert.” Retiree Hugh Clark said, “I always admired his ability to deal with adversity. I think his driving force was to enjoy making other people happy. Joe was a true friend, and I was proud to have shared some time with him.”

Bogie was also known for his enthusiasm for his 1978 BMW touring motorcycle, which he took for long drives in the Virginia countryside. Claire remembers, “He used to help me change the oil in my bike and do other general maintenance as well. He LOVED riding his motorcycle.”

Joe is survived by his wife, Sally; son, Chris; daughters Marissa and Heidi; and grandson, Jackson. ©

## Jackie Darden

JUDITH NIERMAN

**Jacquelyn Darden**, who retired as a supervisory examiner from the Literary Section of the Examining Division in 2003 with 38 years of federal service, died suddenly on October 4, 2012. A resident of Haymarket, Virginia, Jackie was born in Washington, D.C., in October 1941.

Jackie graduated from Lane College in Jackson, Tennessee, in 1963 with a bachelor's degree in music education and a minor in Spanish. Her instrument was the organ. She taught music at Hamilton Junior High in Memphis before relocating to the Washington, D.C., area in 1964.

Soon securing a position as secretary in the Library's Recorded Sound Section, Jackie worked there for two years. She was promoted to examiner in the Copyright Office's Music Section—later the Performing Arts Section—in 1967. She transferred to the Literary Section in 1982. Jackie was steadily promoted, first to senior

examiner, and then to team leader. In 1995, she served as acting section head of the newly reorganized Literary Section.

Jackie participated in the implementation of the 1976 Copyright Act, traveling and speaking to educate the music industry on changes brought about by the new law. In the Office, she spoke in copyright training sessions for newly-hired examiners.

"Music was her passion," said her sister, Louise Stewart. Jackie was a founding member of the LC Chorale. In retirement, Jackie continued her service in the music ministry of Shiloh Baptist Church in Alexandria, Virginia, where she played organ and served as director of music.

Survivors include her husband, Reginald Darden; son John Darden III; daughter Jeanette Johnson; and five grandchildren. ☛

## Mattie DuPree

JUDITH NIERMAN

Copyright Office retiree **Mattie DuPree** died April 17, 2012.

Mattie retired from the Office in 1980 with 32 years of federal service, 22 of which were in the Library of Congress. She began her federal career in the Department of the Navy and came to the Copyright Office ten years later in 1957 as a clerk-typist in the Music Section of the Cataloging Division. After three years, she was promoted to clerk-typist in the Miscellaneous Section of the Examining Division. In 1964 she began serving as section secretary in the Arts Section.

With the Office's move to Crystal City in 1969, Mattie left copyright to work as assistant division secretary in the Library's American Law Division because she did not want to commute to Virginia. However, missing her colleagues, she resumed her former position of section secretary in 1970. In 1971 she was promoted to search reports assistant

in the Information and Reference Division's Reference and Bibliography Section.

After a few months of retirement, Mattie took a job at the American Bar Association, retiring again 14 years later.

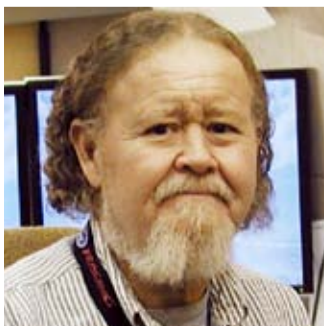
Born in Wilmington, North Carolina, Mattie, who was known as "Jennie" to her friends outside the Office, moved to the District in 1941. She graduated from Dunbar High School and studied at Howard University and Cortez Peters Business School. In retirement, Mattie was active in her church and her book club and enjoyed crafts and exercise.

Mattie was predeceased by her husband, John. She is survived by their children John, Michele, and Helen; five grandchildren; and five great-grandchildren. ☛

## Albert Hamilton

JUDITH NIERMAN

PHOTO BY JUDITH NIERMAN



**Albert Hamilton**, who retired from the Copyright Office in March 2009 as a lead mail assistant, died August 16, 2012, in Maryland after a long illness. Al spent his entire 22-year federal career in the Receiving and Processing (R&P) Division, now the Receipt Analysis and Control (RAC) Division.

When Al started in the Office as a mail technician in the Outgoing Mail Unit, the mail processing function was undergoing a transition from using franked mail that carried a preprinted U.S. mail symbol to a metered mail system that sorted the mail by weight and accurately assessed postage. Staff were challenged to learn to use new machinery while maintaining currency in the workflow.

Al served as a representative to the Satellite Group in R&P. The satellite groups were an outgrowth of the Office's commitment to consultative management, a cooperative effort between labor and management to consult on problems, solutions, and decisions that affected staff. Al also served as satellite liaison to the

Labor/Management Working Group, which was also formed as a result of consultative management.

Al's last job in the Office was to open and route the business-letter-sized mail, an operation that he managed with great efficiency.

Over the years, Al received several group achievement awards. He also served as acting supervisor in the Incoming Mail Unit in 1996.

Before joining the federal workforce, Al worked as a mail processor for the Psychiatric Institute of Washington. Together with family members, he had a business buying and renovating Victorian residences in the District and converting them to apartments. According to his retirement announcement in the January 2010 issue of *Copyright Notices*, "In the mid-1980s, Al volunteered as a mental health advocate for mentally retarded citizens in the District. He advocated for his charges in the courts and with social service agencies."

Widely known among his colleagues as a Redskins fan who on occasion wore a Redskins uniform to work, Al played softball and football as a young man. He also enjoyed chess.

Al is survived by his sister, Donna, two nephews, and a niece. ©

## Law Students Intern in Office

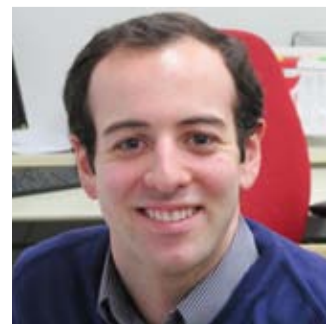
WENDI A. MALONEY AND JUDITH NIERMAN

### *Andrew Francis Beyda*

Andrew Francis Beyda, a second year law student at the George Washington University School of Law, is interning in the General Counsel's Office during the winter. Working under the direction of **Rob Kasunic**, deputy general counsel, Andrew is drafting second appeal letters and learning about policy matters.

Born in New York City, Andrew grew up in Greenwich, Connecticut. He graduated from Syracuse University with a dual major in the music and entertainment industries and

PHOTO BY JUDITH NIERMAN



*Andrew Francis Beyda*

television, radio, and film. As an undergraduate, he served as president of the University Union and arranged for concerts, speakers, and films in large-scale venues. He was also the general manager of an on-campus record label.

In law school, Andrew plans social events for fellow students, and he is running for president of the student bar association.

A history and news buff, Andrew enjoys skiing and other outdoor activities.

## Mark Kleinman

Mark Kleinman is interning in the Office of Policy and International Affairs this spring. He is in his final year at Georgetown Law School; previously, he earned a bachelor's degree in mathematical economics and history from Colgate University.

Mark said he first became interested in intellectual property law during an internship at the U.S. Department of Justice, where he worked on policy issues related to patents and antitrust law. After the internship, he took a course in copyright law, which he also enjoyed.

Mark aspires to work for the government after he earns his JD. He hopes to focus his

career on the "intersection between intellectual property and antitrust law."

So far at the Copyright Office, Mark has reviewed comments the Office solicited in its ongoing study of orphan works, that is, works for which the authors cannot be identified or located. He has also assisted with miscellaneous legal projects.

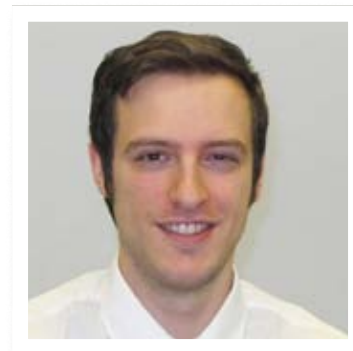


PHOTO BY WENDI A. MALONEY

Mark Kleinman

## Steven Reilly

Steven Reilly has been interning in the Office of the General Counsel since last fall. A 2010 graduate of Vanderbilt Law School, Steven plans to focus his career on copyright. He is especially interested in helping nonspecialists understand how copyright applies to them.

Steven applied to law school after earning a bachelor's degree in psychology from Georgetown University, intending to work in the music industry. But in law school, he became interested in the connection between copyright and creativity and the legal balance between protection of copyrighted works and their use.

Steven was editor-in-chief of the *Vanderbilt Journal of Entertainment and Technology Law*. He applied to the Copyright Office on the recommendation of a colleague from the journal.

At the Office, he has researched copyright registration for collective and derivative

works and the subject of copyrightability for the revision of the *Compendium of Copyright Practices*. He has also drafted responses to second appeals of denials of copyright registrations and contributed to the Office's response to the Internet Radio Fairness Act.

"I've enjoyed learning about the regulatory side of things at the Copyright Office and how laws get passed," Steven said.

In fall 2013, he will begin a permanent position at the U.S. Court of Federal Claims in Washington, D.C. ©

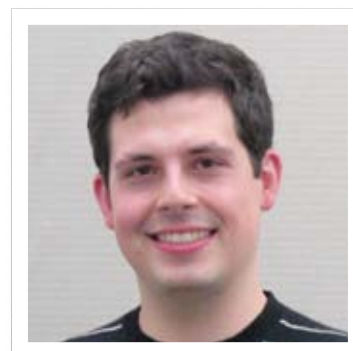


PHOTO BY WENDI A. MALONEY

Steven Reilly



## Out & About

---

As part of the Special Project for Technical Upgrades, **Doug Ament**, director of the Copyright Technology Office; Pete DesRoches, technical consultant; Kiranj Patel, business analyst; **Chris Reed**, senior advisor; and **Susan Todd**, registration program manager, met with representatives at the United States Patent and Trademark Office on November 1, 2012; SoundExchange on November 19, 2012; and PLUS Registry on December 10, 2012, to learn how copyright partners and other government agencies conduct their business technically as well as to learn about their expectations from the Copyright Office and their recommendations for improved services.

---

On January 29, 2013, Copyright Office representatives, including **Joanna Corwin**, project manager for the Technical Upgrades Project; Pete DesRoches, Kiranj Patel, Chris Reed, and Susan Todd participated in a video conference with the Harry Fox Agency on the topic of the Office's technical upgrades.

---

On February 8, 2013, Register of Copyrights **Maria Pallante** spoke at a symposium entitled "Copyright Exceptions for Libraries in the Digital Age: Section 108 Reform" at Columbia University's Kernochan Center for Law, Media and the Arts. See the article on page 2. Those attending included **Jacqueline Charlesworth**, senior counsel; **Karyn Temple Claggett**, associate register and director of policy and international affairs; and Chris Reed.

---

At the Copyright Society of the U.S.A.'s mid-winter meeting in Austin, Texas, on February 14–16, 2013, Register of Copyrights Maria Pallante, together with Chris Reed and Doug Ament, presented "The View from the Copyright Office," a talk that included information on the Office's current policy priorities, special projects, and the technical upgrades special

project, specifically. Ament introduced the team that was with him, including Kiranj Patel and Pete DesRoches, who met with stakeholders during the conference to discuss ideas about the future of the Office's electronic services. **Chris Weston**, attorney-advisor, served on a panel that discussed "Library and Education Exceptions in the United States and Canada." Jacqueline Charlesworth; **Rob Kasunic**, deputy general counsel; and **Molly Torsen**, counsel for policy and international affairs, also attended.

---

Maria Pallante presented the 2013 Manges Lecture at the Kernochan Center for Law, Media and the Arts at Columbia University in New York City on March 4. Attending were Jacqueline Charlesworth; Karyn Temple Claggett; Rob Kasunic; **Jason Okai**, counsel for policy and international affairs; Chris Reed; and **Catherine Rowland** and **Maria Strong**, senior counsels for policy and international affairs.

---

On March 20 in Dar Es Salaam, Tanzania, Attorney-Advisor **Abioye Oyewole** spoke on "Designing for Success: Protecting Product Design and Fashion, and Reaping the Benefits" at a workshop on the Practical Approaches to IP Utilization and Protection in Africa cosponsored by Commercial Law Development Program (CLDP) and the Africa Intellectual Property Group (AIPG). Oyewole also moderated a panel on "A Spotlight on the African Film Industry."

---

On April 5, Maria Pallante spoke on "The View from the U.S. Copyright Office," and Karyn Temple Claggett spoke on "Copyright and Collective Licensing" at the 21st Annual Fordham Intellectual Property Law and Policy Conference in New York City. Maria Strong attended.



PHOTO FROM @CSR I HOLDINGS, LLC. USED WITH PERMISSION.

*Chris Reed got a shot of the interior of the dome of the Texas state capitol in February while attending the Copyright Society's midwinter meeting in Austin, Texas. Note the word "Texas" around the star.*

On April 10–12 in Geneva, Catherine Rowland served as a member of the U.S. delegation to the World Intellectual Property Organization (WIPO) Intercessional Meeting on the Protection of Broadcasting Organizations.

April 18–20 in Geneva, Karyn Temple Claggett served as a member of the U.S. delegation to the WIPO Informal Session and Special Session of the Standing Committee on Copyright and Related Rights regarding draft text of an international instrument/treaty on limitations and exceptions for visually impaired persons or persons with print disabilities.

#### **Copyright Notices 61:03/04**

Published by the Publications Section,  
Information & Records Division,  
Copyright Office, Library of Congress  
PUBLICATIONS STAFF *Writer/Editors:*  
Wendi A. Maloney, 707-0979; Judith  
Nierman, 707-6816 • *Designers:* David  
Rice, 707-0613; Cecelia Rogers, 707-3313  
• *Distribution:* Helen Hester-Ossa

Helen Hester-Ossa, *Head, Publications  
Section, Information & Records  
Division* • George Thuronyi, *Acting  
Chief* • David Christopher, *Chief of  
Operations* • Maria A. Pallante, *Register  
of Copyrights*

Suggestions for articles and comments  
are welcomed. Please call for deadlines.

## “Copyright Department” Headed by Register Opens Doors in 1897

WENDI A. MALONEY

The first Register of Copyrights, Thorvald Solberg, took office on July 22, 1897. Five months earlier, President Grover Cleveland had signed a government appropriations bill creating a separate “copyright department” within the Library of Congress and establishing the position of Register.

By 1897, the Library of Congress had carried out copyright functions for 27 years. Ainsworth Rand Spofford, Librarian of Congress from 1865 to 1897, had persuaded Congress to enact a law in 1870 transferring “the entire copyright business” to the Library. The law required deposit of two copies of each work registered with the Library. Spofford wanted to build the Library’s collections through the deposits.

The law also mandated transfer of existing copyright records and deposits to the Library. Before 1870, U.S. district courts registered copyrights, and different government departments stored deposits, including the Secretary of State’s office, the Smithsonian Institution, the Patent Office, and the Library of Congress.

Spofford achieved his goal: the Library’s collections “easily ranked first among American libraries” by 1897, writes John Y. Cole in *Of Copyright, Men, and a National Library*, published in 1995. “Over 40 percent of its 840,000 volumes and at least 90 percent of the map, music, and graphic arts collections had been acquired through copyright deposit.”

But Spofford was overwhelmed. He told a congressional committee in 1896 that he devoted more than three-fourths of his time as Librarian to “copyright matters.”



*Piles of copyright deposits await processing on the floor of the Thomas Jefferson Building, circa 1898.*

PHOTO COURTESY LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION.

“I am both Librarian of Congress and Register of Copyrights of the United States,” he testified, noting that 26 of the Library’s 42 staff members were “employed in the copyright work of the Library.”

The volume of copyright work was more than staff could handle. “In regard to the whole business of copyrights, which...has become so prodigious, I have had such inadequate help in performing the duties that are necessary that...arrears have occurred,” Spofford stated.

He recommended appointment of a Register of Copyrights at a salary of \$3,000 a year. “He ought to have a knowledge of the law and be experienced in executive business, and have quite a number of employees under him,” Spofford told Congress.

Less than a year later, Thorvald Solberg, a nationally known copyright authority who had worked at the Library from 1876 to 1889, embarked on a 33-year career as Register. The longest serving Register to date, he became known as a champion of authors’ rights, an advocate for copyright reform, and an authority on international copyright.

Eleven others have succeeded Solberg as Register. **Maria Pallante**, the current Register, was appointed in 2011. ©

# Copyright Notices

## Office Celebrates World Intellectual Property Day

WENDI A. MALONEY

### *May/June 2013*

---

- 4 • House Hearings
- 5 • *Nimmer on Copyright*
- 7 • Manges Lecture
- 8 • Kasunic Appointment
- 9 • Technical Upgrades
- 10 • Public Access to Records
- 12 • Reading Accessibility
- 13 • New Webinar Series
- 14 • ABA Committee Call
- 18 • Provider Directory Update
- 19 • Promotions
- 22 • Appointment
- 23 • Retirement
- 25 • In the Limelight
- 27 • Copyright Lore

Songwriters, filmmakers, and staff from Congress and federal agencies joined the Copyright Office in the Library's Coolidge Auditorium on April 24 to highlight ways in which copyright encourages innovation and creativity. The event marked World Intellectual Property Day, established by the World Intellectual Property Organization (WIPO) in 2000 to increase understanding of intellectual property in daily life. Groups throughout the world hosted activities related to the 2013 theme, "Creativity: The Next Generation."

The Copyright Office's celebration took place as part of the "Copyright Matters" lecture series, launched by the Register of Copyrights **Maria Pallante** in 2011 as a community forum to discuss the practical implications of copyright law in the 21st century.

In opening remarks at the event, Rep. Bob Goodlatte, chair of the House Judiciary Committee, announced that the committee will conduct a comprehensive review of copyright law in coming months. His remarks are reprinted on pages 2-3.

James Pooley of WIPO and Teresa Rea of the



PHOTOS BY DAVID RICE

*The Nashville Songwriters Association arranged for performances by, from left, Lee Thomas Miller, Jessi Alexander, and Brett James.*



U.S. Patent and Trademark Office also spoke, as did the Register.

Musical performances and remarks by filmmakers followed. The Nashville Songwriters Association arranged for performances by Lee Thomas Miller, Brett James, and Jessi Alexander. Miller and James are country music songwriters and record producers; Alexander is a country music singer-songwriter. Bart Herbison, executive director of the association, introduced the performances.

Miller thanked the Copyright Office for defending his livelihood and that of his

colleagues in the music business. "Our families thank you," he added.

James described the business as "incredibly competitive" and in need of copyright protection. "We have offices, businesses, studios, real jobs, real American jobs," he said.

The Copyright Alliance arranged for presentations by mother-daughter filmmakers Gail Mooney and Erin Kelly and fourth-grade filmmaker Zachary Maxwell. Sandra Aistars, executive director of the alliance, introduced them.

Mooney and Kelly talked about *Opening Our Eyes*, a documentary about individuals around the world initiating positive change.

"Copyright has been near and dear to me since I started in 1977," Mooney stated. "It put my daughter through college at Northwestern."

Zachary Maxwell showed an excerpt from his film, *Yuck: A 4th Grader's Short Documentary about School Lunch*, and talked about his experimentation with making movies since early childhood.

While at the Copyright Office, Maxwell registered his film. "My dad taught me about copyright," he said. "I just got my certificate, so I can go snuggle with it. ©"



PHOTO BY DAVID RICE

Zachary Maxwell receives a registration certificate from Maria Pallante.

## Rep. Goodlatte Calls for Review of Copyright Law

*Rep. Bob Goodlatte, chair of the House Judiciary Committee, announced at the April 24 World Intellectual Property Day celebration at the Library of Congress that the Judiciary Committee will conduct a comprehensive review of U.S. copyright law in the coming months. Below are his remarks as published on the website of the Committee on the Judiciary, [www.house.gov](http://www.house.gov).*

As we mark World Intellectual Property Day today in the Jefferson Building, I would point out that the U.S. Copyright Office first opened

in this building in 1897 under the direction of our nation's first Register of Copyrights, Thorvald Solberg, who served as Register for the next 33 years. During his tenure as Register, Solberg oversaw the implementation of the Third Revision of America's copyright law in 1909 that modernized the copyright law for that era in ways that seem quaint today. For example, he oversaw the extension of copyright protection to the new technology known as motion pictures. The 1909 Copyright Act passed through the Congressional Committee on which I serve as



Chairman, the House Committee on the Judiciary.

The discussions during the early 1900s over the need to update American copyright laws to respond to new technology were not the first time such discussions occurred and they will certainly not be the last. Formats such as photographs, sound recordings, and software along with ways to access such formats including radio, television, and the Internet did not exist when the Constitution recognized intellectual property. My Committee has repeatedly held similar discussions about new forms of intellectual property as they arose and enacted laws as appropriate. Driven by new technologies and business models, a number of changes to copyright law went into effect in 1976.

Technology continues to rapidly advance. Contrast how American citizens kept up with the latest news in Boston last week to when Paul Revere rode nearby to warn the local communities of the British advance in 1775. Our Founding Fathers could never have imagined a day in which citizens would be able to immediately access the knowledge and news of the world on their smartphones as they walk down the street.

When I was first elected to Congress in 1993, only 2.5 percent of Americans had Internet access and less than one-fourth of one percent of the world population did. Then, we spoke about the very few who had Internet access. Today, we speak about the few who do not. Technological development has increased at an exponential rate.

Recognizing the importance of the Internet, I was an original founder of the Congressional Internet Caucus in 1996. Over the years, I have seen the need to better understand how new technologies impact our laws. For example, until 1998 online service providers risked being held liable under copyright law for the actions of their subscribers over content they had no control over. I personally spent months meeting with various interested parties in an effort to develop a legislative solution to address such problems.

Just as Register Solberg recognized the need to update of our nation's copyright laws in the early 1900s to accommodate new technologies, our current Register, Maria Pallante, has also



PHOTO BY DAVID RICE

*Rep. Bob Goodlatte delivers remarks in which he called for a comprehensive review of the copyright law.*

perceived a need to do so. Last month, she testified before my Committee about her desire for the “next great copyright act.” Much of her testimony was about policy issues that have arisen due to the advance of technology.

There is little doubt that our copyright system faces new challenges today. The Internet has enabled copyright owners to make available their works to consumers around the world, but has also enabled others to do so without any compensation for copyright owners. Efforts to digitize our history so that all have access to it face questions about copyright ownership by those who are hard, if not impossible, to locate. There are concerns about statutory license and damage mechanisms. Federal judges are forced to make decisions using laws that are difficult to apply today. Even the Copyright Office itself faces challenges in meeting the growing needs of its customers—the American public.

So it is my belief that a wide review of our nation's copyright laws and related enforcement mechanisms is timely. I am announcing today that the House Judiciary Committee will hold a comprehensive series of hearings on U.S. copyright law in the months ahead. The goal of these hearings will be to determine whether the laws are still working in the digital age. I welcome all interested parties to submit their views and concerns to the Committee.

I also look forward to working with the Register and the Copyright Office that has served Congress well since its creation over 110 years ago. There is much work to be done. ©

# House Holds Hearings on State of Copyright Law

WENDI A. MALONEY

The House Judiciary Committee's Subcommittee on the Courts, Intellectual Property and the Internet held the first in a series of hearings on copyright law revision on May 16.

Rep. Bob Goodlatte, chair of the Judiciary Committee, announced his intention to undertake a comprehensive review of U.S. copyright law on April 24 in a speech on World Intellectual Property Day. His announcement followed March 20 testimony before the Judiciary Committee by **Maria Pallante**, the Register of Copyrights, in which she suggested that Congress update U.S. copyright law to meet the challenges of the 21st century.

Pallante first called for comprehensive revision during a March 2012 lecture at Columbia Law School entitled "The Next Great Copyright Act."

"A general revision effort would offer everyone the opportunity to step back and consider issues both large and small," said Pallante, "as well as the relationship of these issues to the larger statute and the importance or unimportance of international developments."

She also noted that the Copyright Office has already prepared in-depth studies of many

of the pending issues and that Congress had already deliberated on many of them.

The May 16 hearing was titled "A Case Study for Consensus Building: The Copyright Principles Project" and featured five witnesses, each of whom had participated in the project: Jon Baumgarten, a former Copyright Office general counsel; Laura Gasaway of the University of North Carolina Law School; Daniel Gervais of Vanderbilt Law School; Pamela Samuelson of the University of California, Berkeley, Law School; and Jule Sigall, assistant general counsel of Microsoft and former associate Register for policy and international affairs at the U.S. Copyright Office.

The principles project, convened by Samuelson in 2007, brought together 20 copyright lawyers from firms, industry, and academia to exchange ideas about aspects of U.S. copyright law in need of revision.

Goodlatte noted that while the Judiciary Committee does not endorse the project's report, the project serves as a model of "how people with divergent views on copyright law can productively debate a range of copyright issues."

Issues the witnesses addressed in their prepared statements included orphan works,

PHOTO BY CECILIA ROGERS



*Left photo, from left: Jon Baumgarten, Laura Gasaway, Daniel Gervais, Pamela Samuelson, and Jule Sigall at the May 16 hearing before the House Subcommittee on the Courts, Intellectual Property and the Internet. Right photo: subcommittee members and staff listen to testimony.*

mass digitization, statutory damages, registration, and recordation. Several applauded the ongoing work of the Copyright Office in convening roundtables and preparing reports.

During the hearing, members asked about the need to update the Digital Millennium Copyright Act, the impact of new technologies on authors and creators, and ways the law may need to be updated to accommodate them, among other questions.

Goodlatte said the Judiciary Committee intends ultimately to hear from “everyone interested in copyright law” but wanted to start by exploring “important fundamentals.”

Rep. Howard Coble, chair of the subcommittee, commended Rep. Goodlatte and the Register for proposing a thorough review of the law, remarking on its historical role in producing a “level of creativity that is the envy of the world.” ©

## *Nimmer on Copyright* Celebrated at “Copyright Matters” Event

JUDITH NIERMAN

A panel of experts moderated by **Karyn Temple Claggett**, associate Register for policy and international affairs, reflected on the iconic treatise *Nimmer on Copyright* on the occasion of the 50th anniversary of its publication. *Nimmer on Copyright* was first published in 1963 and remains the leading authority for analysis of U.S. copyright law.

The event in the Coolidge Auditorium on May 6 was one of the “Copyright Matters” lectures initiated by Register of Copyrights **Maria Pallante** to provide education and training to Copyright Office staff. In celebration of *Nimmer*, many members of the copyright bar also attended.

“*Nimmer on Copyright* authored by Melville Nimmer is beloved and respected by copyright experts,” the Register said in opening remarks. “And no matter our view on particulars, we all agree that copyright law is important.”

Joseph Salvo, president of the Copyright Society of the U.S.A., briefly spoke about the society, which, he said, is 10 years older than *Nimmer*. “The Copyright Society played an active role in producing the series of studies that begat the 1976 Copyright Act,” he said. “Copyright is a living, breathing area of the law,



PHOTO BY DAVID RICE

Left to right are Jon Baumgarten, Prosakuer Rose, LLP; Peter Menell, University of California Berkeley School of Law; Karyn Temple Claggett, U.S. Copyright Office; David Nimmer, UCLA School of Law; Robert Brauneis, George Washington University Law School; and Shira Perlmuter, U.S. Patent and Trademark Office

and *Nimmer* is a treasure trove of case law and a guide both to the neophyte and the seasoned lawyer. It is the quintessential reference source on copyright.”

Each member of the panel spoke briefly on his or her own experience with *Nimmer*. The first speaker, David Nimmer, son of Melville Nimmer and author since 1985 of *Nimmer on*



*Copyright*, presented a slide show on his father's life and a family-made home movie stressing Melville's emphasis on fidelity to law and his lasting legacy.

Jon Baumgarten, who was general counsel in the Copyright Office in the 1970s and who is a retired practitioner, spoke next on the role of Melville Nimmer on his career. Baumgarten was a leading participant in the copyright law revision process and led the rewriting of all Office regulations after the 1976

Copyright Act was enacted. "The role of *Nimmer* on my career," Baumgarten said, "was pervasive." Nimmer's approach "was always positive as well as analytical and deeply contextual. He had a knack for anticipating issues that had not yet emerged. *Nimmer* is an organic part of the development of copyright law in this country. I have tried to follow his approach and have been both a disciple and a friend."

The next speaker, Peter Menell, professor of law at the University of California at Berkeley, said that *Nimmer* stands out among the pantheon of legal treatises. Its focus is on the body of law and on copyright as a product of technological change, all of which cannot be anticipated. The evolution of technology stresses and pushes the copyright system. "We are at the end of the useful length of the copyright law," which, he said, "has become creaky. We will build on *Nimmer*'s foundation in reevaluating the law."

Robert Brauneis, professor of law and codirector of the Intellectual Property Law Program at the George Washington University Law School, addressed the influence of *Nimmer* on the courts.

A slide show entitled "Half Century of Influence" gave a statistical presentation of the



PHOTO BY DAVID RICE

*David Nimmer acknowledges his family at the reception prior to the event.*

use of *Nimmer* in the federal courts. From 1963 to 2012, there were 3,101 citations in federal court opinions to *Nimmer*. Nineteen Supreme Court opinions cited the treatise. The rate of the appearance of citations has increased every year since its publication in 1963.

Shira Perlmutter, the Office's first associate Register for policy and international affairs and the current chief policy officer and director for international affairs at the U.S. Patent and Trademark Office, spoke on *Nimmer* in the international context, focusing on the work in the United States with respect to international thinking and abroad as a means of understanding U.S. law. *Nimmer* was the first analytical treatise on international copyright issues. It helped develop U.S. lawyers who could work in the international arena, she said. At the time of its publication, international copyright was dominated by non-U.S. experts. "Melville Nimmer and Barbara Ringer became known through international conversation on copyright and helped turn around perspectives on the 'ugly American.' *Nimmer* helped spread understanding of our system in difficult times," Perlmutter concluded, "and it is now cited in foreign court cases and legal articles." ©

# Register Calls for Copyright Law Revision in Manges Lecture

JUDITH NIERMAN

Register of Copyrights **Maria Pallante** delivered the Horace S. Manges Lecture at the Columbia Law School in New York City on March 4, 2013. The Manges Lecture is sponsored by Columbia's Kernochan Center for Law, Media and the Arts.

Entitled "The Next Great Copyright Act," the Register's presentation called for a comprehensive review and revision of the U.S. copyright law. The current law, which was enacted in 1976, is showing the wear and tear of age, she noted.

With the exception of the Digital Millennium Copyright Act and the Copyright Term Extension Act, both from 1998, as well as changes to the library and archive exceptions enacted that same year, there has not been sustained legislative activity in the area of copyright since 1976. Major policymaking has not kept pace with technology's effects on copyright law and market evolution, she said.

"A general revision," Pallante stated, "would offer everyone the opportunity to step back and consider issues both large and small, as well as the relationship of these issues to the larger statute and the importance or unimportance of international developments."

The law also needs revising because the courts are struggling with an out-of-date statute that needs to be clearer in a 21st century environment where the dissemination of content has become pervasive. Also, the law needs improved readability. As the Register said, "If one needs an army of lawyers to understand the basic precepts of the law, then it is time for a new law."

In beginning a revision process, Congress could build on the numerous formal studies and analyses of important issues that the Copyright Office has prepared in recent years. Certain core issues "ripe for resolution," said the Register, include the licensing of musical works in the



*Maria Pallante*

PHOTO BY COLUMBIA LAW SCHOOL

marketplace, orphan works, and the public performance right for sound recordings.

Other major issues for discussion include exclusive rights, incidental copies, enforcement, the Digital Millennium Copyright Act, digital first sale, exemptions and limitations, licensing, and deposits for the Library of Congress.

Pallante suggested that Congress may need to apply a bold eye to copyright to ensure that the law remains "functional, credible, and relevant for the future."

An important aspect of revising the copyright law should be the evolution of the Copyright Office into a 21st century agency. Constituents want the Office to improve the way it functions and to take on new roles.

In conclusion, the Register urged Congress to "think big. The next great copyright act is as exciting as it is possible. Most importantly, it is a matter of public interest."

To read the entire lecture, go to [www.copyright.gov/docs/next\\_great\\_copyright\\_act.pdf](http://www.copyright.gov/docs/next_great_copyright_act.pdf). ©



PHOTO BY CHRIS REED



## Robert Kasunic Appointed Associate Register

Register of Copyrights **Maria Pallante** announced the appointment of **Rob Kasunic** to the position of associate Register of copyrights and director of registration policy and practice on April 16. He served most recently as the Office's deputy general counsel, overseeing implementation of policy, regulations, and practices on copyright registration and deposit issues. He also worked regularly with the Department of Justice on related litigation.

"Rob has deep experience as a technical copyright lawyer and impressive institutional experience within the Copyright Office," said the Register. "He is a nationally recognized expert as to the legal standards, regulations, and practices that affect registration, and he will be a great thinker and leader as we create policies for the next generation of authorship."

In his new role, Kasunic will serve as the principal advisor to the Register on legal and business issues relating to the administration of the national registration system. He will also manage the registration staff and work collaboratively with senior staff across the Copyright Office and the Library of Congress to create and maintain 21st-century standards

for registration of claims, deposit of creative works, and creation of public records. He will play a major role in implementing the Office's forthcoming *Compendium of Copyright Office Practices* this fall.

"I am very honored and excited to take over the helm of the Copyright Office's Registration Program at this critical time," said Kasunic. "There is much work to be done, but I am confident that we can make the U.S. Copyright Office's registration system a model for the world."

Kasunic joined the Office in 2000 as a senior attorney in the Office of the General Counsel and was elevated to principal legal advisor in 2003. In 2010, he was promoted to deputy general counsel and in 2012 served as the acting chief of the Registration Program's Performing Arts Division. Prior to joining the Office, his private practice included major copyright litigation.

Beyond his work at the Copyright Office, Kasunic has taught copyright law for 20 years and currently serves as an adjunct professor at Georgetown University Law Center and American University's Washington College of Law. He is also an active writer and speaker, having authored numerous scholarly articles and delivered dozens of presentations and lectures to the copyright community.

Kasunic earned his J.D. from the University of Baltimore School of Law, where he won first prize in the Nathan Burkan Memorial Competition for an article on fair use and photocopying for classroom use. He holds a bachelor's degree in political science from Columbia University. ©

# Special Project for Technical Upgrades to Electronic Registration Identifies Areas for Improvement

JOANNA CORWIN

The Register's Special Project for Technical Upgrades to Electronic Registration is wrapping up the intelligence-gathering phase and moving on to analysis of the input received. We are happy to share that our meetings with members of both the internal and external copyright communities proved very fruitful.

Our internal interviews with various Copyright Office divisions, as well as Information Technology Services, eCO development contractors, and eCO help desk staff, yielded scores of good ideas. Externally, we have met with numerous rights holders, collective rights management organizations, trade associations, practitioners, and other interested parties.

In addition, the Office issued a notice of inquiry published in the *Federal Register* that is receiving significant attention throughout the copyright community. The closing date for comments to the notice was May 21, 2013, and responses were posted on the Office's website at [www.copyright.gov/docs/technical\\_upgrades/](http://www.copyright.gov/docs/technical_upgrades/).

At present, we are sifting through the hundreds of recommendations for the preliminary analysis phase. These recommendations will guide the development of the project's primary deliverable—a series of findings and recommendations that will be presented to the Register for prioritization. The purpose of this process is not to develop formal requirements for new systems, but rather to identify the primary areas of greatest potential improvement for the purpose of helping the Register and her staff develop the Office's forthcoming strategic plan.

Although much work remains to be done, the project is on schedule, thanks in no small part to the internal stakeholders and volunteers whose support has been instrumental in making the project a success. ©

## Technical Upgrades Committee

The committee to study technical upgrades to electronic registration includes the following staff members:

**Doug Ament**  
**Melissa Bethel**  
**Bill Briganti**  
**Bill Collins**  
**Joanna Corwin**  
**Laura Lee Fischer**  
**Loretta Freeman**  
**Claire Gardiner**  
**Jannie Grant Gillus**  
**Ted Hirakawa**  
**Victor Holmes**  
**Annette James**  
**Tonya Lewis**  
**Audrey Miller**  
**Steve Oswald**  
**Chris Reed**  
**Jacqui Smith**  
**Gail Sonnemann**  
**Mary Svrjcek**  
**Susan Todd**  
**Jerry Tuben**  
**Meredith Wearing**  
**T.J. Willis**



## Public Access to Historical Records Is Moving Right Along

MIKE BURKE

Twenty-five million cards out of an estimated 40 million in the copyright card catalog have been digitized and quality checked, and the images safely tucked away in the Library's secure storage. By September 30, another 5 million cards will be digitized, bringing the project to 75 percent complete for card scanning.

The Records Management Section of the Information and Records Division is scanning cards in the 1870 to 1897 time period, with more than 45 percent of the drawers completed. The digitization contractor, Crowley & Co., is scanning cards from 1938 to 1945. By this summer, Crowley will begin work on cards from 1898 to 1937, the last of the six time periods of registration cards. The last is also the broadest, covering 40 years and consisting of 12 different subsets of index cards, each arranged alphabetically by specific index terms within a class or related classes of works, such as books by author or music by title and composer.

In addition to the card scanning, all 667 volumes of the published *Catalog of Copyright Entries* (CCE) from 1891 to 1978 have been digitized and are now available online on the Internet Archive website at [www.archive.org/details/copyrightrecords/](http://www.archive.org/details/copyrightrecords/). We also recently

obtained digital copies of seven cumulative CCE volumes and have added them to the copyright records collection, avoiding the cost of scanning Office copies. The Prelinger Library had digitized five volumes containing motion picture registrations from 1894 to 1969. The other two volumes, containing dramatic compositions from 1870 to 1916, had been digitized by the Boston Public Library. Both institutions agreed that we could add copies of their image files to the copyright collection, bringing the total number of volumes to 674.

In addition to the completed work on the catalog cards and the CCEs, there are 20 million pages in the copyright record books still to be digitized. Because of the page size and because these pages come from bound volumes, the cost per image will be greater than the cost of images of catalog cards or the CCEs. However, following the Library's lead to consider no-cost digitization contracts where appropriate, the Copyright Office will soon test the waters to see if any company or organization would be interested in digitizing some or all the records books on a no-cost basis. As an incentive, the Copyright Office might consider allowing an embargo of up to three years on government external distribution of the digital

copies to offset the cost of digitization borne by the partner.

While we make headway on digitization, work continues on how to make the records available online. Two objectives are being pursued. First, as an interim solution, we are investigating options for creating an online virtual card catalog with images of the cards arranged in a hierarchy just like the physical catalog. Use of the virtual catalog would mimic the way in which one would search the real catalog. The Office of Strategic Initiatives is developing software that could support this type of searching, and we are following their progress. Several contractors have provided us with descriptions and demonstrations of commercial solutions. A virtual card catalog is not an ideal solution, but it is an avenue for making the content of the records available online while searchable data records and indexes are being created.

The second and ultimate objective is to capture and verify the content from the catalog cards, parse it into fields, and create data records that are compatible with the post-1977 records. This process can be very expensive, but we are looking at all options, including crowdsourcing, to achieve this goal as efficiently as possible. Crowdsourcing is a relatively new use of technology that has become more feasible with the growing population of computer users with access to the Internet. It matches data capture and/or analysis tasks with people who have the time and interest in doing them online. The tasks are narrow in scope, but when combined with all other related tasks performed by the “crowd,” they culminate in a complete final product. Market research conducted so far indicates a strong feasibility for using crowdsourcing for capturing data and parsing copyright card content. Several companies have described and demonstrated how they would use optical character recognition and/or keyboarding in a crowdsourcing workflow to capture, verify, and parse the content.

Crowdsourcing makes use of characteristics and patterns found in the content, breaking down the conversion process into small and simple entry and decision tasks that can be carried out by people unfamiliar with the data. A committee

of special projects volunteers recently completed an analysis of the 1971 to 1977 registration cards, the content of which is neither labeled nor tagged. Using a sample of drawers, they worked in groups to identify and quantify the characteristics and patterns. The following are examples of their findings:

- 94.6 percent of the cards contained a copyright notice symbol, and 85 percent had a name immediately following the symbol. This pattern can be used to identify a claimant name.
- 76.6 percent of the cards had the registration number in a recognizable format at the end of the text paragraph. This can be used to distinguish the registration number and from it derive the class and series.
- 99.6 percent of the cards had the title at the beginning of the text paragraph, and 75 percent of the titles ended with a period or semicolon.
- Author names, which can occur anywhere in the text paragraph on a card, are often preceded by words or markers that, when used in conjunction with the card header, can be used to identify an author name.

We are using these and other findings to obtain more precise cost estimates for data conversion from interested vendors.

The Public Access to Historical Records project will still require years to complete and will need considerable funding. We are making steady progress, and we are trying very hard to make every dollar count. ©



PHOTO BY DAVID RICE



# Customers with Print Disabilities Can Read, Thanks to NLS and the Copyright Law

JUDITH NIERMAN

On April 16, David Fernandez-Barrial, former information specialist in the Public Information Office and now foreign language librarian at the National Library Service for the Blind and Physically Handicapped (NLS), spoke at an educational tea party for Copyright Office staffers. His topic was “Information for All: Copyright and Print Disabilities.” He explained the work of NLS in providing braille and recorded materials for individuals whose physical conditions prevent their reading standard print.

NLS was created as a division of the Library of Congress in 1931 to meet the library needs of blind patrons in the United States. In 1996 Senator John Chafee sponsored an amendment to section 121 of the copyright law that created an exemption, permitting NLS to make and distribute copies or phonorecords of certain copyrighted published literary works if they are distributed in specialized forms exclusively for the use of blind or other persons with disabilities. The NLS network of libraries that participate in distribution is the oldest library network in the United States and serves more than 350,000 patrons. Copyrighted works that are distributed



PHOTO BY JUDITH NIERMAN

David Fernandez-Barrial

in digital format are playable only on machines with NLS-provided keys to ensure that only eligible patrons can access the material.

The presentation was repeated the next day for Library of Congress reference librarians. Both presentations were organized by **Alicia Mroczyk** and were part of *Copyright Talks*, an outreach program that is part of the Register’s priorities and special projects. ©



PHOTO BY DAVID RICE

## Office Conducts Roundtable on Resale Royalty Right

*On April 23, the Copyright Office conducted a roundtable on a resale royalty right. A resale royalty is a means of addressing perceived inequity by allowing visual artists to receive additional compensation from later sales of the original work of art. Beginning in the 1920s with France, a resale royalty right has been in effect throughout Europe to the present day.*



# Copyright Office Launches Webinar Series

WENDI A. MALONEY

Staff from around the Copyright Office took part in the Office's first-ever webinar on March 20. Led by **Dineda Nyepan** and **Syreeta Swann** of the Information and Records Division (I&R), the webinar showcased the Office's redeveloped Intranet site. Future webinars will instruct staff and the public about different aspects of the Office's work and services.

The idea for a webinar series originated last year in the Public Outreach and Copyright Education Project. Announced by the Register of Copyrights in 2011 in *Priorities and Special Projects of the United States Copyright Office*, the project is exploring ways to improve public understanding of copyright and the Office's public services. A subcommittee researching outreach technologies recommended webinars, proposing that the Office tap into already-existing webinar capability at the Library.

The Register approved the committee's recommendation, and Swann and I&R chiefs **David Christopher** and **George Thuronyi** met with Library Services staff to discuss ways for the Copyright Office to use iCoher, the program the Library employs for webinars. The Office subsequently acquired its own dedicated iCoher webinar channel. Swann coordinated approval of the Office's contract and received initial training.

"The webinar program is very simple," Christopher explained. "All someone on the other end needs is an Internet connection."

The I&R consultation room in LM 453 has a webinar station for staff to use, but webinars can be conducted elsewhere in the Office as well. Two presenters are needed, each equipped with a headset and a microphone. If the presenters work from a computer with a web camera, attendees can see them as they teach. If not, attendees can hear the presenters but not see them. Typically, one presenter will speak and the other will respond to questions attendees send through a chat feature in iCoher.

Nyepan, Swann, and **Denise Hezlep** of I&R are the Office's webinar administrators.

They have been training staff members in divisions throughout the Office—called webinar "champions"—to use iCoher. In turn, the champions will train interested colleagues in their divisions to conduct webinars.

"We foresee staff designing webinars on all kinds of subjects, including workshops on how to register different kinds of works using the electronic Copyright Office," Christopher said.

Once a webinar is approved, staff will be able to invite attendees through the Office's website. A maximum of 200 attendees can participate in each webinar. Attendees will receive a link by email, which they can click on to join a webinar.

Office webinar champions are **John Ashley, Chad Becker, David Brachey, Bill Briganti, Michael Brooks, Tracie Coleman, Dayna Cooper, Robin Coreas, Melissa Crawford, Adam Friedman, Cookie Hamn, Juanita Lyle, Rose Matthews, Denise Prince, Richard Purnell, Kim Robinson, Gustave Schlesier** (contractor), **Maria Strong, Craig Taylor, Molly Torsen, Karen Van Gilder, Terri Vincent, Sandra Ware, Heather Wiggins, and T. J. Willis.** ©



*Clockwise from left: Staff members Larisa Pastuchiv, Chris Weston, John Saint Amour, and Monica Beach presented a webinar on April 30 for librarians at the National Aeronautics and Space Administration. Alicia Mroczyk, program manager for the Office's copyright education and public outreach project, organized the webinar.*

PHOTO BY WENDI A. MALONEY

# ABA Committee “Dials In” for Update on Copyright Office Activities

WENDI A. MALONEY

For two decades, the American Bar Association (ABA) committee that tracks Copyright Office affairs has received an annual briefing from senior Office staff. This year, for the first time, the briefing took place by teleconference.

Gene K. Park, the committee's chair, and Henry Huffnagle, its co-chair, noted that members from as far away as Hawaii called in to the March 19 meeting.

**Karyn Temple Claggett**, associate Register of copyrights and director of policy and international affairs, welcomed committee members. She noted that work continues on the two-year plan **Maria Pallante**, the Register of Copyrights, announced in fall 2011 in *Priorities and Special Projects of the United States Copyright Office*, available at [www.copyright.gov/docs/priorities.pdf](http://www.copyright.gov/docs/priorities.pdf).

Temple Claggett also reported that the Register delivered the 26th Annual Manges Lecture at Columbia University's Kernochan Center for Law, Media and the Arts on March 4. Titled “The Next Great Copyright Act,” the lecture calls for substantive updates to U.S.

copyright law. For details, go to [www.copyright.gov/regstat/2013/regstat03202013.htm](http://www.copyright.gov/regstat/2013/regstat03202013.htm).

Temple Claggett said the Office will meet with stakeholders in coming months to hear their views on the issues they would like the Office to address as part of this effort.

**David Christopher**, the Office's chief of operations, explained the Office's budgetary situation following cutbacks that started in 2010 and continued with implementation of the so-called sequester cuts earlier this year.

“Altogether, we have experienced a reduction of nearly 10 percent to our base budget since 2010,” he said, resulting in restrictions on hiring, travel, and other activities.

“But we are trying to be creative as we move forward with the projects described in the Register's two-year plan,” he added.

**Chris Reed**, senior advisor for policy and special projects, gave an overview of the projects, noting that the Office published a one-year update on them in October 2012. The update is available on the Office's website.

“Staff from throughout the organization, at all levels, are engaged in the projects,” Reed said.

He reported that the Office will amend its fees for copyright services later this year, explaining that it is conducting a study to align its fees with the cost of providing services as required by the Copyright Act. But even though fees will rise, Reed said, the Office will not recover all its costs.

“Copyright law requires us to consider the need to encourage participation in the copyright system in relation to fees,” he explained.

**Catie Rowland**, senior counsel for policy and international affairs, discussed the revision of the *Compendium of Copyright Office Practices*. She said the updated version will be published on the Office's website by the end of October.

Rowland also discussed the status of policy and legislative priorities outlined in the Register's two-year plan. She talked about the



PHOTO BY JUDITH NIERMAN

From left: Chris Reed and Karyn Temple Claggett confer before the start of the March 19 teleconference, while Rob Kasunic consults his notes.

Office's efforts to identify appropriate exceptions to copyright law for libraries in the digital age; to find legal solutions for users of "orphan works" (copyrighted works whose authors cannot be identified or located); and to explore a federal resale royalty right for visual artists.

**Jacqueline Charlesworth**, senior counsel to the Register, summarized the Office's study on ways to resolve small copyright claims outside federal courts, another initiative cited in the two-year plan.

In addition, she reported that the Office is considering reform of the section 115 license, which permits third parties to make cover copies of musical works to distribute on phonorecords, such as MP3 files or compact discs, after copyright owners distribute the works to the public. Right now, individuals can use the license only on a song-by-song basis, which no longer meets the needs of all users, she said.

"Digital services need entire catalogs of music, so the Office is exploring a blanket-style license that would cover a universe of musical works," Charlesworth explained.

She also told committee members that the Intercollegiate Broadcasting System (IBS) filed a petition in January asking the U.S. Supreme Court to review the decision of the U.S. Court of Appeals for the District of Columbia in the broadcasting system's lawsuit against the Copyright Royalty Board and the Library of Congress. The board is made up of three judges who set the rates that broadcasters like IBS have to pay for copyright licenses. The Librarian of Congress appoints the judges but has limited power to remove them.

The appeals court agreed with IBS that the appointment of the judges by the Librarian of Congress violates the Appointments Clause of the Constitution, which requires that officers who have significant authority be appointed by the U.S. president, a court of law, or the head of an executive department. The Librarian is an official of the legislative branch of government.

To address the problem, the appeals court struck language from the Copyright Royalty and Distribution Reform Act to empower the Librarian to remove the judges, making them "inferior" officers eligible for appointment by the Librarian. IBS argues that Congress, not the



PHOTO BY JUDITH NIERMAN

*Chris Reed (left) listens while Karyn Temple Claggett updates teleconference participants about Copyright Office activities.*

appeals court, has responsibility for any such change to the copyright law.

Charlesworth reported that the Supreme Court declined to hear *Capitol Records v. Jammie Thomas-Rasset*, allowing a jury award to stand. A jury found Thomas-Rasset liable for copyright infringement for downloading and sharing music files over the Internet, and it awarded Capitol Records \$220,000 in statutory damages.

Thomas-Rasset argued that the Copyright Act's statutory damage provision, as applied to her, is unconstitutional. The Copyright Office did not participate in the case, but it advised the U.S. Justice Department in filing a brief asserting the constitutionality of the damages.

**Rob Kasunic**, the Office's deputy general counsel, reported on the Supreme Court's decision in *Kirtsaeng v. John Wiley and Sons*.

Kasunic also updated committee members on the status of *Bean v. Houghton Mifflin* and *Alaska Stock v. Houghton Mifflin*, both of which are on appeal before the U.S. Court of Appeals for the Ninth Circuit. The cases are part of a trio—the third case is *Muench Photography, Inc. v. Houghton Mifflin*—that implicate the Copyright Office's practices for registering groups of published photographs as automated

databases. For details about the cases in relation to Office practices, see page 15 of the April 2011 issue of *Copyright Notices*.

Although a decision has been pending for two years, it is not clear when one will be reached, Kasunic said.

“The consequences for the Copyright Office are significant,” he added. “Depending on which way the judges rule, thousands of works people thought were registered may not actually be covered by the registrations.”

Kasunic told committee members that the Office has intervened in *Proline Concrete Tools, Inc. v. Dennis et al.*, a case in which the plaintiff alleges that the defendant infringed the copyright to its decorative concrete stamps, or molds of rocks meant to be impressed on wet concrete, such as a driveway surface. Kasunic said the Office declined to register the concrete stamps on grounds that they are useful articles and have minimal creative authorship.

When the plaintiff filed an infringement action in federal court based on the Office’s refusal to register, the facts changed somewhat, Kasunic said. The plaintiff then described the concrete stamps as artists’ interpretation of stones. After reviewing the Copyright Office’s rejection of the claim, the court ordered the Office to issue a registration certificate.

Kasunic said the Office is asserting that the court does not have the authority to force registration. Under the Administrative Procedure Act, applicants who are denied registration can request reconsideration of the refusal, in which case the Office issues a detailed interpretation

of the facts involved. Typically, when challenges occur following the reconsideration process, courts defer to a reasonable interpretation by the Office, Kasunic said.

“This case is circumventing the review process,” he stated. “It doesn’t make sense within the structure of the statute.”

He said oral arguments had occurred several days before the ABA committee meeting.

The court subsequently agreed with the Office’s position. It concluded that, based on the facts known to the Office at the time plaintiff applied for registration, the Office’s refusal to register was reasonable.

Kasunic also updated committee members about Office rulemakings, including one about the definition of a claimant under section 202.3 of the Office’s regulations; another on the designation by online service providers of agents to receive notifications of claimed copyright infringement; and another on the Office’s practices for examining claims in compilations. Details about the rulemakings are available on the Office’s website.

He said the Office hopes to move forward soon with rulemakings on electronic filing of different categories of group registrations.

Kasunic concluded with a summary of the 2012 ruling that exempted certain classes of works from the prohibition in the Digital Millennium Copyright Act against circumventing technological measures that control access to copyrighted works. For details, see [www.copyright.gov/1201](http://www.copyright.gov/1201). ©



# NewsNet Breaks through the 500 Mark

JUDITH NIERMAN

As of April 15, 500 issues of *NewsNet* have been distributed to subscribers all over the world.

*NewsNet*, the Office's free electronic newsletter, began transmitting emailed messages to subscribers on November 3, 1997. The first issue included announcements of three *Federal Register* publications; three testimonies by Register of Copyrights Marybeth Peters before House committees; the appointment of David Carson as general counsel; the delivery of a database report to the Senate; and the posting of FAQs on the Office website.

Over the 15 years of its existence, *NewsNet* has grown and evolved to meet the needs of Office communications with the public. We do not know how many email addresses received

the first issue, but by the time the 100th issue was transmitted on September 12, 2000, 4,300 subscribers worldwide were receiving *NewsNet*. On April 15, when the Office sent the 500th issue of *NewsNet*, more than 22,500 subscribers read the press release on the Office's plans for World Intellectual Property Day events.

If you have not subscribed to *NewsNet*, do so now by going to [www.copyright.gov/newsnet/](http://www.copyright.gov/newsnet/). Click on "Subscribe to NewsNet." ©



## Armenian Officials Visit Office

*On May 3, a delegation of Armenian collective management agency representatives visited the Copyright Office. Aaron Watson, attorney-advisor in the Office of Policy and International Affairs, spoke to them about the work of the Copyright Office. At right, Craig Andrews, a supervisor in the In-Processing Section of the Receipt Analysis and Control Division, explains the work of his section. Daniel Schwarz, center, demonstrates the ingestion of paper forms. The group was participating in the Commercial Law Development Program of the U.S. Department of Commerce.*



PHOTO BY JUDITH NIERMAN



# Online Service Provider Directory Is Up to Date

JUDITH NIERMAN

**Sue Nelson**, a technician in the Records Research and Certification Section, maintains the Office's online service provider (OSP) directory. The directory includes the names of companies and service providers and the names of their agents who may be contacted if someone believes the provider is posting infringing material online.

In an effort to limit infringement liability for companies and service providers, the Digital Millennium Copyright Act of 1998 provided that the Copyright Office would create and maintain a directory of service providers' agents so copyright owners would know whom to contact to complain that an SP is hosting infringing material. The SP must then remove or limit access to the allegedly infringing material.

A company or service provider may use a template suggested by the Office or create its own form to file. In either case, the filing must include all alternate names under which the service provider is doing business, that is, website domains by which the service provider is known. The document, together with the filing fee of \$105 plus \$30 for each group of ten additional names, is mailed or hand-delivered to the Office and scanned by Nelson.

When Nelson took over the directory, there was a backlog of documents that needed to be posted on the Office's website. She brought the directory up to date and currently scans and posts the documents within two to three weeks of their arrival in the Office.

Many filings include numerous alternate names. "The record so far," said Nelson, "is 1,941 alternate names. Each name has to be entered individually into DreamWeaver, the software used to update the website, and posted online. Each one is linked to the OSP document."

In addition, Nelson handles emailed and phoned questions from customers and resolves problems with submissions whenever possible. "I enjoy customer service and education," she said.

Look over the directory, which contains the names of tens of thousands of service providers, at [www.copyright.gov/onlinesp/](http://www.copyright.gov/onlinesp/). Click on "directory of designated agents" at the bottom of the screen. ©



PHOTO BY JUDITH NIERMAN

*Sue Nelson*

# Register's Office Appoints New Support Assistants

WENDI A. MALONEY

**Rosalyn Jones-Fountain** and **Terri Vincent** were promoted to administrative support assistants in the Register's Office on May 5.

Rosalyn joined the Copyright Office in 1991 as a supervisor in the Performing Arts Section of the former Examining Division. Previously, she served in the U.S. Air Force and at the Census Bureau.

When the Office reorganized in 2007, Rosalyn was promoted to administrative assistant to the chief of the Performing Arts Division.

"Rosalyn has a well-established reputation for competence and dependability in managing a wide range of administrative functions within the division," wrote **David Christopher**, the Office's chief of operations, in announcing Rosalyn's promotion.

Rosalyn will manage administrative tasks for **Doug Ament**, the Office's technology director; **Jacqueline Charlesworth**, senior counsel to the Register; and **Megan Rivet**, the Office's budget analyst.

Rosalyn said she applied to work in the Register's Office because she wanted a change.

"I enjoyed the collaborative atmosphere and diversity of work in the Performing Arts Division, and I liked interacting with copyright remitters," she said. "But I had been in the division a long time. I'm looking forward to learning about a different side of the Office."

Outside work, Rosalyn is pursuing a bachelor's degree in business and human resources management from the University of Maryland University College, and she volunteers through her church with organizations serving the homeless. She also enjoys spending time with her 15-month-old grandson, Jabari James.

Terri Vincent joined the Copyright Office staff in 2010 after retiring from a career as a computer analyst and information technology professional in Florida. She started as secretary to the chief of the Office's Licensing Division.

Terri said she helped the division streamline its work processes and contributed to the effort to implement electronic licensing as part of the division's ongoing reengineering.

She became "known for her organizational skills and for the high quality of her work as an administrative professional," Christopher stated in announcing Terri's appointment in the Register's Office.

Like Rosalyn, Terri applied to work in the Register's Office because she wanted a fresh challenge. "Because the position is new, we'll have the opportunity to make it into a great job," Terri said.

Terri will manage administrative tasks for David Christopher; **Chris Reed**, senior advisor to the Register; and **Bill Roberts**, senior general counsel.

Outside work, Terri bikes and runs with her husband, Mark, who works for the Department of Commerce, and enjoys her newly purchased home in Kensington, Maryland. ©



*Terri Vincent (left) and Rosalyn Jones-Fountain*

PHOTO BY WENDI A. MALONEY



*Veronica Patten (left) and Jarletta Walls (right)*

## RRC Staffers Promoted

JUDITH NIERMAN

**Veronica Patten** and **Jarletta Walls** were promoted to the position of supervisor in the Records Research and Certification (RRC) Section beginning May 6. As supervisors, their duties include serving as the primary certification officers for records. Certification indicates that a document is a true copy of the record in question, that is, that all the information certified is actually what the Office has on file. The public asks for, and the section provides, search reports, additional copies of registration certificates, and copies of deposits, all of which may be certified that they are true copies.

In addition, each supervisor may serve as acting section head, train new staff, and verify credit card transactions that take place in the section. Before fee transactions are forwarded in batches to the Accounts Section, the supervisor verifies that the information regarding each transaction that is entered in Siebel is correct.

Also, the supervisors work closely with the General Counsel's Office to obtain approval for making requested copies of deposits for litigation purposes.

All Veronica's federal experience has been in the RRC. She began in 1991 and has steadily been promoted. "I like the section because there is a variety of activities every day," she said. "And I've had the opportunity to learn different computer systems, including COINS and Siebel."

Jarletta has 27 years of experience as a Library employee. She began as a work-study student in the Library's Central Services area. "I loved the job," she said, "and saw it as a great opportunity." After she graduated, she worked for one year in clerical support at FLICC (Federal Library and Information Center Committee) before getting a job in the Data Preparation Unit of the Copyright Office. She became an accounting technician before moving to the Certification and Documents Section in 1991 and to the Licensing Division as an examiner in 2007.

"This is a great team," said Jarletta. "I am appreciative that everyone has been helpful in working with me. I also enjoyed working with Licensing staff."

Both women are looking forward to rebuilding the staffing of the section. ©



# Literary Division Has New Registration Specialists

JUDITH NIERMAN

Two Copyright Office staff members were promoted to the position of registration specialist in the Literary Division on December 31.

**Michael Stratmoen** began his career in the Copyright Office in October 2010 as a technician in the Out-Processing Section of the Receipt Analysis and Control (RAC) Division. Prior to his move to the Registration Program, he was a materials expediter in the RAC.

Michael is being trained by **Rose Matthews**. He says he will be doing a lot of writing in his responses to remitters. While guide letters are the basis of responses used in the Literary Division, the registration specialist may have to add information that explains complex ideas.

In the RAC, Michael used Siebel every day, a fact that has helped ease him into his new position. He also developed working relationships with staff in the Literary Division and learned about Office workflow.

Outside the Office, Michael participates in the sport of rowing, an activity he has pursued since high school. He is a member of the Capital Rowing Club, which is based on the Anacostia River and provides recreational and competitive rowing opportunities. During the April to October season, Michael trains four times a week. He recently won a medal at the "Head of the Potomac" race course, which goes by the Georgetown waterfront. In addition to his local endeavors, Michael has participated in a competition in Copenhagen. When rowing season ends, Michael may be found on his bike.

Michael holds a bachelor's degree in public history from James Madison University and a master's degree from George Mason University in applied history.

He plans a 2014 trip to Argentina.

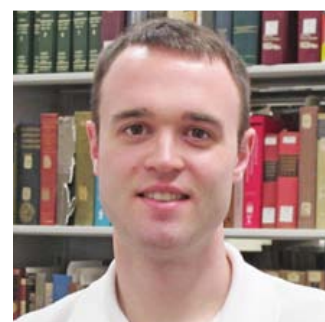
**Heather Windsor** was also promoted to registration specialist. "I like the mental exercise required by my new position," she said. "I like a challenge and am enjoying learning about the legal complexities that a registration specialist has to know." New registration specialists read

extensively from court cases, the *Compendium*, and other material. Heather is being trained by **Megan Fritz**.

Heather began her federal career in the accounts area of the old Receiving and Processing Division. She joined the Copyright Office when it was located in Crystal City, Virginia. Upon moving back to Capitol Hill, she became an accounts technician, but was soon detailed to the Copyright Technology Office for a year in the area of administrative support. In 2009, she was promoted to serials team technician, helping to scrutinize claims for problems, contacting remitters, and entering data into the new online system.

Again promoted in December 2010, Heather became one of the first Copyright Office problem resolution specialists. These staffers handle and close issues with problem claims. Among other tasks, she contacted remitters, requested best edition copies, and worked on special projects arising from the initial deployment of Siebel.

Heather was born in Calvert County, Maryland, and lived in Charles County before moving to Virginia. She and her husband, Thomas, had a new house built on 10 acres in King George, Virginia. "We live in the woods," she said. "I love to be outdoors." Their 2½-year-old son, Eddie, likes to ride his toy 4-wheeler to explore his large back yard. ©



Michael Stratmoen



Heather Windsor

PHOTOS BY JUDITH NIERMAN

## Appointment

---

### David Rice

JUDITH NIERMAN

PHOTO BY JUDITH NIERMAN



David Rice

**David Rice**, the new visual information specialist in the Publications Section, knew from an early age that he would work in a creative field. From the age of nine, together with his sister, he performed on the stage of a North Carolina theater founded by his grandmother, and this activity stoked his interest in the creative arts. By the time

he enrolled in the College of Design at North Carolina State University in Raleigh, he had defined his choice of major as either set design or graphic design. Graphic design won, and he earned his bachelor's degree in that subject.

David's first job out of college was for UNC-TV in Durham, a public television network. He produced a magazine, flyers, signs, and fundraising materials. This work was all accomplished on a computer, while much of his college studies had taken place in the pre-computer era of graphic design.

"I'm not afraid of change," David said.

In 1999, David and his partner, Keith, moved to the District, where David went to work for PBS (Public Broadcasting Service) as a graphic designer. He was in charge of planning yearly conferences for a thousand fundraising professionals. He did the promotion and marketing of the conference as well as managed the budget, content, and registration.

After a move to San Antonio in 2007, David found design work with the local PBS station and enjoyed the slower pace of life in Texas. He also appreciated the friendly people and the balance between work and private life.

In 2011, it was back to the District. David did freelance work for clients in public television until he decided to look for full-time employment. "I like to be involved in the communication goal," he said. "The Copyright Office has a powerful mission, and I want to be part of it."

David and Keith live in Friendship Heights, Maryland, with two cats that were originally rescue animals in Kabul, Afghanistan. The animals came from a *Washington Post* reporter who had been stationed abroad. ©

## Congratulations

---

*Copyright Notices* congratulates the following people:

**Alisha Armstrong** on her promotion to registration specialist

**Diane Lamb** on 25 years of federal service

Shirley Williams on her retirement April 3 with 47 years of federal service



# Retirement

## Richard Sharp

JUDITH NIERMAN

PHOTO BY CECILIA ROGERS



Richard Sharp

Richard Sharp, senior technician in the Records Research and Certification Section, retired April 30 with 22 years of federal service. Looking ahead, Richard said, “I

prefer to see retirement not as a retreat, but as an advance, a commencement, the beginning of new adventures.”

Born in Ohio, Richard graduated from Oberlin College with a degree in English and a minor in psychology. He moved to Seattle, where, as a conscientious objector, he worked at the University of Washington Hospital for two years to fulfill his requirement for national service. Upon completion, he enrolled in the University of California at Santa Cruz and earned a PhD in literature with a focus on American, British, and Latin American writing. His dissertation was on the Civil War poetry of Walt Whitman.

In 1979 he got a job teaching at Fayetteville State University in North Carolina. Two years later he relocated to the District to teach English at Howard University. In 1987 he left academia to start a landscaping business but later took a position in the Copyright Office, eventually in the Certifications and Documents Section, now the Records Research and Certification Section, in the Information and Records Division.

For many years, Richard has worked a second job as adjunct professor of English at local institutions, including George Washington University, Montgomery College, and the University of the District of Columbia. He is currently teaching adult education in Catholic University’s Metropolitan School of Professional Studies. Richard has received a Fulbright

Fellowship to teach American literature for nine months at West Bengal State University in Kolkata (Calcutta). “This is a dream realized,” he said, “a great way to retire.” Upon returning to his home in Maryland, he expects to paint, write, teach, travel, and spend time with his son, Christopher, and grandson, Rafael, who live in Baltimore. ©

## Retirees May Check Out Books

Judith Nierman

Thinking about retiring but loath to lose access to all those books? Good news! You can still check out books after you retire if you live in the metropolitan Washington, D.C., area.

According to Library of Congress Regulation (LCR) 910, section 10, retired staff who live in the Washington, D.C., metropolitan area may borrow books under the same terms as staffers who are still working at the Library.

When you “walk your papers” on your last day of active employment at the Library, you have to check in with the Accounts Unit in room LJ-G24 in the Jefferson Building.

“At that time, tell the staffer that you still want to check out books,” said David Waters, head of the Inventory Management and Document Fulfillment Section in Library Services. The Library employee will cancel your internal account and change your external account to “retiree.” The internal account permitted you to check out books to your desk. The external account will continue to permit you to take books from the Library’s buildings.

You will also need a Reader Identification Card allowing use of the reading rooms. Those who are retiring must go in person to LM-140 to request the card. For further information on the Reader Registration Card, go to [www.loc.gov/rr/readerregistration.html](http://www.loc.gov/rr/readerregistration.html). To read the LCR, go to [www.loc.gov/staff/ogc/legal\\_ref/lcr/900/910.html#sec10](http://www.loc.gov/staff/ogc/legal_ref/lcr/900/910.html#sec10).

Books may be kept for 60 days.

# Obituary

## *Don Ratliff*

JUDITH NIERMAN

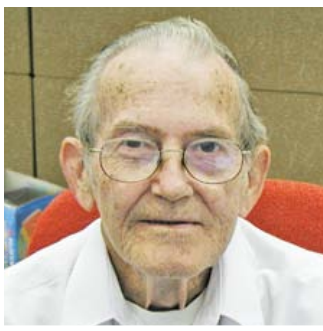


PHOTO BY JUDITH NIERMAN

*Don Ratliff*

Copyright Office retiree Don Ratliff died February 23 in Florida. He retired on November 3, 2011, as a senior library technician in the Records Research and Certification Section. While his 38 years of federal service included a short stint beginning in 1954 at the Federal Bureau of Investigation, most of his service was in the Copyright Office. He started

in 1973 in the old Pickett Street Annex storage facility, moving to the Landover warehouse in 1975. He worked in the Deposit Copies Storage Unit until 1998, when he assumed the position from which he retired.

A man of many interests, Don took up piano lessons not long before his retirement, just because he had always wanted to play. He participated in recitals with the children who were also students of his teacher. In his youth, he rode and jumped horses, ice skated, and water skied. He always hoped to have the opportunity

to sky dive. For six years, he served in the National Guard at Fort Dix, New Jersey. When his children were young, he was the sound mixer for Marché Presents, a family-run dance and vocal troupe that performed on the Ellipse and at the Old Post Office Pavilion. When his wife was employed by Pan Am, he traveled everywhere in the United States except the northern states.

"Don was a gardener and an avid dog-lover, and he loved cars and trucks. I think his Thunderbird was his most prized possession," said Richard Sharp, now also retired, who shared office space with Don. "Don was a hard worker who seldom complained. And he was very brave as he confronted serious health problems and his wife Marchia's death. He was a good man."

Born in Union, West Virginia, Don attended West Virginia Business College. For years before coming to the Copyright Office, he worked in the plumbing and heating wholesale supply business. He lived in Waldorf, Maryland. Don is survived by his son, Charles; daughter, Janine; and three grandchildren. ☪

## Staffer Needs Donated Leave

*Judith Nierman*

**Robert Raum**, accounting technician in the Receipt Analysis and Control Division, is in need of annual leave donations. Robert has exhausted all his annual and sick leave. The donated leave will be used for hospitalization, ongoing treatment, and recuperation. Robert has been approved for the leave donor program, and his account has been established in WebTA under his name.

To donate annual leave, begin by going to your T&A account and clicking on "Leave and Premium Pay Requests" and "Leave Donations." Contact your T&A clerk if you have any questions.

Robert thanks you in advance for your kindness and well wishes.

## In the Limelight

### Staffers Graduate from Career Development Program

JUDITH NIERMAN

Copyright Office staffers are taking advantage of training offered by the Library through the Career Development Program. Designed to enhance professional development, the program takes place three times a year. Each session lasts three months and includes lectures, online courses, group activities, and individual work assignments. The following Copyright Office staffers completed the program.

*December 2012:*

**Wayne Byrd**

**John Coleman**

**Angela Coles**

**Jannease Johnson**

**Cecily Patterson**

*April 2013*

**Wanika Adams**

**Latashae Fletcher**

**Clara Holloway**

**James McLeod Jr.**

**Patricia Mroczyk-Kershaw**

**Debbie Weems**



### Have You Seen These?

*These seals of James Madison appear in a public space in the Madison Building. Can you identify where?*

*Write to Notices' designer David Rice at [drice@loc.gov](mailto:drice@loc.gov) and we may highlight you in the next issue.*

PHOTOS BY DAVID RICE



PHOTO BY WENDI A. MALONEY

### Mid-Atlantic Association of Museums Visits Office

*John Saint Amour discusses the mission of the Copyright Office and copyright basics at an April 19 workshop for the Mid-Atlantic Association of Museums. Alicia Mroczyk, program manager for the Office's copyright education and public outreach project, organized the workshop.*

## Out & About

---

On March 15, **Rob Kasunic**, then deputy general counsel, served on a panel on “1201 Rulemaking” at the Santa Clara Law High Tech Law Institute’s “15 Year Retrospective of the Digital Millennium Copyright Act” in Santa Clara, California. View a video of the event at [http://ammsweb.scu.edu/webcasts/mobile2/DMA\\_Conference\\_e5/main.htm#](http://ammsweb.scu.edu/webcasts/mobile2/DMA_Conference_e5/main.htm#).

On April 18, 2013, Register of Copyrights **Maria Pallante** presented the David Nelson Memorial Keynote Address at the conference on “Reformalizing Copyright for the Internet Age” hosted by the Berkeley Center for Law and Technology at the University of California at Berkeley. The talk was entitled “The Curious Case of Copyright Formalities.” Also attending were Rob Kasunic and **Chris Reed**, senior advisor. Kasunic spoke on a panel on why copyright formalities got an undeserved bad name.

**Yvonne Dooley**, a senior public information specialist in the Public Information Office, spoke on “Copyright: Don’t Panic” at the Texas Library Association (TLA) Annual Conference held in Fort Worth on April 26. Dooley, who is also a librarian, spoke on the copyright law and the exemptions that are most relevant to librarians. Joining her in the presentation was Gretchen McCord, attorney with expertise in Digital Information Law and past president of the TLA.

Acting General Counsel **Maria Strong** served on the U.S. government’s intellectual property rights delegation at the 17th Round of the Trans-Pacific Partnership negotiations held in Lima, Peru, on May 19-24.

On June 4, the Register was a keynote speaker at the 4th biennial international World Creators Summit, organized by CISAC (the International Confederation of Authors and Composers Societies), held June 4-5 in Washington, D.C. She spoke on the topic of “The U.S. Agenda: The Perspective from the U.S. Copyright Office.” Also attending were **Jacqueline Charlesworth**, senior counsel; **Jason Okai**, counsel for policy and international affairs; Chris Reed; Maria Strong; and **Karyn Temple Claggett**, associate register for policy and international affairs. Temple Claggett served on a panel on “Resale Royalty Right: Painting a Global Picture?” on June 5. For a story on staff at the World Creator’s Summit, see the July/August issue of *Copyright Notices* coming soon. ©

---

### Copyright Notices 61:05/06

Published by the Publications Section,  
Information & Records Division,  
Copyright Office, Library of Congress

PUBLICATIONS STAFF *Writer/Editors:*  
Wendi A. Maloney, 707-0979; Judith  
Nierman, 707-6816 • *Designers:* David  
Rice, 707-0613; Cecelia Rogers, 707-3313  
• *Distribution:* Helen Hester-Ossa

Helen Hester-Ossa, *Head, Publications  
Section, Information & Records  
Division* • George Thuronyi, *Acting  
Chief* • David Christopher, *Chief of  
Operations* • Maria A. Pallante, *Register  
of Copyrights*

Suggestions for articles and comments  
are welcomed. Please call for deadlines.

---



# Old Photos of Dignitaries Arouse Curiosity

JUDITH NIERMAN

Two photos dated 1950 recently turned up in old *Copyright Notices* files. A notation said, "Washington meeting UNESCO," and included the surnames of the men portrayed. Curiosity overcame us, and we decided to find out what was going on back then.

It seems that from October 23 to November 4, 1950, Washington, D.C., hosted a committee of experts as part of a UNESCO (United Nations Educational, Scientific, and Cultural Organization) project aiming for an international copyright convention agreeable to members and nonmembers of the Berne Union.

In 1947, committees began assembling information on the international copyright situation. At a second meeting in Paris in 1949 to review the report of the 1947 meetings, Librarian of Congress Luther Evans; future Register Arthur Fisher; John Schulman, partner in the New York law firm Hays, St. John, Abramson, and Schulman; and Charles E. Wyzanski Jr., judge on the U.S. District Court of Boston, represented the United States. In consultation with the Copyright Office, the U.S. government extensively reviewed the Paris committee's recommendation for a diplomatic conference.

Meeting in the District in 1950, the third committee of experts, including representatives from 13 countries, the Bureau of the Berne Convention, and the Pan American Union, as well as observers from nine countries, further analyzed the responses to the Paris recommendations.

FILE PHOTO



*From left: G.H.C. Bodenhausen and John Schulman. Georg Hendrik Christiaan Bodenhausen was a Dutch civil servant and later the first director-general of the World Intellectual Property Organization from 1970 to 1973.*

Register Sam Bass Warner was one of the U.S. experts, together with Schulman and Wyzanski. Elected chairman, Evans served briefly before departing for Paris on UNESCO business. The chairmanship then moved to Plinio Bolla, a federal judge from Switzerland.

Additional international consultations followed before a fourth meeting of experts in 1951 in Paris succeeded in preparing a preliminary draft of the proposed convention. A final draft came in 1952.

Throughout the process of the meetings, the Register and other officials worked intensely with more than 60 representatives of varied U.S. interests as well as government officials to develop the U.S. position. "The views of all the interests were secured and exchanged at meetings of the Panel [established as an auxiliary of

COPYRIGHT LORE

the State Department's U.S. National Commission for UNESCO and chaired by the Librarian] and through informal conferences and correspondence carried on by the State Department and the Register of Copyrights," says *History of the U.S.A. Copyright Law Revision from 1901 to 1954* by Abe Goldman, the Office's then chief of research. (See [www.copyright.gov/history/studies.html](http://www.copyright.gov/history/studies.html).)

Completed in Geneva in 1952, the Universal Copyright Convention (UCC) was submitted to the Senate by President Eisenhower in 1953, ratified in 1954, and signed by the President on August 31, 1954. The UCC was the first copyright convention extending beyond the western hemisphere to which the United States adhered. ©



FILE PHOTO

*From left: Judge Plinio Bolla of Switzerland; G. H. C. Bodenhausen of Holland; John Schulman of the United States; and Mr. Recht of Belgium.*

# Copyright Notices

## Staff Learn about Digital-Age Issues Facing Photographers

JUDITH NIERMAN

At an ongoing series of afternoon teas for Copyright Office staff, **Chris Reed**, senior advisor to the Register, presented “Through the Lens: Copyright Issues for Photographers in the Digital Age” on May 22 before a full audience.

Orphan works, said Reed, are one of the biggest copyright policy issues facing photographers, many of whom fear their works will become orphaned and used without appropriate compensation. Photographers who distribute their works digitally are particularly susceptible to the orphan works issue because there is frequently no way to find out who owns the copyright in a photograph. Physical books contain title pages and perhaps a copyright notice, but photographers have to rely on metadata embedded in an image file that describes certain characteristics of the file, including copyright ownership. Downstream users can easily take out the metadata, including the copyright information, and no one can detect that a change to the metadata has occurred.

Many social media sites, such as Facebook, routinely strip out metadata from posted photographs, saying that a smaller file takes less storage space. Thus, anyone can copy these photos and instantly create an orphan work.

The Copyright Office has been interested developing a solution to the orphan works issue for years, and it is one of the Register’s priorities as

### *July/August 2013*

---

- 3 • Documents  
Reengineering
- 4 • Goals for Registration
- 5 • Supreme Court Ruling
- 7 • Junior Fellows
- 8 • LCPA Arts & Crafts Event
- 11 • Performance Plans
- 12 • Out & About
- 13 • Around the Office
- 14 • Obituary
- 15 • Copyright Lore



PHOTO BY DAVID RICE

*Chris Reed explains how metadata are embedded in photo files.*



PHOTO BY DAVID RICE



*Staff questioned Reed following his presentation.*

expressed in *Priorities and Special Projects of the United States Copyright Office*.

The Internet has presented opportunities for photographers, but it also poses challenges that were not present in the physical world. Image theft has become rampant, partially because of the ubiquitous nature of the Internet and the ease with which people can copy and redistribute images. Photographers often feel powerless, because to remain competitive in the digital space, they must put images online, which also makes them easier to use unlawfully.

While the Internet is integral to a photographer's business, if photos are posted to the Internet, the photographer has no control over them. It is very difficult for a photographer to enforce his copyright. An approach to this problem, said Reed, is threefold: make your photograph a little hard to take without permission, possibly by using a watermark; make the work easy to license; and be reasonable.

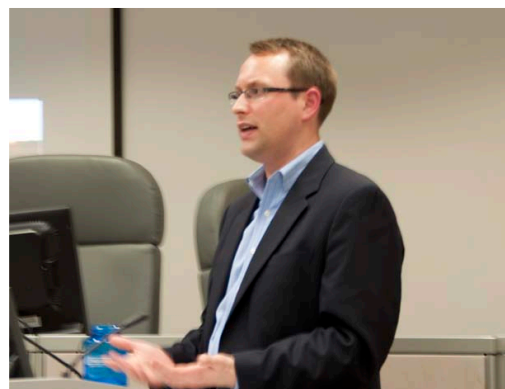
Registration, Reed continued, balances the need for effective public records with private interests. Group registration is a practical necessity because the cost of registering individual photographs is prohibitively high for most photographers. While the public may then be put on notice that a work is registered, the issue of how to identify an individual photo among a group that may include a thousand photographs remains. An approach could be for the Copyright Office online registration

system to extract metadata from individual photographs and use it to automatically populate fields in the registration record. As it is, few photographers register.

Additional issues for the Office to address include the question of the copyrightable content in digitally manipulated photographs. Is there creativity and authorship in editing, exposure blending, and tone mapping, for example? Is the modified photograph a result of protectable creative expression, or did software automatically produce the final result? Even the definition of publication is tricky in the digital environment and leaves many questions unanswered. For example, is a photograph published when it is posted on Facebook?

The Copyright Office is also working on the issue of small infringement claims, a particular concern to photographers. The cost of pursuing a lawsuit against infringers in federal court is high, frequently beyond the means of photographers. In 2010, the average revenue of a fine art photographer was \$46,900, according to one industry survey.

A similar presentation took place later the same day for Library of Congress reference librarians and staff from the Acquisitions and Bibliographic Access Directory. Both events were organized by **Alicia Mroczyk**, special assistant in the Information and Records Division. ©



*Chris Reed*

PHOTO BY DAVID RICE



# Reengineering of Copyright Recordation Proceeds

WENDI A. MALONEY

Each year, authors, heirs, copyright owners, and others submit thousands of documents to the Copyright Office for public recordation. The documents contain information about copyright assignments, licenses, and other transactions related to all kinds of copyrighted works: motion pictures, music, software, photographs, and more. In fiscal 2012, the Office's Recordation Section recorded 8,687 documents containing titles of more than 170,000 works.

"The records show who owns rights to copyrighted works," explained **Zarifa Madyun**, the section's head. "People who want to use the works can consult them to find contacts for requesting permission."

Copyright recordations made since 1978 are searchable online. Pre-1978 recordations can be searched manually in the card catalog.

The Register of Copyrights announced a project to reengineer documents recordation in 2011 in *Priorities and Special Projects of the United States Copyright Office*. The project involves developing an electronic system for receiving and processing documents; recordation was unaffected by the Office's conversion to electronic registration processing in 2007.

Last summer, the Recordation Section hosted meetings with frequent users of the Office's recordation function, including technology experts, librarians, educators, attorneys, consumer groups, and others. Participants discussed options for searching recorded documents, the feasibility of filing documents online, ways for users to update recorded documents, and the potential to connect to privately held records and databases.

Madyun said the section continues to meet with stakeholders while conferring with technical and legal staff in the Copyright Office. Topics of discussion include requirements for an electronic recordation system and policy and regulatory changes that may be needed to meet user expectations and the Office's reengineering goals.



PHOTO BY WENDI A. MALONEY

*From left, Ginean Moser, Wanika Adams, and Lorraine Baysek process documents submitted for recordation.*

"Some improvements can be made quickly, but others demand careful planning and have budgetary implications," Madyun said.

As an example of a quick fix, she noted that the section now accepts on a pilot basis flash drives, compact discs, and CD ROMs listing titles to be recorded. Staff electronically copy the titles from digital files on the devices and paste them into the Office's database. Otherwise, staff have to retype each title.

"Copying and pasting can be time-consuming depending on how many titles are involved, but it takes less time than retyping," Madyun said, adding that she hopes this improvement will help reduce the turnaround time for processing documents. It now takes between 10 and 12 months from submission of a document to creation of a recordation certificate.

Madyun said ways to modify the Office's current electronic system for processing registrations to accommodate recordation are under consideration.

"Ultimately, we want a system that is easier and faster to encourage more recordations and a more robust public record," Madyun said.

She anticipates that technical requirements for the new system will be defined by the end of the fiscal year. ©

# Kasunic Outlines Goals for Registration Program

WENDI A. MALONEY

**Rob Kasunic**, the Office's new director of registration policy and practices, met with Registration Program staff on May 9 in the Mumford Room to discuss program priorities.

"You have been doing an amazing job," he told staff. "There will be much for us to do in the coming months and years, and your dedication will continue to be needed."

"First, we have to do a better job of explaining the critical role of registration," he said, stating that he anticipates that copyright registration will be the subject of much public discussion.

Even within the copyright community, many lawyers do not fully understand the work of the registration program, he said.

"We're providing a service not just for the people seeking registration, but also for the public."

Kasunic said the program must improve the way it reviews claims, corresponds with remitters, and creates a public record.

"We need to make sure that vague, amorphous claims do not make it through and become the basis for infringement lawsuits," he said.

In terms of achieving these goals, "everything is on the table."

Registration practices and regulations are being updated, he explained, to give staff, courts, and the public better counsel about copyright registration issues.

"Courts out there are anxious for guidance from the Copyright Office," he said.

He discussed plans to increase the number of staff supporting the program office, as opposed to divisions within it. He reported that a legal intern had begun working for the program and that lawyers, including some now working as registration specialists, will also be assigned to it.

"We need to build a team within the program that can write regulations, manage revisions of the *Compendium of Copyright Practices*, and take charge of other such tasks."

Kasunic described a plan for meeting with staff at all levels, first in groups and then individually. "I want to find out what is going on in people's jobs and hear their ideas for improvement," he said. "And I want to process a few claims myself."

He said he expects such fact finding will help him fine-tune program priorities and identify where regulatory changes or additional education may be needed. Kasunic will also meet with authors and copyright owners.

"I'd like to see us have a back-and-forth conversation with authors, creators, and copyright industries to better understand how works are now being created," he said, adding that the Office's written materials, including circulars, must be brought up to date and made more accessible.

"We need to find ways to provide complicated information to many different groups of people in many different ways," he stated. ©



PHOTO BY WENDI A. MALONEY

*Rob Kasunic talks to registration staff about priorities.*



PHOTO BY DAVID RICE

## Supreme Court Decides Major Copyright Case

WENDI A. MALONEY

The U.S. Supreme Court ruled on March 19 that a student who imported copyrighted textbooks from Thailand to sell in the United States did not violate the copyright law. Copyright Office staff supported the U.S. Justice Department in preparing a brief and oral arguments in the case, *Kirtsaeng v. John Wiley and Sons*.

Supap Kirtsaeng, a Thai national, helped pay for his education at Cornell University and the University of Southern California by selling copyrighted textbooks his family and friends bought in Thailand and sent to him for resale in the United States on eBay. John Wiley and other firms published the textbooks Kirtsaeng sold.

Publishers often sell textbooks for less than their U.S. list prices in countries where charging U.S. prices would prevent students from buying them. Kirtsaeng made about \$900,000 from reselling the low-cost imported textbooks.

Arguments in the case centered on the first-sale provision in section 109(a) of the copyright law and its relationship to section 602(a)(1), which prohibits importation of copyrighted works into the United States without consent of a copyright owner.

Under first sale, once a publisher sells a book or other copyrighted work, the buyer can lawfully resell, lend, or give it away without violating copyright law. But for first sale to apply, a work must be "lawfully made under this title," meaning under U.S. copyright law.

Wiley contended that the books Kirtsaeng sold weren't lawfully made under U.S. copyright law, because they were made outside the United States. Kirtsaeng argued that they were lawfully made, because they were manufactured under a license from Wiley.

David Carson, the Office's former general counsel, and **Erik Bertin**, an attorney-advisor in the General Counsel's Office, commented on the government's brief in the case. Bertin, with representatives from other government agencies, also attended moot court arguments with the U.S. Solicitor General as the Solicitor General prepared for oral arguments. Carson attended oral arguments.

The government's brief notes that section 602(a)(1) of the copyright law prohibits importation of copyrighted works into the United States without the consent of a copyright owner "to facilitate market-segmentation measures of the sort at issue in this case." For this prohibition to be meaningful, the brief states, the first-sale provision cannot apply to copies made overseas.

The Court did not adopt the government's position.

In a 6 to 3 decision, drafted by Justice Stephen Breyer, the Court noted that Wiley interpreted "lawfully made under this title" to impose a "geographical limitation" preventing first sale from applying to books manufactured outside



PHOTO BY DAVID RICE



the United States. *Kirtsaeng*, on the other hand, construed “lawfully made” to mean made “in accordance with” or “in compliance with” the Copyright Act, the Court stated.

The first-sale provision’s “language, its context, and [its] common-law history favor *Kirtsaeng*’s reading,” the Court concluded. In doing so, it threw out an earlier jury award to Wiley in the case and overruled a decision of the Second Circuit Court of Appeals affirming that *Kirtsaeng* infringed Wiley’s copyrights.

In a dissenting opinion, Justice Ruth Bader Ginsburg wrote, “[T]he Court today adopts

an interpretation of the Copyright Act at odds with Congress’ aim to protect copyright owners against unauthorized importation of low-priced, foreign-made copies of their copyrighted works.”

The “Court’s bold departure from Congress’ design is ... stunning,” she stated, and it “shrinks to insignificance copyright protection against the unauthorized importation of foreign-made copies.”

“The Court’s decision resolves a long-standing dispute over the meaning of ‘lawfully made under this title,’” commented Bertin, noting that *Kirtsaeng* is the third case to come before the Court involving first sale and imported copies.

In *Quality King Distributors, Inc. v. Lanza Research Int’l*, decided in 1998, the Court ruled that first sale applies to U.S.-made goods sold overseas and imported back into the United States for sale.

Like *Kirtsaeng*, *Costco Wholesale Corp. v. Omega, S.A.*, dealt with copyrighted goods made overseas for sale outside the United States and imported into the United States. Justice Kagan recused herself from deciding the case, because she had filed a brief in *Costco* when she was U.S. solicitor general. The Court issued an opinion in 2010 but was divided 4 to 4 in that ruling. ©

PHOTO BY DAVID RICE



**Melissa Wells** (right), a registration specialist, talks with a teacher while Literary Division Chief **Ted Hirakawa** (seated), consults the Internet.

## Office Reaches Out to Teachers

*Copyright Office staff answered questions about copyright during sessions of the Summer Teacher Institute. The weeklong institute repeats five times during the summer and is organized by the Education and Outreach Initiative in the Library’s Office of Strategic Initiatives. Attendees are K-12 teachers from across the country. The institutes provide educators with tools and primary sources to use in their classroom teaching. Alicia Mroczyk, special assistant in the Information and Records Division, coordinated staffing of the Copyright Office table.*



# Two Junior Fellows Begin Summer's Work in Copyright Office

JUDITH NIERMAN

Two members of the Library's 2013 class of junior fellows began work in the Information and Records Division on May 28. Eric Ives and Erin Sidwell are working on a project to inventory copyright deposits and create a finding aid in the form of a database for items that have been in storage for nearly 100 years. Beginning with application forms and possibly attached deposits, the work of the junior fellows will enable researchers to locate individual items.

Eric Ives is a student at New York University pursuing a double major in international relations and German. Born in Silver Spring, Maryland, Eric grew up in Jupiter, Florida. He is a rising junior and enjoys the cultural opportunities that New York City offers. He hopes to use his writing skills to land a job as a travel writer or foreign correspondent.

In college, Eric works through the university's writing center as a writing tutor to fellow students. He runs a practicum for 10 to 15 students and also provides one-on-one assistance and tutoring for English-as-a-second-language students. During his junior year, Eric will study abroad in the fall semester in Berlin and in the spring semester in London.

At the Dreyfoos School of the Arts in West Palm Beach, Eric studied journalism, TV production, and film and served as an op-ed writer and anchor for a school TV program.

Eric recently took up the mandolin after studying piano for several years. He also pursues bouldering.

Erin Sidwell graduated from Columbia University in New York City in May with a bachelor's degree in English and comparative literature. She is an accomplished figure skater

PHOTO BY JUDITH NIERMAN



*Eric Ives*

and toured with Disney on Ice for five years, performing ensemble, character, and pairs roles. The program usually remained in a city for a week before moving on to the next venue. Erin participated in three U.S. tours, one in Europe and South America, and one in Asia before pursuing her college education at Columbia.

"I learned to adapt to the environment," she said. "I always wanted to go to college, and I had reached my goals in figure skating."

As an undergraduate, Erin took a broad range of English classes. She became interested in rare books and manuscripts and hopes to learn more about library work during her internship.

Erin was born and raised in Fargo, North Dakota. She and her husband, Kevin, enjoy trying new restaurants and getting to know Washington, D.C.

The Junior Fellows program is funded through the generosity of Mrs. Jefferson Patterson, who was a member of the Madison Council. ©

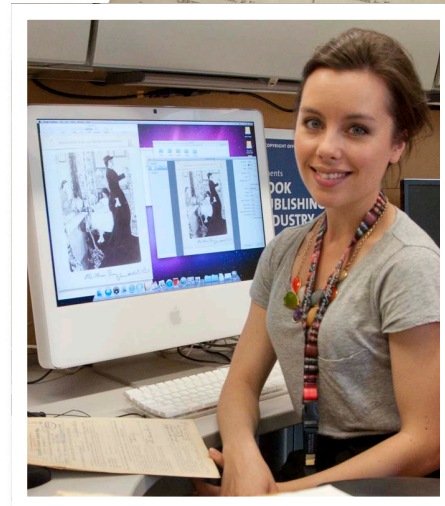


PHOTO BY DAVID RICE

*Erin Sidwell*

# LCPA Arts and Crafts Event Showcases Copyright Staffers' Work

JUDITH NIERMAN

The 41st annual Library of Congress Professional Association (LCPA) Employee Arts and Crafts Exhibit is taking place on the sixth floor of the Madison Building through October 11. The show features the work of staffers, retirees, contractors, volunteers, and Architect of the Capitol employees. Including the work of 65 artists, the exhibit showcases a variety of media.

Two Copyright Office staffers, **Felicia Chau** and **Claire Gardiner**, and two retirees, Jo Kinnaly and Joanna Roussis, are displaying their creations in the blue corridor on the east side of the building. Stop by and enjoy the results of their creative efforts in photography, basketry, and glass work.



PHOTO BY DAVID RICE

**Yvonne Dooley** (right) of the Public Information Office, is president of the LCPA. **Tricia Kemp** (left) is a contractor. The pair enjoy the LCPA Arts and Crafts Show Exhibit.

On June 12, LCPA sponsored a reception on the occasion of the exhibit's opening. Bob Dizard, deputy Librarian of Congress, presented awards to featured artists.

**John Ashley**, chief of the Visual Arts Division, spoke on copyright basics for artists. He addressed best practices for exhibits and individuals, including the importance of copyright notice to exhibits and the individual works within them, both titled and untitled. He also discussed fair use in relation to borrowing another's work to produce multimedia collages and digitally edited originals.

Chau and Gardiner provided *Copyright Notices* with comments on their works, which follow.



## Felicia Chau

Copyright Acquisitions Division  
*Bath Time*  
Photograph

*A few years ago, my friends and I went to Colorado to photograph aspen trees in autumn foliage. We arrived in Denver at noon and had the rest of the day free, so some of my friends suggested that we go to the Denver zoo. There we happened upon the flamingos at their pond, very noisy and active at that time. I stayed and observed them, taking a lot of pictures, and was able to capture this one.*



**Claire Gardiner**

Performing Arts Division

*Transit of Venus*

Photograph

*I hooked up my camera to my spotting scope in hope of getting a shot of the movement of the planet Venus between the sun and the Earth in June 2012. This was my only chance because the next transit will be in December 2117. But clouds obscured the view where I was in Great Falls, Virginia. I followed the sun in my car until I was able to pull over into a gravelly area beside Route 75 north of New Market, Maryland. The clouds covered the setting sun again about 10 minutes later....whew! Talk about being in the right place at the right time! ☺*



© Claire Gardiner

**Jo Kinnaly**

Retired

*Celtic Knot Heart Plate*

Glass

**Joanna Roussis**

Retired

*Butterflies*

Reed



## Ashley Announces Register's New Plans for Copyright Academy

*While speaking at the LCPC Arts and Crafts Exhibit reception on June 12, **John Ashley**, Visual Arts Division chief, announced the Office's plan to offer Library-wide classes on copyright through the Copyright Academy. He also said that a special set of classes on copyright is planned for LCPC members. These classes will be cosponsored by the LCPC and the Copyright Academy. Under discussion is an annual copyright lecture or seminar for the public that would be timed with the exhibit and that would honor LCPC and authors in general.*



PHOTO BY DAVID RICE

## Register's Lecture on Orphan Works Published in Law Journal

A keynote address that **Maria Pallante**, the Register of Copyrights, delivered last year has been published in the *Berkeley Technology Law Journal*.

On April 12, 2012, she gave the David Nelson Memorial Keynote Address at a conference titled "Orphan Works and Mass Digitization: Obstacles and Opportunities." The Berkeley Center for Law and Technology at the University of California, Berkeley, hosted the conference.

The Register's address reviews efforts since 2005 to find legal solutions for users of "orphan works," or copyrighted works whose authors

cannot be identified or located. A "significant amount of agreement" now exists in the copyright community about the orphan works problem and the need to resolve it, she states, despite remaining differences of opinion. She cites the Copyright Office's commitment to orphan works legislation, noting that she "would very much like to see it as a major point of discussion in the 113th Congress."

The text of the article is available at [http://btlj.org/data/articles/27\\_3/1251-1258\\_Pallante\\_Keynote\\_031013\\_WEB.pdf](http://btlj.org/data/articles/27_3/1251-1258_Pallante_Keynote_031013_WEB.pdf). ©

## Have a Private-Sector 401(k) Account?

If you worked in the private sector before entering government service, you may have one or more company-sponsored 401(k) accounts. Did you know that since 2003, you may roll them over into the Thrift Savings Plan (TSP)?

If you decide to do this, do not cash out the 401(k) unless you are prepared to pay a hefty tax bill and, if you are under age 59½, a penalty for early withdrawal.

Instead, roll over or transfer your funds from the old account into the TSP by filling out Form

TSP-60 available at [www.tsp.gov/PDF/formspubs/tsp-60.pdf](http://www.tsp.gov/PDF/formspubs/tsp-60.pdf). Follow the instructions on the form. You may only roll over or transfer money from a tax-deferred, non-Roth account. If you are not familiar with the term "Roth account," read about it at [www.tsp.gov/PDF/formspubs/tsp1f30.pdf](http://www.tsp.gov/PDF/formspubs/tsp1f30.pdf).

A 401(k) account is a tax-deferred savings and investment account intended to help fund your retirement. ©



PHOTO BY CECILIA ROGERS

### Take Your Daughters and Sons to Work Day

**Rob Kasunic**, associate Register of Copyrights and director of registration policy and practice (left), presented **Madeleine DiFolco** with a registration certificate on Thursday, April 25. **Madeleine** is the daughter of Congressional Research Service staff member **François DiFolco**. She created a copyrightable work—a mermaid drawing—during the copyright education program offered for Take Your Daughters and Sons to Work Day. Her drawing was selected by lottery to be registered. **Monica Beach**, **Tonya Lewis**, and **Maria Perez-Morales** of the Public Information Office organized the Copyright Office program.



# Performance Plans and Performance Requirements Coming to Staff

JUDITH NIERMAN

As part of the Library's Human Resources Services (HRS) initiative, the Copyright Office is working to ensure that all staff have written performance plans or performance requirements and that copies of these documents are signed by the employee.

"The Copyright Office is committed to take the steps necessary to be a leader in proactively using the performance management system for the mutual benefit of management and employees," said **David Christopher**, chief of operations.

Performance plans have already been prepared for members of the AFSCME 2477 bargaining unit. Still to be completed are performance requirements for nonbargaining staff and members of the AFSCME 2910 bargaining unit. While these are separate documents, they are similar. You may make comparisons between sample performance plans and performance requirements at [www.loc.gov/staff/cld/supervisor/performanceManagement.html](http://www.loc.gov/staff/cld/supervisor/performanceManagement.html). Scroll down to the "Forms" section.

Performance plans and performance requirements should include all tasks that a staffer ordinarily performs. Most information comes from position descriptions that are then augmented and individualized by the supervisor for each staffer to include duties and responsibilities that may not be spelled out in the position description. The document also includes clear standards defining how the staffer must perform to obtain a performance evaluation at various levels of achievement. There are five levels for 2477 members and four for 2910 members.

"When supervisors properly prepare a performance plan or performance requirements document, and then the evaluation, they are creating a road map of sorts," said **Bruce McCubbin**, chief of the Office's Administrative Services Office. "The road map serves, first, for supervisors to clearly define the job they want their employees to perform and, second, for the employees to know what they need to do to be rated outstanding and to be considered for an award," said McCubbin.

Once a performance plan or performance requirements document is completed, it is given to the employee to review and sign. The documents are also entered into EmpowHR, the Library's online personnel data tracking system.

Staff members may ask their division secretaries to confirm their rating periods. This time period usually coincides with the date of the last promotion or the anniversary of federal service in the Library. The staff of the Administrative Services Office is also available to answer questions and provide guidance. ©

## Out & About

---

*April 4–5:* Register of Copyrights **Maria Pallante** and **Karyn Temple Claggett**, associate Register for policy and international affairs, spoke at the annual Fordham Intellectual Property Law Conference in New York City. **Abioye Oyewole**, attorney advisor; **Molly Torsen Stech**, counsel for policy and international affairs; and **Maria Strong**, senior counsel for policy and international affairs, also attended the conference.

*April 10:* Molly Torsen Stech attended the International Trade Advisory Committee (ITAC 15) on Intellectual Property Rights in Washington, D.C.

*April 18:* **Jacqueline Charlesworth** senior counsel to the Register, and Maria Strong spoke on the subject of Copyright Office priorities at the “GRAMMYS on the Hill” event, the music community’s annual advocacy day in Washington, D.C.

*April 23:* Maria Pallante; Karyn Temple Claggett; **Jason Okai**, counsel for policy and international affairs; and **Christopher Reed**, senior advisor for policy and special projects, served on a panel on the subject of the federal resale royalty right in the United States. The event took place in the Copyright Office.

*April 24:* Maria Pallante hosted a “Copyright Matters” program in the Coolidge Auditorium of the Library of Congress in celebration of World Intellectual Property Day. The program featured performances from members of the Nashville Songwriters Association International and presentations by several filmmakers, including fourth-grade filmmaker Zachary Maxwell. The “Copyright Matters”

program was followed by a panel discussion in the Rayburn House Office Building. Pallante introduced the panel. Maria Strong; Jason Okai; and attorney advisors **Jessica Sebeok** and **Aaron Watson** also participated in these events.

*April 26:* Maria Pallante and Karyn Temple Claggett attended World Intellectual Property Day events held at the U.S. Patent and Trademark Office. They were accompanied by Abioye Oyewole, Maria Strong, and Aaron Watson.

*May 6:* Maria Pallante introduced the “Copyright Matters” program “Nimmer on Copyright,” and Karyn Temple Claggett moderated an expert panel of speakers, including David Nimmer of the UCLA School of Law, who offered their reflections upon the venerable treatise and the historical trajectory of U.S. copyright law. Jason Okai; **Catherine Rowland**, senior counsel for policy and international affairs; Jessica Sebeok; Molly Torsen Stech; and Maria Strong, as well as **Katherine Alvarez**, **Frank Muller**, Abioye Oyewole, and Aaron Watson, attorney advisors, attended the event.

*May 16:* Jacqueline Charlesworth, Maria Strong, and Karyn Temple Claggett attended a Subcommittee on Courts, Intellectual Property, and the Internet hearing entitled “A Case Study for Consensus Building: The Copyright Principles Project” in the Rayburn House Office Building. The Copyright Principles Project comprises a diverse group of copyright law experts convened by Professor Paula Samuelson of the University of California Berkeley School of Law to improve and refine copyright law in the digital era.

*June 5:* Molly Torsen Stech, attended the International Trade Advisory Committee on Intellectual Property Rights in Washington, D.C. ©

---

### Copyright Notices 62:07/08

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress  
PUBLICATIONS STAFF *Writer/Editors:* Wendi A. Maloney, 707-0979; Judith Nierman, 707-6816 · *Designers:* David Rice, 707-0613; Cecelia Rogers, 707-3313 · *Distribution:* Helen Hester-Ossa

Helen Hester-Ossa, *Head, Publications Section, Information & Records Division* · George Thuronyi, *Acting Chief* · David Christopher, *Chief of Operations* · Maria A. Pallante, *Register of Copyrights*

Suggestions for articles and comments are welcomed. Please call for deadlines.

---

## Around the Office

### Office Staff Perform with Chorale

The LC Chorale presented “An Afternoon at the Opera” to an appreciative audience on June 6 in the Coolidge Auditorium. The concert celebrated the bicentennials of composers Giuseppe Verdi and Richard Wagner. **Dan Meyer** accompanied on the piano. **Edith DiBartolo** assisted Meyer on the piano for two works, one by Verdi and another by Tchaikovsky. They played the orchestral reductions as piano duets. Copyright Office staff who sang included **Edith DiBartolo, Yvonne Dooley, Alice Parrish, John Saint Amour, and Karin Sweet.**



PHOTO BY DAVID RICE

### Staffers Designated to Evaluate Cleaning Services

Copyright Office staffers have been selected to serve as quality assurance champions to help evaluate custodial cleaning services and provide feedback to the Library’s Facility Operations Section. The Office was selected to kick off the pilot program for assessing cleaning services in June, and the program proceeded Library-wide in July.

Quality assurance champions are **John Ashley, Bill Briganti, Debi Case, Hazel**

**Chisholm, Ringgold Clayton, Dawn Craig, Freda Duncan, Carol Garrett, Ellen Hall, Denise Hezlep, Erica Hilliard, Clara Holloway, Rosalyn Jones Fountain, Mamie Muse, Sandy Lewis Bradley, Myra Laird, Kathleen Spriggs, Terri Vincent, Stephen Want, Melissa Wells, and Jacqueline Wooten.**

If you have any questions or comments about the cleaning service, see one of the quality assurance champions.



PHOTO BY JUDITH NIERMAN

### Another Worklife Committee Workshop

**Kawanna Foman** (left) presented a workshop on basic skin care and makeup to interested staff on May 14. The workshop was a project of the Worklife Committee and was organized by **Michele Chisholm** and **Juanita Lyle.**

# Obituary

## Mark Lillis

JUDITH NIERMAN



FILE PHOTO

Mark Lillis, a retired attorney advisor in the General Counsel's Office, died November 15, 2011. Including his time in the Navy, Mark had 40 years of federal service. He began in the Copyright Office in 1959, working as an examiner, reviser, head of the Book Section, senior attorney for Examining in the Register's

Office, and assistant chief of the Reference Division. After the Office was reorganized in 1980, Mark assumed the new position of attorney for research programs, assisting Waldo Moore, associate Register for special programs. In 1992, Mark's position was redesignated as attorney advisor in the General Counsel's Office.

Mark was well known as the editor and compiler of volumes 41–49 of the *Bulletins of Copyright Decisions*, which included significant copyright court cases. When this publication ceased in 1994, Mark had already assembled 1,848 case files for the next volumes. He received a Library Superior Service Award for his work on the bulletin.

For many years, Mark also edited and annotated the Office's Circular 92, *Copyright Law of the United States*, and he wrote annual copyright updates to the appendix of *Treaties in Force*, a State Department publication listing current proclamations, treaties, and conventions between the United States and other countries. He also edited Circular 38A, *International Copyright Relations of the United States*, a publication that the Office still distributes.

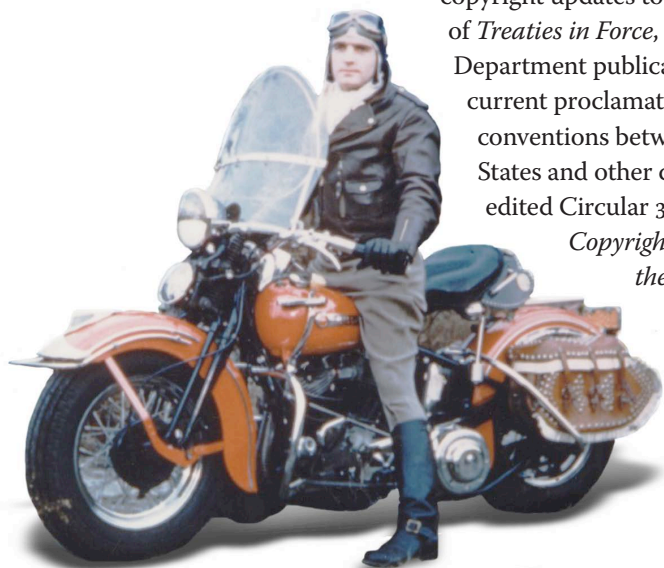
In addition, Mark was secretary and editor of the *Compendium of Copyright Practices*, a work that the Office is now in the process of revising. For this service, he received a Meritorious Service Award in 1986.

A man of meticulous attention to detail, Mark's office sported a Royal typewriter in place of a computer. The surface of his desk was carefully arranged at all times, reflecting the preciseness of the man.

Graduating from Canisius High School, a Jesuit preparatory school in Buffalo, New York, Mark entered the College of the Holy Cross in Worcester, Massachusetts, and participated in the newly established Naval Reserve Officer Training Corps program. Upon graduation in 1944, he served in the Navy aboard the USS *Franks* (DD 554) and participated in major battles of WWII, including the second battle of the Philippine Seas. The *Franks* survived a record typhoon and was preparing for the Iwo Jima campaign when it collided with a battleship during landings on Okinawa in April 1945 and was sent home for repairs. Mark was awarded three campaign area ribbons and seven battle stars.

After the war, Mark rode a Harley motorcycle. He graduated from the Harvard Law School, and he held a master's degree in history from the University of Detroit. He lived in a penthouse apartment in Crystal City, collected antique clocks, and enjoyed his collection of Lalique glass. Upon his retirement in 1996, Jennifer Hall, a young copyright attorney and colleague, wrote a poem for Mark. In part it said,

*And if his office bore a certain 1950s feel  
With the hip or substantive, [with] whom  
would you rather deal?  
And if his dappled Harvard days  
in libraries were long ago  
then still he shared those standards here  
and wove them in the work he's known  
to grace the copyright law and mind  
and the temper of our times. ©*





# Register of Copyrights Identifies “Blockbuster” Issues — 30 Years Ago

WENDI A. MALONEY

*On January 5, 1983, Register of Copyrights David Ladd addressed Copyright Office staff gathered for an orientation session. The text below is excerpted from his remarks.*



The role of the Register has changed enormously in the last 30 years. ... [W]e are now out of the period where you're going to have a stable copyright law over a long period of time. What you're likely going to have are major copyright issues coming up almost every year. ...

[I]n this session of Congress, the cable television sections of the law have been drastically reworked. ... [T]hat bill ... [is] working its way through the Congress. ... [T]he photocopying sections of the Copyright Act are also incomplete and still developing. And that is evidenced by the fact that there is a section in the bill, 108(i), which requires the Register, at five-year intervals, to file a report giving an assessment of the degree of success, or lack of success, with which the Library copying sections of the act have hit a balance between the proprietors and the users. In addition, during the past year, we have been through the legislation extending the manufacturing clause.<sup>1</sup> ... And of course, there is legislation in the Congress now, the importance of which cannot be overstated, relating to the liability

for home taping of audiovisual works. Now I cite those, because those are the blockbusters, those are the killer issues, for the last two or three years.

But there are other issues downstream. For example, there's a bill introduced in Congress to extend copyright protection not merely to computer programs but to computer chips and to masks for making the chips. ...

[T]he amount of time which is required to support Congress with reports, testimony on legislation, has increased and, likewise, the responsibility of the Register and other officers of the Copyright Office as well to participate in public discussion of these issues. ...

[T]hese issues are discussed in international forums as well. ... For example, UNESCO and WIPO [World Intellectual Property Organization] are conducting a meeting in Paris for a week in December discussing what the liability of cable systems should be for the retransmission of broadcast signals. Now we're very far advanced on this in the United States because a large part of the United States is already cabled, and the cable industry is growing very, very rapidly. We not only have a major statute on it, but we have a major statute which has already been revised, or is being revised. And cable is just now beginning to spread in Europe. By the way, we're not the only country that has widespread cable. Canada does as well. Australia has some. But we are ahead in terms of commercial and technological development in the cable area.

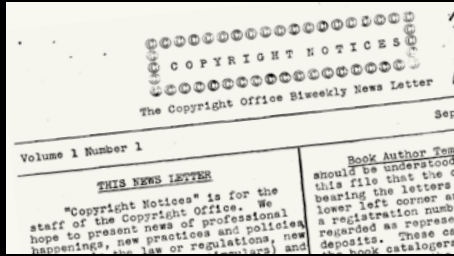
## Note

1. The manufacturing clause became part of the copyright law in 1891. It required English-language books and periodicals to be manufactured in the United States to receive full copyright protection. After having its scope narrowed by successive amendments, it expired in 1986. ©

Copyright Lore

# copyright notices

SEPTEMBER 2013



5

Copyright Notices marks 60th anniversary with new format



6

In-Processing Section is focus of afternoon tea



14

Register appoints senior managers

3 SnapCap

10 Jr. Fellows Exhibit

13 Out & About

8 In Focus

11 Resale Royalty Right

16 Copyright Lore



PHOTOS BY DAVID RICE

## Register Delivers Keynote at World Creators Summit

JUDITH NIEMAN

Register of Copyrights **MARIA A. PALLANTE** delivered a keynote address at the fourth biennial World Creators Summit sponsored by CISAC (International Confederation of Societies of Authors and Composers) in Washington, D.C., on June 4.

Entitled *The U.S. Agenda: The Perspective from the U.S. Copyright Office*, the talk stressed the importance of copyright law and laid out some of the priorities for ongoing discussion.

"Copyright law, and respect for that law, contributes to our culture and the world economy. It drives free expression and innovation, not merely symbolically, but in ways that advance our progress as a people," the Register began.

In making the case that Congress should approach the law comprehensively, the Register noted that Rep. Bob Goodlatte, chair of the House Judiciary Committee, announced on April 24 that a comprehensive review would be a focus of the committee. The review will not only identify gaps in the current law, but also reaffirm the core principles and the importance of the law. "We owe it to the next generation of creators and innovators, and the public, to plan for the future," said Pallante.

CONTINUED ON PAGE 11 >



40 million

Number of American jobs that directly or indirectly rely on intellectual-property-intensive industries.

Source: United States Trade Representative, 2013

\$300 billion

Annual loss to U.S. economy from intellectual property theft

Source: Commission on Theft of American Intellectual Property, 2013



## The Madison Building Rises Up!

The Architect of the Capitol has created a video animation of 220 years of growth on Capitol Hill.

[www.aoc.gov/history/capitol-hill](http://www.aoc.gov/history/capitol-hill)



### Copyright Notices 63:09

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress

#### PUBLICATIONS STAFF

##### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Niernan, 707-6816

##### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

##### DISTRIBUTION

Helen Hester-Ossa

Helen Hester-Ossa,  
Head, Publications Section,  
Information & Records Division

George Thuronyi,  
Assistant Chief

Christopher Reed,  
Acting Chief

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and  
comments are welcomed.  
Please call for deadlines.



PHOTO BY WENDI A. MALONEY

## Ownership Rights Search Starts in Card Catalog

Jeff Helm, a 2013 Junior Fellows summer intern, turned to the Copyright Office's card catalog in June when he was asked to determine the copyright status of a 1928 photograph of former Mexican general and president Álvaro Obregón. The photograph was among materials Helm evaluated for a Mexican Revolution website under development in the Library's Hispanic Division. Earlier, Helm had attended a "Copyright Talks" presentation by **CHRIS REED**, senior advisor for policy and special projects, about copyright issues facing digital-age photographers. After the presentation, Helm consulted Reed, who directed him to **ROSEMARY KELLY**, head of the Records Research and Certification Section. Kelly advised Helm about how to search the card catalog. Failing to find a catalog record related to the Obregón photo, Helm searched the Internet and discovered that Getty Images licenses the photo. Helm said the fact that the photo required commercial licensing made it ineligible for posting on the Hispanic Division website. © WM

## Local Poet Files First Copyright Application in Person

Mo' Love, a poet and visual artist from Fort Washington, Maryland, visited the Public Information Office on June 26 to register poems using the Office's online registration system. She said she writes about current events and things going on in her life. "I'm Still Here," "Better Than Dreaming about You," and "Letter to My Boss," were among the poems she registered before posting them on a website. "I want to protect my work," she said. "But I also want to create a legacy. I want future generations of my family to know what I did." She said she found the online registration system easy to use. © WM

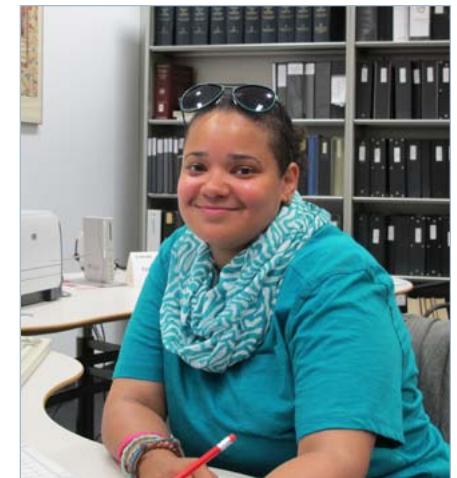


PHOTO BY WENDI A. MALONEY



## SnapCap

Copyright Notices invites staff to submit photos for consideration for publication in "SnapCap." Photos should show a project in your work area that you would like to share with Office colleagues. A caption of between 50 and 75 words should accompany your submission. Notices staff will select photos and captions based on their relevance to the Office's work. Please secure the approval of your supervisor before sending your photo and caption to [wmal@loc.gov](mailto:wmal@loc.gov).



PHOTO BY PATRICIA MROCZYK-KERSHAW

## Friendly Faces: Frequent Remitters

Brian Brown of Thompson Reuters visits the Public Information Office daily to deposit reels of 35 mm film, mostly from Warner Brothers and Sony. The studios retain Brown's firm to handle their copyright registrations. Here **MONICA BEACH**, a PIO information specialist, helps Brown complete paperwork. Large works—Brown usually drops off five to nine reels of film—involve more paperwork than single works and take more staff time to process.

Photo and caption submitted by **PATRICIA MROCZYK-KERSHAW** of the Public Information Office. ©

## Law Clerks Get Hands-On Copyright Experience

Law clerks contributed to diverse projects this summer in the Register's Office, the Office of Policy and International Affairs, and the Registration Program. Their assignments varied from helping to prepare a report to Congress about small copyright claims to researching the copyrightability of DNA sequences to drafting rulemakings and formal memoranda. They took full advantage of D.C. as well, visiting cultural hotspots, watching fireworks on Independence Day, and searching out the city's best cheap eats. © WM



PHOTO BY DAVID RICE

Back row: Mike Todd, University of New Hampshire School of Law; Leo Lichtman, University of Miami Law School; Carl Konschak, American University Law School; front row: Christa Boyd, Vanderbilt University Law School; Susan Zucco, University of New Hampshire School of Law; Erica Larocque, University of New Hampshire School of Law; Jordan Reth, University of Maryland Law School; and Philippa Dewey, University of Cape Town (South Africa) Law School. Not pictured are Jenna Gough, American University Law School, and Steven Reilly, Vanderbilt University Law School (see the March–April issue for a profile of Reilly).



PHOTO BY DAVID RICE

## Copyright Office Family Day 2.0

Wednesday, August 14, 2013, Bolling Air Force Base, Washington, D.C.

[Click here to download a gallery of photos from Family Day 2.0!](#)



## Office Contributes to Annual Review of Global IP Rights

WENDI A. MALONEY

Once again this year, Copyright Office legal staff assessed intellectual property rights protection among U.S. trading partners for an annual report published by the Office of the U.S. Trade Representative (USTR).

Attorneys in the Office of Policy and International Affairs reviewed public comments, analyzed foreign copyright legislation, participated in interagency consultations, and carried out other duties related to the *Special 301 Report*, published May 1 this year.

The Office's participation relates to its charge to advise executive branch agencies about domestic and international copyright law and policy.

"Infringement of intellectual property rights causes significant financial losses for rights holders and legitimate businesses around the world," the report states, adding that it also undermines U.S. "advantages in innovation and creativity to the detriment of American businesses and workers."

To prepare the *Special 301 Report*, the USTR invites public comment through the *Federal Register* about the status of intellectual property protection worldwide. It also holds a public hearing including testimony from industry groups, nongovernmental organizations, representatives of foreign governments, and other interested parties.

**MARIA STRONG**, senior counsel for policy and international affairs, represented the Office at this year's public hearing, held on February 20. She and **MOLLY TORSEN STECH**, counsel for policy and international affairs, also participated in interagency consultations.

Following an analysis of evidence gathered, the USTR may designate countries as having inadequate or ineffective protection for intellectual property.

Ukraine tops the list as a "priority foreign country," and a trade investigation has been initiated. Ten other countries appear on the "priority watch list," and 30 are on the "watch list."

Read the report at [www.ustr.gov/about-us/press-office/reports-and-publications/2013/2013-special-301-report](http://www.ustr.gov/about-us/press-office/reports-and-publications/2013/2013-special-301-report). ©

## Documents Recordation Benefits from Hard-Working Volunteer

**CHAIM LEVINSON** has been an asset to the Recordation Section over the past year, reported **ZARIFA MADYUN**, the section's head. He locates and retrieves documents, helps to number them, and mails out recordation certificates. "Chaim is a careful worker and takes pride in what he

does," Madyun said. Chaim has a bachelor's degree in history from Gallaudet University. He came to the Copyright Office in 2011 as an intern with the copyright records digitization project. This summer, he took a break from Recordation to scan documents as an intern in the General Counsel's Office (see story below), but he will return to Recordation in the fall. Chaim said his experience in the Copyright Office and the Library of Congress has inspired him to pursue a degree in library and information science. "I feel like I'm in my element working here," he said. © WM



PHOTO BY DAVID RICE

Writer-editor Wendi Maloney, seated at table, interviews Chaim Levinson, far right, with assistance from sign language interpreters from the Library's Office of Support Operations.

## Project to Digitize Old Paper Files Proceeds

Summer hires **INDIA HILL** and **CHAIM LEVINSON** are proceeding with the project to scan the paper records contained in two dozen large file cabinets lining the walls in the area previously known as the Copyright Office Technical Reference Center (LM-403). This room is being converted to work space, and the file cabinets have been taking up too much square footage.

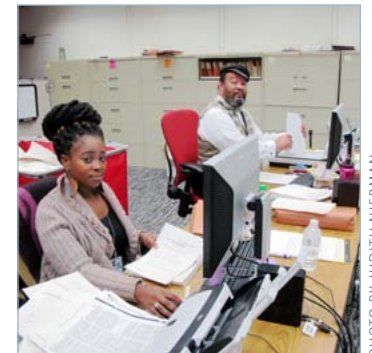
The material being scanned includes 100-year-old documents from the time of Register of Copyrights Thorvald Solberg, as well as materials from legal preparation for congressional hearings of later date, old Copyright Office reports, miscellaneous files from the General Counsel's Office, and newer materials from the Office of Policy and International Affairs.

Hill is enjoying her first federal position. Levinson was previously employed in the Copyright Office.

**DAYNA COOPER**, assistant to the general counsel, is managing the scanning project. Hill and Levinson are

organizing the scans by the title of the folders from which they came. All scans are stored on portable hard drives until their disposition is decided.

**MCKENNA RAIN**, consulting copyright librarian, surveyed and inventoried all the reference books that previously occupied the space. Some that were no longer used were discarded, and others were placed elsewhere. © JN



India Hill (left) and Chaim Levinson

PHOTO BY JUDITH NIERMAN

# With 60th Anniversary, Copyright Notices Launches New Format

WENDI A. MALONEY

*Copyright Notices* debuted as a staff newsletter on September 15, 1953. This month, on the occasion of its 60th anniversary, it is introducing new content, a new format, and online publication on the Office's Intranet.

*Copyright Notices* is “for the staff of the Copyright Office,” the editors wrote in 1953, promising to report biweekly on news of professional happenings, new practices and policies, and changes in the law and regulations. Its audience made it unique within the Library of Congress: it was the Library's first staff-oriented newsletter.

Over the years, the newsletter's design, staffing, and publication schedule changed

— it became a monthly publication in April 1983 — but its mission remained mostly the same. The current mission statement reads: *Copyright Notices* covers staff professional news, the policies and operations of the Copyright Office, copyright law and legislation, and related issues. In doing so, *Copyright Notices* seeks to recognize staff members, inform them of developments relevant to their work, and report on the public impact of the Copyright Office's efforts. *Copyright Notices* also serves as a record of Copyright Office business.

You may remember that *Notices* distributed a survey in January 2013 to get your ideas about ways to improve how the newsletter achieves this mission. This issue reflects some of the changes staff suggested.

First, the newsletter is now fully electronic with more photographs, links, and interactivity. Click through the photos in the page 1 feature

story, for example, or check out the [page 3 link](#) to pictures from Copyright Family Day.

The newsletter also has new columns: “Around the Office,” which spotlights the Office's staff and services; “In Focus,” an in-depth interview of an Office colleague; and “SnapCap,” staff-contributed reports on work areas within the Office.

Other content remains the same. “Copyright Lore,” will continue to explore copyright and Office milestones; “Law and Policy” will cover legal and policy developments; “Out and About” will expand to include more education and outreach activities; and staff appointments, promotions, anniversaries, and retirements will continue to be highlighted, with some modifications.

Let us know what you think! Write to **HELEN HESTER-OSSA**, Publications Section head, at [hhes@loc.gov](mailto:hhes@loc.gov).



Click here to view the Notices archives!

## Then & Now

Number of copyright registrations granted:

**FY 1953: 218,506**

**FY 2012: 511,539**

Total number of copyright registrations in effect:

**FY 1953: 5,065,000**

**FY 2012: 35,472,600**

# Kim Brown Discusses Work of In-Processing Section

JUDITH NIERMAN

During an afternoon tea for Copyright Office staff on June 26, **KIM BROWN**, head of the In-Processing Section, presented an introduction to the work of his section.

“The In-Processing Section supports the Office in administering an effective national copyright system by creating timely records and sustaining the Registration Program,” said Brown. “Section staffers are involved in the initial handling of paper-based copyright registration claims; physical deposit copies sent in support of electronically filed claims; deposit copies sent to satisfy the mandatory deposit requirement; and documents sent for recordation.” Currently, over 85 percent of registration claims submitted to the Office are filed electronically. When remitters are required to submit hard copies in support of these claims, In-Processing Section staffers identify, analyze, and link these copies to the existing eCO online record.

The section still handles thousands of paper-based claims for registration from remitters who choose not to file electronically. Brown noted that in fiscal 2011, the

Office registered 165,698 paper-based claims. Works sent to satisfy the mandatory deposit requirement are identified, segregated by receipt date, and processed by In-Processing Section staffers. The processed copies are transferred to the Copyright Acquisitions Division. Brown stated that in fiscal 2010, more than 800,000 copies of

**“Currently, over 85 percent of registration claims submitted to the Office are filed electronically.”**

**Kim Brown**

works valued at nearly \$33 million were transferred to the Library’s national collection.

Brown illustrated the flow of work through his section by means of a PowerPoint presentation with photographs, including the shot of **WINSTON KELLY** on page 1.

In fiscal 2010, the Office registered over 630,000 claims and recorded nearly 9,000 documents, Brown said. “You have to know that many things went right for the Office to enjoy that kind of success,” beginning with the work of the In-Processing Section.

**ALICIA MROCZYK**, special assistant in the Information and Records Division, planned the tea. ©



# Roberts Presents Roundtable

JUDITH NIERMAN

**BILL ROBERTS**, senior counsel to the Register, presented a roundtable titled “Can I Use It for Free?” to Library reference librarians and interested Copyright Office staff on June 19.

Until recently, Roberts was a judge on the Copyright Royalty Board. He previously served for 18 years on the Office’s general counsel’s staff.

Roberts spoke briefly on challenges in implementing the proposed general revision of the copyright law. Copyright law has been driven by technology, he said, since the first law, the English Statute of Anne of 1710, which resulted from the invention of the printing press. At present, the challenges to revising the copyright law are great, partly because there are so many devices that involve copying copyrighted works. While in the past the emphasis in copyright was on authors, it is now on users. The change is due to the Internet and the concern that copyright owners would shut down websites and other media, thus limiting users’ access to “free” content.

Because it took 20 years to be enacted, the 1976 Copyright Act was obsolete when it became effective, a fact noted by former Register Barbara Ringer at the time. Revising the law has been an ongoing process, Roberts explained, and changes have moved away from general principles to specific technologies. As a result, the text of the law has grown in length.

Roberts addressed permitted uses of copyrighted works by users other than the owners under the Copyright Act. After reviewing the exclusive rights of the copyright owner as stated in section 106, he divided the exceptions in the law, that is, uses by another party of copyrighted works, into those that the law permits for free and those that require the user to pay a fee.

CONTINUED >



Kim Brown presents the world of the In-Processing Section on June 26





Bill Roberts

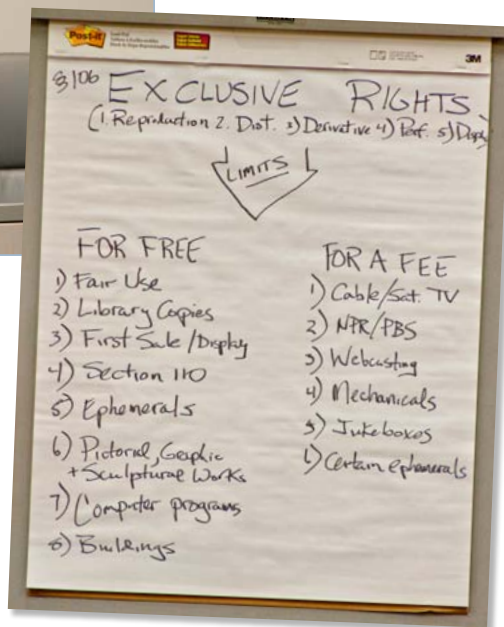


As for free uses of copyrighted works, Roberts noted several, but first explained that while some users claim fair use, fair use is a defense in court, not a right.

One free exemption is for libraries and archives. These institutions are allowed to make limited copies, typically for archival purposes. The TEACH Act of 2002 modified the law to include digital copies as well as paper copies.

Roberts spoke about the first-sale doctrine that says that the resale of legally purchased copies of books, CDs, and other copyrighted materials is not an infringing activity. Continuing, he added the section 110 exemptions for performances and displays of copyrighted works for teaching activities and not-for-profit exception, including certain TVs in bars, and the making of ephemeral copies in the context of electronic transmissions.

While pictorial, graphic, and sculptural works may be protected by copyright, the law allows certain uses without paying a fee, he said, for example, a movie depicting a billboard and highlights of sports games on the TV news. Furthermore, individual users may make a copy of a computer program for use on more than one of their own computers and for archival purposes. In addition, the adornment on a building may be destroyed after the copyright owner is given the opportunity to remove the work.



As for exceptions that permit use of copyrighted works for a fee, there are several that Roberts noted. The owner must provide access to these works, but the user must pay a fee for their use. These include retransmission of copyrighted programs by cable and satellite operators; the guaranteed use for National Public

Radio and the Public Broadcasting System of copyrighted works; the use of copyrighted works by webcasters such as Pandora; and certain uses of works called “mechanicals,” which are the music and lyrics of songs frequently owned by songwriters and the sound frequently owned by a music publisher. Music in jukeboxes was previously governed by a statutory license that has been replaced by a negotiated license, he told the group. Nevertheless, the user has a guaranteed access but must pay a fee. Finally, certain ephemeral copies, limited and momentary in nature, may be used for a fee.

The talk was part of the “Copyright Talks” outreach programs organized by **ALICIA MROCZYK**, special assistant in the Information and Records Division. ©

## Around the Office

### Licensing Division Exhibits at Cable Show

The Licensing Division participated in the National Cable and Telecommunications Association’s (NCTA) 2013 Cable Show June 10–13 at the Walter Washington Convention Center in Washington, D.C. Working as exhibitors and answering questions regarding cable licenses and reengineering were Licensing Division staff **MICHAEL BROOKS**, **TRACIE COLEMAN**, **THOMAS HOWE**, **LESA JEFFERSON**, and **JESSICA MARTIN**; and **ANDREA ZIZZI**, an attorney-advisor in the General Counsel’s Office. They also previewed a “proof of concept,” that is, a prototype and demonstration of eLi, the new electronic work-processing system under development as part of the division’s reengineering effort.

Licensing staff explained the role of the division and answered general copyright questions. Zizzi responded to legal concerns that the cable operators expressed.

Said Coleman, head of the Licensing Information Section, “Those who saw eLi were excited that we listened to their suggestions during development. They are looking forward to further information about and testing of the new system.” © JN



Pictured here staffing the Licensing Division booth are (left to right) Andrea Zizzi, Michael Brooks, and Jessica Martin.



# Warren Cytron

WENDI A. MALONEY

Warren Cytron joined the Copyright Office as a visual arts examiner in 1984. Since then, he has also examined renewals and works of the performing arts. Warren is an accomplished musician and composer. He plays saxophone, clarinet, flute, and keyboards, and his instrumental and vocal compositions have been performed and broadcast in the United States, Europe, and the Middle East. Among his musical achievements, he received composition awards and grants and cofounded organizations in New York City to feature performances of new works by young composers.



Warren Cytron consults copyright records.

## WHERE DID YOU GROW UP AND GO TO SCHOOL?

I grew up in Brooklyn and attended New York City public schools. At Brooklyn Technical High School, one of two high schools I attended, I learned technical drawing and art history. That background probably helped me get my first Copyright Office job as a visual arts examiner. My college and graduate degrees were in music—performance and composition.

## HOW DID YOU BECOME INTERESTED IN MUSIC?

My father was an opera nut who always had opera and classical music playing in our house and car. He used to quiz me and my sister from a very young age about music we were listening to: who was the composer, when was it written, what instruments were playing? As a child I played piano, creating my own music. When I was 14, I got a job in a Brooklyn music store to pay for clarinet and saxophone lessons. I became a good performer and worked weddings, parties, and bar mitzvahs. As an older teenager, I was completely obsessed with jazz and frequented clubs like Birdland, the Half Note, Slugs, and the Village Vanguard to hear live performances by Dizzie Gillespie, Art Blakey, John Coltrane, Miles Davis, and Charles Mingus, among others. As I matured, I composed and arranged for my own groups.

## WHAT IS YOUR FORMAL MUSICAL TRAINING?

I studied composition under German composer Stefan Wolpe at C.W. Post College of Long Island University and through him became involved with contemporary classical music. I also studied in London; in Darmstadt with Ligeti, Henze, and Stockhausen; and in New York with oboist, musicologist, and publisher Josef Marx, a close friend of Wolpe's. Margaret Gresh, now my wife, managed Josef's music publishing companies. That's how I met her. Josef hosted chamber music sessions in his large Manhattan

Warren Cytron, below left, with his mentor Stefan Wolpe. Warren's composition *Wild Mushrooms* was published in 1991 by Josef Marx's music publishing company, McGinnis and Marx.



apartment each week. It was an international salon scene, with well-known visiting musicians, painters, actors, poets, dancers, writers, and even famous scientists and mathematicians participating. I went weekly for 15 years.

## DESCRIBE YOUR PERFORMING AND COMPOSING CAREER.

As I mentioned, I started playing jazz professionally in high school. In college, I led a jazz band that gave concerts on Holland American cruise ships traveling from New York to Europe and back. Between cruises, the band toured Europe. We performed in France, Germany, the Netherlands, and Scandinavia. In New York, I pursued classical composition seriously and wrote, performed, and produced concerts. Josef Marx performed and published my music—he premiered a piece for solo oboe that I wrote for him. One of my best memories is having my orchestral composition *Between Bridges* performed at Merkin Hall by a hand-picked orchestra, conducted by Arthur Weisberg. Another orchestral performance I found gratifying was a piece written as a setting for the poet Celestine Frost called *WindString Soliloquies*. It was premiered at CAMI Hall.

CONTINUED >

## YOU TAUGHT MUSIC IN NEW YORK CITY SCHOOLS IN THE 1970s. HOW DID YOU COME TO DO THAT?

After I finished my master's degree, I needed to support myself. I did some substitute teaching. Then I was hired to conduct Brooklyn's All-District Orchestra. I selected the best players from 35 schools through auditions. I also put together a student chamber ensemble that performed along with the orchestra at various venues in New York City. After that, I took a position as an instrumental music teacher, still in Brooklyn. I was laid off with all the other music teachers when the city went bankrupt in 1976 but was rehired to teach music in a special school for children who had run into problems in regular schools. My music classes were an important part of the program. I hope I did some good there. As one example, I referred a student to the Dance Theater of Harlem's summer program, and he eventually became a professional dancer. There were many memorable experiences for me.

## HOW DID YOU MAKE YOUR WAY TO THE COPYRIGHT OFFICE?

After 15 years, I decided I'd had enough of teaching. And the music publishing business was changing, so Peggy, my wife, was ready for a move, too. My sister, Sara, worked at the Library of Congress and told us that jobs were available. Peggy was hired first as a performing arts copyright examiner in 1983. She later moved to the National Library Service for the Blind and Physically Handicapped as assistant head of the Publications and Media Section. I was hired as a visual arts examiner in 1984. I found the work interesting. I really believed in the mission of the Copyright Office, and I was happy that the only behavior I was responsible for was my own! Peggy and I bought a house on Capitol Hill and had our daughter, Stefanie—named for Stefan Wolpe—the next year. I became an examiner for copyright renewals in 1991 and witnessed the 1992 revision of the copyright law and subsequent creation of the Form RE Addendum.



Warren Cytron  
in his varsity  
football days.

My primary responsibility till this day is processing Form RE, with the addendum, for post-1963, old-law works that had no basic registration. In 2005, renewals became part of the Performing Arts Section, and I began processing performing arts claims as well.

## WHAT HAS KEPT YOU AT THE OFFICE ALL THESE YEARS?

First, I like the work. I particularly like renewals, because they apply to all categories of works—motion pictures, literature, music, sound recordings, comic books, maps, photography, artwork. You have to know the old law and be willing to do a little detective work. Mostly, the properties that get renewed are valuable, and they're often by well-known people. Having been a big Brooklyn Dodgers fan growing up, I was thrilled to speak with Jackie Robinson's widow once about a renewal. But I've talked to lots of interesting people during my time here. Second, I still believe in the Office's mission. But I'm very concerned now about the breadth of piracy, the attitude of young people toward intellectual property, and how that's affecting creativity and the industries. My colleagues are another factor keeping me here. They are intelligent, kind, industrious, and creative. I've had good supervisors, and I appreciate how the Office, **LAURA LEE FISCHER**, and **JANE RINARD** treated me when I was injured by an out-of-control car in 2006. They made it possible for me to work at home for months until I recovered. The Guild has also been helpful and supportive over the years.

## WHAT IS SOMETHING MOST OF YOUR COWORKERS DO NOT KNOW ABOUT YOU?

I played varsity football in high school. Football was a big part of my high school career, just as big as music. I still love football. My whole family does. We follow the Redskins, and I also like the Baltimore Ravens. We're big Florida Gators fans, too, since our daughter went to the University of Florida. ©

## Around the Office



PHOTO BY WEDNI A. MALONEY

## First Single Application Arrives Minutes after New Option Offered

**JENNIFER ORMSON**, a registration specialist in the Literary Division, processed the first claim submitted using the new single application option. It makes it easier for individual authors to use the Office's online registration system to register a single work that is not a work for hire. The Copyright Technology Office installed the new application at 11:13 p.m. on Friday, June 28. At 11:37 p.m., author Jerry Quick of North Little Rock, Arkansas, used it to register "The Best of Intentions," an unpublished novel. Ormson registered Quick's work, assigning it the registration number TXu1857097. © WM



# Junior Fellows Exhibit Findings, Add to Library's Collections

JUDITH NIERMAN

Two members of the 2013 class of Junior Fellows, Eric Ives and Erin Sidwell, spent their summer in the Copyright Office's Information and Records Division cataloging and scanning records from 1904 to 1907.



PHOTO BY DAVID RICE

Rep. Gregg Harper (right) visits the Copyright Office table at the exhibit. Greeting him are (left to right) Erin Sidwell, George Thuronyi, and Eric Ives.

On July 25, all the Library of Congress Junior Fellows exhibited more than 100 items located during their summer work in 21 different collections in the Library. Ives and Sidwell chose to display deposits of drawings by Charles Dana Gibson (1867–1944), an American illustrator whose drawings, which were published in national magazines, created the Gibson Girl, an hour-glassed figure that defined notions of femininity from 1880 to 1920.

Said Ives and Sidwell in a handout available to those who viewed their table in the Jefferson Building, "Many of his drawings reflect the changing role of women in

social and romantic life, with his 'Gibson Girl' imaging this new woman as an empowered, in-control member of society often holding the upper hand."

The Copyright Office table at the exhibit drew many visitors, including Rep. Gregg Harper of Mississippi, who serves as chair of the Joint Committee of the Library of Congress.

Of her summer experience, Sidwell said, "It has been fun to see what people were creating over a century ago. I've seen political cartoons, a design for a sarcophagus, and a photo of a James McNeill Whistler watercolor," among many interesting deposits. Ives found deposits claimed as sculpture but that were actually photographs of medical samples of the manifestation of human disease.

Both participated in turning over custody of the Gibson material to Martha Kennedy, a librarian in the Curatorial Section of the Library's Prints and Photographs Division, on July 31. Said Kennedy, "These items add documentation and research interest to the collections." The additions to the collections will supplement the material in the Library's exhibition "The Gibson Girl's America: Drawings by Charles Dana Gibson," which was open to the public in the Library until August 17. ©



"Serious Business, A Young Lawyer Arguing His First Important Case." Pen and ink drawing by Charles Dana Gibson, showing a serious looking young man seated opposite a charming girl at a table. May 31, 1905.



PHOTO BY CECILIA ROGERS

Martha Kennedy from Prints and Photographs accepts custody of Gibson material from Erin Sidwell (center) and Eric Ives (right).

Because the Copyright Office is involved in policy analysis and administration and interacts with stakeholders on all sides of the issues on a daily basis, the Office has a unique perspective, the Register said. It views everything in relation to the statute as a whole but understands that at the center is “the well-being of authors and the health of the creative industries that support them.”

The Register articulated pressing priorities to be considered:

- Clarify exclusive rights of authors in the digital age
- Enact a more complete public performance right for sound recordings
- Move the exceptions and limitations from the analog to the digital world
- Find solutions for orphan works
- Encourage a diversity of licensing regimes that are transparent and consumer-friendly and reconciled with protections against anticompetitive conduct
- Create 21st century enforcement tools while also upholding principles of due process
- Provide guidance to courts on statutory damages

The process of revising the 1976 Copyright Act lasted for 20 years. That model is not suited to today, said the Register, because “the needs of the 21st century are too pressing, and the law needs to be less dense and more nimble.”

Congress, she added, has already laid the groundwork for examination of many of the issues through hearings, debate, and numerous Copyright Office studies. Congress, she said, has demonstrated an interest in, and commitment to, the issues.

The Copyright Office urges a comprehensive review as opposed to a

piecemeal assessment. This approach will ensure that related issues are reviewed together and equities are properly weighed in the way that only Congress is sanctioned to undertake.

The Register said that although the United States has had a system of registration and recordation for many years, it has become “a trolley system where we need the Metro.” Registration, she said, “is a static exercise” that can provide a record of ownership. But, it “is the ongoing chain of title that is critical, as well as the author’s metadata, the date from which to compute the copyright term, and, when it comes to assignments and licenses, the derivation of title.” In a voluntary system, copyright owners must provide the necessary data, and the Office is interested in ways to create incentives for copyright owners to participate in the system.

“A major goal of the next great copyright act, should we amend the law, is to create an environment where authors and artists can thrive and where good faith companies like yours can serve the marketplace through newer and better business models,” she continued.

In closing, the Register reminded the audience that interested parties must maintain a respectful dialogue and realize that not all their expectations will be met. Quoting former Register of Copyrights Abraham Kaminstein (1960–71), she emphasized that “even the most ardent partisans of a particular point of view will admit that there is more than one side to almost every issue, and no one can expect to have his view prevail on every issue.” ©



PHOTO BY DAVID RICE

## World Creators Summit Addresses Resale Royalty Right

JUDITH NIERMAN

Karyn Temple Claggett, associate Register for policy and international affairs, served on a panel entitled “Resale Royalty Right: Painting a Global Picture?” on June 5 in Washington, D.C.

The panel was part of CISAC’s (International Confederation of Societies of Authors and Composers) World Creators Summit. The CISAC conference addressed the future of creators and the creative industries in the digital environment.

Moderating the panel was Emmanuel Legrand, freelance journalist and media consultant from the United Kingdom. Panelists included Marie-Anne Ferry-Fall, chief executive officer of the Société des Auteurs dans les Arts Graphiques et Plastiques, the collective rights management society for visual artists in France; Shelley Lee, manager of intellectual property for the estate of Roy Lichtenstein but speaking as an individual; Bruce Lehman, former

commissioner of Patents and Trademarks and current chair and president of the International Intellectual Property Institute, a nonprofit organization promoting intellectual property rights as well as investment and development around the world; and Tania Spriggs, director of communications for the Design and Artists Copyright Society, a visual artists rights management organization in the United Kingdom.

Legrand thanked the panelists, saying that there are not many experts on the resale royalty right in the United States because it is a relatively new subject in the United States. The resale royalty right would grant to visual artists a royalty when their original art works were resold, often at significantly higher prices than the initial sale.

In the European Union, said Spriggs, harmonization of the resale royalty right was adopted by directive in 2001. Full harmonization was achieved among EU member states in 2012. Although some thought that the art market would flee Europe to the United States, Spriggs

CONTINUED >





Karyn Temple Claggett

&lt;

argued that there has been no discernable material effect on that market. In fact, she said, more than 1,000 artists and their estates are receiving millions of euros as a result of the resale royalty right.

Temple Claggett noted that the 2007 CISAC conference discussed the resale royalty right, and that the issue is back in front of the agenda in the United States today. The resale royalty right, she noted, was last considered in the United States in 1991 and 1992. The Copyright Office conducted a study in 1991 and published a report in December 1992 entitled *Droit de Suite: The Artist's Resale Royalty* ([www.copyright.gov/history/droit\\_de\\_suite.pdf](http://www.copyright.gov/history/droit_de_suite.pdf)). The report concluded that there were not sufficient copyright policy and economic justifications to implement such a right at that time.

The issue has been reopened in the United States now, in part, because of the harmonization achieved in the European Union and because, in 2011, legislation to establish a federal resale royalty was proposed in the House and the Senate. The Copyright Office is now conducting a study at the request of Congress to review the effect of the copyright law on visual

artists and the effect of a federal resale royalty right on visual artists and those who are involved in the creation, licensing, sale, exhibition, dissemination, and preservation of works of visual art. By notice in the *Federal Register* in September 2012, the Office sought comment on the means by which visual artists exploit their works

and the issues involved when considering a federal resale royalty right in the United States. Temple Claggett explained that, as part of this process, the Copyright Office held a public hearing on April 23.

Bruce Lehman said that music collecting societies and Hollywood unions are effective at protecting the rights of certain creators, but visual artists are not so fortunate. In the area of fine arts, the primary exploitation of a work is its resale, which may generate significant income. Lehman argued that visual artists do not have access to this important source of revenue. Thus, he said that a resale royalty would empower artists and give them a new source of income.

Ferry-Fall said that her organization collects resale royalties and has distributed millions of euros. The reproduction right, she said, yields a minor source of income, but the resale right is a major source. France, she added, “invented” the resale royalty, and 2,000 artists a year benefit.

In the United Kingdom, said Spriggs, artists say that the resale royalty is very important to them. Last year, eight million pounds were distributed, even though in the United Kingdom, the right is in the infancy of its implementation. The royalty

starts at 4 percent and 12,500 euros for sales of two million euros or more. The resale royalty is vital to support artists and to protect cultural heritage, Spriggs said.

Who, Spriggs asked, would be against the right? According to her, large auction houses consider the royalty a tax that they have to pay and argue that it drives business away.

Temple Claggett said that the Copyright Office is a neutral party to discussions. She commented on three issues. First, the issue is more complex in the United States because copyright is considered a property right and part of the economic system as opposed to Europe, where copyright is part of an authors’ rights system. Thus, she noted that the Copyright Office highlighted this distinction in its 1992 report — that a resale royalty right may be in tension with the underlying U.S. copyright system.

A second issue Temple Claggett discussed was the concern of some stakeholders that a right would push the art market out of the United States.

And finally, Temple Claggett said that the U.S. copyright system aims to incentivize creation and dissemination of creative works. Questions to be researched include how many people would be affected by the right and whether there is sufficient legal and policy justification for the right in the United States.

Lee said that American artists want the same rights that European artists enjoy. The art market is already global, and American art dealers pay the royalty in the United Kingdom although not in the United States because there is no reciprocity.

Lehman said that copyright in the United States is an economic and property

**The U.S. copyright system aims to incentivize creation and dissemination of creative works.**

Karyn Temple Claggett

right and is, in fact, the only property right named in the Constitution. U.S. copyright law has expanded to cover a broader range of human creativity than when the Constitution was written. The issue of fairness dictates that the United States try to harmonize its laws with the European Union, especially now that those countries are harmonized with each other.

Temple Claggett responded by saying that copyright in the United States aims to provide an incentive to create. The issue of whether the resale royalty right actually fosters creativity is a key question for the United States, but is not as important in the European Union because of copyright’s focus there on authors’ rights.

Lee added that a criticism of the right is that only successful artists benefit. But she contended that these artists give back to society and help museums and young artists. An example is foundations that exist to support beginning artists and benefit from the right but are limited in their capacity to lobby. ©

**JUNE 9–11, 2013:** Register of Copyrights **MARIA PALLANTE** delivered a presentation entitled “The View From the Copyright Office” at the annual meeting of the Copyright Society of the United States in Bolton Landing, New York. Pallante spoke on the Office’s work during the past year and gave an update on the current copyright review process in the House of Representatives. Associate register of copyrights and director of registration policy **ROB KASUNIC** served on a panel discussing the challenges of assessing authorship and fixation and the impact on artists and other creators. Attorney-advisor **ERIC BERTIN**; chief of operations **DAVID CHRISTOPHER**; acting general counsel **MARIA STRONG**; and associate register of copyrights and director of policy and international affairs **KARYN TEMPLE CLAGGETT** also attended the two-day annual conference.

**JUNE 20, 2013:** Karyn Temple Claggett delivered a keynote speech at the American Association of Independent Music (A2IM) annual meeting in New York City. Her keynote highlighted important copyright issues facing independent music companies and provided an overview of the ongoing copyright review process.

**JULY 10, 2013:** Karyn Temple Claggett and counsel for policy and international affairs **MOLLY TORSÉN STECH** attended the first round of negotiations for the Transatlantic Trade and Investment Partnership in Washington, D.C.

**JULY 11–12, 2013:** Molly Torsén Stech attended the Trans-Atlantic International Property Rights Working Group meetings at the Department of Commerce and Chamber of Commerce in Washington, D.C.

**JULY 15–19, 2013:** Molly Torsén Stech attended the World Intellectual Property Rights (WIPO) Intergovernmental Committee Meeting on Traditional Cultural Expressions in Geneva.

**JULY 15–24, 2013:** Maria Strong served on the U.S. Intellectual Property Rights negotiating team at the 18th Trans Pacific Partnership Round in Malaysia.

**JULY 19, 2013:** Karyn Temple Claggett served on a panel discussing hot topics in copyright law for a training program for U.S. Department of State foreign service officers at the Global Intellectual Property Academy.

**JULY 22, 2013:** Molly Torsén Stech delivered a presentation entitled “International Copyright Law: Key Treaties” for the WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**JULY 24, 2013:** Karyn Temple Claggett delivered a presentation entitled “Formulating Copyright in the Digital Age” for the WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**JULY 24, 2013:** Attorney-advisor for policy and international affairs **AARON WATSON** delivered a presentation entitled “Registration of Copyrights” for the WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**JULY 24, 2013:** Senior counsel for policy and international affairs **CATHERINE ROWLAND** delivered a presentation entitled “Fair Use/Fair Dealing” for the WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**JULY 24, 2013:** Counsel for policy and international affairs **JESSICA SEBEOK** delivered a presentation entitled “Exception and Limitations” for the WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**JULY 26, 2013:** Attorney-advisor **STEVE RUWE** gave a presentation on the statutory damages provisions in title 17 and recent case law for WIPO Summer School on Copyright at the United States Patent and Trademark Office in Alexandria, Virginia.

**AUGUST 1, 2013:** Attorney-advisor **CHRIS WESTON** delivered a presentation on fair use and the section 108 exceptions for libraries and archives at the 2013 annual Interagency Depository Seminar held at the Government Printing Office in Washington, D.C.



PHOTO BY DAVID RICE

## Jacqueline Charlesworth Named General Counsel



PHOTO BY CHRIS REED

Jacqueline Charlesworth

**JACQUELINE CHARLESWORTH** is the Office's new general counsel and associate register of copyrights, Register of Copyrights **MARIA PALLANTE** announced on July 30.

Jacqueline joined the Copyright Office in 2012 as senior counsel to the Register. In that position, she advised the Register on legal and policy matters affecting the Copyright Office and the copyright system, including litigation, rulemakings, and a congressionally directed study of small copyright claims.

"Jacqueline has an exceptional skill set as both a copyright attorney and a manager," said Pallante. "Her experience and energy are well suited to the complex portfolio of this position, and as general counsel she will no doubt make important contributions to the Copyright Office and the field of copyright law in the years ahead."

Jacqueline will manage the staff and functions of the General Counsel's Office. It provides legal guidance to the divisions and programs of the Copyright Office, including the registration and recordation systems, and is often called on by congressional offices, the Department of Justice, and other federal agencies for advice and assistance. The general counsel is a recognized expert within the U.S. government and legal

**It is truly an honor to have the opportunity to serve as general counsel of an institution that is so central to our nation's creativity.**

**Jacqueline Charlesworth**

community regarding interpretation and application of the Copyright Act.

"It is truly an honor to have the opportunity to serve as general counsel of an institution that is so central to our nation's creativity," said Jacqueline. "I look forward to working with the Register and my colleagues to advance the goals of our copyright system in the 21st century."

Previously, Jacqueline spent several years in private practice at New York City law firms, including Morrison and Foerster, where she represented copyright owners and users of copyrighted works in litigation, regulatory, and transactional matters. From 2006 to 2008, Jacqueline served as senior vice president and general counsel of the National Music Publishers' Association. From 2001 to 2006, she was general counsel of The Harry Fox Agency, the leading agency in the United States

for the licensing of mechanical rights in musical works.

Jacqueline has a bachelor's degree in American civilization from Brown University and a JD from Yale Law School, where she was an executive

committee editor of the *Yale Law Journal*. Following law school, she clerked for the Hon. Miriam Goldman Cedarbaum of the U.S. District Court for the Southern District of New York and the Hon. Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit. ©

### Staffer Needs Donated Leave

**TERRA JOHNSON**, a library technician in the Out-Processing Section of the Receipt Analysis and Control Division, is in need of donated leave due to the death of her mother.

Terra has been approved for the leave donor program, and her account has been established in WebTA under her name. Please contact your T&A clerk if you have any questions. © JN

## Bill Roberts Returns to Office as Senior Counsel to Register



PHOTO BY CECELIA ROGERS

Bill Roberts

WENDI A. MALONEY

**WILLIAM ROBERTS** rejoined the Copyright Office as senior counsel to the Register in May after serving as a judge for the Copyright Royalty Board.

The board, made up of three judges, sets rates for cable and satellite systems, webcasters, musicians, and others who use statutory licenses in the copyright law to clear rights to copyrighted works. The board also rules on the distribution of royalty fees collected under the licenses.

A graduate of the University of Virginia Law School, Bill started at the Copyright Office in 1987 as an attorney-advisor after working at a law firm in the District. He soon developed a specialty in cable licensing, which he called a “very interesting and relatively new area of copyright” in a 1987 interview with *Copyright Notices*. “Substantive legislation is still being developed in this area,” he stated. “So it’s nice to get in on the ground level.”

**I have historical experience with the copyright law, and the Office in particular, that should help as the Register proceeds with copyright revision.**

Bill Roberts

Bill wrote opinion letters instructing cable systems on how to file statements of account with the Office’s Licensing Division, advised the division about

legal issues, and supported the writing of regulations and legislation. In 1988, Congress enacted the Satellite Home Viewer Act, which included a license

for satellite television carriers, and Bill contributed to its first reauthorization in 1994.

Bill advanced to senior attorney for compulsory licenses in 1995. In that position, he continued to support administration of the statutory licenses while managing operations of the Copyright Arbitration Royalty Panel (CARP), a precursor to the Copyright Royalty Board (CRB). Bill conducted discovery and wrote motions to support rate-setting proceedings. Following public hearings, he reviewed the panel’s determinations and drafted the final determination for the signature of the Librarian of Congress.

With the Copyright Royalty and Distribution Reform Act of 2004, Congress eliminated the CARP system, replacing it with the CRB. During its existence, the panel issued 11 decisions, 8 of which Bill drafted, he said.

While CARP operated under the supervision of the Copyright Office, the Library of Congress oversees the proceedings of the CRB. So when the Librarian of Congress appointed Bill to serve as a copyright royalty judge starting in 2006, Bill left the Copyright Office for the Library.

“It was a natural evolution for me,” Bill said. “I’d done everything one could possibly do with respect to rate-setting proceedings except for trying the cases.”

Deciding cases with former chief CRB judge, James Sledge, and fellow judge, Stanley Wisniewski, was a highlight of Bill’s career. “It was delightful to work with them and to come to work each day for eight years in the Jefferson Building,” he said.

Sledge recently retired, and Wisniewski resigned for health reasons. With Bill’s judgeship set to expire at the end of 2013, he gladly accepted an offer to return to the Copyright Office.

“I have historical experience with the copyright law, and the Office in particular, that should help as the Register proceeds with copyright revision,” Bill said. “I look forward to the hearings and helping to draft provisions.”

Bill’s first project is to manage a backlog that has arisen in responding to second appeals of denials of copyright applications. “Writing final agency decision letters is right in my wheelhouse, so I’m happy to work on the project,” he said.

He is also supporting congressional reauthorization of the Satellite Home Viewer Act.

Outside work, Bill continues to fish—he is well known among longtime Copyright Office colleagues for his participation in bass-fishing tournaments. He has placed second in two national tournaments and estimates that he has fished most major bodies of water in the country. “It’s more than a hobby,” he said. “It’s a passion.”

Bill also enjoys playing golf and spending time with his wife, Rose, at their weekend home in the Shenandoah Mountains. ☐



# Hopalong Cassidy Continues to Generate Income

JUDITH NIERMAN

Speaking to Copyright Office staff in September 2012, songwriter Paul Williams said, “Copyright has allowed me to make a living and raise a family.” William Boyd (1898–1972) is another example of someone in the arts who made his living as a result of the intellectual property he owned.

Boyd’s story could be titled “Worn-out Actor Risks Everything and Buys Copyrights.” These copyrights made him a very rich man, but how?

Hopalong Cassidy of the Bar 20 Ranch was a fictional character of the Old West created by Clarence Mulford (1883–1956). Mulford told of Cassidy in a series of stories and novels (some illustrated by famed western artist Maynard Dixon) beginning in 1905. Hopalong, who received his moniker from his limp, the result of a bullet wound, was a rough cowboy with all the usual bad habits: drinking, swearing, smoking, shooting, and gambling.

Playing Hoppy in movies made from 1935 to 1943, William Boyd was nearly washed up as an actor when he accepted the role. He transformed the character from rough- to clean-living, a cowboy who used neither tobacco nor alcohol and who always played fair on the side of law and justice.

When producer Harry Sherman decided to cease making Hoppy movies, Boyd, thinking the movies might have a future on television, mortgaged everything he owned in 1944 to buy character rights from Mulford and the backlog of the movies in which he had starred.



David Scott’s Hopalong Cassidy Museum in Cambridge, Ohio, displays Hopalong memorabilia.

Broadcast on the new NBC in 1949, “Hopalong Cassidy” was the first network TV western series. Hoppy became a superhero to children.

Wearing his trademark black cowboy garb and black Stetson and riding his white horse, Topper, William Boyd was one of the first actors to license merchandise. In 1950, the *Wall Street Journal* said, “For folks who sell things to the nation’s small fry, he’s the greatest godsend to come down the train in the memory of man.” Due to his success, “manufacturers are standing in queues awaiting permission to tack his name to their merchandise for juveniles.” Merchandise included roller skates, bikes, cowboy clothes, hats, toy six-shooters and spurs, cookies, comic books, bread, ice cream and candy bars, and watches. His image was the first to appear on a child’s lunch box.

At the time of Boyd’s death, the *New York Times* characterized his Hopalong as “a kind of middle-aged



PHOTOS BY M. DAVID SCOTT

Galahad in shining black cowboy suit and boots.” Although he left school after the sixth grade, Boyd died a wealthy man due to his business acumen and copyright protection. In 1947, Hopalong Cassidy Productions’ *Unexpected Guest* was the first television program submitted for copyright registration. The Hopalong movies are still under copyright and still generating income. The rights to all 66 movies and 52 original television episodes are today owned by U.S. Television Inc., which bought the rights from Boyd’s estate, William Boyd Enterprises, and Mulford’s estate and trust. Funded by Mulford’s copyrights, the Clarence E. Mulford Trust had assets of \$9,974,270.82 in 2011 and funds projects in Mulford’s town of residence, Fryeburg, Maine. ©

OCTOBER 2013



3

March on Washington anniversary marked with lecture



5

Copyright Matters hosts the UK Intellectual Property Office



11

Kent Dunlap retires from the Copyright Office

2 Around the Office  
4 Outreach & Education  
9 Law & Policy  
14 Promotions  
15 Anniversary

15 Retirement  
16 Copyright Lore



PHOTOS BY DAVID RICE

## Automation Eases Electronic Serials Acquisitions

WENDI A. MALONEY

The Copyright Acquisitions Division (CAD) continues to fine-tune mandatory deposit of electronically published serials that have no print counterparts. The project started three years ago as part of a larger effort by the Library of Congress to build its collection of electronic works.

"We've made measured progress toward acquiring digital publications in a substantial way," said **STEPHEN WANT**, CAD's chief. "Our dream is to have a fully automated system that allows us to accept large amounts of material with limited staff intervention."

The mandatory deposit requirement in copyright law obliges copyright owners of works published in the United States to deposit two complete copies of the best edition of their works with the Copyright Office for the use of the Library. If a publisher does not automatically submit copies of a work the Library wants, CAD sends the publisher a mandatory deposit notice.

The Copyright Office adopted interim regulations in February 2010 that allow it to demand serials published only in electronic format. Previously, such works were exempt from mandatory deposit.

CONTINUED ON PAGE 10 >

## Noticed

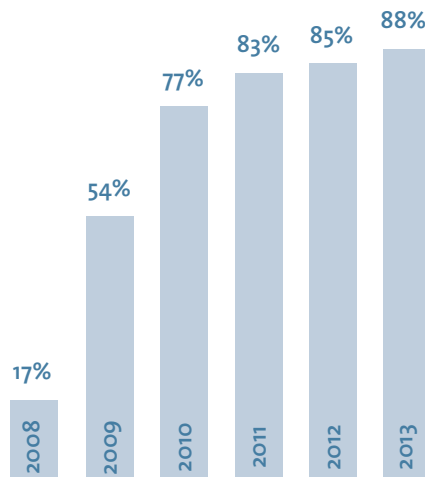


During the 16-day federal government shutdown in October 2013, the Copyright Office received **30 tubs of mail** and nearly **15,000 new e-service claims** to copyright.



### e-Growth

The percentage of claims filed electronically has grown in each fiscal year since electronic registration was introduced.



#### Copyright Notices 64:10

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress

#### PUBLICATIONS STAFF

##### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

##### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

#### DISTRIBUTION

Helen Hester-Ossa  
Head, Publications Section,  
Information & Records Division

George Thuronyi,  
Assistant Chief

Christopher S. Reed,  
Acting Chief

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

## Around the Office



PHOTO BY WENDI A. MALONEY

### Motion Pictures Team Member Helps to Highlight Staff with Disabilities

**KRISTEN DOHERTY**, a support assistant with the Motion Pictures Team, is 2013 vice chair of the Library of Congress Organization of Employees with Disabilities (OED). Started as a brown bag gathering, the group became an official Library staff organization in 2009. Members meet once a month, either in the Madison Building or at the Taylor Street Annex, home to the National Library Service for the Blind and Physically Handicapped. The OED sponsors regular educational events, including an annual fair to highlight assistive technologies available to accommodate employees with disabilities. In honor of National Disability Employment Awareness Month, which takes place in October, the OED collaborated with Library administrators to create a special supervisory training course about working with staff with disabilities. Supervisors from service units throughout the Library, including the Copyright Office, will be invited to attend sessions this month in the Mumford Room. © WM

### Tamar Wallace Processes Hybrid Claims

**TAMAR WALLACE**, a mail assistant in the In-Processing Section of the Receipt Analysis and Control Division, processes hybrid claims. A hybrid claim is one that must be first entered into COINS (Copyright Office In-Processing System), the computer system that tracked all copyright claims and other fee services prior to the 2007 initiation of the electronic Copyright Office (eCO). Wallace then enters the information into eCO. In contrast to electronic claims received in eCO, all hybrid claims come in on paper and include several classes of claims: GDNs, SE Groups, CAs, Renewals, and all documents sent for recordation. Wallace, a 20-year veteran of the Copyright Office, is always surrounded by work. © JN



PHOTO BY JUDITH NIERMAN



# Ashley Serves on Bayard Rustin Panel

JUDITH NIERMAN

As part of the August 28, 2013, commemoration of the 50th anniversary of the March on Washington for Jobs and Freedom, the Library of Congress Gay, Lesbian, Bisexual, or Transgender Employees and Allies, in association with Blacks in Government and the Daniel A.P. Murray African American Cultural Association, presented a curatorial talk and research panel on the Bayard Rustin documents held in the Library's Manuscript Division. Rustin (1912 – 1987) was a civil rights leader and prominent strategist for the 1963 march.

**JOHN ASHLEY**, chief of the Visual Arts Division, served on a panel of speakers who addressed the content of Rustin's papers. Others on the panel included Luis Clavell of the Library's Records Management Section, and Brock Thompson of the American Folk Life Division.

**The march did not automatically happen. It had been a dream decades before 1963.**  
John Ashley

Ashley focused on Rustin's role in the march as illuminated through study of the contents of the documents in the Library's collection. "The papers do not tell all," cautioned Ashley. "The march did not automatically happen. It had been a dream decades before 1963. While it may have been attributed to Martin Luther King Jr., Rustin and J. Phillip Randolph had been working on the concept for some time." Rustin, he continued, administered nearly all details of the march's organization.



PHOTO BY DAVID RICE

John Ashley highlights Rustin's contribution to the March on Washington.

Clavell spoke on the relationship between Rustin and civil rights activist Stokely Carmichael, and Thompson commented on a letter from Rustin to Ed Koch, a former mayor of New York, that tied gay rights to civil rights.

Other speakers included **MICHELE CHISHOLM** of the Copyright Office, who welcomed attendees and introduced the program and the facilitator; Adrienne Cannon, historian and curator of the Rustin papers; and Sharon Lettman-Hicks, executive director of the National Black Justice Coalition and facilitator of the panel. ©

## Around the Office

### Walk-In Registration Claims and Fees Handled with Care

In-Processing Section staffer **KAYMI LE** retrieves copyright applications from secure storage in the Public Information Office. When walk-in applicants register in PIO, staff place applications and fees in a safe room for daily pickup by the In-Processing Section. © WM



PHOTO BY WENDI A. MALONEY

### Help Desk Staffers Assist Copyright Applicants

**KEITH LOMAX**, a Copyright Help Desk associate, generated a shipping slip for a copyright applicant to enclose with her deposit on July 25. The caller submitted an application for a serial registration in 2010, but her deposit never arrived at the Office. She contacted Keith after receiving a message to that effect from registration staff. Keith told her how to package her deposit with the shipping slip to complete her application. Keith has worked on the Help Desk, part of the Copyright Technology Office, since 2011. He said he enjoys his colleagues and helping callers. © WM

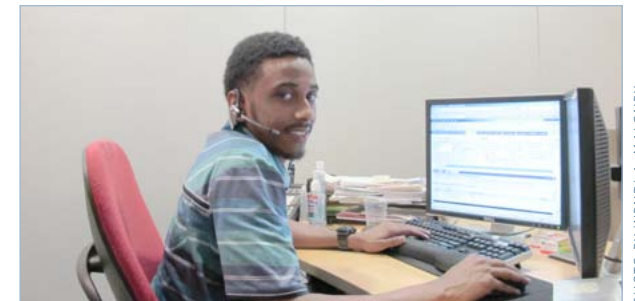


PHOTO BY WENDI A. MALONEY





# CAD Staff Present Division's Work

JUDITH NIERMAN

**STEPHEN WANT**, chief of the Copyright Acquisitions Division (CAD), introduced the division's staff and work during a Copyright Talks presentation on July 31.

"What we do requires extensive teamwork to support the mission of the Library through enforcing the mandatory deposit provision of copyright law," said Want.

CAD's mission statement says that it is "an essential intermediary between the Library of Congress and sources of creative works." Section 407 of the 1976 Copyright Act requires that copies or phonorecords of every work published in the United States be sent to the Copyright Office within three months of publication, whether or not copyright registration is sought. In general, two copies are required. Deposits are made available to the Library of Congress for its collections or for exchange or transfer to another library.



Stephen Want



Karen Van Gilder



Daria Proud

CAD staffers identify and initiate demands to the publisher for deposit if works have not been voluntarily deposited. The division also seeks to obtain materials requested by the Library's selection and recommending officers. If a work is registered for copyright, the copyright deposit suffices for deposit under section 407.

Want said that mandatory deposit also applies to works first published in a foreign country at the point at which they are distributed in the United States.

Other duties of CAD include creating bibliographic records, reviewing requests for special relief from mandatory deposit requests, educating publishers on the benefits of registration, encouraging publishers to establish a system of automatic deposit or registration for all their published works, and working with the Library to ensure the transfer of selected works for the collections.

**CHARLES LANE**, supervisor of the Technical Processing Unit, outlined that group's work, which includes sorting



Charles Lane

## By the numbers

**68,644**

serial issues checked in by CAD's two serials technicians in 2012.

**325,024**

pieces valued at \$14,143,235 transferred to the Library by CAD in 2012.

more than 300,000 deposits annually, creating records, and processing group serial deposits for the collections.

**DARIA PROUD**, assistant chief and head of the Acquisitions Section, spoke on the activities of CAD's acquisitions librarians and technicians in selecting 407 deposits according to the Library's collection development policy, working with Library Services, and claiming best editions from possibly recalcitrant publishers. In addition, the librarians review the catalogs of at least five publishers a year for compliance with mandatory deposit requirements.

**KAREN VAN GILDER**, a program specialist in CAD, spoke about acquisitions of electronic serials covered on [page 1](#) of this issue.

Copyright Talks events are arranged by **ALICIA MROCZYK**, program specialist in the Information and Records Division. The current series is designed to "follow the deposit" through the workflow of the Copyright Office. ©

# Pallante Welcomes British Colleagues at Copyright Matters Presentation

JUDITH NIERMAN

Register of Copyrights **MARIA A. PALLANTE** welcomed British colleagues to the Copyright Office in a July 29 Copyright Matters program entitled “Copyright Conversations with the United Kingdom (UK).”

The participants in the conversation included John Alty, chief executive officer and comptroller general of the Intellectual Property Office of the United Kingdom, who was accompanied by Neil Feinson, director of international policy, and Adam Williams, deputy director of international policy. Pallante was joined onstage by **MARIA STRONG**, acting general counsel, and **KARYN TEMPLE CLAGGETT**, associate Register of copyrights and director of policy and international affairs, in a discussion of current copyright policy issues facing the United Kingdom and the United States, including recent efforts in both countries to update the copyright legal system for the digital age.

“The United Kingdom is facing many of the same copyright issues that we are,” said Pallante in her introduction.

The UK review of its laws is driven by a 2011 report on how its intellectual property framework supports growth and innovation. Requested by the prime minister, the report was written by Professor Ian Hargreaves and is entitled *Digital Opportunity; A Review of Intellectual Property and Growth*. Read the report at [www.ipo.gov.uk/ipreview.htm](http://www.ipo.gov.uk/ipreview.htm).

“The UK government policy review is influenced by the Hargreaves report. While copyright policy is fundamentally sound, it needs to adapt to the digital era by streamlining the licensing process, introducing more flexibility in

**While copyright policy is fundamentally sound, it needs to adapt to the digital era by streamlining the licensing process, introducing more flexibility in the legal framework, and focusing on education and enforcement.**  
John Alty

Left to right are Adam Williams, Neil Feinson, John Alty, Maria Pallante, Karyn Temple Claggett, and Maria Strong.



PHOTO BY DAVID RICE

the legal framework, and focusing on education and enforcement,” said Alty.

The United Kingdom has launched a pilot website — [www.copyrightthub.co.uk](http://www.copyrightthub.co.uk) — to facilitate licensing and registering a work as well as learning about copyright in the United Kingdom. “We brought different sectors of industry together, and we intend to build on the website and add to

functionality over time” said Alty. “The aim is to simplify licensing.”

As for legislative changes, “these generate passionate debate,” said Alty. Primary legislation addressing orphan works passed in April 2013. Alty’s office is also working on updating copyright exceptions and will present recommendations to Parliament later this year.

In the area of enforcement, Alty said he recognizes the challenges in the digital era, but he noted that a recent study found that the amount of online infringement had stabilized in the past year and even showed a slight downward trend in the area of music. His office will work to continue this trend. He also said that two recent initiatives—a dedicated intellectual crime unit in the City of London police department and a means of moving small claims with the goal of speedy justice—show promise.

Pallante spoke about the Copyright Office’s interest in small claims, saying a study of possible mechanisms for resolving small copyright claim disputes and for enforcement is ongoing. Temple Claggett spoke briefly on updating the analysis of photographs in the context of orphan works. Alty responded that UK photographers are “not slow to make their voices heard.”

Alty spoke about the possibility of setting up a registry for orphan works and a royalty payment system where funds could be claimed at a later date if a copyright owner appeared. However, he said that this would not be a “government IT project.” He foresees handing the project over to cross-sector industry representatives who would own the system and make it useful.

Pallante said the U.S. system of registration and recordation is a voluntary as well as a static system. But here might lie an opportunity for a government-private sector partnership. She spoke about a comprehensive review of U.S. copyright law. Congress, she said, cannot be absent from the review and must play a part. Because “things relate to each other,” any bill would have ramifications elsewhere in the law. Certain issues are more ripe than others for resolution. These include orphan works, licensing, and enforcement issues such as penalties for illegal streaming.

CONTINUED >

Williams said that the United Kingdom, too, is “not just looking at where the shoe pinches.” Its review of copyright law is lengthy, partly because “we have been playing catch-up with the European Union.”

Pallante noted that a reason to file a timely copyright claim in the United States is to receive statutory damages in cases of infringement. But in the United Kingdom, registration is not needed for an award of statutory damages. “A breach of copyright,” said Alty, is a criminal offense.

On the topic of fair use, Alty said that Hargreaves recognized the need for a review of the topic on the European Union level, but the United Kingdom will not press the European Union on the subject. Alty says a debate is needed before transplanting a system from one culture to another.

In moving forward, the United Kingdom will focus domestically but encourage debate in Europe, Alty said. UK decisions will be based on evidence as seen in the Hargreaves report. That is, decisions with regard to intellectual property policy will be made based on what the economic evidence shows.

The event took place in the Mumford Room in the Madison Building. ©



John Alty and Maria Pallante

## Outreach & Copyright Education

# Rowland Speaks on Orphan Works

JUDITH NIERMAN

**CATIE ROWLAND**, senior counsel in the Office of Policy and International Affairs, spoke at a roundtable for reference librarians on July 17 on issues surrounding orphan works.

What makes an orphan work? Rowland asked. To answer, she said it is one where the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner. An orphan work may be any type of work covered by copyright law. An orphan work is not one whose owner refuses to grant rights or requests high licensing fees.

Not only is there a wide range of potential commercial uses of copyrighted works, but there are also nonprofit uses ranging from archival museum preservation activities to family genealogy. Many of these works are orphaned.

Why should users care if a work they want to use is orphaned? Because, Rowland said, use without permission can precipitate costly lawsuits resulting in hefty statutory damages and attorney fees. And why should the public care? Because users abandon important projects, such as movies and museum exhibits, that would benefit the

public. In addition, if there is no copyright owner, there is no beneficiary of the copyright term.

Rowland briefly reviewed the recent history of Copyright Office efforts in the area of orphan works. See [www.copyright.gov/orphan/](http://www.copyright.gov/orphan/) for details.

**ALICIA MROCZYK**, a special assistant in the Information and Records Division, made the arrangements for the program. ©



Alicia Mroczyk (left) and Catie Rowland

PHOTO BY DAVID RICE

## Around the Office

### 2013 CFC Drive

The 2013 Combined Federal Campaign (CFC) kicked off in the Library on September 4 with an enthusiastic gathering in the Madison Building. The theme this year is “Make It Possible.” **CALLIE MOSLEY**, a problem resolution specialist in the Visual Arts Division, is the CFC campaign manager for the 2013 drive in the Library.

The CFC is “the largest and most successful workplace philanthropic fundraiser in the world,” according to its website at [www.cfcnca.org](http://www.cfcnca.org). Federal employees may select from numerous charitable causes to support

financially and have donations deducted automatically from paychecks. Your keyworker will provide information on how to donate, or you may give electronically. For information on the latter option, go to [www.cfcnca.org](http://www.cfcnca.org) and click on Donate Now.

Mosley is calling for volunteers to be videotaped speaking about their experiences as CFC donors. The video will appear on the CFC website at [www.cfcnca.org](http://www.cfcnca.org). Contact your keyworker to volunteer or send an email to Mosley at [cmos@loc.gov](mailto:cmos@loc.gov). © JN





# eCO Steering Committee Guides Development

STEPHEN OSWALD AND JACQUELINE SMITH

The eCO Steering Committee was established to ensure that all eCO-related development efforts of the Copyright Technology Office (CTO) are aligned with the Copyright Office's business objectives.



Stephen Oswald

eCO is the electronic Copyright Office online system that 88 percent of claimants now use to file their claims to copyright. As the change management authority for the eCO system, the steering committee establishes mechanisms for the control of approved "requests for change" and recommends eCO development priorities for the Copyright Office.

Requests for change are submitted by staff from each Copyright Office division. Before a request is approved for consideration by the eCO Steering Committee, an initial analysis is performed, including a technical review and an estimation of the level of effort required to implement the change. For more information on change management,

see the March/April 2013 issue of *Copyright Notices* (<http://staff.loc.gov/sites/copyright/copyright-notices/copyright-notices-archive/>).

Meeting monthly for briefings on the status of development activities, committee members periodically vote to determine which requests to implement in upcoming eCO software updates. The voting members of the committee are

#### REGISTRATION PROGRAM

John Ashley  
Laura Lee Fischer  
Ted Hirakawa

#### INFORMATION & RECORDS

Chris Reed

#### COPYRIGHT ACQUISITIONS

Stephen Want

#### RECEIPT ANALYSIS & CONTROL

Victor Holmes

#### OFFICE OF THE GENERAL COUNSEL

Stephen Ruwe

#### COPYRIGHT TECHNOLOGY OFFICE

Doug Ament

Other committee participants include **DAVID CHRISTOPHER**, chief of operations, who serves in an ex officio capacity and votes only when a tiebreaker vote is required. **DENISE WOFFORD**, CTO's deputy director, serves as an alternate chair and acts as the CTO voting member in the absence of **DOUG AMENT**, CTO's director. **ROB KASUNIC**, associate Register of copyrights and director of registration policy and practice, and **SUSAN TODD**, program manager in the Registration Program, both serve in an advisory capacity to the committee. Subject matter experts attend committee meetings on an as-needed basis and also serve in an advisory capacity.

The eCO Steering Committee is chaired by **STEPHEN OSWALD**, management and program analyst in CTO, who is responsible for ensuring that committee members have access to timely and accurate information to aid decisionmaking, tracking items and related issues, facilitating meetings, and reporting voting results to members. The committee chair is appointed by Ament.

In addition to serving as a recorder for meetings, the committee secretary, **ELLEN HALL**, CTO's administrative assistant, is responsible for scheduling meetings, publishing the agenda, documenting attendance, and providing meeting minutes to committee members. ©



The eCO Steering Committee meets monthly.



# U.S. Copyright Office Announces Ringer Fellowships and Kaminstein Scholars; Names Brauneis of George Washington University

MARIA A. PALLANTE, the Register of Copyrights, announced the creation of two fellowships designed for developing lawyers and established scholars, respectively.

“The programs I’m announcing today are a win-win all the way around for copyright law and public service,” Pallante said. “For those who are passionate about copyright, the U.S. Copyright Office offers unparalleled opportunities to study and contribute to the field. And, of course, we will be the richer for the intellectual talent that these programs are sure to deliver.”

The Barbara A. Ringer Copyright Honors Program offers 18- to 24-month paid fellowships for recent law school graduates and other attorneys in the early stages of their careers. Candidates must have a strong interest in copyright law and a demonstrated record of achievement in law school or in practice. Ringer was the eighth Register of Copyrights, serving from 1973 to 1980. A highly regarded lawyer as well as a mentor, she was both a leader in domestic and international circles and a trusted steward of the Copyright Office staff.

Ringer Fellows will be closely mentored by senior attorneys and may work on any number of issues, including major studies and analyses, legislation, international developments, and litigation. The program complements the Copyright Office’s existing law clerk program, whereby law students and recent graduates spend a semester or summer volunteering in one of the Office’s legal divisions, often for academic credit.

The Abraham L. Kaminstein Scholar in Residence Program allows the Register to bring leading academics to the Copyright Office to work on mutually beneficial projects for a sustained period of time. Kaminstein was Register of Copyrights from 1960 to 1971. A well-respected scholar, he presided over many major revision studies and roundtables that laid the foundation for the 1976 Copyright Act.

Professor **ROBERT BRAUNEIS** will serve as the first Kaminstein Scholar. Brauneis is a professor of law at George Washington University and the author of numerous books and articles on copyright law. He will be in residence at the Office during the 2013–14 academic year.

For additional information about these opportunities, including how to apply, please visit the Copyright Office’s website at [www.copyright.gov/careers/](http://www.copyright.gov/careers/). ©



## Did you know?

**Barbara Ringer** said that the enactment of the 1976 Copyright Act effectively shook off “the iron hand of an antiquated British copyright system that had strangled American creativity for nearly two centuries.”  
[www.loc.gov/staff/copyright/ir/notices/2008/nov\\_notice.pdf](http://www.loc.gov/staff/copyright/ir/notices/2008/nov_notice.pdf)

**Abraham Kaminstein** was a world wide leader in intellectual property matters.  
[www.loc.gov/staff/copyright/ir/notices/2008/aug\\_notice.pdf](http://www.loc.gov/staff/copyright/ir/notices/2008/aug_notice.pdf)

**Barbara Ringer** was the Copyright Office Superstar Coach.  
[www.loc.gov/staff/copyright/ir/notices/2008/mar\\_notice.pdf](http://www.loc.gov/staff/copyright/ir/notices/2008/mar_notice.pdf)

**Abraham Kaminstein** served as Register during what Librarian of Congress L. Quincy Mumford called “Kami’s decade.”  
[www.loc.gov/staff/copyright/ir/notices/2008/aug\\_notice.pdf](http://www.loc.gov/staff/copyright/ir/notices/2008/aug_notice.pdf)



Justin Hughes, seated, signs a new WIPO treaty on behalf of the United States on June 28. Karyn Temple Claggett stands at far right.

PHOTO COPYRIGHT JIM FRUCHTERMAN, USED UNDER LICENSE ([HTTP://CREATIVECOMMONS.ORG/LICENSES/BY-NC/2.0/DEED.EN](http://creativecommons.org/licenses/by-nc/2.0/deed.en))

## New Treaty Expands Access to Copyrighted Works

WENDI A. MALONEY

Representatives of member states of the World Intellectual Property Organization (WIPO) signed a treaty in Marrakesh, Morocco, on June 27 to increase access to books and other printed materials by those who are blind, visually impaired, or otherwise print-disabled. Millions of people worldwide are expected to benefit.

**KARYN TEMPLE CLAGGETT**, associate Register of Copyrights and the Office's director of policy and international affairs, served on the U.S. delegation to the diplomatic conference and was present at the signing of the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled," as the treaty is formally named.

Signatory countries must adopt exceptions in their copyright laws to permit the making and domestic and international distribution of copies of copyrighted works in accessible formats, such as "talking" or audio books.

The United States has long been a leader in encouraging such access under section 121 of the Copyright Act, **MARIA A. PALLANTE**, the Register of Copyrights, noted in a press announcement following the signing ceremony. She cited as an example the National Library Service for the Blind and Physically Handicapped at the Library of Congress, founded in 1931.

The Register commended the commitment of countries and organizations that "worked long and hard to reach consensus on a legal framework" that recognizes the "compelling interests of visually impaired persons throughout the world ... as well as the significant investments of authors and publishers in producing ... works in the first place."

The Copyright Office consulted with stakeholders and collaborated with other organizations and agencies over several years to address business and legal challenges involved in producing and distributing copyrighted materials in accessible formats. With the U.S. Patent and Trademark Office, the Copyright Office invited public comments on relevant topics in 2009. In 2010, the Office hosted a weeklong international forum with WIPO to explore issues of concern.

"This treaty is a victory for the blind, visually impaired, and print-disabled, but also for the multilateral system," stated Francis Gurry, WIPO's director general, after 600 negotiators from WIPO's 186 member states agreed on the treaty text.

Justin Hughes and Shira Perlmutter of the U.S. Patent and Trademark Office led the U.S. delegation. Legal experts from the Institute of Museum and Library Services; the U.S. departments of Education, Justice, and State; and the Office of the U.S. Trade Representative joined Copyright Office and Patent and Trademark Office staff on the delegation.

Read the treaty at [www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=241683](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=241683). ©

## Chairman Goodlatte Holds Hearings on the Role of Copyrights in Innovation in America

On July 25 and August 1, Rep. Bob Goodlatte, chairman of the House Subcommittee on Courts, Intellectual Property, and the Internet, conducted hearings on the role of creators and technology in innovation in America. The July 25 hearing focused "on the role of copyrights in U.S. innovation," according to a statement from Goodlatte available at <http://judiciary.house.gov/news/2013/07252013.html>.

The statement said, "The Framers firmly believed that granting authors exclusive rights would establish the incentive for them to innovate; they believed that this financial incentive was necessary to 'promote the progress of science and useful arts.' And they were right. ..."

"However, from time to time, it is important to stop and listen to what our nation's creators have to say about whether the incentives are still working to encourage innovation. This Committee's review of U.S. copyright laws provides the perfect opportunity to do just that. During today's hearing, we will take testimony from copyright owners who continue to produce the fruit of innovation that was envisioned when the Framers first planted the seed."

The August 1 hearing addressed the role of technology, with statements from representatives of the technology sector on its role in innovation in America. "Their innovation touches numerous areas of our society from how the blind access the printed word, how businesses connect with customers, and even how American students learn about science and technology in school," reads Goodlatte's statement, available at <http://judiciary.house.gov/news/2013/08012013.html>.

"Last week, the Subcommittee heard from those involved in the copyright sector," continued the statement. "The copyright and technology sectors are two very important components of our economy that have a unique symbiotic relationship. They are both also

CONTINUED >

responsible for significant amounts of American innovation that is the envy of the world.

"Thanks to the Internet, innovation can come from many places and be distributed with equal ease. Sometimes innovation comes from an artist holding a digital brush, and sometimes it now comes from a collective effort of interested Internet users who choose to fund a new product, a new business, or a new social cause.

"As the Committee conducts its review of U.S. copyright laws, it is important to hear from the technology sector about the varying methods of innovation in America. I thank the witnesses for coming today and look forward to hearing their testimonies."

The hearings were part of the ongoing review of U.S. copyright law announced in July by Rep. Goodlatte. See <http://judiciary.house.gov/news/2013/07182013.html> for the press release on copyright review.

## Around the Office

### Staffers Designated to Evaluate Cleaning Services

Copyright Office staffers have been selected to serve as quality-assurance champions to help evaluate custodial cleaning services and provide feedback to the Library's Facility Operations Section. The Office was selected to kick off the pilot program for assessing cleaning service in June, and the program proceeded Library-wide in July.

Quality assurance champions are **JOHN ASHLEY, BILL BRIGANTI, DEBI CASE, HAZEL CHISHOLM, RINGGOLD CLAYTON, DAWN CRAIG, FRED A DUNCAN, CAROL GARRETT, ELLEN HALL, DENISE HEZLEP, ERICA HILLIARD, CLARA HOLLOWAY, ROSALYN JONES-FOUNTAIN, MAMIE MUSE, SANDY LEWIS BRADLEY, MYRA LAIRD, KATHLEEN SPRIGGS, TERRI VINCENT, STEPHEN WANT, MELISSA WELLS, and JACQUELINE WOOTEN,**

If you have any questions or comments about the cleaning service, see one of the quality-assurance champions. © JN

The Office received its first electronic serial deposit, the *African Studies Quarterly*, from the University of Florida in September 2010. Since then, CAD has demanded and received 3,062 issues of 227 different serials from 28 publishers.

Staff must open each file delivered to make sure a submission is complete and files arrived intact. A single submission can include hundreds of files. As of September, 164,301 separate files had been received as part of the project.

"If there's a problem—if a graphic file is too large for us to open, for example—our acquisitions librarians have to contact the publisher to resolve it. So a fair amount of staff time is required," said **KAREN VAN GILDER**, special assistant to CAD's chief.

Initially, publishers sent files by email or reported to CAD when they posted files on their own servers. Staff from the Library's Office of Strategic Initiatives had to retrieve files posted on publishers' servers and forward them to the Library's delivery management system, where CAD staff could review them. In October 2011, enhancements made it possible for publishers to upload files to the electronic Copyright Office (eCO).

But eCO is not configured to accept large volumes of material. Late last year and early this year, further

enhancements enabled publishers' systems to deposit large submissions to the Library's system and link to eCO.

Wiley, publisher of 149 e-journals required by the Library, has started to submit in bulk. "It's a huge improvement, especially since there's a lot more automation in how files are sorted out," Want said.

The updated system is integrated with the Library's system for collecting bibliographical data, another benefit, Want said.

"We're going from publisher to publisher to try to expand large-volume submissions, because that's the way the Library would like to go," he explained. "If a publisher has a special need, we're trying to accommodate that."

One continuing challenge is the variety of file formats publishers submit. Over the past few years, the National Library of Medicine has refined its widely used standards for e-serial delivery, and some publishers are implementing the improvements. Ultimately, the Library hopes to receive all serial content in XML format that complies with National Library of Medicine criteria.

To address the issue of multiple formats, the Library has started discussions with third-party providers that archive e-serials to determine whether they can submit publishers' content in the format the Library desires.

"Several organizations have expressed interest in working with the Library in this way," Want notes.

As the process for acquiring e-serials through mandatory deposit is streamlined, the Library is working out the rules that will govern public access to them. Right now, only authorized staff have access.

Eventually, the Library anticipates acquiring other categories of electronic works through mandatory deposit. Want said he hopes the ongoing congressional review of the copyright law will address mandatory acquisition of electronic works, including details such as publisher responsibilities regarding the delivery mode and format of electronic deposits and access to them. "It would be wonderful if we could persuade publishers to provide access for Library patrons to their content through the publishers' online services," he said. ©



PHOTO BY DAVID RICE

Michael Lind processes an e-serial submission



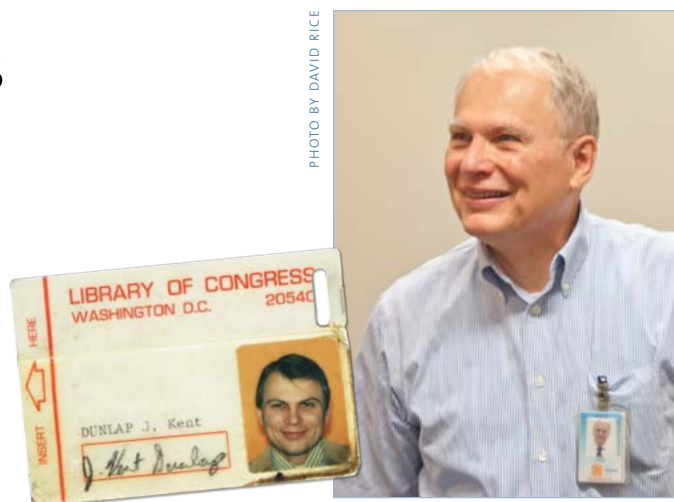
# Kent Dunlap Retires from the Copyright Office

WENDI A. MALONEY

**EDITOR'S NOTE:** On the occasion of his 40-year service anniversary in 2011, **KENT DUNLAP** participated in an interview documenting his Copyright Office career. He updated some details upon his retirement from the Office on June 28, 2013. The interview is part of an Information and Records Division initiative to document the Office's history.

## WHERE DID YOU GROW UP?

I was born in Staten Island, New York, and lived there until the third grade. In fourth grade, I lived briefly in Livorno, Italy, while my father, who was a chemical engineer for Exxon, worked on a refinery project. I went to a local Army school with children of American service personnel. Italy was much poorer then, and it was common to see bombed-out buildings. In fifth grade, my family moved to Fanwood, New Jersey, and I graduated high school from there.



Kent Dunlap's first Library of Congress photo ID, and Kent at his retirement party.

## WHERE DID YOU GO TO COLLEGE AND WHAT DID YOU STUDY?

My first two years as an undergraduate, I attended the University of Rochester as a premed student. I didn't make sufficiently high grades to get into med school, so I transferred to the University of Kentucky and majored in psychology. After graduation, I worked for the Kentucky Public Health Department in their measles immunization program for two years. I enrolled in law school at the University of Kentucky in 1968 because I simply wanted to get a better-paying job (the usual reason most students enter law school).

## HOW DID YOU END UP AT THE COPYRIGHT OFFICE, AND WHAT WAS YOUR FIRST POSITION?

In the early 1970s, getting a job with the federal government was far different than it is now. Basically, you could go into a personnel department, find what jobs were available, and interview for the jobs the same day. In 1971, during spring break of my third year in law school, I traveled to Washington with a little book describing the government agencies and the kinds of work that they did. The Library of Congress sounded interesting to me, and a

woman in the personnel office told me of an examiner position in the Examining Division of the Copyright Office, which was then located in Crystal City. I interviewed with Mr. [Richard] Glasgow, who was chief of the Examining Division, and he hired me as an examiner in the Arts Section, which is now Visual Arts. Bernie Dietz headed the Arts Section. He has retired from the Office and works in private practice. I started on July 5, 1971. The staff of the Arts Section was a friendly and highly boisterous group, and I remember thinking it was a rather strange work environment. Apparently I adjusted, as I retire one week short of 42 years.

## WHAT WAS THE COPYRIGHT OFFICE LIKE IN 1971?

In 1971, Abraham Kaminstein was Register. However, he had suffered a stroke, and his career was effectively over. Barbara Ringer, as assistant Register, was actually running the Office. The Register's Office was focused intently on the pending copyright revision bill, which it believed would be shortly enacted into law. The House had already passed the bill in 1967, but it failed in the Senate, largely due to unresolved issues regarding cable television. It would take five more years to tie up all the loose ends. The Examining Division was focused on the day-to-day issues

CONTINUED >



Kent at an Office holiday party circa 1973.



&lt;

relating to the claims flowing into the Office. Many of the practices, such as enforcement of the manufacturing clause, have long since gone by the boards. There were as many rejections for notice infractions as there were for noncopyrightable authorship.

**YOU WERE PROMOTED TO AN ATTORNEY-ADVISOR POSITION IN THE EXAMINING DIVISION IN 1973. WHAT WERE YOUR DUTIES?**

When I came into the Examining Division, there was a legal staff whose primary job was to update the practices. It was headed by Dorothy Schrader, and Harriet Oler was on the staff. After I worked as an examiner for about a year, I received a detail that led to an eventual appointment to the staff. Unlike now, we regularly revised the *Compendium [of Copyright Office Practices]*. The Register's Office extended considerable autonomy to the legal staff of the Examining Division, and this autonomy was used to keep the practices current.

**IN 1975, YOU BECAME AN ATTORNEY ON THE GENERAL COUNSEL'S STAFF. WHAT WERE THE ISSUES OF CONCERN TO THE OFFICE AT THAT TIME?**

In 1975, there was a general reorganization of the Register's staff due to an upheaval of the top personnel. Around 1973, Abraham Kaminstein retired due to illness, and George Cary was appointed Register. Barbara Ringer brought an EEO [Equal Employment Opportunity] action against the appointment and took the head copyright job at UNESCO. In a little over a year's time, Barbara Ringer won her EEO case and was installed Register. She appointed Dorothy Schrader general counsel, and Dick Glasgow became Dorothy's assistant. The positions of the legal staff in the Examining Division were transferred to the General Counsel's Office, and most of the work was consolidated in the General Counsel's Office.

The focus of the staff was to secure final enactment of the revision bill, which was of course accomplished in 1976. Following enactment was an intense period of dealing with issues relating to implementation. Obviously, much of what we had been doing had to be totally revamped. Work in the General Counsel's Office was very different because we were now following the Administrative Procedure Act by virtue of section 701(e) of the copyright law. Previously, regulations had been published in the *Code of Federal Regulations* without opportunity for public comment or participation. *Compendium II*, which was a very large project, was largely completed in 1984.

**IN A 1996 INTERVIEW WITH COPYRIGHT NOTICES, YOU ARE QUOTED AS SAYING THAT THE 1976 COPYRIGHT ACT, WHICH REMAINS IN EFFECT, "HAS HELD UP RATHER WELL IN A ERA OF GREAT CHANGE." CAN YOU DESCRIBE SOME OF THE MAJOR CHANGES THAT HAVE OCCURRED SINCE THE LAW TOOK EFFECT IN 1978?**

Certainly the most far-reaching change is the digitization of information, and the speed with which information can be reproduced and disseminated. This development has changed greatly the manner of exploitation of intellectual property and the copyright industries that prosper through the distribution of such property.

The emergence of the digital world of intellectual property was predicted during consideration of the revision bill, but with the exception of a few computer programs and databases, it was largely a paper world then. The revision bill was written to be adaptable, and so far, the changes that Congress thought were necessary have been cobbled into the basic structure of the 1976 act. Many think now that recent changes are so far reaching that only a new copyright law can properly address all the issues and interests.

The copyright bar has grown considerably since the 1970s, and considering a new copyright revision bill will prove to be a very difficult undertaking. Huge companies, such as Google, Facebook, and Microsoft did not even exist in the 1970s. Additionally, the public is far more aware about how the copyright law affects daily activities, and public opinion will have far greater impact in any revision process undertaken today.



PHOTO BY DAVID RICE

Kent with Guild colleagues Francine Maté, left, and Saul Schniderman, right.

**WHAT ARE THE MOST IMPORTANT PROJECTS AND ISSUES YOU'VE WORKED ON AT THE COPYRIGHT OFFICE IN THE YEARS SINCE?**

The most memorable for me was the threatened enactment of the so-called Copyright Reform Act of 1994, which proposed eliminating the incentives to register. Enactment of the bill would have certainly transformed the Office into something much smaller, and possibly would have eliminated the Office entirely because a partial record with many significant omissions could well have been considered not worth having. This would be particularly true in the Internet era when every Tom, Dick, and Harry can figure out your records are full of holes. The proposal passed the House, but fortunately died in the Senate.

**WHO ARE SOME OF THE MEMORABLE PEOPLE WITH WHOM YOU'VE WORKED OVER THE YEARS?**

Barbara Ringer certainly dominated the Office when I started working in the Copyright Office in the 1970s. She probably had the strongest willpower of anyone who ever worked at the Copyright Office. I never knew Abraham Kaminstein when he was well, but I have read a number of his briefs, and he was a very brilliant man. The copyright revision program began under his leadership. Dorothy Schrader possessed an excellent legal mind, and she provided good leadership during some of the Office's

CONTINUED >

most trying periods. Harriet Oler is a dear friend of mine who served as a great chief of the Examining Division during the mid-1980s to early 1990s. She retired in 1999. David Carson, my former boss, is a brilliant copyright practitioner. We have many outstanding people today. In beginning her administration, **MARIA PALLANTE** has embraced a number of exciting initiatives, the most ambitious of which is clearly starting a new revision process. **ROB KASUNIC**, I believe, will prove to be a wonderful leader in the Registration Program.

#### WHAT ABOUT THE COPYRIGHT OFFICE AND ITS MISSION HAS KEPT YOU HERE?

I think that with all Copyright Office employees, the fact that we are paid to be here enters into the calculation to stay. Having said that, I think the Copyright Office does have an uplifting mission, as it creates a public record of properties on which the employment of millions of Americans depends. As long as the Copyright Office can produce an accurate record, it should grow in importance, as transactions over rights will become more and more dependent on the information we provide.

#### WHAT DO YOU SEE AS THE MAJOR ISSUES FACING THE COPYRIGHT OFFICE AND THE COPYRIGHT COMMUNITY NOW?

The Copyright Office still has a way to go before we have mastered the art of digitized processing. Fortunately, the registration backlog has been eliminated, at least for now. The uncertain budgetary environment casts a pall over the entire operations of the Office. Stabilizing the funding of the Office and improving our digital processes represent huge challenges to moving forward.

Regarding the copyright community, the digital era has just started, and where it is going is anybody's guess. Fifteen years ago, few people had easy access to the Internet; now it is everywhere. We know in fifteen more years, a lot will be different from today. The current exclusive rights of copyright were written with the paper world as the reference. The digital environment will gradually erode that foundation, but what will replace it is unclear.



PHOTO BY DAVID RICE

Kent cuts a cake at his retirement party.

#### YOU'VE SERVED AS CHIEF NEGOTIATOR FOR AFSCME 2910. HOW DID YOU BECOME INVOLVED WITH THE GUILD?

I became involved with the Guild in the early 1990s when I saw the good work that the Guild was doing in creating a better work environment at the Library of Congress. It accomplished this by serving as a vehicle for informing staff of personnel practices affecting their working lives and by managing change at the Library of Congress through collective bargaining. It is important to remember that most of the advances that the Guild is able to secure come

from reaching agreement with management. It has been a thrill for me to work with people leading the Guild, such as **SAUL SCHNIDERMAN**, Nan Ernst, **FRANCINE MATÉ**, and many others, whether currently active, retired, or now part of management. I have met many wonderful managers as well, and I know that many of them have a heartfelt concern for the people that they supervise. When former Guild president, Christine Schollenberger, passed away unexpectedly, Dr. Billington [the Librarian of Congress] spoke at her memorial service here at the Library, and all of our membership greatly appreciated that.

#### WHAT ARE SOME OF THE ACCOMPLISHMENTS THE GUILD HAS ACHIEVED WHILE YOU HAVE BEEN NEGOTIATOR?

The Guild operates collectively, so our accomplishments have many authors. Credit hours, telework, and the leave bank were secured through master contract bargaining within the last decade. Several years ago in budget testimony, the Guild received support from the House of Representatives on a transit fare subsidy, and that has become a part of everybody's benefits. The Guild filed written testimony opposing enactment of the Copyright Reform Act of 1994, and, in 1995, Saul Schniderman testified in opposition to moving copyright registration to the Patent Office. Every year, we stand with Library management to defend the agency's budget request, often under difficult circumstances.

#### PLEASE DESCRIBE YOUR FAMILY AND YOUR PLANS FOR RETIREMENT.

In my second year of law school, I married my wife, Alice, who worked as a speech pathologist for Mt. Vernon Hospital and the public schools for many years. Alice retired several years ago. We have raised four children, all of whom are pursuing interesting careers of their own. Also, in May, my first grandchild, Jasper, was born, and I look forward to meeting the new addition to the Dunlap family later in the summer. I have always wanted to write professionally, but that requires a focus that a full-time job has never allowed. I now plan to test whether a second career is in the offing. If nothing comes of it, I will be very content, because working here and raising four wonderful children has been a joy. I also plan to travel.

#### DO YOU HAVE ANY PARTING THOUGHTS UPON RETIREMENT?

The memories I take with me of all the wonderful people I worked with during my stay at the Copyright Office are held dear. Equally strong are my memories working with the Guild as chief negotiator, as numerous agreements were reached with management over conditions of employment. I think the leadership of both the Copyright Office and the Guild are in excellent hands, which is fortunate because there will be many challenges ahead. ©



PHOTO BY WENDI A. MALONEY

**JOHN SAINT AMOUR** is the new assistant section head in the Public Information Office (PIO). He was promoted in July after serving for more than four years as a PIO copyright information specialist.

John joined the Copyright Office staff in 2003 as a performing arts examiner and became a registration specialist in the Performing Arts Division in 2007 when the Office reorganized. He transferred to PIO because he wanted to interact more directly with the public.

"I enjoy drawing on my training as a teacher to help people use the copyright system," John said. "I regularly walk first-time applicants through registrations, and I also help attorneys and frequent remitters."

John has a bachelor's degree in music education from the State University of New York at Potsdam and a master's degree in conducting from George Mason University. He taught high school music for six years in New York and North Carolina.

Besides helping individuals, John often speaks publicly, both in person at conferences and other professional gatherings and by webinar. He also gives tours of the Office.

"I find that people appreciate the opportunity to connect," he said. "Copyright can seem like an overwhelming subject.

Being able to ask questions and interact with Copyright Office staff can make it a little less so."


John said he has been pleased with how the Office's public outreach has expanded since the Register of Copyrights initiated a copyright education and outreach effort in 2011. "It's obvious from my experience how much people want the Office to engage and be proactive," he said.

Within the past year, John has presented at the American Library Association; the Recording Academy, sponsor of the Grammy® Awards; and the Library of Congress Summer Teacher Institute. He has also given Office tours to copyright groups visiting from Armenia, the Republic of Georgia, and Russia.

Now he is learning to navigate his new supervisory responsibilities. "I didn't realize how much of a supervisor's time is devoted to immediate problems that arise, but I'm excited by this new learning opportunity," he said.

John has been active in the LC Chorale throughout his Library employment, both as a singer and a conductor. This year, he is vice president of the Library of Congress Professional Association.

Outside work, John is music director and conductor of the Rockville Concert Band. He recently organized a group within the band that plays German music at festivals and community centers.

John lives in Crofton, Maryland, with his wife, Melissa, and his children Drew, 5, and Julia, 10 months.  WM

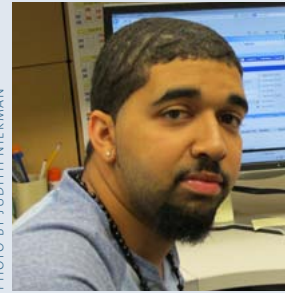


PHOTO BY JUDITH NIERMAN

**BRYAN JEFFERSON** "I started in the Office at the end of the registration process," observed Bryan Jefferson, "and now I am at the beginning." Bryan was promoted to the position of library technician in the Public Information Office (PIO) in June and now deals with copyright claims and those who file them.


"I answer the phone, email people on the status of their claims, forward other emails to the appropriate sections, and help callers and in-person visitors navigate eCO (the electronic Copyright Office)," he continued. "I help about 100 customers a week."

From 2009 to 2013, Bryan was a support assistant staffing the certificate production area where certificates are produced and readied for mailing when the registration process is completed. He

had previously worked in the Library as a contractor. He is close to his two brothers, Antwion, a Library employee, and L'Shea, a college student. "We are all blessed to wake up healthy," Bryan said.

A resident of Prince George's County, Maryland, Bryan is a student at Prince George's Community College, where he is studying market management. He is taking math and accounting in the fall and expects to enroll in one business class and two marketing classes in the spring.

Bryan is deeply involved in community service and has created Giving Back to Move Forward, a nonprofit organization that provides funds and volunteers for such projects as helping renovate schools in the District and collecting coats for the homeless. He is an amateur barber, cutting hair for neighborhood kids, family, and friends. He hopes to invest in a barber shop and sponsor a youth basketball team. "I like being active," he stated.

In his free time, Bryan enjoys basketball and outings to Massanutten, Miami, New York City, and Williamsburg.  JN

## Congratulations

*Copyright Notices* congratulates the following people:

**ALISHA ARMSTRONG** on her promotion to registration specialist

**ED GARDNER** on his retirement July 31 with more than 35 years of federal service

**DIANE LAMB** on 25 years of federal service

**SHIRLEY WILLIAMS** on her retirement April 3 with 47 years of federal service  JN



**ROSE ROGERS** celebrated her 40-year service anniversary on May 7. She started in 1973 as a trainee in the Library's Photoduplication Services unit. Shortly afterward, she transferred to the Congressional Research Service as a production support clerk. From 1986 to 2007, Rose was a correspondence clerk-typist in the Visual Arts Section of the Copyright Office's former Examining Division. With the Office's 2007 reorganization, Rose became an administrative support assistant in the Literary Division of the Registration Program. "Rose Rogers is an exceptional employee. All Library of Congress employees should be as focused, as cooperative, and as dedicated to high performance," said **ROSALYN JONES-FOUNTAIN**, Rose's former supervisor, who is now an administrative support assistant in the Register's Office. © WM



**DENNIS BRITTON**, a registration specialist in the Performing Arts Division, retired from federal service on May 31. Born in Tulsa, Oklahoma, Dennis graduated from Oklahoma State University in Stillwater with a degree in broadcast communications. Next, he joined the Coast Guard, serving on the USS *Kukui*, a supply ship out of Honolulu. He visited Coast Guard stations in Guam, Hawaii, and the Johnston Atoll, among other destinations in the western Pacific. After a year, he was transferred to the Coast Guard's public information area in the Department of the Treasury as a motion picture photographer. He did training and recruited archival film footage for documentary purposes.

Later as a civilian, Dennis studied music under jazz musician Adolph Sandole, who had played with Tommy Dorsey, and built guitars. Dennis taught acoustic guitar and played in a band prior to finding work in a recording studio in Arlington, Virginia, as an audio engineer. He stayed there for 11 years before moving on to the Smithsonian.

Dennis began his service at the Smithsonian as a freelancer. He worked for 10 years on archival recordings as an associate producer, selecting important

recordings, finding and collecting source material, locating experts to write liner notes, and making master copies in the Smithsonian studio. He worked on a Great American Orchestra series featuring American conductors. He had a quartet to make other recordings. "The work gave me a sense of satisfaction," he recalled.

When his division was abolished, he freelanced for a year, licensing the use of music and master recordings. His first customer was the Smithsonian.

In 1999, he came to the Office as a registration specialist in the Performing Arts Section. For a year after the retirement of Carol Guglielmo, he was the only staffer in PA processing preregistrations, but he trained two others in this work before he retired.

A particular deposit that he found memorable was an unpublished cassette sent by Jimi Hendrix's father that was a recording of the musician playing Christmas carols. "I was surprised that it was really good," he said.

As a retiree, Dennis's plans include playing in a five-person band called "Take Four Plus One," "getting serious about the study of music," and continuing in the worship band at his church. He became a grandfather for the first time in June. In addition to baby Madaline, Dennis's family includes his wife, Diane, and two daughters, Lauren and Carris. © JN

## Have You Updated Your TSP Beneficiary Designation?

Is your designation of beneficiary for your Thrift Savings Plan (TSP) contributions up to date? If you have married, divorced, become a parent, become an empty-nester, or experienced another important event in your life, it might be time to revisit the issue of how the funds in your TSP account would be distributed if you should pass away.

Use Form TSP-3 to make your wishes known. If you do not name a beneficiary and you pass away, the law will determine how your funds are distributed according to the statutory order of precedence.

To file a new designation of beneficiary form, go to the [www.tsp.gov/PDF/formspubs/tsp-3.pdf](http://www.tsp.gov/PDF/formspubs/tsp-3.pdf), print the form, and follow the instructions that are included on the form.

You cannot obtain this form from, or file it with, the Library's Human Resources Services office.

© JN



# Thousands of Early Copyright Records Newly Searchable

WENDI A. MALONEY

Researchers can now access details about thousands of copyright registrations from the 1870s thanks to two interns who worked in the Rare Book and Special Collections Division this summer.

Meredith Doubleday and Synneva Elthon of the Library's Junior Fellows Program inventoried original applications and deposit copies submitted for copyright registration, including title pages of monographs, colorful graphic advertisements, political campaign literature, sheet music, and more.

Supervised by reference librarian Eric Frazier, the pair added to a searchable database the division started in 2006 to inventory the 1870–1897 Copyright Deposit Collection. Since then, 13 Junior Fellows have processed nearly 70,000 registrations and deposits, recording facts such as registration numbers, titles and descriptions of works, subject keywords, and the condition of deposits.

“The collection reflects a real cross-section of American creativity and publishing history,” says Rosemary Plakas, the division’s American history specialist, who supervised the project for six years.

In 2006, interns uncovered an 1871 submission from Daniel Chester French, who years later sculpted the Abraham Lincoln statue in the Lincoln Memorial. A 20-year-old French registered a statuette titled “Two Owls” and asked that his registration certificate be sent to his father’s Boston office.

Other discoveries include an 1872 application from Heinz and Noble, precursor of the famed Heinz food company, accompanied by two colorful condiment labels. In 1882, Susan B. Anthony penned and signed her own application letter to register the second volume of *History of Woman Suffrage*.



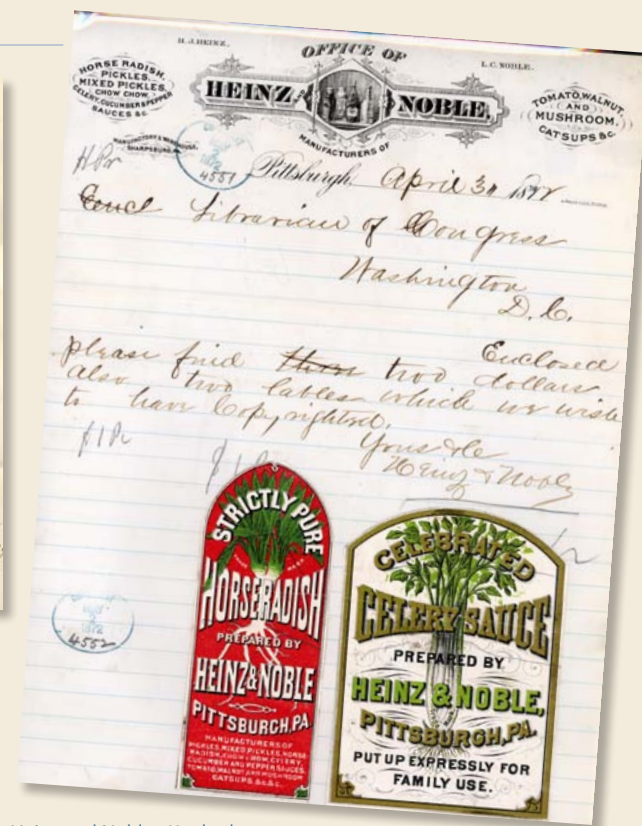
Sculptor Daniel Chester French submitted a photograph of his statuette “Two Owls” with his 1871 copyright application.

The collection’s period of focus—1870 to 1897—extends from when Congress enacted a law centralizing copyright administration in the Library to when the Copyright Office was organized into a separate department within the Library. A copyright application then consisted of a letter requesting registration, two copies of a creative work, and a \$1 registration fee.

“The letters and deposits were organized as well as possible and shoved into boxes for storage,” Plakas explains. “No itemized inventory was kept.”

The collection made its way to the Rare Book and Special Collections Division in the mid-1980s. With implementation of the 1976 Copyright Act, the Copyright Office saw an influx of new kinds of deposits, including cassette recordings, digital works, and, for the first time, unpublished literary materials. This influx soon strained storage facilities, leading to a decision to transfer collections of some deposits to other Library divisions.

This summer, Doubleday and Elthon inventoried registrations from 1873 and 1876. “We came across



Heinz and Noble attached condiment labels to its 1872 application.

photos, plays, poetry, patent medicine ads—anything and everything, including an amusing book registration for *Love-Making Secrets: The Art of Being Popular with the Ladies*,” says Doubleday.

Their most significant discovery was an 1876 registration of statues of Stephen Douglas and Abraham Lincoln that Leonard Wells Volk sculpted for the Illinois State House, reports Elthon.

The Copyright Deposit Collection contains nearly 920,000 registrations and deposits. “It’s a slow process to inventory the collection, but a worthy project,” Plakas says. “It should be continued for many years to come.”

The database is accessible in the Rare Book and Special Collections Division. **C**

# copyright notices

NOVEMBER 2013



3

Meet the first  
Abraham L. Kaminstein  
Scholar in Residence



3

Law clerks support  
Office's legal projects



9

Office staff welcomed  
back from furlough  
Photo: Portia Williams helps  
clear out a backlog of mail.

- |                        |                 |                   |
|------------------------|-----------------|-------------------|
| 2 Around the Office    | 11 Law & Policy | 13 Anniversaries  |
| 6 Outreach & Education | 12 Appointment  | 14 Out & About    |
|                        | 12 Promotions   | 15 Copyright Lore |



PHOTOS BY DAVID RICE

2013 National Book Festival showcases Copyright. See the story on page 2.

## Digitization Project Reaches Milestone

MIKE BURKE

Digitization of the copyright card catalog is a key step toward achieving online public access to the historical records of registrations and recorded documents. At 11:33 a.m. on September 5, the 30 millionth digitized catalog card was accepted and stored in the Library's long-term storage.

The catalog cards are being scanned by staff from the Crowley Company and by staff in the Records Management Section (RMS) of the Information and Records (I&R) Division.

After scanning, the card images are organized into electronic "bags" that correspond to catalog drawers and are ingested into the Library's digital asset management system. The bag containing the 30 millionth card was produced from drawer number 152 of the 1938 to 1945 application cards for contributions to periodicals. The application card was for a 1940 registration, number A5-112207, for the article "British Battle 2,000 Germans Trapped in

CONTINUED ON PAGE 11 >



## National Book Festival Showcases Copyright

WENDI A. MALONEY

More than 200,000 book lovers came to the National Mall on September 21–22 for the 13th annual Library of Congress National Book Festival. In between author talks and book signings, many of them stopped by the Copyright Office's display in the Library's pavilion.

"Visitors asked all kinds of questions," said **ALICIA MROCZYK** of the Information and Records Division, who organized the Office's display. "They asked about how to register works, how to research the copyright status of photos, how long copyright lasts—anything and everything."

Planning for the Office's festival program started in early summer. "A team within I&R met weekly or biweekly all summer to brainstorm about how to reach out to an audience that is very diverse. People of all ages, interests, and backgrounds attend the festival," Mroczyk said.

Besides Mroczyk, the I&R team consisted of **MONICA BEACH**, **YVONNE DOOLEY**, **HELEN HESTER-OSSA**, **WENDI MALONEY**, **MARIA PEREZ-MORALES**, **DAVID RICE**, **CECELIA ROGERS**, **JOHN SAINT AMOUR**, and **GEORGE THURONYI**.

Beach wrote tweets about the copyright program that were sent out at intervals during the festival. Dooley and Saint Amour collaborated on a dramatic presentation tying copyright to the festival's theme, "Books That Shaped the World." Maloney wrote and edited copyright handouts for festival-goers. Rice designed them and photographed the Office's festival activities. Perez-Morales translated the copyright handout for children into Spanish. Hester-Ossa, Rogers, and Thuronyi advised on graphics issues, budget, and content.

During the festival, **BILL ROBERTS** of the Register's Office delivered "Copyright Primer: What Does Copyright Law Protect?" **ROB KASUNIC** of the Registration Program presented an overview of the national copyright system.

Other staff took turns answering questions at the Office's booth: **ROSE MATTHEWS** and **HEATHER WIGGINS** of the Literary Division; **LARISA PASTUCHIV** of the Visual Arts Division; Dooley, **CHAIM LEVINSON**, Saint Amour, and



Click above to download samples of the Copyright Office handouts!

The Office's handouts at the book festival proved popular. Handouts covered topics including fair use and copyright in music and sound recordings, photographs, visual arts works, and motion pictures. Staff from throughout the Office contributed content for handouts, including Laura Lee Fischer, Guy Messier, Larisa Pastuchiv, and Chris Weston.

**LORETTA GRAHAM** of I&R; and **JOSEPH KERSHAW** of the Receipt Analysis and Control Division.

"We received positive comments from festival-goers about the enthusiasm and helpfulness of our staff, and we distributed all our handouts," said Mroczyk. "The festival is a great event for copyright outreach and education." © WM



Maria A. Pallante, the Register of Copyrights (left), stops by the Copyright Office display on September 21 to chat with Alicia Mroczyk (in sunglasses) and Loretta Graham.



PHOTO BY DAVID RICE

## DeNina Scott's Impressive Voice Filled Coolidge Auditorium

Copyright's own **DENINA SCOTT** wowed the audience at the November 6 Entertainment Showcase, a fund-raiser for the Combined Federal Campaign. DeNina's singing talent was well displayed in the gospel medley that she chose to perform. "I love singing like I love breathing," she stated.



### Copyright Notices 64:11

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress

### PUBLICATIONS STAFF

#### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

#### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

### DISTRIBUTION

Helen Hester-Ossa  
Head, Publications Section,  
Information & Records Division

George Thuronyi,

Assistant Chief

Christopher S. Reed,  
Acting Chief

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

# Robert Brauneis

WENDI A. MALONEY

Robert Brauneis is the Copyright Office's first Abraham L. Kaminstein Scholar in Residence. **MARIA A. PALLANTE**, Register of Copyrights, publicly announced the Kaminstein residency program in September, describing it as a way to bring "leading academics to the Copyright Office to work on mutually beneficial projects."

A law professor at George Washington University, Brauneis is on sabbatical leave in 2013–14, which allows him to spend a year in residence at the Copyright Office.

"I have a long-term research interest in finding ways to increase the information available about copyrighted works," he said. "For the copyright marketplace to thrive, prospective users of works need to be able to identify owners to license the works."

He cited the ongoing reengineering of Copyright Office documents recordation as an important step toward making copyright information accessible. Each year, authors, heirs, copyright owners, and others submit thousands of documents to the Copyright Office for public recordation. The documents contain information about copyright assignments, licenses, and other records relating to chain of title.

The Register of Copyrights announced a special project to reengineer documents recordation in fall 2011. The project involves developing an online recordation system. The Office has held multiple meetings with users of the Office's recordation function, including technology experts, librarians, educators, attorneys, consumer groups, and others.

Brauneis has reviewed minutes from the meetings. "Stakeholders have discussed technology for an online recordation system. But they've gone beyond that to address broader issues about how to reshape recordation

**For the copyright marketplace to thrive, prospective users of works need to be able to identify owners to license them.**  
Robert Brauneis

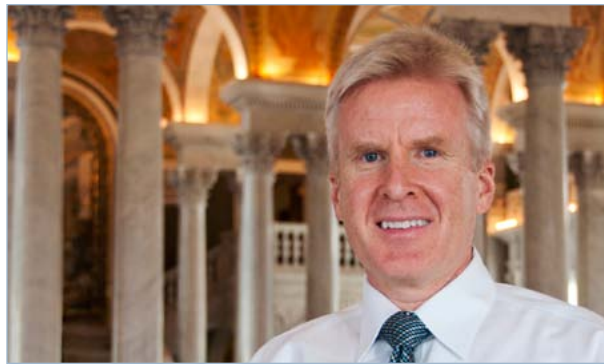


PHOTO BY DAVID RICE

Robert Brauneis

to support the public payoff of copyright: having works used and owners compensated," he said.

As part of his inquiry, Brauneis is researching how other government agencies record documents and make them publicly available. "State and local governments have enormous systems for recording real estate transactions, for example," he said. "The documents differ from copyright records, but the standards for electronically recording them may be transferrable."

Brauneis is conversant with the real estate industry. When he started his academic career, he taught and researched property and real estate law. He said he became interested in copyright in the 1990s.

"I became fascinated with the development of the Internet and the dot-com startups and their relationship to copyright law," said Brauneis, who expanded his teaching and research to include copyright, trademark, and intellectual property law.

Brauneis was born and raised in Chicago. He earned a bachelor's degree from the University of California, Santa Cruz, and a law degree from Harvard University. He said that with two children who are Washington, D.C., natives, he now considers himself "transplanted to D.C. for the long run."

Brauneis said he expects to share findings from his work at the Copyright Office through memos and reports to the Register. "It's a great privilege to be here," he said. "I'm thankful for the opportunity and look forward to the rest of my time in the Office." ©

## Around the Office

### Law Clerks and Intern Support Office's Legal Projects

Law clerks and an undergraduate legal intern are contributing to multiple projects this fall in the General Counsel's Office, the Office of Policy and International Affairs, and the Registration Program. Among their assignments, they are researching Supreme Court copyright cases, issues related to the *Compendium of Copyright Practices*, and second requests to reconsider refusals to register copyright claims submitted to the Office. They are also participating in meetings with other federal agencies, assisting with congressional reports on small copyright claims and a federal resale royalty right for visual arts works, and undertaking standard administrative duties, including filing documents. © WM



PHOTO BY DAVID RICE

From left: Dawn Leung, University of Maryland School of Law; Skyler Walker, Wake Forest University School of Law; and Dominique Brooks, University of Michigan (undergraduate). Not pictured is Carl Konschak, American University School of Law.



# CAD Launches Intranet Page

WENDI A. MALONEY

The Copyright Acquisitions Division (CAD) launched an *Intranet page* in March. The launch coincided with the introduction of a new Office-wide Intranet site, designed by **DINEDA NYEPAN** of the Information and Records Division.

“CAD’s page is well thought out and designed,” Nyepan said. “It’s a great model for other divisions as they update their own pages.”

**KAREN VAN GILDER**, special assistant to CAD’s chief, managed the page’s development, soliciting input from colleagues and users of the division’s services.

“I wanted to develop a one-stop-shop for questions CAD staff have internally,” Van Gilder said. “At the same time, I wanted to assist the Library Services officers who call on CAD to demand titles for the Library’s collections.”

CAD manages the mandatory deposit requirement in copyright law, under which copyright owners of works published in the United States must deposit two complete copies of the best edition of their works with the Copyright Office for the use of the Library. If a publisher does not automatically submit copies of a work the Library wants, Library recommending officers can ask CAD to send the publisher a mandatory deposit notice.

Van Gilder said the idea of developing CAD’s Intranet page originated with **DARIA PROUD**, the division’s assistant chief, who supplied an example of an effective Library Services Intranet page. After doing some research, Van Gilder presented a plan at a November 2012 CAD staff meeting and was asked to manage the project.

“I started by identifying information staff need to carry out their duties smoothly. Some of it already existed and could just be posted or linked to the site,” Van Gilder said. “But other documents had to be developed from scratch.”

After consulting with CAD staff, Van Gilder developed a link titled “CAD Staff Resources.” It leads to details about mandatory deposit, relevant copyright circulars, and

instructions for carrying out tasks assigned to CAD, among other matters. It also includes general workplace information, such as directions for reporting computer or telephone problems and accessing the Library’s Online Learning Center.

“Now that we have all these documents in one place, we can use them to educate new staff, which is an added benefit,” Van Gilder noted.

She and Proud developed the link “For Recommending Officers” to facilitate CAD’s interactions with Library recommending officers. The link features a frequently-asked-questions document explaining how best to work with CAD to acquire materials

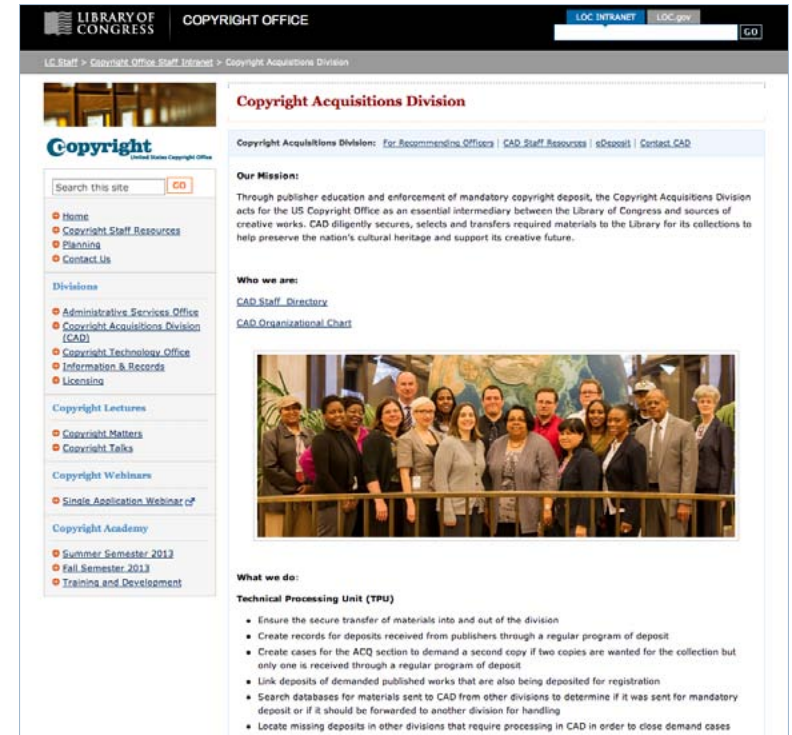
for the Library’s collections. Van Gilder used feedback from the Collections Development Roundtable, a Library oversight group, to fine-tune the document.

The link “eDeposit” relates to the division’s project to acquire through mandatory deposit electronically published serials that have no print counterparts. See the cover story of the *October issue* of *Copyright Notices* for details.

Once Van Gilder identified information and documents to post, Nyepan gave her a password to use WordPress, the popular blogging and publishing tool, and Van Gilder started to build the CAD page.

“WordPress is simple to use,” she said. “You can cut and paste much of what you’ll need from Word.” In a few instances, she had to use HTML coding, such as when she wanted to link to information within a single page.

“To figure out the coding I needed, I asked my colleague **MICHELLE CAMPBELL**, who knows HTML, for help, and I



searched the Internet,” Van Gilder said. “To see if there’s anything further I can learn, I’m going to take a course from the Library’s Online Learning Center.”

For ideas about how to place information and images on pages, she consulted the Library’s *Web Style Guide*. Van Gilder brought in her own camera and took photos.

As Van Gilder proceeded, she revised her original concept as needed. “I’d never done anything like this before, so it was a learning experience,” she said. “But it was also a lot of fun.”

“Our Intranet page is the perfect outcome of Karen’s exploratory enthusiasm and attention to detail and Daria’s wealth of experience with CAD’s mission,” **STEPHEN WANT**, CAD’s chief said. “We have already found it to be extraordinarily useful in our outreach to other Library divisions.”

To get started on your division’s page, contact Dineda Nyepan at [dnye@loc.gov](mailto:dnye@loc.gov) or 7-4214. ©

**CAD’s page is well thought out and designed. It’s a great model for other divisions as they update their own pages.**  
*Dineda Nyepan*



# The eCO Planned Release Life Cycle Continues

JACQUELINE SMITH

Technology and a huge range of constantly evolving organizational environments drive management of information technology. The eCO planned release life cycle is a series of practices that guide the Copyright Technology Office (CTO) toward service improvement in the eCO (electronic Copyright Office) system that was developed as part of the Office reengineering plan.

In 2004, the Copyright Office began work on an electronic system to automate Office workflow. In February 2005, initially with ingested paper applications, the Office began registering the first “Motion Picture Pilot” claims in eCO. After a beta test with selected remitters, the Office opened electronic registration for basic claims to the public in July 2008. Since then, CTO has continued to enhance and improve the eCO system.

This continual improvement is driven by change requests from within the Office as well as by issues identified during incident management and problem-solving activities. After an initial analysis of cataloged requests, change requests are generally approved for inclusion in a future release.

CTO has scheduled two types of eCO releases for fiscal 2014. Maintenance releases result from Office business needs, whereas technical releases result from technology needs. Generally, CTO plans for three maintenance releases in a given fiscal year. If needed, one of these will be replaced by a technical release.

Emergency releases, which are not part of the fiscal plan, address high-impact issues, such as data integrity or critical bug fixes, on an as-needed basis. A primary objective is to minimize the need for emergency releases.

The first step in the eCO release life cycle is to define the scope. Requests for change that have completed the change

management initiation process and the initial analysis for high-level requirements are eligible for inclusion in an eCO planned release. This process includes estimation of the level of effort required and approval by the CTO Internal Review Board.

**STEPHEN OSWALD**, eCO release manager, works with the eCO Steering Committee to define the scope of each release. Committee members represent business units throughout the Office. The business units may champion their own requests for change before the eCO Steering Committee, which votes on eligible changes that fall within development availability, that is, the total number of hours scheduled for that release. Release scopes may include both optional and priority requests. The latter are those that address bug fixes and issues of data and fiscal integrity and security.

When the scope for a release is finalized, detailed requirements are gathered, documented, and managed. Working closely with business unit subject matter experts, CTO analysts examine requests for functional requirements that describe the possible effects on a system; interface requirements that describe an interface between a software system, such as eCO, a user, or another system, such as Voyager; data requirements that establish standards to protect data integrity; and other types of requirements.

Upon completion of requirements, the development team again looks at the proposed level of effort or amount of staff time and resources, which may be increased, sometimes dramatically, resulting in a reduction in the proposed scope. If levels of effort are reduced, additional changes may be added to the scope to maximize the use of development availability. The development team translates validated requirements into design, and work begins on code and configuration changes to satisfy the requirements.

After development is completed, extensive testing begins to examine eCO subsystems or infrastructure components such as supporting servers. The team test performance, response times, and ability to operate under stressed conditions.

CTO staff conducts the next cycle of tests to validate data integrity and any new features and functionality. Next is regression testing to examine all the functionality and features of the system, validate the compliance of functional requirements, and ensure that new changes have not corrupted existing functionality.

Finally, stakeholder business units test the new functionality and features. Throughout the process, **JAAKIA CARRINGTON-BROWN**, test manager, analyzes test results and communicates their status to release team members.

Release management oversees the integration and flow of deployment and support of the enhanced eCO system. A readiness review examines the adequacy of preparations for the release, identifying any necessary corrective actions and confirming that all testing has been successfully completed and that there are no serious outstanding issues. The communications manager, **LORETTA FREEMAN**, develops a plan for notifying eCO stakeholders of the upcoming release, including release activities and changes to the eCO system.

The eCO operations and the maintenance and development teams implement the new release during off hours. Technical documents are updated and validated to reflect changes. Upon completion, the team discusses lessons learned. Work then begins on the next planned eCO release.

© JACQUELINE SMITH IS MANAGER OF OPERATIONAL EFFECTIVENESS IN CTO.

Tentatively planned for fiscal 2014 are technical release 4 and maintenance releases 8 and 9. The scope of the technical release is to bring Siebel middleware up to date. The maintenance releases aim to add registration and recordation functionality to the eCO system so that high-risk legacy systems may be retired. The dates for the releases will be announced later.



# Literary Division Creates a Clear and Important Public Record

JUDITH NIERMAN

The Literary Division bewitched Copyright Office staff during a pre-Halloween Copyright Talks tea featuring an introduction to the work of the division.

**INGRID ABBOTT**, division assistant chief, introduced the division. **HEATHER WIGGINS**, registration specialist, pointed out that the Literary Division is the largest division in the Copyright Office. In 2010, it transferred 336,369 works to the Library of Congress for disposition.

Wiggins continued, saying that while the registration standard for originality is low, there is certain matter that is not copyrightable. She noted the types of works with which Lit deals, including genealogies, comic books, secure tests such as the LSAT and ACT, books, magazines, handwritten stories, and numerous others.

Registration specialists pick up their daily work from shelves where deposits and some paper claims are placed after being logged into the eService system in the Receipt Analysis and Control Division. “You never know what you will get,”

**224,795**

literary works  
were registered  
in Fiscal 2013.

she observed. “If we find any discrepancies in the claim, we communicate with the remitter. We speak with a variety of people, from attorneys to grandmas. Our goal is to create a clear public record.”

Abbott detailed the complicated story of processing four databases filed electronically by a single remitter, an attorney. All four happened to be special handling claims, which the Office attempts to process in five working days. After the claims were given to a single registration specialist and the Office communicated repeatedly with the claimant, the works were registered as a revised compilation, not text as originally claimed.

**KAWANNA FOMAN**, copyright technician, spoke briefly on registering serials, both single issues and groups.

Decisions made in the division can “end up in court,” said Wiggins. “There are so many issues that can arise

and so many gray areas. The registration specialist has to exercise judgement.”

Abbott added that “we can lose sight of how important the work we do is. We are creating a good public record of copyright ownership, which benefits the U.S. economy and the country as a whole.”

Organized by **ALICIA MROCZYK**, special assistant in the Information and Records Division, the Copyright Talks series is focusing on the workflow of deposits through the Office. ©

“Literary works” are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied.

17 U.S.C. §101



Heather Wiggins



Kawanna Foman



Ingrid Abbott (left) and Suzanne Barnett, Chief Judge of the Copyright Royalty Board.

PHOTOS BY DAVID RICE





# Performing Arts Division's Educational Video Premiered at Tea

JUDITH NIERMAN

Staff from the Performing Arts Division (PA) shared the work of what they call “PA proper,” that is, the four teams of staffers that work primarily on music, sound recordings, and dramatic works as opposed to the motion picture team, in an afternoon tea for Copyright Office staff on September 4. The work of the motion picture team will be presented at a later date.



Laura Lee Fischer

Introduced by **LAURA LEE FISCHER**, division chief, **DIANE COOKE**, **BRAD EMMETT**, and **T. J. WILLIS**, together with Fischer, explained the four teams’ part in the registration process.

“To guide our work with claims in the performing arts, we rely on the law, Office regulations, the

*Compendium*, and division practices,” said Fischer. “Our goal is to create a clear public record.”

Most of the claims that PA proper sees are for unpublished works, said Fischer. The prevalence of digital deposits is growing as the use of CDs is declining, she added. Not including motion pictures, the performing arts works selected by the Library amounted to \$1.3 million in value last year.

The presenters showed a well-received educational video written and filmed by Emmett using staff as “actors.” “It grew out of a small practices group attempting to explain particular performing arts issues,” said Fischer. Entitled “Off the Clock,” the video was a humorous but enlightening presentation.

The program was repeated September 25 as a roundtable for reference librarians. Both were organized by **ALICIA MROCZYK**, special assistant in the Information and Records Division. ©

The Performing Arts Division's four teams process

**3,000 claims a week**

**72%** are fully electronic

**18%** include an electronic claim with a physical copy

**10%** have paper application forms



Diane Cooke



Brad Emmett (left) and T.J. Willis



# Copyright Office Partners with Library's Work Experience Program

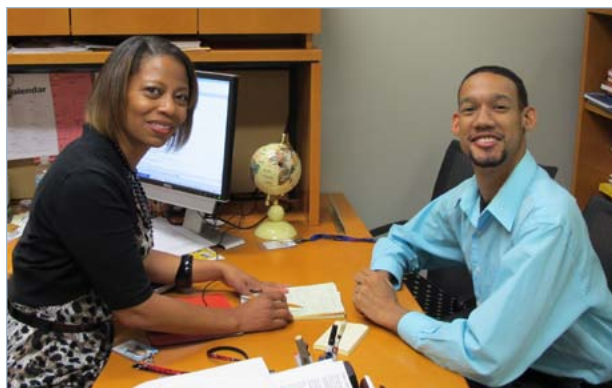
WENDI A. MALONEY

The Work Experience Program arranges internships at the Library of Congress for individuals with disabilities. Since the program's launch in 2000, the Copyright Office has hosted dozens of interns.

"It's a win-win situation," said Eric Eldritch of the Library's Office of Opportunity, Inclusiveness, and Compliance. "Library service units achieve inclusion and diversity goals, and interns gain skills they need to enter the workforce."

Eldritch developed the program after being approached by the Model Secondary School for the Deaf at Gallaudet University. The program began with high school students but has since expanded to include volunteer opportunities for college students and adults with disabilities.

**TRACIE COLEMAN**, head of the Licensing Division's Information Section, has participated from the start. She has a goddaughter who is deaf, and observing her goddaughter's challenges inspired Coleman to see what she could do to help deaf young people adjust to work in a hearing world. By now, she has supervised about 15



Tracie Coleman and Jeffery Thompson

deaf interns, including students and adults. Coleman knows American Sign Language, which enables her to communicate easily with them.

"The students are really no different from their peers," she said. "I teach them about office protocols and performance expectations and coach them on the skills they have that are marketable."

Right now, Coleman is supervising Jeffery Thompson, who began as an adult volunteer. When his volunteer position ended, he became a paid intern in the Licensing Division, where he scans and files licensing documents. Thompson has a bachelor's degree in business administration from Gallaudet University.

Coleman said deaf interns face some special challenges, such as not being able to communicate effortlessly with staff who do not know sign language. "But I think the biggest challenge in our division is the same for any newcomer: learning licensing procedures," she said.

The Receipt Analysis and Control (RAC) Division has supervised more than 50 Work Experience Program volunteers, said **KIM BROWN**, head of the division's In-Processing Section. "We try to have at least two at a time, so they can communicate easily with another person on the job," he said.

The In-Processing volunteers apply security and property labels to submissions the Office receives through the mandatory deposit requirement in copyright law. The volume of submissions is high, Brown said, and the



From left, Craig Taylor, Thomas Tarantino, Bobbie Cook, Karen Miscuk, and Dwayne Wilder.

efforts of the volunteers free staff time for processing of registration claims.

Like Coleman, Brown said Work Experience Program volunteers are much like any other interns. "Some of the high school students need mentoring more than others, but it's rewarding to see staff partner with young people to help them thrive," he said.

**BOBBIE COOK** and **DWAYNE WILDER** of the In-Processing Section have been "instrumental in ensuring that volunteers do a good job," Brown said. Wilder communicates with the volunteers through writing. Cook, a section supervisor, learned American Sign Language online to communicate better with volunteers. She suggests that the Library offer classes so more staff can learn to sign.

"Having the right tools to communicate helps make the volunteers comfortable and makes it easier to get work done," she said.

**THOMAS TARANTINO**, a technician in the In-Processing Section, was initially a volunteer in the Work Experience Program. He knew of Eric Eldritch from friends, and he contacted Eldritch in 2010 when a job he held ended.

Eldritch arranged a volunteer internship for Tarantino in the Accounts Section under **CRAIG TAYLOR**, who is now RAC's assistant chief. Tarantino also worked as a paid temporary intern in the Information and Records Division in 2011 on digitization of the card catalog, coaching other

CONTINUED >

&lt;

deaf and hard-of-hearing interns. He was hired in the In-Processing Section when an opening for a technician became available.

Tarantino has a bachelor's degree from Gallaudet University in home economics with a specialty in food and nutrition. "I wanted to be a chef," he said. "I love cooking, especially Italian food." A physical limitation, however, prevents Tarantino from standing for long periods, a requirement of being a chef.

But he is pleased with his current position. "I like everything about it," he said. He taught **KAREN MISCUK**, whose cubicle is next to his, some sign

language so the pair can communicate. He also has friends among other Library staff who are deaf or hard of hearing, and he is a member of the Library's Deaf Association.

"Thomas's appointment has worked out for all concerned: for our section, for the Library, and for Thomas," commented Brown.

Tarantino urges others in the deaf community to volunteer through the Work Experience Program if they want to prove their employability. "It's a wonderful opportunity for people to show their motivation and build a reputation for what they can do," he said. ©

## Subcommittee Continues Hearings on Copyright Law Review

JUDITH NIERMAN

The House Subcommittee on Courts, Intellectual Property, and the Internet held a September 18 hearing as part of its ongoing review of U.S. copyright law. The focus of this hearing was on the role of voluntary agreements in the U.S. intellectual property system.

House Judiciary Committee Chairman Bob Goodlatte and Courts, Intellectual Property, and the Internet Subcommittee Chairman Howard Coble released the following statements in advance of the hearing.

Chairman Goodlatte: "The subcommittee hearing will examine various voluntary agreements like those that have been reached among online advertisers, payment providers, ISPs [Internet service providers] and content owners, and user-generated content companies. The Subcommittee will be looking at how these agreements have been set up, what the benefits and risks are from entering into such agreements, if the law should

recognize their existence in some way, and whether there should be some legal benefit to entering into such agreements for a company or its customers."

Subcommittee Chairman Coble: "Voluntary agreements are a new dynamic in copyright licensing to addressing rapidly changing technology. Policy makers should consider whether future agreements can be enhanced by reforms to our copyright laws."

To view a video of the hearing, go to [www.ustream.tv/channel/hclive02#/recorded/38936315](http://www.ustream.tv/channel/hclive02#/recorded/38936315). For information on previous hearings, see the *October issue of Copyright Notices*. ©

### Around the Office

## Office Staff Welcomed Back From Furlough

PAGE MILLER

When Public Information Office staff returned to work after the government shutdown in October, we found waiting for us a mountain of email inquiries, and we settled down to respond. Then replies started coming back to us. One remitter after another expressed pleasure at the reopening of the Copyright Office. We thought we'd share a few of the greetings we received.

"Thanks so much! I am so relieved that you are all back in the office!"  
— Jean

"Thank you for all your hard work as you catch up from the shutdown."  
— Randall

"Thank you so much for this information and welcome back to work! :-)"  
— Steve

"Hope the layoff wasn't too hard." — Alan

"Hope you all are well. I can't tell you how comforted I am to know that you are back to work. We missed you! Wishing you all the best." — Harvard

"I just want to let [you] know . . . how much I appreciate your professional, prompt, and extremely helpful service. Government employees caught a lot of flack, but I respect how hard you work and the great job that you do for us. Keep up the great work as public servants. We need you!!! Peace." — BRG

© PAGE MILLER IS A COPYRIGHT INFORMATION SPECIALIST IN THE PUBLIC INFORMATION OFFICE.



Tamar Wallace of the In-Processing Section sorts through mail received during the government shutdown.

PHOTO BY SHEA CRAIGHEAD

# Copyright Staff Receive LCPA Continuing Ed Fund Awards

WENDI A. MALONEY

Library science, business, writing, and information systems management: these are some of the subjects Copyright Office staff will explore in 2013–14 thanks to the Continuing Education Fund of the Library of Congress Professional Association (LCPA).

**The Continuing Education Fund gives staff the opportunity to take coursework toward an advanced degree or simply take a class to learn something new.**

Yvonne Dooley



PHOTO BY DAVID RICE

Yvonne Dooley, far left, with 2013–14 recipients of LCPA Continuing Education Fund grants. From the Copyright Office, Maria Perez-Morales is third from left; sixth from left is Sharad Shah; and Monica Beach is seventh from left.

Set up 30 years ago to encourage professional and career development among LCPA members, the fund has helped hundreds of recipients. This year, the fund awarded \$10,749 to 26 staff members from service units throughout the Library. Individual grants ranged from \$50 to \$1,206.

“The Continuing Education Fund gives staff the opportunity to take coursework toward an advanced degree or simply take a class to learn something new,” explained copyright information specialist **YVONNE DOOLEY**, the LCPA’s president.

Funds for the grants come mainly from donations made through the Combined Federal Campaign. LCPA membership dues, individual donations to named grants, contributions from the LCPA executive board, and dividend earnings on endowments provide additional support.

Any regular member of the LCPA who is employed at the Library longer than six months can compete for a grant. Three fund trustees review applications and select recipients; current trustees are Leah Freeman, Bill Ruvinsky, and Marta Lucia Sierra. The grant cycle runs from late August of one year until late August of the next. This year’s recipients must complete all coursework by August 24, 2014.

Copyright Office recipients are **MONICA BEACH** and **MARIA PEREZ-MORALES** of the Information and Records

Division; **MICHELLE GRADDY** of the Registration Program; and **SABRINA EVERETT, SHARAD SHAH**, and **CRAIG TAYLOR** of the Receipt Analysis and Control Division.

Beach will use her grant for coursework toward a bachelor’s degree in information systems management. Graddy will apply hers toward a degree in business management. Perez-Morales is taking a class on effective government communications, and Shah is completing a master’s degree in library science.

**DAVID CHRISTOPHER**, the Office’s chief of operations, said LCPA grants set off costs of a master’s degree he earned in 2004. “The grants were a huge help to me, and the advanced education really served as a springboard for my career here,” he said.

“The Continuing Education Fund is one of several popular programs the LCPA sponsors,” Dooley said. “Our annual art show and book sale are other examples.”

With recent retirements from the Library and curtailed hiring, LCPA membership has declined, Dooley reported. “This is a big concern,” she said. “The LCPA depends on staff participation to offer programs.”

Dooley noted that the LCPA is looking for staff to serve as keyworkers to increase membership. Interested staff should contact Dooley at [ydooley@loc.gov](mailto:ydooley@loc.gov) or 7-0610. **C**





## AIPLA Honors Copyright Office Staffers

Fourteen Copyright Office staff members were selected by Register of Copyrights **MARIA A. PALLANTE** for honors at a reception that occurred during the annual meeting of the American Intellectual Property Law Association (AIPLA) on October 24. AIPLA is a professional organization of 14,000 lawyers dedicated to patent, trademark, and copyright law.

Lindsay Nalevanko, AIPLA representative, said that the honorees were chosen for the exceptional quality of their “performance in the Copyright Office. . . . Your high standards of professionalism provide leadership by example to your colleagues. Your skills reward the inventors and creators we represent, as the Constitution and the Congress intend. Your contribution truly serves the public.”

Those honored include the following:

**JANET ALGER, MELISSA BETHEL, ROBERT BLANKENBURG, HEATHER DOMENCIC, MICHELLE GRADDY, GUY MESSIER, ALLAN RUNGE, SUSAN TODD, and MEREDITH WEARING** for their work in the Registration Program

**JOHN ASHLEY** for his work with the Copyright Academy

**MARK JAMES** for his work in receipts and controls

**CHRISTOPHER REED** for his work on special projects

**JACQUELINE SMITH** for her work in the Copyright Technology Office

**CHRISTOPHER WESTON** for his work in the General Counsel’s Office

The event took place at the Marriott Wardman Park Hotel in Washington, D.C. © JN

## Office Releases Report on Small Claims

The Copyright Office released findings on September 30 from a two-year study on copyright small claims. The report documents the significant costs and other challenges involved when copyright owners pursue infringement claims that have a relatively low economic value in the current federal system.

To address these problems, the report recommends establishment of an alternative voluntary system of adjudication to be housed within the Copyright Office. The system would focus on infringement cases valued at no more than \$30,000 in damages.

In a letter to the House Judiciary Committee, which requested the report, the Register thanked the many stakeholders who participated in the Office’s public process and noted the acute impact of small claims issues on individual creators. At the same time, she underscored that “alleged infringers must be allowed to defend themselves vigorously.”

The report is available at [www.copyright.gov/docs/smallclaims](http://www.copyright.gov/docs/smallclaims). © WM

### < COVER Digitization Project Reaches Milestone

Narvick,” published on page 1 of the April 17, 1940, edition of the *New York Herald Tribune*. Charles Davis of the Crowley Company scanned the card on August 26. It was ingested into the digital asset management system on August 30 and examined and accepted by I&R staffer **JOSEPHINE MA** on September 5.

When the scanning project started in 2008, we thought that there were about 49 million cards in the catalog, based on information in a contractor report from 2005. But as scanning has progressed, the actual card

counts indicate that the total number of cards is closer to 36 million, which means that card digitization is approximately 83 percent complete.

Many people have worked together during the past year to achieve this milestone. Congratulations go to Demetrius Barnes, Charles Davis, Andrew Fertig, Matthew Fertig, Jim Flanagan, Justin Lamb, Kevin Marcou, Ed Stracka, Patricio Valdes, and Nicole White of the Crowley Company; **MICHAEL DURRAH, ALICE JOHNSON, CHARLES ROBERTS, and BOB WINSBORO**

of RMS; **ANTOINETTE CHILDS** while on detail to RMS; **ANGELA HIGHTOWER, ROSEMARY KELLY, DENNIS KRAY**, Josephine Ma, **BEVERLY MURPHY**, and **JEAN WALKER** of I&R; Mike Fitzella of the Library’s Office of Strategic Initiatives (OSI); and the technology staff in OSI and Information Technology Services who operate and maintain all the hardware and software infrastructure. Without their dedicated effort, this milestone would not have been reached! They all deserve a big thank you for a job well done. ©





**TRICIA KEMP** started in October as an administrative assistant in the Licensing Division. Although she is new to that position, she's a familiar face in the Copyright Office. Between 2010 and 2012, she was a contract project manager for digitization of the copyright card catalog. "I fell in love with the Library of Congress when I walked in the door," Tricia said. "I knew from the start that I wanted a permanent position here."

For eight years, including her time as digitization project manager, Tricia worked for a Washington, D.C., consulting firm. Depending on customer requirements, she served as an office, administrative, human resources, or project manager. When her contract in the copyright card catalog ended, Tricia moved to the U.S. Census Bureau, where she helped the bureau transition from one firm responsible for software and hardware purchases to another.

"My job was to make sure the operation continued seamlessly, which it did," she said. "I try to diffuse stressful, tense situations while enhancing the productivity and efficiency of work environments."

Tricia has a bachelor's degree in sociology and anthropology from West Virginia University and a master's in business administration from the University of Phoenix.

"I'm happy to be in the Licensing Division and back at the Library," she said. "My background in office and project management should be helpful as I support the division's day-to-day operations, including reengineering."

Tricia joined the Library of Congress Professional Association soon after she started and agreed to serve as the association's membership chair.

An avid reader, she subscribes to Good Reads, the book recommendation website. This year, she is on track to finish 40 books, a target she set. Her favorite genres are historical fiction and humanitarian biographies. She reads mostly while riding the train to and from her home in Hampstead, Maryland. "It's a two-hour one-way commute to Washington, but I find it pleasant," she said.

In her off hours, Tricia enjoys white-water rafting, cooking, and volunteering at an animal rescue shelter. She also likes to spend time at the lake house she and her husband, Mike, a financial planner, built near Deep Creek, Maryland. © WM

### Five Staffers Promoted to Documents Specialist

Five Copyright Office staffers were promoted to documents specialist in the Recordation Section on September 23. The Recordation Section is part of the Information and Records Division. "Their role as documents specialists is critical in fulfilling both the mission of the Copyright Office and in supporting the Library," said **ZARIFA MADYUN**, section head.

The specialists examine documents submitted for recordation to determine if they have an original signature, are complete by their own terms, are legible, and are accompanied by the correct fee. Any document pertaining to agreements regarding copyright may be recorded in the Copyright Office.

Those staffers promoted include **JANNEASE "MICKEY" JOHNSON**, **CHANNING LOWRANCE**, **GINEAN MOSER**, **NIKESHA "NIKKI" STRAKER**, and **DEBBIE WEEMS**. All have substantial service in the Office.

Johnson came from the Copyright Acquisitions Division, where she was an acquisitions assistant; Moser from the Recordation Section, where she was a support clerk; Lowrance from the In-Processing Section, where he was a mail assistant; Straker from the Literary Division, where she was an administrative support clerk; and Weems from the Performing Arts Division, where she was a technician. © JN



New documents specialists include (standing, l to r) Mickey Johnson, Nikki Straker, and Ginean Moser. Debbie Weems is seated. Channing Lowrance is not pictured.

**RENÉE COE**, senior attorney-advisor in the Office of the General Counsel, celebrated 25 years of federal service in June. She began her federal career in 1979 as a senior research assistant for the Congressional Research Service (CRS). From 1982 to 1987, she worked for the U.S. Senate Labor Committee, developing legislative proposals and strategies. After returning briefly to CRS as a temporary analyst, Renée enrolled in the University of Virginia School of Law.

Following law school, she served as assistant attorney general for the state of West Virginia and then as general counsel and chief financial officer for West Virginia's Secretary of State. In that position, she managed the litigation of several election law cases in state and federal courts. Renée joined the Copyright Office staff in 1997. © JN

PHOTO BY DAVID RICE



**GEORGE THURONYI**, assistant chief of the Information and Records (I&R) Division, celebrated his 30-year service anniversary in August. He started working at the National Library Service for the Blind and Physically Handicapped in 1983 as an editorial assistant, advancing to the position of writer-editor within a year. As writer-editor, he managed an exhibition program, started the National Library's website, published a book-review magazine, and worked on Web-Braille,

the world's first full-text digital Braille distribution system. He received the Apex Award for Publication Excellence for Unique Publications for coauthoring a book about the National Library's Talking Book Machine Program.

George moved to the Copyright Office in 1999 as an information technology specialist, managing the Office's website and helping to resolve information technology challenges. In 2001, he received a Meritorious Service Award from the Librarian of Congress for creating a new web version of the copyright search function. In 2003–04, he was a fellow in the Library's Leadership Development Program and completed details with the Library's Office of Strategic Initiatives and Veterans History Project and with the Institute of Museum and Library Services. In 2008, George was promoted to his current position as I&R assistant chief. In 2012, he served as acting division chief. "Service is the key to fulfilling the library's mission, and I've been grateful to serve for so many years" George said. © WM

PHOTO BY WENDI MALONEY



**ROBIN WATSON**, a registration specialist in the Literary Division, celebrated her 30-year service anniversary on August 1. She started working at the Library of Congress in 1983 as a deck attendant in Library Services, advancing later to clerk-messenger and data transcriber. In 1989, Robin became a shelf lister in the Subject Cataloging Division; when the division was reorganized in 1992, she became a senior cataloging technician in the Regional and Cooperative Cataloging Division. In that position, she received outstanding performance awards and a special award for developing an innovative way to reduce a shelf-listing backlog.

At this point in her career, she also contributed to Local 2477 of the American Federation of State, County, and Municipal Employees, serving as an elected board member, a negotiator, and a representative of her Library division.

In 1998, Robin joined the Copyright Office staff as a cataloger of literary works; when the Office reorganized in 2007, she assumed her current position as registration specialist. She said she has enjoyed working at the Office and looks forward to challenges ahead. © WM

## Entitled to a Discount?

As a federal employee, you may be entitled to a discount. "Tell me where," you say.

The answer is that you need to ask. Some museums and their gift shops as well as hotels and motels will give a discount to a federal employee with government employee identification. Car rental companies, online service providers, car manufacturers and insurers, and even a home security company say they give discounts to federal workers.

A little searching on the Internet for "federal employee discount" will turn up numerous hits. © JN

## Out & About

### JULY 29-30:

**MARK DINAPOLI**, assistant chief of the Licensing Division, attended the 2013 Independent Cable Show in San Diego. Using the American Cable Association's exhibit booth, he updated cable operators on developments regarding the eLi (electronic licensing) system and answered their questions pertaining to completing cable statements of account.

### AUGUST 8-14:

**JACQUELINE CHARLESWORTH**, general counsel, participated in a panel discussion on women in the field of intellectual property in San Francisco for the American Bar Association conference and meetings.

### SEPTEMBER 11-12:

**KARYN TEMPLE CLAGGETT**, associate Register and director of policy and international affairs, was a key speaker at the Evolution of U.S. Internet Copyright Laws in the Digital Economy, in Lima, Peru.

### SEPTEMBER 17:

**MARIA STRONG**, senior counsel for policy and international affairs, attended an event organized by the Information Technology and Innovation Foundation on the issuance of a new paper by NetNames entitled "The Size and Shape of Online Piracy." The presentation took place in the Russell Senate Office Building. To hear the speakers, go to [www.itif.org/media/size-and-shape-online-piracy#audio](http://www.itif.org/media/size-and-shape-online-piracy#audio).



In November, Register of Copyrights Maria A. Pallante met with representatives of stakeholder groups in California. Pictured are (left to right) ASCAP members Rachel Assil and Jesse Macht, ASCAP board member Marilyn Bergman, the Register, and ASCAP president Paul Williams.

### SEPTEMBER 23-26:

Maria Strong served on the U.S. government team for intellectual property rights negotiations at a Trans-Pacific Partnership intercessional meeting held in Mexico City.

### SEPTEMBER 25:

**ABIOYE OYEWOLE**, attorney-advisor, represented the Copyright Office at the George Washington University School of Law's public service table talk and networking event in Washington, D.C.

### OCTOBER 24:

Karyn Temple Claggett was a speaker at the Trademark Law and Copyright Law Joint Committee Meeting for 2013 at the American Intellectual Property Law Association Annual Meeting held at the Marriott Wardman Park in Washington, D.C.

### NOVEMBER 4-5:

Register of Copyrights **MARIA A. PALLANTE** attended the 12th American German Copyright Law Summit in Santa Monica, California, where she delivered featured remarks on U.S. copyright policy and participated on a panel with Dr. Irene Pakuscher, head of copyright for the German Federal Ministry of Justice. While in California Pallante also met with various stakeholder groups, including ASCAP, Directors Guild of America, and Google. In addition, on November 7 Pallante visited Professor Paul Goldstein's copyright policy practicum at Stanford Law School, where she met with students working on a project in partnership with the Copyright Office to consider the future of copyright recordation systems. © JN

## Unused Sick Leave Can Boost Your Retirement Income

Effective January 1, 2014, retiring federal employees who are covered by the Federal Employees Retirement System (FERS) will be eligible to have 100 percent of their unused sick leave added to their creditable service when they retire on an immediate annuity. Those who retire on December 31, 2013, or before are eligible to have 50 percent of their unused sick leave used to compute their retirement annuity.

Generally, if you have 174 hours of unused sick leave, your time-in-service will be increased by one month, thus increasing the amount of your annuity. Only full months are used to compute your annuity, but leftover days from your service credit computation can be combined with your unused sick leave to complete a full month.

Unused sick leave may not be used to qualify for eligibility for an annuity.

For more information, call the Library's Human Resources Service Customer Service Center at 7-5627 or see Public Law 111-84 and the Office of Personal Management fact sheet on sick leave at [www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-general-information](http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-general-information). © JN

# NAACP Reaps Royalties from Dorothy Parker's Works

JUDITH NIERMAN

Sometimes the disposition  
of a copyright can be a surprise.

Dorothy Parker (1893–1967), an American writer of poems, short stories, criticism, and Hollywood screenplays, was a founding member of the Algonquin Round Table in the 1920s, a group of writers who met in the Algonquin Hotel in New York City, mainly to exercise their wit.

Well known during her life, Parker associated with many of the most famous writers of the 1920s—Fitzgerald, Hemingway, Lardner, and others. For a time, she lived in Europe and experienced Paris as an expatriot. Her wit could be sarcastic, cruel, and pointed, but frequently humorous and memorable, such as her saying “Men seldom make passes at girls who wear glasses.”

Parker had a longstanding interest in, and participation with, liberal and civil rights causes. As a young woman, she supported the Actors' Equity Association strike of 1919; demonstrated against the 1927 execution of Nicola Sacco and Bartolomeo Vanzetti, Italian-born anarchists who were convicted of murder in Massachusetts; raised funds for Loyalist Spain during the Spanish civil war; and chaired the national Joint Anti-Fascist Refugee Committee. She contributed to the communist *New Masses* magazine and

was eventually blacklisted in Hollywood. The FBI compiled a lengthy dossier on her.

Upon her death, her will gave her estate, including her copyrights and royalties, to the Reverend Dr. Martin Luther King, a man whom she admired but had never met. King was murdered a few months after Parker's death, and the will stipulated that the literary estate would pass to the National Association for the Advancement of Colored People (NAACP) in the event of his death.

Parker's ashes remained in a file drawer in her lawyer's New York City office until 1988, when the *New York Daily News* publicized Parker's lack of a dignified final resting place. The NAACP offered to create the Dorothy Rothschild Parker Memorial Garden, where the ashes are now interred, at its national headquarters in Baltimore and NAACP president Benjamin Hooks dedicated the site on October 20, 1988. ©



Dorothy Parker about 1917

## A selection of quotes from Dorothy Parker

The first thing I do in the morning  
is brush my teeth and sharpen  
my tongue.

Don't look at me in that tone  
of voice.

Take care of the luxuries and  
the necessities will take care of  
themselves.

You can't teach an old dogma  
new tricks.

Living well is the best revenge.

Never complain, never explain.

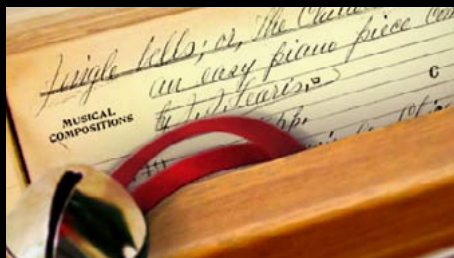
I think that the direction in which  
a writer should look is around.

[www.goodreads.com](http://www.goodreads.com)



# copyright notices

DECEMBER 2013



2

Office's holiday greeting highlights copyrighted song



4

WorkLife Committee presents recommendations



8

Kevin Amer appointed counsel for policy and international affairs

- |   |                   |   |               |    |                |
|---|-------------------|---|---------------|----|----------------|
| 2 | Around the Office | 8 | Promotion     | 10 | Copyright Lore |
| 8 | Appointment       | 9 | Anniversaries |    |                |



PHOTOS BY DAVID RICE

## Staff Updated about Office Projects at All Hands Meeting

WENDI A. MALONEY

Copyright industries contributed more than \$1 trillion in value to the U.S. economy in 2012, announced **DAVID CHRISTOPHER**, the Copyright Office's chief of operations, in opening the November 21 All Hands Meeting in the Coolidge Auditorium.

He was citing a study of the International Intellectual Property Alliance published just days before. As part of the larger copyright ecosystem, the Copyright Office and its staff helped make that contribution possible, he said.

**MARIA A. PALLANTE**, the Register of Copyrights, called the meeting to discuss the Office's accomplishments and goals following the conclusion of a two-year work plan published in fall 2011 in *Priorities and Special Projects of the United States Copyright Office*. Findings and recommendations from work carried out under it will inform the Office's next strategic plan, the Register said.

She thanked staff for their service over the past two years during a "stressful time to work in government," given budgetary uncertainty and furloughs. "It's been inspiring to be your leader," she said.

CONTINUED ON PAGE 7 >



## Family of Famed Musician Visits Copyright Office

Kori Withers (left) and Marcia Withers, the daughter and wife of singer-songwriter Bill Withers, visited the Copyright Office on November 15 to research the copyright status of Withers's early compositions. Withers is known for hits such as "Lean on Me" and "Ain't No Sunshine." Marcia Withers has family in Washington, D.C., which the pair visited while in town. © WM



### Copyright Notices 64:12

Published by the Publications Section, Information & Records Division, Copyright Office, Library of Congress

#### PUBLICATIONS STAFF

##### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Niernman, 707-6816

##### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

#### DISTRIBUTION

Helen Hester-Ossa  
Head, Publications Section,  
Information & Records Division

George Thuronyi,  
Assistant Chief

Christopher S. Reed,  
Acting Chief

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

# Famous Holiday Song Gives Rise to Countless Copyrighted Works

WENDI A. MALONEY

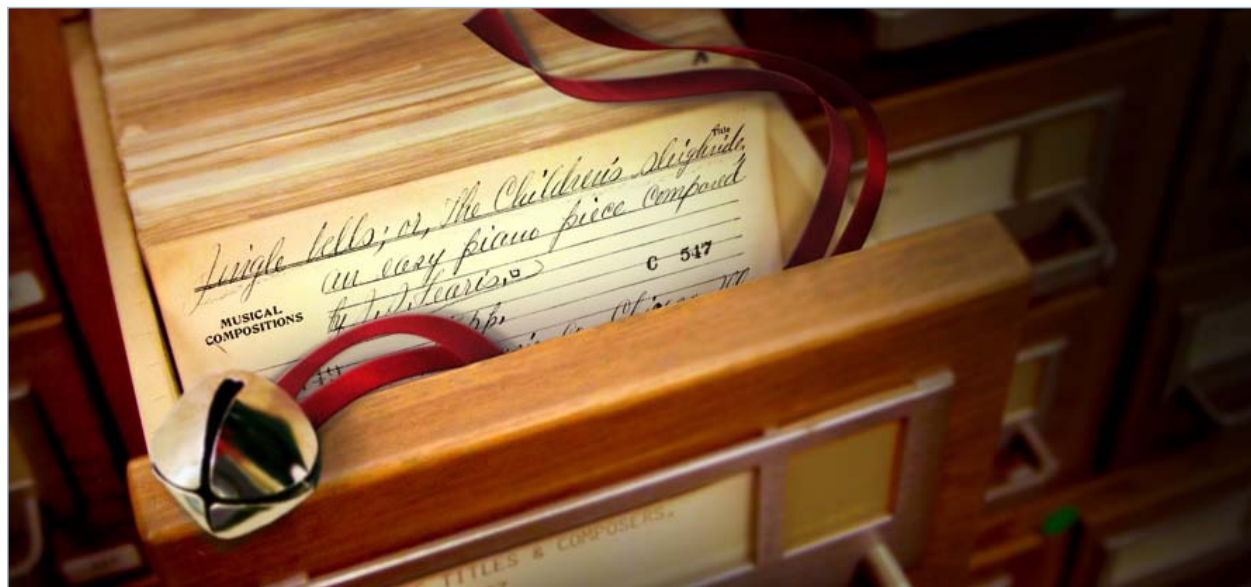


PHOTO ILLUSTRATION BY DAVID RICE

Copyrighted on September 16, 1857, the original composition "Jingle Bells" continues to inspire works celebrating the holiday season.

James Lord Pierpont (1822–93) composed "Jingle Bells" in the 1850s, and the Boston publishing company Oliver Ditson copyrighted it under the title "One Horse Open Sleigh." Soon afterward, the song was republished as "Jingle Bells, or the One Horse Open Sleigh."

According to **ROSEMARY KELLY**, head of the Records Research and Certification Section, the title "Jingle Bells" appears in more than 595 separate copyright registrations filed for musical works since 1870. Variations include "Jingle Bells Polka" (1898), "Jingle Bells March" (1927), "Jingle Bells, I'm in Love" (1936), "Jingle Bells Boogie Woogie" (1948), "Jingle Bell Rock" (1957), and "Jingle Bell Twist" (1961). In 1972, sound recordings came

under federal copyright registration. Since then, around 225 sound recording registrations have included the title "Jingle Bells"; some are for individual songs, others are for albums containing the song.

Yet other registrations relate to translations of the song, arrangements of it, books, movies, visual art, and even "Jingle Bells" radio programs.

It is uncertain exactly when and where Pierpont wrote "Jingle Bells." He was born in Massachusetts, and residents of Medford, Massachusetts, claim that he wrote the song there around 1850 about the town's annual winter sleigh races. But Pierpont moved to Savannah, Georgia, in the mid-1850s to serve as music director at a Unitarian Church where his brother was pastor. He was reportedly living in Savannah when "Jingle Bells" was first published in 1857. Georgians claim Pierpont wrote the song in Savannah, reminiscing about New England winters. ©





Copyright Office retirees gathered on Wednesday, December 18, to celebrate the holidays. Read more about what they've been up to in the January 2014 issue of *Copyright Notices*.

PHOTO BY DAVID RICE

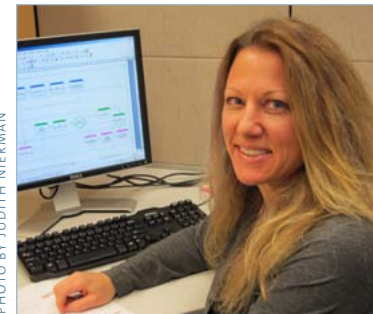


PHOTO BY JUDITH NIERMAN

## Elisa Bragale

Elisa Bragale, a senior at the University of Baltimore, is using her game-design skills in the Copyright Technology Office (CTO). A volunteer, Elisa is developing a game for CTO that will teach other offices what CTO does and will enable others to “try out” the jobs in CTO. Entitled “A Walk in My Shoes,” the program will debut in 2014.

A former account manager for a tech consulting firm, Elisa wanted to design a language-learning game. She studied entrepreneurship for women at the University of Maryland Baltimore County before beginning the simulation and digital entertainment program in Baltimore. Her senior project is a group effort to create a virtual trip to Spain using a 3-D modeling program.

“I am enjoying the CTO environment where I am learning about its culture and language,” Elisa said. © JN

## I&R Division to Be Reorganized

JUDITH NIERMAN

Chief of Operations **DAVID CHRISTOPHER** met with staff from the Information and Records Division (I&R) on November 18 to discuss the reorganization of the division. The information session was held as part of the Library’s established reorganization implementation procedures.

“I&R will be split into the Office of Public Information and Education and the Office of Public Records and Repositories, both of which will be headed by directors,” he said. “The purpose is to parse out and elevate the important functions that the two sides of I&R engage in so that

each function has the high-level leadership and committed resources that it deserves.”

Most staff will notice no change in their positions, and they will report to the same supervisors and within the same sections. But section heads will no longer report to a chief because that position is being eliminated in the new areas.

In attendance were Saul Schniderman, representing AFSCME Local 2910, and Jermaine Smith, representing AFSCME Local 2477. ©

# WorkLife Committee Presents Recommendations

JUDITH NIERMAN

One of the special projects launched by Register of Copyrights **MARIA A. PALLANTE** in October 2011 was the WorkLife Committee dedicated to ensuring that the Copyright Office has a dynamic workforce prepared for the 21st century.

One of several initial working groups, the Management and Supervision Enhancements Group formed a subcommittee to focus on developing stronger supervisors. The WorkLife Group for Developing a Stronger Supervisor Cadre was tasked with three key areas:

- developing a stronger supervisor cadre
- building an atmosphere of trust
- ensuring equitability in selection for details and temporary positions

This subgroup created two online surveys—one for staff and one for supervisors—that were distributed in December 2012. The group received feedback from approximately 30 percent of staff members as a result of the first survey. Nearly 50 percent of supervisors responded to the second survey. While the questions in each survey varied, all focused on the three key issues.

Based on survey responses, consultation with union representatives, and group discussions, the committee wrote a report entitled “Developing a Stronger Supervisor Cadre; WorkLife Project Summary” that summarizes the subcommittee’s work and presents recommendations to improve workforce development and supervisory skills.

The subcommittee met with **DAVID CHRISTOPHER**, chief of operations, and **BRUCE MCCUBBIN**, Administrative Services Office chief, in late October to discuss the report. The report presents a list of recommendations to continue strengthening the workforce as well as all supervisors. The recommendations are centered on areas of staff concern as expressed in the survey results:

## Developing a stronger supervisor cadre

- Implement supervisor forums where front-line supervisors can discuss issues faced in their jobs.
- Allow supervisors to telework on a regular basis.
- Make training options available and readily known.
- Develop a Copyright Office orientation program for new supervisors, including a mentoring program.
- Provide a support system that includes a credible source of information and advice.

## Fostering an atmosphere of trust

- Create a staff liaison to upper management to provide a mechanism for staff feedback on work processes and rules that impact staff productivity.
- Improve communication by circulating notes from Operations and Register’s Conference meetings; implementing “chats” with upper management at the organizational level; and educating staff on the budgeting process, policy, and other areas in an effort to demystify the front office.

## Developing employees

- Expand the Copyright Academy by implementing a new WorkLife program to support staff and supervisory development that includes career counseling, leadership and supervisory training, new employee orientation, divisional tours, job shadowing, and creativity luncheons.
- Create intra- or inter-office sabbaticals wherein an employee would receive a six-month assignment in another part of the Copyright Office, the Library, or a related agency to learn new skills and refresh current skills.
- Create ladder positions as an alternative advancement path for those who are technically proficient but lack leadership competencies or who do not want to be a supervisor. Examples included subject matter experts and generalist positions to serve as liaisons between divisions.

The report concludes that staff optimism is evident. With concentrated focus and accountability in the areas of building trust within the Office, developing employees, and improving job satisfaction, “the 21st century Copyright Office will emerge as one of the best places to work while ensuring a dynamic and effective workforce. . . . The Office would yield positive returns through calculated investments made in both its supervisors and its employees.”

The WorkLife group will continue developing recommendations to address the key issues. The group thanks all who provided valuable feedback in the surveys, saying, “Your feedback will continue to shape our recommendations.” ©



Left to right: Karen Van Gilder, Larisa Pastuchiv, Daniel Schwarz, and Jeff Taylor.

## WorkLife Group Members

Kimberly Leake (RAC) Cochair  
Karen Van Gilder (CAD) Cochair  
Belinda Nobles-Jackson (CTO)  
Larisa Pastuchiv (RP/VA)  
Jane Rinard (RP/PA)  
Donna Robson (RP/PA)  
Daniel Schwarz (RAC)  
Jeff Taylor (RP/PA)



# Registration Specialists Advance to Legal Positions

WENDI A. MALONEY

**KATHERINE ALVAREZ, FRANK MULLER, and AARON WATSON** were promoted in October to attorney-advisor positions in the Office of Policy and International Affairs (PIA). Katie and Frank joined the Copyright Office staff in 2010 as registration specialists in the Literary Division; Aaron started in 2009 as a registration specialist in the Performing Arts Division. All three completed details in PIA before assuming permanent positions.

Katie has a bachelor's degree in public relations from the University of Southern California with a minor in the music industry. She developed an interest in copyright law from her study of the music industry and enrolled in DePaul University College of Law. While there, she was a counselor in intellectual property for the school's legal clinic.

After completing her JD, Katie moved to Washington, D.C., and secured a job at the Copyright Office. She said she found the variety of works in the Literary Division interesting.

"People apply to register everything from published books to random jottings on paper," she said. "I'm glad to have had hands-on experience with so many different kinds of creative works."

As a registration specialist, she completed occasional assignments for the Office's legal staff. When the Office announced a detail in PIA, Katie applied and was selected.

"I was so excited just to get the detail; I didn't imagine that it would lead to a permanent position," she said.

For PIA, Katie has researched issues related to orphan works, mass digitization, and congressional review of

the copyright law, and she is helping to organize an international training to be held in the spring. Like other PIA lawyers, she also monitors developments internationally in designated countries.

"I love policy, research, and writing," she said. "It's a wonderful opportunity to be at the Copyright Office and at the Library of Congress, which is an amazing cultural institution."

Katie lives in Woodley Park in the District and rides her bike to work.

Frank Muller said he loved being around just-published books in the Literary Division and came to appreciate the role of publishers in identifying high-quality content from among the enormous amount of writing that is produced.

Frank has a bachelor's degree in English and philosophy from Western Kentucky University. After graduating, he was an actor in a comedy and drama troupe that performed at venues including The Second City in Chicago. "I never envisioned acting as a career, but it was a good way to spend my early twenties. I loved it," he said.

He has kept in touch with his acting colleagues and said he values having close connections in the creative community.

Frank left acting with an interest in intellectual property. Like Katie, he earned his JD at DePaul University College of Law. He was legislative updates editor for the *DePaul Journal of Art, Technology, and Intellectual Property Law*, and he wrote two academic articles on copyright law,

including one on orphan works, a topic he now works on at the Copyright Office.

Besides orphan works, Frank researches other policy-related matters under PIA's purview and monitors a select group of countries internationally.

"It's pretty incredible that I have a job that matches my interests so closely," he said. "I'm really pleased to have this position."

Frank lives in Frederick, Maryland, with his wife, Jen, and two-year-old daughter, Mary.

Aaron Watson said he has been "lucky every step of the way" at the Copyright Office. As a registration specialist, he was a member of the Motion Picture Team and enjoyed seeing some of the "wacky stuff" that came across his desk.

CONTINUED >



Left to right: Aaron Watson, Katie Alvarez, and Frank Muller

PHOTO BY DAVID RICE



“I’d examine about 20 movies a day,” he said. “I became aware of films that I wouldn’t otherwise have known about and enjoyed watching some on my own time later.”

Aaron has a bachelor’s degree in music from the University of the Pacific, and a master’s degree from the New England Conservatory of Music. He performed double bass in the Rhode Island Philharmonic Orchestra, the Hartford Symphony Orchestra, the Stockton Symphony, and the Sacramento Philharmonic. He also taught at Brown University and elsewhere in New England. Organist and composer Daniel Pinkham wrote a *divertimento*, or instrumental chamber work, for him, an honor Aaron values.

He earned a JD from Roger Williams University and joined the Copyright Office several months later. He started working in PIA in January on a detail, helping with research for the Office’s contribution to a spring 2013 intellectual property report issued by the Office of the U.S. Trade Representative. He has also researched and drafted material for the Office’s study on a federal resale royalty right and other projects. Like his PIA colleagues, he tracks developments in an assigned group of countries.

“I felt fortunate to get the registration job, and now I’m more than pleased to be able to use my law degree in PIA,” Aaron said.

During his time at the Office, Aaron has played bass guitar with colleagues at holiday and retirement parties. Outside work, he plays with a bluegrass group in Germantown, Maryland.

He and his wife, Patricia, live in Montgomery Village, Maryland, with their children, Sean, 4, and Danica, 16 months.

# What Will You Do with Your Money in the TSP?

JUDITH NIERMAN

When you retire from federal service, you have to decide if you want monthly income from your Thrift Savings Plan (TSP) savings or if you want to use that money to purchase a life annuity.

You do not have to take anything out until you are age 70½, when the Internal Revenue Service dictates that you take your minimum required distribution based on life expectancy.

A life annuity is a form of insurance that guarantees you will not outlive your income. If you select monthly income, either through leaving your money in the TSP or rolling it over to another investment vehicle such as a

mutual fund, you will receive payments for only as long as the funds last. You could outlive your income.

If you select an annuity, you will receive payments for as long as you live, but the payments will not increase in size with inflation unless you select a low payment in the initial years with an increase as you age. To compare the features of monthly payments from the TSP and a life annuity, go to <https://www.tsp.gov/planningtools/retirementcalculator/retirementCalculator.shtml>.

You may also choose to buy a life annuity with part of your money and take monthly payments with the rest ☐.



Workers decorate the Great Hall of the Jefferson Building on December 4.

The Register highlighted the Office's support for Congress in its ongoing review of the copyright law, noting that hearings are under way in the House Judiciary Committee. In addition, she explained the plan for reorganizing the Information and Records (I&R) Division into two units, one focused on public information and outreach, the other on copyright records and the building of a secure repository for them. Dividing I&R based on these functions will allow the Office to provide services more effectively to the public, she said.

The Register also reported on the completion of a draft revision of the *Compendium of Copyright Office Practices*. The draft is under review by outside legal groups, she said, and a beta version will be posted on the Office's website in January for public comment. The legal staff is starting to update copyright regulations to coincide with revised practices and procedures, she stated.

To upgrade the Office's technical work-processing systems, the Office solicited public comments about current capabilities and future possibilities, the Register said. Staff have been maintaining legacy systems and fixing problems with the online registration system, she noted. But the Office is also "thinking big" about ways to handle digital content in the future, given the rapid expansion of digital media.

The Register told staff that she had delivered the Christopher A. Meyer Memorial Lecture at George Washington University the night before. Titled "The Next Generation Copyright Office: What It Means and Why It Matters," the lecture described the Office's achievements over the past two years and explored ways the Office will need to evolve to support changes in the copyright system in the 21st century. It was a bookend to a series of presentations the Register delivered this year, the first of which was the Horace S. Manges Lecture at Columbia Law School in March. Titled "The Next Great Copyright Act," that lecture helped initiate a congressional review of copyright law announced by Rep. Bob Goodlatte, chair of the House Judiciary Committee, in April. See the May-June issue of *Copyright Notices* for details.

**CHRIS REED**, senior advisor to the Register, who is now serving as acting I&R chief, offered details about select special projects from the two-year work plan. He explained that many of the projects will be implemented



David Christopher welcomes staff to the All Hands Meeting.

in phases. Updating regulations, as appropriate, is the second phase of the *Compendium* revision, for example. Similarly, the Office's website will soon unveil a new, more modern look, followed by a second phase of redevelopment that will address the underlying architecture of the site. The first phase of documents reengineering, which is well under way, will move documents recordation away from dated legacy systems to the electronic Copyright Office. In a second phase, the Office will consider broader questions, such as what types of copyright-related documents should be recorded.

Regarding the Office's project to digitize historical records from 1870 to 1977, Reed reported that the Office scanned 8.7 million catalog cards in fiscal 2013, bringing the total number of cards digitized to 31.2 million.

Reed informed staff that the Office proposed a new fee schedule to Congress in November that will take effect around April 1, 2014, unless Congress enacts a law stating that it does not approve.

Reed also touched on the Office's public information and outreach effort, dialogues and roundtables with copyright stakeholders, and skills training for staff.

**ANNETTE JAMES**, an information technology specialist in the Copyright Technology Office (CTO), gave an overview of the Office's process for upgrading its technical systems. From discussions with internal

and external users, CTO determined that constituents want a better user experience, improved public records, and capabilities like cloud computing, among other enhancements, she said.

**DENISE WOFFORD**, CTO's deputy director, talked about the office's major technical projects, including improvements to the electronic Copyright Office, retirement of legacy computer systems, and CTO operational improvements. "We're assessing what we do and how we do it," she stated.

**JANNEASE JOHNSON**, a copyright specialist in the Recordation Section, discussed her participation in the Copyright Academy, the staff legal education program launched in 2012 and taught by **JOHN ASHLEY**, chief of the Visual Arts Division. Johnson completed both courses offered so far, the first on the 1976 Copyright Act and the second comparing the 1976 law with the 1909 Copyright Act.

"I had no idea how studying the copyright law would help me in my career," said Johnson, who was recently promoted after working at the Office for 14 years. She said she feels confident learning the content of her new position thanks to the Copyright Academy.

The All Hands Meeting was recorded, and a copy will be posted on the Office's Intranet once it is ready. ©



## Appointment

PHOTO BY JUDITH NIERMAN



**KEVIN AMER**, counsel for policy and international affairs, joined the Copyright Office staff on September 23. He is working on the Office's report to Congress on resale royalties, and he assisted with the final copy of the report on small copyright claims. His area of focus will primarily be parts of East Asia, but secondarily he will help with China and South Asia.

Born and raised in Cleveland, Kevin graduated from Harvard University with a major in American history and literature. His senior thesis dealt with the civil rights movement in Cleveland. After graduation, he worked as a research assistant for a professor before entering Yale Law School. During the summers, he interned at the U.S. Attorney's Office in New York City and for law firms in New York and Washington, D.C.

After earning his law degree, Kevin joined the D.C. firm of Swidler Berlin, where he worked in litigation and copyright. From there he moved to the Department of Justice's Civil Rights Division in the Educational Opportunities Section. Working on enforcement of civil rights in education, he monitored school districts that were subject to court orders and oversight.

After two years, Kevin left for a judicial clerkship with Judge Charles Wilson of the U.S. Court of Appeals for the 11th Circuit in Tampa.

Back in the District a year later, Kevin returned to a law firm, this time Akin Gump, where he focused on litigation and appellate work, including writing briefs for the Supreme Court. Four years later, he moved briefly to a Supreme Court firm, Goldstein and Russell, before coming to the Copyright Office.

In his free time, Kevin enjoys playing melodic pop-rock on the acoustic guitar and piano. He is trying to learn to play golf, and says he is a political junkie. © JN

## Promotion

PHOTO BY WENDI A. MALONEY



**CHANDA MALIK** was promoted in September to the position of legal assistant in the Office of Policy and International Affairs (PIA). She started working at the Copyright Office in 2002 as a clerk in the Deposit Copies Storage Unit in Landover, Maryland. In 2009, she served details in the Office of the General Counsel and the Records Research and Certification Section (RRC). In 2010, she became a technician in RRC, advancing to senior technician in 2012. She served a detail in PIA before securing her current position.

"There's never a dull moment in PIA," Chanda said. "I love it, because I can be creative in helping to organize the office's work."

She carries out administrative duties for PIA's 10 staff members and two interns, including time and attendance and human resources tasks. In addition, she prepares cover letters and documents for congressional reports, takes meeting minutes, and prepares binders of materials for public hearings, among other responsibilities. To streamline the office's workflow, Chanda set up an online filing system.

For PIA's December staff retreat, she developed team-building games.

Outside work, Chanda devotes her time to her family: husband, Luqman; daughter, Ya'Niyah, 12; twin sons, Jalil and Kalil, 11; and son, Nazir, 2. The family lives in Waldorf, Maryland.

"I'm enjoying the new challenges in PIA and look forward to contributing more in the future," Chanda said. © WM

## Congratulations

*Copyright Notices* congratulates the following staffers:

**CHARLES BUBECK** on his promotion to registration specialist in September 2012

**CAROL CORRIGAN** on 20 years of federal service

**IVAN PROCTOR** on 35 years of federal service

**TERRAWN ROGERS** on 25 years of federal service





**MONICA BEACH** “Every day something interesting happens,” said Monica Beach, a public information specialist, who marked her 25-year anniversary of federal service in September. “I like interacting personally with the public and helping remitters with the electronic registration system,” she continued.

Her job includes answering questions posed by visitors to the Office. She also responds to questions from people who call and email the Office. In addition, Monica has appeared in Office webinars, including one with NASA, and hosted tours of the Office.

Monica began in the Office as a work-study student in the former Certifications and Documents Section. After a year, she was hired as a clerk in the Clerical Support Unit of the Publications Section. She worked briefly in the Information and Reference Division office on a detail. From there, she was promoted to fiscal assistant in the former Data Prep Unit.

In 2002, Monica was promoted to copyright research specialist in the former Reference and Bibliography Section, where she remained until detailed to the Public Information Office and subsequently hired there as a specialist. Along the way, Monica has assisted with reducing a backlog in the former Examining Division and helped with World Intellectual Property Organization files in the General Counsel’s Office.

Outside the Office, Monica is busy with family-centered activities. She has three children: Robert, who is an adult, and daughters Simone, age 17, and Asia, age 13. She also has two adult stepchildren, Aneka, a resident of Georgia, and Richard, who lives in Delaware, and three grandchildren.

Monica is currently working toward a degree in information systems security with a minor in psychology through the University of Maryland University College. © JN



**DARNELL SCOTTON**, a supervisor in the In-Processing Section of the Receipt Analysis and Control (RAC) Division, celebrated 25 years of federal service in October. All his service has been in the RAC.

“I’ve worked through four division chiefs, three major fee changes, and two name changes of my work area,” Darnell commented. Since online registration was implemented, Darnell said his section receives more digital deposits and online registrations, which cuts down on the bulky deposits that they used to receive. “The In-Processing Section staff are the initial handlers of incoming copyright registrations,” he said. “We provide security for deposits and are the first to create online records for new registrations.”

He began as a mail technician in the Mail Processing and Correspondence Control Unit, where he remained until 2001, when he was promoted to team leader of a 14-person team. In 2004, he became a supervisory program assistant, helping to define this position, which was then new in the RAC. With reengineering taking place, Darnell helped move his section from Capitol Hill to Crystal City and back. And he was involved in transporting mail between the two sites. His group, then comprising nine staffers, was one of the first to occupy space in the redesigned Madison Building

space. Darnell was responsible for training the team members in using the new online system.

Darnell was born in Washington, D.C., and now lives in Bowie, Maryland. He graduated from Woodrow Wilson Senior High School and attended St. Paul’s College in Lawrenceville, Virginia. He is very active in his church, Abundant Life Ministries in Forest Heights, Maryland, where he ushers; teaches Bible studies; and serves as men’s director, planning community outreach, counseling, outings, and retreats. Darnell, a former coach of a Library of Congress Recreation Association basketball team, is a sports fan and cheers for the University of Kentucky wildcats. © JN

## Staffer Needs Donated Leave

**ROSEMARY BRAWNER**, an information specialist in the Copyright Information Section of the Information and Records Division, is in need of donated leave due to the prolonged illness of her mother.

Rosemary has been approved for the leave donor program, and her account has been established in WebTA under her name. Please contact your T&A clerk if you have any questions. Address requests for further assistance to Chris Cruz at 7-4116 or [ccru@loc.gov](mailto:ccru@loc.gov).

Rosemary thanks you in advance for your support and well wishes. © JN

# Assassin's Assassin Was Copyright Registrant — and Infringer

WENDI A. MALONEY

Did you know that Jack Ruby registered a copyright? Frank Evina, known as the Copyright Office's unofficial historian until his 2007 retirement, called to ask that question last month. He said the 50th anniversary of President John F. Kennedy's November 22, 1963, assassination reminded him of the Ruby copyright.

Evina learned about it from former Register of Copyrights Barbara Ringer. She told him "some time in the 1970s" that the President's Commission on the Assassination of President Kennedy, known informally as the Warren Commission, had asked federal agencies to search their files for any information related to Lee Harvey Oswald, who assassinated President Kennedy, or Jack Ruby, who shot and killed Oswald. The Warren Commission investigated Kennedy's assassination in 1963 and 1964, publishing an 889-page report.

A search of copyright records turned up nothing on Oswald but identified a registration filed by Jack Rubenstein on January 16, 1942, for a color print titled "Remember Pearl Harbor." The registration, numbered 49571, fell under "class K," the category used at the time for prints and pictorial illustrations. The catalog card for the registration notes that Rubenstein was "doing business as Liberty Distributing Co.," located in Chicago.

A biography of Jack Ruby in the Warren Commission's report notes that Ruby was born in Chicago in 1911 and named Jacob Rubenstein by his parents, immigrants from Poland. He changed his name to Jack Ruby in 1947.

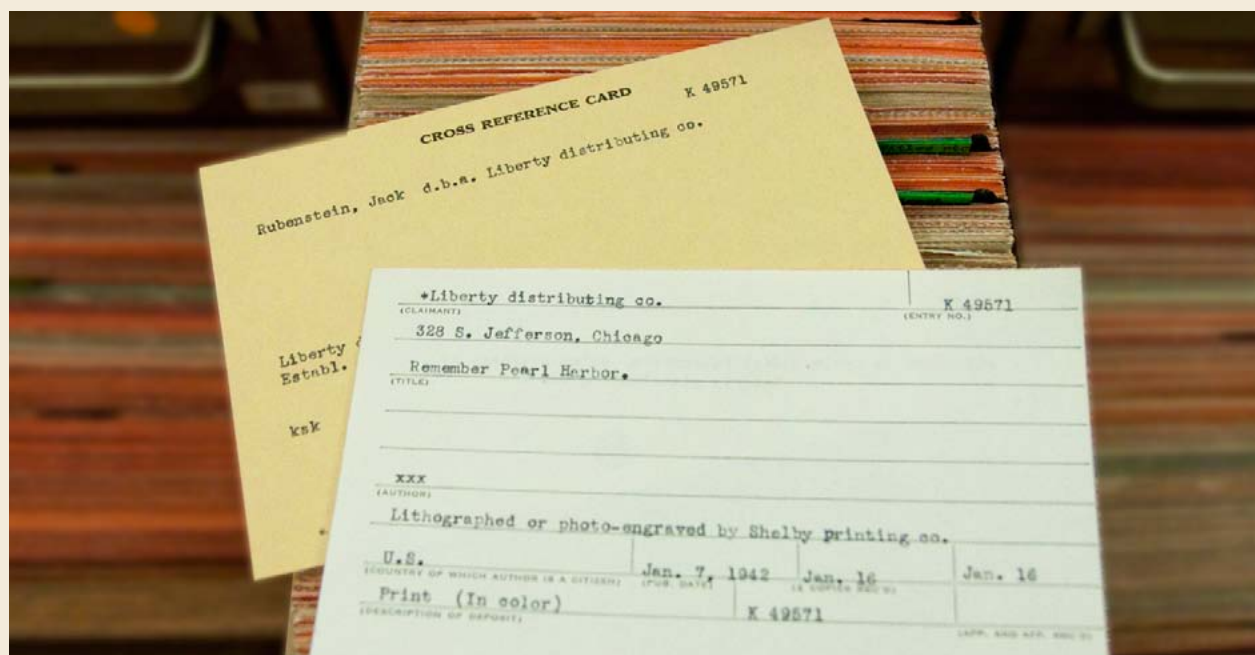
As a young man, Ruby engaged in assorted commercial ventures to support himself. In 1941, he and a friend established a small firm to sell novelty items. After the attack on Pearl Harbor in December of that year, they decided to sell plaques commemorating the "Day of Infamy." The art Ruby registered in 1942 was for the plaque.

An earlier experience may have alerted Ruby to the benefits of copyright registration. For the Warren Commission inquiry, Bell P. Herndon, special agent of the Federal Bureau of Investigation, interrogated Ruby on July 18, 1964, about Ruby's life before the Kennedy

assassination. "Have you ever served time in jail?" Herndon asked. Ruby admitted to serving 30 days for unauthorized sale of copyrighted sheet music "back in the old depression days" in Chicago.

"That 30 days embarrasses me," Ruby testified. "It was something that I didn't realize at the time there were copyrights on those songs." He added that he "made a pretty good living at that time."

Records indicate that the art deposited for Ruby's 1942 registration is no longer part of the Office's holdings. ©



Copyright catalog cards with details about Ruby's registration

PHOTO BY DAVID RICE

# copyright notices

JANUARY 2014



4

Motion Picture Team does not watch movies all day.



7

Retirees enjoy annual holiday reception.



9

Jean Walker speaks at Frazier/Murphy retirement party

2 Around the Office 6 Out & About 10 Obituary

5 Human Resources 9 Retirements 11 Copyright Lore



PHOTOS BY DAVID RICE

The Madison Building from the U.S. Capitol grounds on January 3, during the "polar vortex" that saw temperatures plummet to zero degrees.

## Copyright Industries' Contribution to U.S. Economy Tops \$1 Trillion

JUDITH NIERMAN

A November 2013 economic report released by the International Intellectual Property Alliance (IIPA) says that in 2012, for the first time, the core copyright industries contributed \$1 trillion to the U.S. economy in one year. This number represents nearly 6.5 percent of the total 2012 gross domestic product of the United States.

"The study demonstrates the vibrancy of copyright and creativity as an engine for growth for the U.S. economy," the IIPA report states.

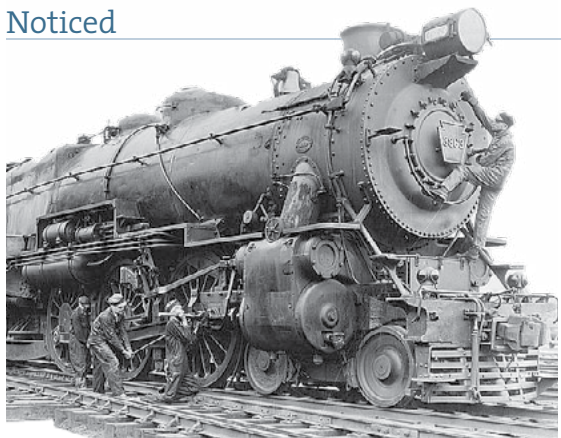
An additional economic contribution to the country is well-paying jobs. While the average yearly pay for all U.S. workers is \$64,594, the average pay in the copyright industries, which employed 11.1 million workers in 2012, is \$85,644, the study finds.

Even more good news, according to the report, is the fact that from 2009 to 2012, the core copyright industries grew at a rate of 4.7 percent, a figure twice that of the U.S. economy as a whole.

The numbers in the area of foreign sales and exports are even more encouraging. Overseas sales of goods protected by copyright added \$142 billion to the U.S. economy in 2012, a figure that

CONTINUED ON PAGE 6 >





NATIONAL PHOTO COMPANY COLLECTION, LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION

## An economic engine

In 2012, the core copyright industries employed  
**5.4 million workers**  
**4% of the U.S. workforce**  
**4.8% of total private employees**

## It all started with a sneeze!

Number of motion picture claims registered  
**46,779 in fiscal 2012**  
**49,197 in fiscal 2013**

Read more on page 4.



### Copyright Notices 65:01

Published by the Publications  
 Section, Information & Records  
 Division, Copyright Office,  
 Library of Congress

#### PUBLICATIONS STAFF

##### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
 Judith Nieman, 707-6816

##### DESIGNERS

David Rice, 707-0613  
 Cecelia Rogers, 707-3313

#### DISTRIBUTION

Helen Hester-Ossa  
 Head, Publications Section,  
 Information & Records Division

George Thuronyi,  
 Assistant Chief

Christopher S. Reed,  
 Acting Chief

David Christopher,  
 Chief of Operations

Maria A. Pallante,  
 Register of Copyrights

Suggestions for articles and comments are welcomed.  
 Please call for deadlines.

## Library Music Specialist Showcases UK Copyright Registration

On a visit in October to the London offices of Schott Music, Nicholas Alexander Brown of the Library's Music Division asked to see the music publisher's historical copyright records. Brown's interest in copyright arises from his profession. With Music Division colleagues, he commissions works performed at concerts in the Library's Coolidge Auditorium and on video podcasts. Brown also directs the Library of Congress Choral performance at the 2013 National Book Festival.

"Music licensing can be complicated," Brown said. "To perform a work, I often have to contact multiple parties for permissions, including the estates or heirs of composers or lyricists. To get contact information, I usually start with a music publisher."

He said historical copyright registrations at Schott's London offices are kept in black binders on shelves in the publisher's promotion offices, where staff can consult them to research copyright ownership. Brown posted an image on his Facebook page of a 1959 U.S. certificate of registration for a guitar arrangement of "Tango, op. 165, no. 2," by Spanish composer Ignaz Albéniz. Another Spanish composer, Graciano Tarragó Pons, wrote the guitar arrangement that Schott registered.

"I think it's neat to go out in the world and see how work done at the Library is being used," he explained.

The registration he highlighted is numbered E68231, and it is signed

Brown addresses the audience at the Library of Congress Choral performance at the 2013 National Book Festival.



PHOTO BY DAVID RICE



PHOTO BY NICHOLAS ALEXANDER BROWN

by Arthur Fisher, who was Register of Copyrights from 1951 to 1960. The certificate notes that the registration is for a musical composition the "author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States." The United States has had reciprocal copyright relations with the United Kingdom since passage of the Chace Act in 1891, meaning that the two countries extend copyright protection to one another's citizens. © WM

# November Hearing Continues Copyright Law Review

JUDITH NIERMAN

On November 19, 2013, the House Subcommittee on Courts, Intellectual Property, and the Internet conducted a hearing on “The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age.” The committee members heard testimony from four witnesses as part of an ongoing series of hearings to review the U.S. copyright law.

In his opening statement, Chairman Howard Coble said that Americans have more access to more content than at any time in history. One reason for this plethora of content is that “our nation’s intellectual property laws are designed to reward those who invest their time and resources into the development of original works of intellectual property.” The Internet, he said, simultaneously creates new business models while destroying old ones. Ranking Member Melvin Watt did not make an oral opening statement. Four witnesses testified.

**Sebastian Holst**, representing PreEmptive Solutions and the Association for Competitive Technology, spoke about changes in the digital content industry, how content developers make money, and the challenges facing the app industry from piracy and other forms of theft. He said that “copyright is critical to the mobile app ecosystem.”

**“This is a transformative time for content creators and distributors.”**  
John McCoskey

**John McCoskey**, executive vice president and chief technology officer of the Motion Picture Association of America, outlined the growth in digital delivery of videos and Internet-based entertainment and stressed the need for respect for copyright in the digital environment. “This is a transformative time for content creators and distributors,” he said.

**Paul Misener**, vice president for global public policy at *Amazon.com*, spoke on potential barriers to digital content delivery, including issues surrounding the lack of centralization in content licensing, the risk of large statutory damage awards, and open consumer access to content.

**David Sohn**, general counsel and director of the Center for Democracy and Technology, spoke on trends in consumer expectations in the copyright and media marketplace. He advocated that, in reviewing the copyright law, the focus should be on continued marketplace innovation, existing features of law that promote the marketplace and technology, reform of the law’s statutory damages provisions, greater legal certainty for fair use practices, and simplification of the copyright law. “It’s a great privilege to be here,” he said. “I’m thankful for the opportunity.” ©

## Around the Office



## Motion Picture Team Talks to International Filmmakers

Filmmakers from 12 countries visited the Copyright Office on January 7 to learn about U.S. copyright registration of motion pictures. **ALICE PARRISH**, head of the Copyright Office’s Motion Picture Team, and **MICKY GOLDSTEIN**, one of the team’s registration specialists, gave the group an overview of motion picture registration, starting with registration of movies as still photographs in the 1890s and concluding with the challenges of registering digital-age films. The filmmakers came from Algeria, Brunei, Latvia, Netherlands, Nicaragua, Nigeria, Republic of Korea, Saudi Arabia, Tunisia, Ukraine, and the United Kingdom. The U.S. State Department’s International Visitor Leadership Program arranged the visit through **ALICIA MROCZYK**, project manager for copyright education and outreach in the Information and Records Division. © WM



# Motion Picture Team Does *Not* Watch Movies All Day

JUDITH NIERMAN

Copyright Talks highlighted the work of the Motion Picture (MP) Team, part of the Performing Arts Division, on November 20, 2013. The popular educational series aimed at Office staffers has been “following the deposit” on its way through the Office, said **ALICIA MROCZYK**, special assistant in the Information and Records Division, who has planned the presentation.

**ALICE PARRISH**, team leader, began by giving a brief history of copyright and motion pictures. “It all started with a sneeze,” she said, when Thomas Edison’s laboratory produced a series of still photos in 1894 of

employee Fred Ott sneezing. ([www.loc.gov/pictures/resource/cph.3g03652/](http://www.loc.gov/pictures/resource/cph.3g03652/)). When shown rapidly on a projector, the photos appeared to move. These photographs are the earliest surviving motion picture deposited with the Copyright Office.

President Abraham Lincoln signed legislation expanding the subject matter of copyright to photography in 1865. Prior to 1912 when they were brought under copyright protection, motion pictures were registered as photographs, although by that year, there existed a well-established U.S. motion picture industry.

**MICKY GOLDSTEIN**, a copyright registration specialist, spoke on motion pictures and authorship. “Remitters may think that motion pictures are only major feature films,” he said.



“Motion pictures” are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

17 U.S.C. §101

But what is not a motion picture? he began. The answer includes screenplays; still images, such as slides, words and music, and artwork; and other works. All motion pictures are audiovisual works, although the reverse of this statement is not true, he said.

Who is an author? he continued. Authors may include a director if that person has supplied creative authorship to the deposit; the producer; the cinematographer whose determinations on the use of the camera may constitute creative authorship; the editor; the animator; and the screenwriter. While there may be many types of authorship, the motion picture must be registered as a single integrated work.

Goldstein expanded on editing as a creative contribution to a motion picture. New editing of an original work may be creative, as may editing of a derivative work if the motion picture is preexisting. Deletions, reworking of the footage or soundtrack, and additional material such as sounds and narration are examples of possible creative editing.

Other types of contributions that may qualify as authorship include colorization, closed captioning, nonverbal sounds, subtitles, and more.

Who cannot be an author? Goldstein asked. The answer includes the executive producer, who works on the noncreative aspects of a motion picture; the writer of a textual proposal, synopsis, or treatment; an interviewer; a set designer; and others.

**SASKIA FLORENCE**, registration specialist, spoke on publication and the copyright deposit. The definition

CONTINUED >



PHOTOS BY DAVID RICE

From left are Saskia Florence, Karin Sweet, Alice Parrish, and Micky Goldstein.





Alicia Mroczyk

&lt;

of publication is in the law, she said, but there is no definition of online publication. The applicant must decide if an online work has been published.

She reminded the audience that a copy of a work must exist before publication can occur. She reviewed deposit requirements, which center on the archival purposes of the Library of Congress, suggesting *Circular 45, Copyright Registration for Motion Pictures, Including Video Recordings*, as a source of information on the best edition requirements for published works. For unpublished works, the deposit is one copy plus a separate written description, or alternatively, the entire soundtrack or one screenshot from each 10 minutes of film.

**KARIN SWEET**, registration specialist, noted that MP staffers do not watch motion pictures all day. Indeed, they may deal with issues that relate to choreography and pantomime. Choreography and pantomime, she told the audience, must be fixed. They do not include exercises, martial arts, circus acts, magic tricks, stage directions, social dances, dance instructions, or simple dances. Choreography is usually fixed in a motion

picture but may also be submitted for registration in Labanotation or Benesh movement, which are written systems for representing dance movements.

Certain audiovisual works are not choreography, including slide shows, banner ads, apps, and videogames.

The program concluded with information on the Library's Culpeper, Virginia, *Packard Campus for Audio-Visual Conservation*, the largest film archive in the world, with 90 miles of underground shelving and 124 nitrate film vaults. Parrish spoke briefly on an ongoing pilot to obtain TV shows by direct transmission to Culpeper. ©



Saskia Florence

## Human Resources

### The New Year Is a Good Time to Consider TSP Contributions

It may be time to consider your contribution to the Thrift Savings Plan (TSP). You may contribute either a fixed dollar amount or a percentage of your pay. Contributions are tax-deferred. That means that you do not pay tax on the part of your income that you contribute to your TSP account until you begin to withdraw money after your retirement.

The Internal Revenue Service has determined that the limit for contributions for the 2014 tax year is \$17,500. This sum applies to the total of your traditional and Roth contributions. It is the same limit as the one established for 2013.

Staffers who are age 50 or above in 2014 may make a "catch-up" contribution of \$5,500 in addition to the \$17,500 that all staffers may contribute, but only if their contributions are on track to contribute the entire \$17,500 in 2014.

Why is this a "catch-up?" Because older federal workers did not have the tax and savings advantages of the TSP until it was created in 1986, and their savings may need to catch up to what they need for a comfortable retirement.

To change your TSP contribution, do not go to the TSP homepage at [www.tsp.gov](http://www.tsp.gov). Instead, go to your Employee Personal Page at [www.nfc.usda.gov/epps](http://www.nfc.usda.gov/epps). Click on Home, then Personal Info, and then TSP. Next, look for the self-service box on the top right of the page. Click on that to change your contribution.

For more information, visit the Human Resources Customer Service Center in LM-107 or call 7-5627. © JN



PHOTO BY DAVID RICE

### Book Sale Volunteers

Copyright Office staffers and contractors volunteering with the Library of Congress Professional Association Book Sale, held December 11–12, included **SANDRA BARNES, MONICA BEACH, MICHELLE CAMPBELL, FELICIA CHAU, YVONNE DOOLEY, LAUREN FASCESKI, HELEN HESTER-OSSA, TRICIA KEMP, MYRA LAIRD, CHARLES LANE, MICHAEL LIND, MAMIE MUSE, LISA OATES, SHAWN PEARSON, MARIA PEREZ-MORALES, EDGAR RAINES, DAVID RICE, JOHN SAINT AMOUR, NICOLE SMITH, KAREN VAN GILDER, and KIMBERLY WHITTLE.** Kemp served as Book Sale cochair and Laird as volunteer coordinator. Dooley, Kemp, Laird, and Saint Amour served on the management team. Hester-Ossa provided flyers and signage; Rice created bookmarks; and **DAVID CHRISTOPHER, BRYAN JEFFERSON, and JOE MROCYK-KERSHAW** helped transport bins of materials. © WM

< COVER Copyright Industries' Contribution to U.S. Economy Tops \$1 Trillion

exceeded the sales of other major industries, including aerospace exports and agricultural the report said.

*Copyright Industries in the U.S. Economy: The 2013 Report* updates previous studies on the economic contribution to copyright industries dating back to 1990.

The report defines the core copyright industries as “those whose primary purpose is to create, produce, distribute, or exhibit

copyright materials, and include such sectors as computer software, video games, books, newspapers, periodicals and journals, motion pictures, recorded music, and radio and television broadcasting.”

The IIPA is a coalition of trade associations that represents copyright-based industries. The document is available at [www.iipa.com/pdf/2013\\_Copyright\\_Industries\\_Full\\_Report.PDF](http://www.iipa.com/pdf/2013_Copyright_Industries_Full_Report.PDF). ©

## Out & About

**NOVEMBER 14** | General Counsel **JACQUELINE CHARLESWORTH** spoke at the 18th Annual Copyright Office Speaks program sponsored by the D.C. Bar Intellectual Property Section and the Copyright Society of the U.S.A. **STEPHEN RUWE**, attorney advisor, attended. Charlesworth spoke on new initiatives, groundbreaking legal decisions, and other developments involving the Copyright Office over the past year.

**NOVEMBER 20** | Register of Copyrights **MARIA A. PALLANTE** delivered the Copyright Society of the U.S.A.'s 11th Christopher A. Meyer Memorial Lecture at the George Washington University Law School. The presentation was entitled “The Next Generation Copyright Office: What It Means and Why It Matters.” A number of Office staffers attended the evening event.

**DECEMBER 7-9** | Maria A. Pallante and **KARYN TEMPLE CLAGGETT**, director of policy and international affairs, attended a diplomatic meeting in Helsinki, Finland, for discussions with other copyright experts and to make multiple presentations.



PHOTO BY DENISE NICHOLS

Pictured on December 17 from left to right: Copyright Society of the South board chair John Barker; board members Bob Mather, Wendi Crosby, Kele Currier, and Casey McGinty; Copyright Office counsel Steve Ruwe; Maria Pallante; and board members Dan Ekback, Ted Goldthorpe, and Jill Napier.

**DECEMBER 17** | The Register spoke on “The Next Great Copyright Act” and gave an update on legislative and Copyright Office changes before the Copyright Society of the South in Nashville, Tennessee. The event was standing-room only. Stephen Ruwe accompanied the Register. They attended meetings with music industry representatives. © JN

# Register Hosts Retirees in Annual Holiday Coffee

WENDI A. MALONEY AND JUDITH NIERMAN

On December 18, Register of Copyrights **MARIA A. PALLANTE** greeted retirees who reunited in the Office for the annual coffee. The event took place in the Register's conference room, which was decorated for the holidays.

A little listening by *Copyright Notices* provided word on what the retirees were doing in 2013.



Jennifer DesBondes (left) and Maria A. Pallante



Linda Martin, Gene Lehr (center), and Tony Bogucki

**Reba Barnes** retired in December from her job running the in-school suspension center at a Prince George's County public high school. She will focus on REBAssociates, her events coordinating and publicizing business.

**Melissa Dadant** highly recommends retirement. She is busy with yoga, painting, and grandchildren.

**Jennifer DesBordes** did a little local travel to attend the college graduations of relatives. Her dachshund, Dotty, traveled with her.

**Bernie Dietz** continued to practice copyright law full time, preparing more than 1,000 copyright applications in 2013. An update of *Copyright Registration Practice*, the volume he co-authors with James Hawes, was recently published.

**Leonard Chamberlain** is still living in the family home on Fessenden Street in the District, watching the sunrise and sunset, he said.

**Joe Ewbank**, who attended with his wife, Linda, said he is very happy in retirement and appreciative of his time in the Copyright Office.

**Bill Holder**, who has been retired for 20 years, recently sold a Florida property and is hoping to begin living part of the year in Nassau. He visited his sister in Tennessee in April.



Marybeth Peters (left), Bernie Dietz, and Reba Barnes

**Margy Holley** swam, biked, and practiced tai chi and qi gong. She also continued to participate in the fair trade project at her church.

**Carol Kilroy**, a master gardener, gives educational presentations on gardening. She plays flute at Fort Myer in Arlington, Virginia, and enjoys her two part-Siamese cats.

**Eugene Lehr** traveled to Oklahoma City for the 62nd National Square Dance Convention. He also enjoyed biking and researching copyright records from time to time as a freelance consultant.

**David Levy** finished a nonfiction work, "Viktor IV," about an artist who lived on a houseboat in Amsterdam from 1961 to 1986. David knew the artist, Walter Glück, in college.

**John Martin** worked on his model train setup and helped with wife Linda's garden. The Martins are planning a trip to San Francisco.

**Linda Martin** finished a master gardening course and nurtured a flower and vegetable garden. She visited relatives in Indiana and traveled to Maine.

**Warren McKay** continues volunteering three days a week at the National Archives. His project involves processing documents from World War I.

CONTINUED >





Jean Woods (left) and Joanna Roussis



Leonard Chamberlain



David Pullmann

Some invited guests who could not attend the reception, including retirees and former staff members, sent word of their activities by email.

**Harold Ash** and his wife are enjoying retirement in Norfolk, Virginia, including spending time with their two grandsons. Harold continues to play piano and belongs to a piano club that meets monthly. He sends greeting to his Office colleagues.

**Bill Jebram** is living in Waxhaw, North Carolina, and enjoys his granddaughters Lilly, 7, and Eve, 5. He attended a June wedding in Berlin in 2013 and cruised down the Rhine. He said, "Greetings to my old buds in the Office. I miss all of them."

**Eric Schwartz**, a former Copyright Office acting general counsel, is a partner in the Washington, D.C., office of Mitchell Silberberg and Knupp. He counsels music and film clients and works on documentary film production projects, among other duties. In addition, he is incoming president of the Copyright Society of the U.S.A. and serves on the Library of Congress's film and recorded sound preservation boards.

**Ted Serra**, a former Copyright Office registration specialist and legal intern, is in his third year of law school at Boston University. Last fall, the *Boston University Law Review* published a paper he wrote about resale of digitally formatted works under the first-sale doctrine based on the case *Capitol Records v. ReDigi*. Last summer, Ted worked at the Washington, D.C., office of Wilson Sonsini Goodrich and Rosati.

**Stevie Withers** continues to enjoy retirement in High Point, North Carolina. He reports that his son, Tristan, who worked in the Information and Records Division, is now a library assistant at the High Point Public Library. Tristan said his Library of Congress experience helped him get the job. ©

<

**David Pullmann** attended with his wife, Sharlyn. They traveled to Denver, the Midwest, and San Antonio to visit family. He enjoyed spending time with his six grandchildren, participating in church activities, and working on projects with his daughter.

**Ruth Person**, in town from her home in Phoenix, was visiting her son and his three-year-old child, Amari. In Phoenix she volunteers at a local hospital.

**Marybeth Peters** continued to work part time as senior counsel in the intellectual property law practice of Oblon, Spivak, McClelland, Maier, and Neustadt in Alexandria, Virginia, and she was a guest lecturer at law schools in Illinois, Ohio, Pennsylvania, and elsewhere. She enjoyed spending time with her dog, Maggie, and is grateful for a quick recovery from knee surgery.

**Cheryl Purdy** volunteered at her church and at the Middleburg, Virginia, Film Festival. She also babysat her grandchildren and generally kept busy enjoying retirement.

**Joanna Roussis** is president of her local Basket Guild. She traveled to Maine in December and is anticipating a grandchild in May.

**Jim Shapleigh** said retirement is "highly recommended." He writes and reads U.S. history.

**Bill Shuttleworth** is active in a neighborhood civic association in Springfield, Virginia, that focuses on land-use issues. He coordinates six high school varsity sports teams and plays the guitar.

**Peter Vankevich** developed a program at the Ocracoke, North Carolina, library in which speakers of Spanish and English teach one another their languages. He also cohosts a bilingual local radio station highlighting Latin music and Spanish-language learning, and he is training to become a volunteer firefighter.

**Jim Vassar** is photographing landscapes. He enjoys his one-year-old grandson and visited his daughter in California.

**Jean Woods** sings with the Rockville Chorus and does Irish dancing. She and a friend traveled to Botswana in the summer for four weeks, where she met Bushmen and camped in the Kalahari Desert.

**Ed Yambrusic** gave a well-received book talk at Oxford University about his 2010 book, *Peace at the Price of Justice and Human Dignity: Reflections on the Hague Tribunals and Judicialization of International Conflicts*. He and his wife enjoyed the summer at Opatija, Croatia, a resort on the Adriatic coast.



PHOTO BY WENDI A. MALONEY

**JUANITA FRAZIER** retired on December 31. She joined the Copyright Office in June 1998 following a career in retail, mostly at Woodward and Lothrop, the iconic Washington, D.C., department store that closed in 1995.

Juanita's first position was supervisor of the former Records Management Unit (RMU). In the basement of the Madison Building, she oversaw the filing of about 15,000 paper copyright applications each week. When she started, there was a three-week filing backlog; within a month, Juanita had eliminated it. "I did not allow backlogs," she said. "I worked with a sense of urgency to keep up with incoming applications."

Her staff consisted of clerks and work-study students. "I liked giving young people a chance to work for the federal government. RMU was a step in the door," she said, noting that many of her former employees advanced in the Library or moved to higher-level jobs in other federal agencies.

When paper-based copyright applications declined with the advent of electronic registration, Juanita and her staff were reassigned. Juanita worked briefly on a detail in the Public Information

Office in 2010, answering email inquiries about the status of copyright claims filed electronically. Afterward, she completed a detail in the Public Records Reading Room of the Records Research and Certification (RRC) Section, becoming one of the room's front desk specialists in 2011. In 2012, she was appointed senior technician in RRC. In that position, she continued to assist the public with inquiries about copyright records.

"I liked the challenge of working in RRC, especially responding to deadline requests," Juanita said. "I've enjoyed being a problem solver across all my jobs."

She said she fine-tuned her problem-solving skills in retail, allowing her to advance to progressively more senior positions over 20 years. "I loved retail," she said. "I loved interacting with vendors and the other Woodies employees and meeting celebrities—like Elizabeth Taylor and Karl Lagerfeld—associated with products."

Juanita said she knew there was "another job out there" with her name on it when Woodies closed but did not know exactly what it was until she arrived at the Copyright Office. She worked for Hecht's department store for two years before starting at the Office.

RRC hosted a retirement party for Juanita and RRC colleague Beverly Murphy on December 4. Juanita said she was honored to receive a certificate at the party from Georgia congressman and civil rights activist John Lewis, who thanked her

for her federal service. Juanita is a native of Ocilla, Georgia.

In retirement, Juanita will travel with her husband, Wilmer Frazier, Jr., who retired from the Library of Congress in 2011 after 46 years of service. Their first trip will be to Australia and New Zealand in the spring.

Juanita will also continue to volunteer at the Hospital for Sick Children in Washington, D.C., where she reads to patients, and for other organizations. In addition, she will spend time with her family.

"It's been a good journey," Juanita said of her work life. © WM

**BEVERLY MURPHY**, a copyright descriptive metadata specialist, retired from federal service on January 3. She had worked in the Library since 1971.

At the time of her retirement, Beverly was working on the project to digitize and preserve the copyright card catalog. Together with **DENNIS KRAY**, **ANGELA HIGHTOWER**, and **JOSEPHINE MA**, she entered data from imaged assignment and registration records into an online database and worked twice a week assisting patrons in the Public Records Reading Room.

Beverly was born in North Carolina and came to the District looking for work. She had offers from the Smithsonian and the Library and took the one from the Library. Beginning as a typist on Massachusetts Avenue in the Cataloging and Publications

Section, she was promoted to the Name Heading and Reference Section as an editorial assistant. In 1976 she moved to the Serial Record Division as a cataloger trainee. Two years later, she went to work in the Serials and Reference Section answering phone calls from the public, Congress, and others about whether or not the Library had retained an entry in its catalog.

In 1984 Beverly was detailed to the Hispanic Division at the time when its records were being converted to an online database. She helped coordinate decisions between divisions on whether to keep the physical cards.

Beverly participated in the Library's Professional Development Program in 1991 as an affirmative action intern and attended night classes at the University College (University of Maryland). She found a permanent position as a cataloger in the Copyright Office's then Literary Section in the Cataloging Division. When the Office reorganized in 2007, she became a registration specialist in the Literary Division before relocating to the Records, Research, and Certification Section as a descriptive metadata specialist in 2010.

In her free time, Beverly power walks with a friend, and she is learning to play golf. She also enjoys poetry and reading the Bible. As a retiree, she expects to travel and to visit family in the Wilmington, North Carolina, area. © JN



**JEAN KRIDLE**, who retired from the Office in 1993 as a supervisory copyright bibliographer in the Reference and Bibliography Section, died December 1 in her hometown of Biloxi, Mississippi, at the age of 80. Jean had suffered from leukemia.

During her Copyright Office career, Jean became an expert in using COHM, the Copyright Office History Monograph online file that was a precursor to the current digital records. She explained COHM to the Online User Group. She served on a committee to promote a service-oriented approach to the solution of problems relating to creating, maintaining, and using the card catalog. She received awards during her time in the Office, including, in 1980, the Meritorious Service Award for her work on the Incentive Awards Committee.

In 1991, Jean began assembling a Copyright Office archive, “identifying, sorting, and cataloging letters, books, cassettes, old deposits, memorabilia, and assorted items,” said *Copyright Notices* in June 1993.

**ROSEMARY KELLY** remembers Jean as a “very outgoing and social person. She was involved in all kinds of events in the Copyright Office.”

**ROBIN COREAS**, who worked with Jean for years, said “Jean was a kind and lovely person with a great sense of humor. She cared about, and was supportive of, her staff. She was also a fantastic cook. Her contributions to section parties were always delicious, and she was happy to share her recipes—some of which I still use today! She will be missed by many.”

Upon retirement, Jean and her husband, Bob, both of whom had moved

around the country and abroad in support of his Air Force career, relocated to Jean’s hometown. She was active in her church and served on the Gulf Coast Symphony board of directors.

Jean and her husband of 60 years were the parents of five daughters, one of whom is married to **CHARLES BUBECK**, a registration specialist in the Performing Arts Division. Jean was known as an excellent hostess, a good bridge player, and a fabulous friend. © JN



The Madison Building on January 3, during the “polar vortex” that saw temperatures plummet to zero degrees.



# Copyright on First Scholarly Study of Man's Impact on Nature Donated, Reclaimed

JUDITH NIERMAN

George Perkins Marsh, now considered one of the first modern environmentalists, is another prominent and remarkable person who gave away his copyright. His book, *Man and Nature* (1864), focused on forest preservation and soil and water conservation. It was the first scholarly study of mankind's impact on the natural environment.

As a child, Marsh learned about watersheds from his father. As an adult, he closely observed nature, studying alpine glaciers and Italian farmlands, concluding that "the harmonies of nature are turned to discord" by the impact of human activities. In some places, "man has brought the face of the earth to a desolation almost as complete as that of the moon." He was the first to recognize and publicize this fact.

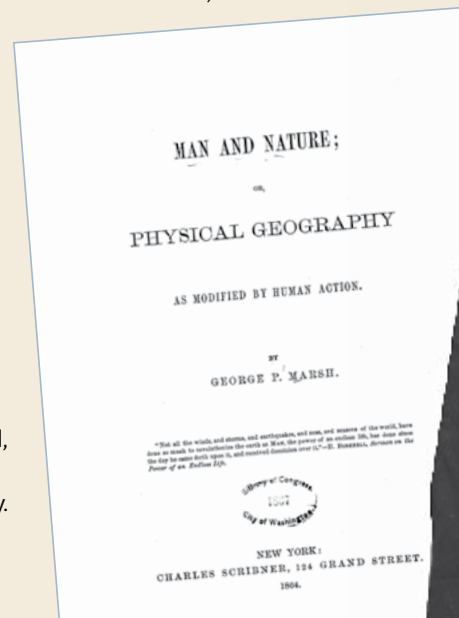
Marsh, a son of New England, was a polymath of extraordinary range. Born in 1801, he was compulsively reading the *Encyclopedia Britannica* by age seven. He studied ancient and modern languages at Dartmouth College, graduating with high honors in 1820 at the age of 19. After a stint as a teacher at a Vermont military academy, he studied law with his father and was admitted to the bar in 1825. Over the next 18 years, he was a farmer, lawyer, member of the Vermont legislature, and author of a grammar of the Icelandic language.

In 1843, Marsh was elected to Congress, where he served seven years, becoming friends with Spencer Baird, an ornithologist and future Secretary of the Smithsonian Institution, and he helped design the Washington Monument.

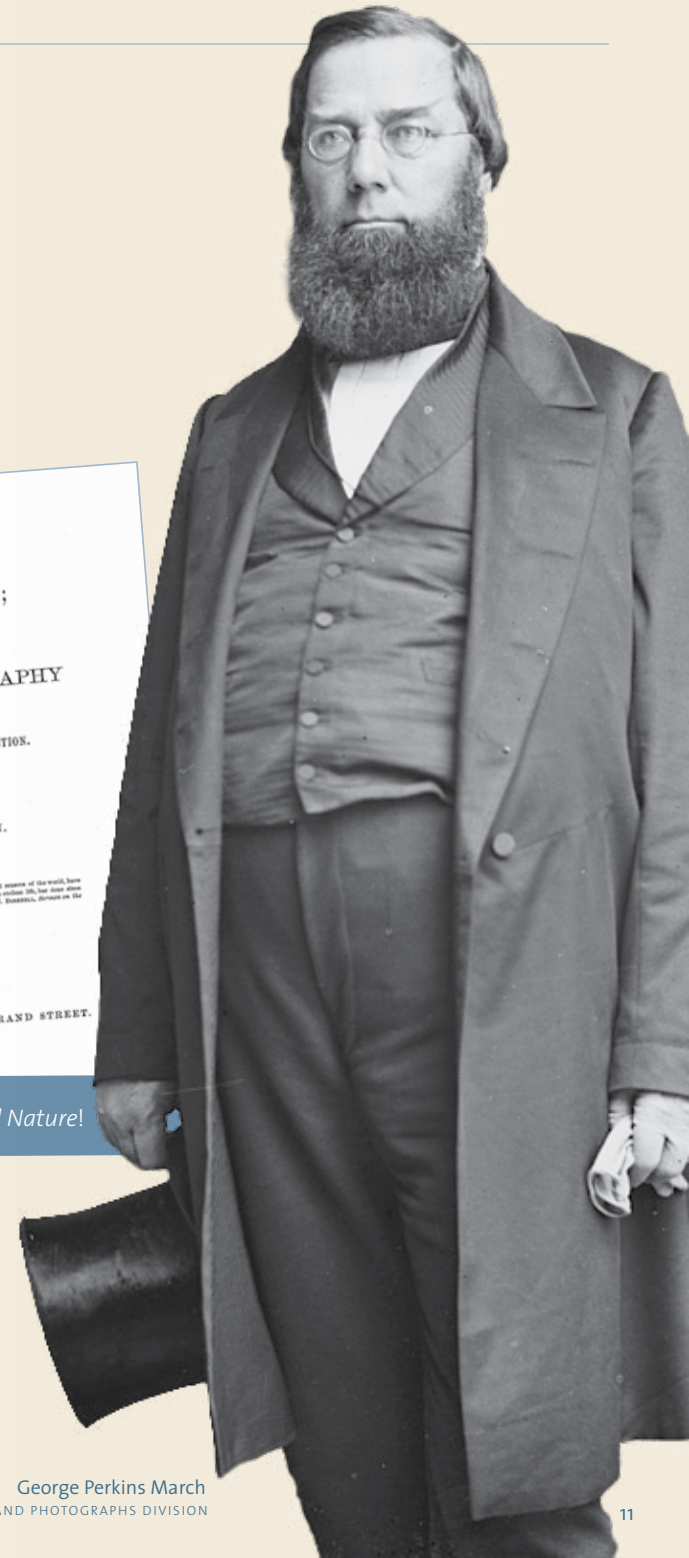
Marsh was appointed minister to Turkey in 1849, impressing the diplomatic corps in Constantinople with his ability to converse in multiple languages. While in Turkey, he learned Turkish, studied Arabic and Persian, and journeyed up the Nile.

With a change of administrations in Washington, D.C., Marsh was recalled in 1853. He served as railroad commissioner in Vermont until 1861, when Abraham Lincoln appointed him the first minister to the newly formed Kingdom of Italy, a position he held until his death in Vallombrosa, Italy, in 1882. As a diplomat fluent in 20 languages, his focus, said Secretary of State William Seward, was to prevent foreign powers from recognizing the Confederacy.

His monumental work did not at first appeal to Civil War-weary American audiences. Despairing of the book's commercial success, Marsh donated his copyright to the United States Sanitary Commission, of which he was a member. The commission was a relief agency to support soldiers injured by the war. Marsh's nephew and brother, however, were more hopeful. They bought the copyright back for \$500 and returned it to the author. Before long, the book sold out and the publisher, Charles Scribner, had to reprint it. The volume is still in print today. ©



[Click here to read \*Man and Nature\*!](#)



George Perkins Marsh

PHOTO: LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION

FEBRUARY 2014



4

Hearings on copyright law continue.



5

Licensing Division revamps Intranet page.



9

Single registration marks early foray into color cinema.

- 2 Around the Office
- 3 Human Resources
- 8 Anniversary
- 2 Out & About
- 8 Promotion



PHOTOS BY DAVID RICE

## Copyright Lawyers Highlight Notable Cases of 2013

WENDI A. MALONEY

Lawyers Robert Clarida and Thomas Kjellberg recapped important copyright cases from 2013 in the Coolidge Auditorium on December 4. Clarida is a partner in the firm Reitler Kailas and Rosenblatt; Kjellberg is of counsel with Cowan Liebowitz and Latman. The event was part of the “Copyright Matters” lecture series, started by the Register in 2011.

Each year, the pair coauthor a review of important copyright decisions. The review is published in the *Journal of the Copyright Society of the USA* and delivered orally at the society’s annual meeting. Clarida and Kjellberg’s presentation is a “major highlight of the meeting,” said Register of Copyrights **MARIA A. PALLANTE**, and they have become known for their “gifts of wisdom and humor.”

Calling 2013 a “great year in copyright,” Clarida began with a case in which the U.S. Court of Appeals for the Seventh Circuit affirmed a lower-court ruling dismissing an infringement suit against singer-songwriter Elton John. South African photographer and aspiring songwriter Guy Hobbs alleged that John and partner Bernie Taupin copied lyrics from Hobbs’s song “Natasha” in their 1985 top-10 hit, “Nikita.” In 1983, Hobbs submitted his unpublished copyrighted song to Elton John’s music publisher. Both “Natasha” and “Nikita” are about an impossible love between

CONTINUED ON PAGE 6 >

## Mailbag

"I thoroughly enjoyed the January issue of *Copyright Notices*. Leaving 40-plus years of Copyright Office work, I left so many good friends and good memories. *Notices* refreshes those memories, and you continue to provide a valuable and informative reminder of so much that we all shared. While I do not miss the daily commute, I surely miss hearing about daily experiences from all in our shared family. Thank you for continuing to publish, and to remind some of us to check the latest release. While I am still computer-challenged, I appreciate your efforts even more than before. Thank you, and best wishes for a warm spring."

**Hugh Clark**  
Retired Supervisory  
Registration Specialist



GIFT: HERBERT A. FRENCH; 1947, LIBRARY OF CONGRESS  
PRINTS AND PHOTOGRAPHS DIVISION



### Copyright Notices 62:02

Published by the Publications  
Section, Information & Records  
Division, Copyright Office,  
Library of Congress

#### PUBLICATIONS STAFF

##### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

##### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

#### DISTRIBUTION

Helen Hester-Ossa  
Head, Publications Section,  
Information & Records Division

George Thuronyi,  
Assistant Chief

Christopher S. Reed,  
Acting Chief

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

## Around the Office



PHOTO BY JUDITH NIERMAN

### Mark James Is Accountant

**MARK JAMES** is the Receipt Analysis and Control Division's sole accountant. In addition to presiding over financial reporting and collection for all types of copyright fees, he oversees 2,670 active deposit accounts. He invests deposit account funds quarterly in U.S. Treasury bills and analyzes and monitors Copyright Office receipts and controls. Mark takes pride in keeping all work current. When he began working in the Office in 2003, there was a backlog of eight months of account reconciliations. Mark wiped that out. His goal, which he has accomplished even through the 2013 furlough and office closing, is to remain current. **C JN**

## Out & About

### JANUARY 14-15: JACQUELINE

**CHARLESWORTH**, general counsel, and Register of Copyrights **MARIA A. PALLANTE** attended the Recording Academy, sponsored by the New York chapter of the American Association of Independent Music and the Recording Industry Association of America. Charlesworth and Pallante spoke with various associations in the music industry at a series of policy meetings. The event took place in New York City.

### FEBRUARY 6-7: MARIA STRONG,

senior counsel for policy and international affairs, spoke on a panel entitled "Copyright and Access to Creativity and Culture" at the World Intellectual Property Organization's United Nations Institute for Training and Research. The briefing on intellectual property and sustainable development was for United Nations diplomats in New York City.

### FEBRUARY 6-8: KARYN TEMPLE

**CLAGGETT**, associate Register of copyrights and director of policy and international affairs, spoke and moderated a panel on "Current Issues in International Copyright Law: Latin America and Beyond" at the Copyright Society of the U.S.A.'s midwinter meeting in Miami. **CATHERINE ROWLAND**, senior counsel for policy and international affairs, and **MOLLY STECH**, counsel for policy and international affairs, attended this meeting. **C JN**

## Foreign Students Learn about U.S. Copyright

**JOHN SAINT AMOUR**, a supervisory copyright specialist in the Public Information Office, led a group of foreign students spending a semester abroad at American University on a tour of the Jefferson Building on February 4. The students were participating in the university's Global Economic and Business Program. Before the tour, **GUY MESSIER**, a registration specialist in the Visual Arts Division, and Saint Amour gave presentations on U.S. copyright law and the Copyright Office. **C JN**



PHOTO BY CECELIA ROGERS



# Office Issues Request for Comments on Documents Reengineering; Plans Hearings

JUDITH NIERMAN



PHOTO BY DAVID RICE

**CHI-LAN OLSON**, an information technology specialist in the Copyright Technology Office is supporting the Office's goal of reengineering of the documents recordation function in the Copyright Office. Right now, Olson is studying the workflow in the Recordation Section to prepare to eliminate legacy software and direct current recordation processes to eCO. The goals of reengineering include modernizing a paper-driven process and improving public access to information in recorded documents.

The Copyright Office is seeking public comment on key elements pertaining to the reengineering of the documents recordation function provided by the Office. After comments are received, a series of public hearings will be held on the East and West coasts to probe the elements.

From previous comments on the recordation function, the Office is aware that the leading concerns about documents recordation are the cost, the time it takes the Office to process documents submitted for recordation, the inconvenience of submitting documents, and cataloguing inaccuracies.

In addition, stakeholders have expressed related concerns regarding how works are identified in recorded documents and the sufficiency of statutory incentives to record transactions.

In planning for changes to the recordation function, the Office is considering the following specific factors of a plan for reengineering recordation:

- A model of electronic recordation in which remitters would be responsible for the accuracy of the catalog information that they would submit electronically
- Tagged indexing or cataloging information integrated into the electronic documents themselves
- Incentives or requirements with respect to providing standard identifiers such as International Standard Musical Work

Codes and International Standard Audiovisual Numbers in recorded documents

- Additional statutory incentives to record documents pertaining to copyright

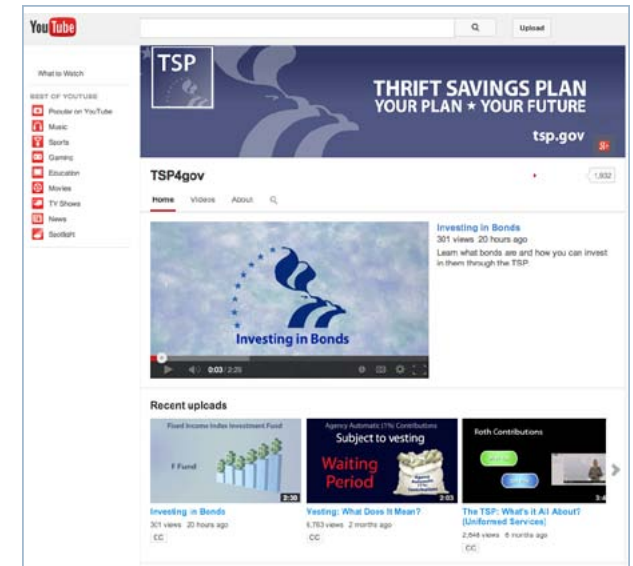
Preparing index or catalog entries for recorded documents in the Office has remained paper-based from 1870 to the present, although the documents are scanned and stored electronically and the index is part of an online electronic database. For budgetary reasons, digitization of the recordation function has lagged behind the registration function, which went online in July 2008.

Comments are due March 15.

To read further about the notice of inquiry, go to [www.copyright.gov/docs/recordation/](http://www.copyright.gov/docs/recordation/). ©

Public hearings will be held March 25 in Los Angeles; March 26 in Santa Clara County, California; and March 28 in New York City. See [www.copyright.gov/fedreg/2014/79fr6636.pdf](http://www.copyright.gov/fedreg/2014/79fr6636.pdf) for more information.

## Human Resources



## TSP Offers Info on YouTube

Did you know that the Thrift Savings Plan (TSP), the government's retirement savings instrument for staffers under the Federal Employees Retirement System, has its own channel on YouTube?

Short clips present the facts about investing topics of interest to you. For example, you may view the newest upload, "Vesting: What Does It Mean?" If you don't know what vesting is, check out the video at [www.youtube.com/watch?v=dq31nNomPUs](http://www.youtube.com/watch?v=dq31nNomPUs).

Other topics include Roth contributions, the 10 percent early withdrawal penalty tax, contribution allocations and interfund transfers, and how to change your address. View a TSP website orientation trailer at [www.tsp.gov](http://www.tsp.gov) on the TSP website under "Participant Support."

Go to [www.youtube.com](http://www.youtube.com) and search on "TSP" or go to the TSP's YouTube channel "TSP4GOV" to select your topic of interest. You may also go to the TSP website and search on "video." © JN

# Subcommittee Continues Series of Hearings on Copyright Law Review

JUDITH NIEMAN

On January 14, the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet conducted a hearing on copyright protection. Entitled “The Scope of Copyright Protection,” the hearing was another in a series of the subcommittee’s review of U.S. copyright law. A capacity crowd was in attendance.

Subcommittee Chairman Howard Coble cited the issues on which testimony would be received, including the making available right, which refers to the distribution right, one of the exclusive rights of the copyright owner, and the question of whether the right is violated by providing links to copyrighted works that may or may not actually be accessed online; copyright protection for broadcasters; and copyright protection for codes and standards, such as state laws and regulations. He noted that copyright legal expert David Nimmer had updated his treatise to say that filesharing, a type of making available, is infringement.

Representative John Conyers said in an opening statement, “The hearing today provides an important opportunity to consider various provisions of copyright law and to examine whether the law continues to protect creators and promote innovation in light of developing technologies that were not contemplated when these provisions were originally enacted. There are several factors that we should keep in mind, including the making available right, which gives copyright owners the exclusive right to authorize the manner and terms to make their content available to the public.” The law does not need to be changed with regard to the making available right, he said, because existing law already includes this right, and the United States is party to certain international treaties that require the right.

We should consider guidance from the Copyright Office, continued Conyers. He said that the former ranking member, Melvin Watt, who has since been appointed to the position of head of the Federal Housing Finance Agency, sent a letter to the Office in December requesting a study of the making available right together with recommendations for Congress. The study is to examine in particular how American consumers fare under the current law in the context of digital on-demand transmissions and how the competitiveness of U.S. technologies can be strengthened in the global marketplace.

Judiciary Committee Chairman Bob Goodlatte in an opening statement restated the three related issues covered by the hearing as enunciated by Coble. In light of recent cases in the Supreme Court, such as the *Aereo* case, Goodlatte said, “This committee once again continues to lead the way on critical policy issues.” For information on *ABC Inc. v Aereo Inc.*, go to [www.supremecourt.gov/qp/13-00461qp.pdf](http://www.supremecourt.gov/qp/13-00461qp.pdf).

Those testifying included Patricia Griffin, vice president and general counsel, American National Standards Institute; James Love, director, Knowledge Ecology International; Glynn Lunney Jr., McGlinchey Stafford professor of law, Tulane University School of Law; Carl Malamud, president, Public.Resource.Org.; David Nimmer, of counsel with Irell & Manella; and Mark Schultz, associate professor of law and director of faculty development, Southern Illinois University School of Law. To hear the testimony, go to [www.c-spanvideo.org/program/SubcmteC](http://www.c-spanvideo.org/program/SubcmteC).



The Jefferson Building dome casts a long morning shadow on the U.S. Capitol in October 2013.

PHOTO BY DAVID RICE

# Cable and Satellite Statements of Account Require New Fee

JUDITH NIERMAN

Effective January 1, 2014, cable and satellite companies that file statements of account (SOA) under the three statutory licenses (sections 111, 119, and 122) must remit a filing fee. No fee had been assessed until this one was established under the authority of the Satellite Television Extension and Localism Act of 2010 (STELA).

According to the *Federal Register*, under STELA “the Office is authorized for the first time to impose a fee that apportions costs between SOA filers and copyright owners, who until now have shouldered all of these costs through deductions from their royalty funds.”

The Office conducted a fee study of the costs for processing SOAs and carefully reviewed public comments before establishing a three-tiered fee structure.

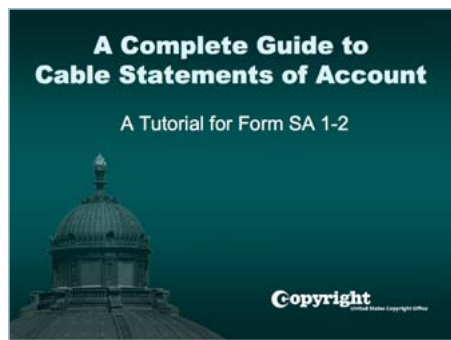
The filing fee is deducted before the royalty payment is credited. Thus the omission of the appropriate filing fee

Fee for processing a statement of account based on secondary transmissions of primary transmissions pursuant to Section 111: **\$15 for SA1 forms, \$20 for SA2 forms, and \$725 for SA3 forms**

Fee for processing a statement of account based on secondary transmissions of primary transmissions pursuant to Sections 119 or 122: **\$725**

will result in an underpayment of royalty fees. The royalty fee and filing fee should be sent in a single EFT (electronic funds transfer) payment.

In addition to eight annual filings from satellite operators, the Licensing Division receives about 6,600 cable SOAs twice a year. ©



The online tutorial that guides cable operators in filling out their statements of account was updated to reflect the new fees. The template for the tutorial was created by **CECELIA ROGERS**, visual information specialist in the Publications Section. View the tutorial at [www.copyright.gov/licensing/soa-tutorial.pps](http://www.copyright.gov/licensing/soa-tutorial.pps).

# Licensing Division Revamps Intranet Page

WENDI A. MALONEY

The Licensing Division revised its Intranet page in the fall, following the model established by the Copyright Acquisitions Division. **MICHAEL BROOKS**, a library technician, managed the Licensing Division’s redesign.

He did so at the request of **TRACIE COLEMAN**, head of the division’s Information Section. She asked Brooks to lead the project after he helped review the content of the division’s Internet page.

As a technician, Brooks answers public inquiries about the division’s services, including the filing of cable and satellite statement of account forms. “Because of my job duties, I’m familiar with what the public wants when they contact us or visit our Internet page,” Brooks said. “For the Intranet page, I had to think about what staff from other divisions in the Office need to know about us.”

Brooks said he consulted with Licensing colleagues and drew on details posted on the division’s already-existing page. “My goal was to simplify information, to use more understandable terms,” he said.

**DINEDA NYEPAN** of the Information and Records (I&R) Division advised Brooks about guidelines for redeveloping the page, pointing to the *Copyright Acquisitions Division* (CAD) page as an example.

“CAD’s page is well thought out and designed,” Nyepan said. “It’s a great model for other divisions as they update their own pages.”

Brooks said he was new to web design when he started. He had never used WordPress, the popular blogging and publishing tool Nyepan asks staff web-page developers to learn.

CONTINUED >





Michael Brooks



"It was easy to pick up. Mostly, you can copy and paste what you want to post," he said. "I had to do a little HTML coding, however. Google was my best friend for learning that."

Michael has since begun more structured training in HTML and other markup languages.

The Licensing Division's revised Intranet page highlights the progress of the division's reengineering alongside information about the division's administration of statutory copyright licenses, issues of the quarterly newsletter the division publishes, and photos from events in which staff participated.

Brooks said that besides Coleman, Licensing colleagues **LESA JEFFERSON**, **JESSICA MARTIN**, and **JOHN NEWTON** helped him with the redesign. Brooks is now serving a detail in I&R, working with Nyepan on the Copyright Office Intranet site.

## < COVER Copyright Lawyers Highlight Notable Cases of 2013

a man from the West and a woman from the East during the Cold War. Clarida said the Seventh Circuit rejected Hobbs's claim on grounds that the songs' details differ, and copyright law does not cover ideas, only the specific expression of them.

Kjellberg explained the U.S. Supreme Court's ruling in *Kirtsaeng v. John Wiley and Sons* in which the Court found that a student who imported copyrighted textbooks from Thailand to sell in the United States did not violate copyright law. (See the July–August issue of *Copyright Notices* for more information.)

Clarida and Kjellberg touched on other cases, including one involving alleged infringement of a Santa Claus glitter globe design, another contesting the business model of an online "used record store" selling preowned digital music, and yet another against an Arizona-based service that posted copyrighted books online.

Clarida explained a series of lawsuits filed across the country challenging new Internet television services that retransmit over-the-air television broadcasts to private customers without obtaining broadcasters' authorization or paying royalties. Because courts have diverged from one another in ruling on whether the services violate copyright law, many observers predict the cases will make their way to the Supreme Court, Clarida said.

The services say they do not need to obtain authorization to retransmit programming because they do not publicly perform copyrighted works in the way cable and satellite systems do and thus do not violate the rights of copyright owners. The services rely on tiny antennas that capture over-the-air television signals; each antenna is assigned to a unique subscriber. The services liken their technology to the roof-top antennas widely used in former decades. For a monthly fee starting at around \$10, subscribers can watch live over-the-air TV on smartphones, browsers, and other devices or store programs in the cloud for later viewing.

Clarida said the U.S. Court of Appeals for the Second Circuit agreed that one such service, Aereo, is not infringing copyrights. A group of copyright holders, including broadcast TV networks, filed suit against Aereo in New York. A district court judge declined to issue an

injunction against Aereo, citing a 2008 Second Circuit decision in a case known informally as *Cablevision*. In that case, the Second Circuit ruled that Cablevision does not publicly perform copyrighted works when it makes individual copies of programs at the request of individual subscribers and stores the programs remotely in the cloud for later playback on digital video recorders. On April 1, 2013, the Second Circuit affirmed the lower court's denial of an injunction against Aereo, ruling that "Aereo's transmissions of unique copies of broadcast television programs created at its users' requests ... are not 'public performances' of ... copyrighted works under *Cablevision*."

Clarida noted that Judge Denny Chin of the Second Circuit wrote a dissenting opinion. Calling Aereo's technology platform a "sham," Chin stated, "The system employs thousands of individual dime-sized antennas, but there is no technologically sound reason to use a multitude of tiny individual antennas rather than one central antenna; indeed, the system is ... overengineered in an attempt to avoid the reach of the Copyright Act and to take advantage of a perceived loophole in the law."

In late 2012, a district court in California's Ninth Circuit granted broadcasters' motion for a preliminary injunction against FilmOn, a digital television service similar to Aereo. The judge ruled that, despite arguments to the contrary, FilmOn publicly performs copyrighted works and likely infringes broadcasters' copyrights and harms their businesses. But before granting an injunction, the judge ordered the parties' lawyers to submit a brief about how appellate circuits outside the Ninth Circuit view the copyright questions at issue, Clarida said. FilmOn, also known as FilmOn X and Aereokiller, is seeking to overturn the preliminary injunction against it in the U.S. Court of Appeals for the Ninth Circuit.

Both Aereo and FilmOn have expanded operations in jurisdictions around the country, Clarida noted. As they have done so, copyright owners have filed additional legal challenges. In September 2013, a federal district court judge in the District of Columbia, where FilmOn had launched, extended the injunction against FilmOn nationwide outside the Second Circuit. In October, CBS,

CONTINUED >

NBC, ABC, and Fox television asked the U.S. Supreme Court to overturn the Second Circuit's April 1, 2013, ruling; in January, the Supreme Court accepted the case and will hear arguments later this year.

Clarida also covered the November district court decision in the long-running copyright infringement lawsuit against Google's widely publicized book-scanning venture. Judge Denny Chin accepted Google's argument that its scanning of more than 20 million books, including many still under copyright protection, is fair use under copyright law. All the drama surrounding the case ended with a fairly straightforward opinion, Clarida remarked. (Before his appointment to the Second Circuit Court of Appeals, Judge Chin oversaw the case in federal district court, and he continued to do so afterward.)

Google started scanning large quantities of books in 2004 through agreements with major research libraries. Once scanned, the books are indexed electronically, allowing users to perform keyword searches and browse small portions—or “snippets”—of copyrighted books the searches bring up. Neither Google nor the libraries obtain permission from copyright owners to use the works involved.

In 2005, the Authors Guild and the Association of American Publishers filed class-action lawsuits against Google for copyright infringement. The parties reached a settlement in 2008. Following widespread criticism, they agreed to a revised settlement in 2009. A federal court rejected the revised settlement in 2011, stating that it raised copyright and antitrust issues and gave Google a “de facto monopoly” to engage in wholesale copying of copyrighted works.

In 2012, publishers settled independently with Google, and Chin agreed that the authors could continue to pursue the lawsuit as a class action. But in July 2013, a three-judge panel of the Second Circuit ruled that Chin prematurely certified the authors as a class and directed him first to consider Google's fair-use defense.

Chin took into account the factors that, under copyright law, must be considered in fair-use analyses, finding in Google's favor. Chin wrote, “Google Books provides significant public benefits. It advances the progress of the

arts and sciences, while maintaining respectful consideration for the rights of authors and other creative individuals, and without adversely impacting the rights of copyright holders ... Indeed, all society benefits.”

The Authors Guild appealed the ruling in late December.

Kjellberg covered several 2013 fair-use cases related to photography and visual arts, highlighting the complicated analysis often involved in such cases.

In *Cariou v. Prince*, the Second Circuit rejected a district court ruling, deciding in favor of Richard Prince, an appropriation artist who scanned and modified photographs from Patrick Cariou's 2000 book, *Yes Rasta*, to create collages and paintings. Cariou, a professional photographer, documented Rastafarians in Jamaica in the 1990s when he lived and worked among them. Prince's works sold for more than \$10 million.

The Second Circuit ruled that Prince created entirely new works from most of the photographs he drew upon, making his use permissible. The court found, however, that five pieces Prince created were not fair uses of Cariou's work, because they only minimally altered the originals. Those works were sent back to district court for reconsideration under the standards the Second Circuit defined. The Supreme Court declined to hear the case.

In *Morris v. Guetta*, a federal district court judge ruled against appropriation artist Thierry Guetta, who created images from a 1977 photograph by Dennis Morris of deceased punk rocker Sid Vicious. Kjellberg said the court



Robert Clarida, standing, discusses a copyright infringement suit against singer-songwriter Elton John. Thomas Kjellberg is seated next to Clarida.

PHOTO BY DAVID RICE

found that Guetta “didn't add anything new,” ruling that Guetta's work was therefore insufficiently transformative.

In *Seltzer v. Green Day*, the U.S. Court of Appeals for the Ninth Circuit affirmed a district court ruling in favor of the band Green Day, which used street art by Dereck Seltzer as a backdrop at live concerts. The backdrop was created from a photograph of the art, named “Scream Icon.” Kjellberg said that when deposed, Seltzer testified that Green Day's use of his work did not affect its value, but it tainted his original intent and placed the work in a different context. The Ninth Circuit ruled that Green Day's use was transformative and not overly commercial, making it permissible.

In terms of evaluating the market value of works in fair use cases, there is somewhat of a “class distinction,” Kjellberg said, in that successful artists tend not to harm the potential market of unsuccessful artists. ©

## Promotion

PHOTO BY WENDI A. MALONEY



**DARYL JOHNSON** was promoted in December to the position of deposit dispatcher in the Information and Records Division.

Daryl started in 2005 as a work-study student in the former Examining Division. After he graduated from high school, he continued to work part time at the Office as an automation clerk while he studied small business administration at DeVry University. He became a full-time support assistant in the Literary Division

in 2007. He completed a detail last year in the Copyright Acquisitions Division, where he processed incoming demands for materials wanted for the Library of Congress collections.

As a deposit dispatcher, Daryl works with **ARETHA CUNNINGHAM**. Together, they prepare copyright deposits for transfer to the Library's collections or gifts and exchange program or to the Copyright Office's storage facility in Landover, Maryland. Daryl said he is enjoying learning the responsibilities of his new position.

In his free time, Daryl takes courses from the National Massage Therapy Institute and spends time with his wife, Shennelle, whom he married last August. The couple lives in Bowie, Maryland. © WM

## Anniversary

PHOTO BY JUDITH NIERMAN



**JOHN WHITE**, a registration specialist in the Performing Arts Division, achieved 35 years of federal service in October. All his service has been in the Library. John says that his Library career has been shaped by changes in technology.

John began as a deck attendant in the Serial and Government Publications Section. When computers were new in the Library, John moved to the Congressional Research Service as a bibliographic assistant. There he developed his

computer skills by using a typewriter terminal without a screen to input records into the mainframe, and he used a word processor to create bibliographies for Congress.

In 1991, John was hired as a cataloger in the Copyright Office. He worked on the Audio Visual Team in the Cataloging Division. Using his knowledge of computing, John served as the documentation staffer for editing, formatting, and organizing the streamlined cataloging rules that were developed in the 1990s.

In preparation for reengineering, John was selected to work on the motion picture pilot in 2004 and, with several other staffers, was trained in examining skills. Together with examiners trained in cataloging, this group began testing the new registration system.

John also tested CORCATS, an online system formerly in use in the Cataloging Division.

Born in Washington, D.C., John majored in business administration at Ohio State University. An amateur musician, John plays the piano and studies Romance languages. © JN

PHOTO BY DAVID RICE



The inside of the U.S. Capitol dome at sunset in November 2013.



# 100 Years Ago, Single Registration Marked Early Foray into Color Cinema

WENDI A. MALONEY

On September 23, 1913, the Kinemacolor Company of America registered a film adaptation of *The Rivals*, a comedy of manners by Richard Brinsley Sheridan first performed in London in 1775. The film is probably the first color feature registered with the Copyright Office, estimates Zoran Sinobad of the Library of Congress' Motion Picture, Broadcasting, and Recorded Sound Division. Motion pictures had been eligible for copyright protection for just a year in 1913, and color feature films were rare.

Kinemacolor was developed in England in 1906 by American expatriate Charles Urban and his partner, G. A. Smith, building on prior work by inventor Edward R. Turner. It was the first color motion picture process to find commercial success. Kinemacolor worked by exposing black and white film through alternating red and green filters. Screening it required a special projector.

"Kinemacolor looked much like the color film we see today, unlike the tinted and toned black-and-white film many were using at the time," said Sinobad.

Urban founded the Natural Color Kinemacolor Company in England in 1909. By the end of the year, Kinemacolor was fast becoming the "cinematic sensation of its time," writes Luke McKernan in *A Yank in Britain: The Lost Memoirs of Charles Urban, Film Pioneer*.

Urban's greatest Kinemacolor triumph was filming the "Delhi Durbar," a grand ceremony held in India in 1911 to mark

the coronation of King George V. The unprecedented two-and-a-half hour film screened in London for 15 months and toured elsewhere in England, making Urban a wealthy man.

In 1910, Urban sold his U.S. patents to the Kinemacolor Company of America, which reportedly produced hundreds of films in advance of a major 1912 publicity campaign. The trade journal *The Moving Picture World* publicized documentaries by the company in an April 1913 issue: *President Wilson Reviewing the Troops*; *Native Carnival Procession, Ceylon*; *Suffragette Parade in Washington*; and *Beautiful Butterflies*.

The same issue of *The Moving Picture World* announced a Kinemacolor plan to produce feature films based on the works of "world-famous authors." The next month, a film adaptation of Nathaniel Hawthorne's *The Scarlet Letter* came out, followed by *The Rivals* in September.

CONTINUED >



*"The Rivals"*  
KINEMACOLOR CO. OF AMERICA



**"THE RIVALS."**  
The three-reel Kinemacolor film reproduction of "The Rivals," staged from the prompt book of the late Joseph Jefferson, is announced ready for immediate release.  
William Winter Jefferson appears in the role of Bob Acres, made famous by his father. The play was staged upon the estate of E. N. Smathers on Long Island and at the home of Mrs. Jackson Giroux at Larchmont. A particular quality of the new film feature is its member of prominent captures from recent Broadway regular productions, the list including besides Mr. Jefferson, George Stacey (last season with "Broadway Jones"); Dallas Anderson (of the Marlowe-Sothorn forces); Samuel Hines (of "Arizona"); David Young (last season with "Little Miss Brown"); Lorraine Frost (recently of "Sunnybrook Farm") and Florence Stanley (of "The Witching Hour").  
Gaston Bell, the Kinemacolor leading man, has a prominent role in the feature.



Clockwise from top: A publicity photo of the closing scene of *The Rivals*; a synopsis of the film published in the September 19, 1913, issue of *Variety* magazine; another publicity shot; and William Winter Jefferson as the character Bob Acres.

PHOTOS: LIBRARY OF CONGRESS MOTION PICTURES DIVISION

&lt;

The copyright to *The Scarlet Letter* was not registered with the Copyright Office, nor was any other Kinemacolor production besides *The Rivals*. The three-reel film was assigned registration number LU 1287, and 15 publicity stills and a synopsis were deposited with it. The synopsis notes that Theodore Martin produced the film, and William Winter Jefferson starred as Bob Acres, a “part made famous by his father, Joseph Jefferson.”

The film’s length marks it as a feature. “In 1913, a three-reel film was considered a feature,” said Sinobad. “Just a few years later, the standard for features increased to four or more reels.”

No known copy of *The Rivals* exists today, which is not unusual. About 70 percent of silent-era feature films are believed to be completely lost,

according to a September 2013 report on silent feature films published by the Library of Congress.

As for Kinemacolor, its commercial success was brief. By 1914, the company was effectively defunct, writes Gorham Kindem in *The American Movie Industry*. Film historians dispute why Kinemacolor failed but concur that it was an important development in the early history of color motion pictures. ©



Color plates published in *Kinemacolor, Film Catalogue, 1912–1913* (at left) include scenes from the films *Beach Drill at Hastings* (top) and *Change of Guard at St. James's Palace*.



# copyright notices

MARCH 2014



3

Information and Records  
Division reorganized



4

In Focus:  
Micky Goldstein



9

What about those  
attractive postage  
stamps? Are they  
copyrighted?

2 Around the Office

7 In the News

8 Human Resources

6 Out & About

8 Anniversary



PHOTOS BY DAVID RICE

## Copyright Office Celebrates Dramatists Guild's Centennial

JUDITH NIERMAN

**MARIA A. PALLANTE**, Register of Copyrights, introduced representatives of the Dramatists Guild at a January 29 Copyright Matters lecture in the Coolidge Auditorium. She thanked the Dramatists Guild for its “storied participation in the development of American copyright law.”

A volunteer trade association, the guild is not a union. It began as a subcommittee of the Authors' League but became independent in 1911. Its Minimum Basic Agreement between producers and playwrights, still in use today, established terms and conditions for the performance of plays and solidified authors' rights to royalties.

Pallante reviewed the history of copyright law in the United States as it pertains to drama, saying that it was playwrights in the first half of the 19th century who agitated for a public performance right. The first U.S. copyright law of 1790 recognized publishers and printers, not authors. Due to piracy and the inability to make a living writing drama because they were not paid royalties for the performance of their works, there were few American playwrights in that era.

Speaking were Stephen Schwartz, president and author of *Wicked* and *Pippin*, plays that are now on Broadway; Ralph Sevush, executive director of business affairs for the guild; Gwydion Suilebhan, regional representative of the guild, playwright, and writer for screen, print, and

CONTINUED ON PAGE 5 >





### What to Do with Junk Mail?

If you receive unsolicited emails, that is, junk mail or spam, at work, do not open them. Instead, with the spam message highlighted, click on “Actions” at the top of the Outlook page, then “Forward as attachment.” Send the junk to [infosec@loc.gov](mailto:infosec@loc.gov). The folks there will determine the methods that the spammer used to bypass the Library’s filters. The forwarded email will also make the Library aware of current scams.

After you forward the email, delete it from your computer. © JN



#### Copyright Notices 62:03

Published by the Publications Section, Public Information & Education Office, U.S. Copyright Office, Library of Congress

#### PUBLICATIONS SECTION

Helen Hester-Ossa,  
Head, 707-6809

#### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

#### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

#### PUBLIC INFORMATION & EDUCATION OFFICE

George Thuronyi,  
Program Manager

William J. Roberts,  
Acting Associate Register of  
Copyrights and Director

#### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

### Copyright Office Staff Selected for Career Development Program

Copyright Office staff members were selected to participate in the Library’s Career Development Program (CDP) as part of the group that began its training in January. The training sessions continue until April 10. The program provides structured activities to enhance staffers’ professional development through instructor-led and online classes, group development activities, and individual work assignments. © JN



PHOTO BY DAVID RICE

Copyright Office staffers in the current CDP cohort include (left to right) **ALMAZ GEBRE, DENISE HEZLEP, MICHAEL STRATMOEN, ELLEN HALL, LISA OATES, LASHAWNE STAFFORD,** and **CHANNING LOWRANCE.**

To read more about the Career Development Program, go to the CDP website at [www.loc.gov/staff/cld/development-programs/cdp.html](http://www.loc.gov/staff/cld/development-programs/cdp.html).



PHOTO BY DAVID RICE

### Meet Chris Steve

**CHRIS STEVE** is a senior examiner in the Licensing Division, where he reviews statements of account submitted by cable and satellite systems and manufacturers of digital recording devices. Nearly 70 percent of the statements the division receives come from cable TV companies, so Chris spends most of his time on cable statements. They can be complicated, he said, especially those of larger cable systems. He checks on details such as whether a filer relied on the right formula for calculating royalties, among other issues. Chris has worked at the Copyright Office for 23 years, 9 of them in Licensing. “I was a TV kid growing up, and I’ve really enjoyed learning the nuts and bolts of the cable industry,” he said. He also likes the small size of the division and its congenial work environment. Going to cable conventions is another perk. “I get to meet and help the people who submit statements and, best of all, learn about new TV shows coming up,” he said. © WM

# Information and Records Division Reorganized

JUDITH NIERMAN



Maria A. Pallante

**MARIA A. PALLANTE**, Register of Copyrights, spoke with staff from the former Information and Records Division (I&R) on February 24 about the reorganization of the division. I&R has been divided into the Office of Public Information and Education (PIE), to be directed by an associate register of copyrights yet to be hired, and the Office of Public Records and Repositories (PRR), headed by a director.

The Register has made a temporary 120-day appointment to the senior position in PIE. Beginning March 10, **BILL ROBERTS**, senior counsel to the Register, is leading the new PIE until the position is filled under merit selection. Starting March 3, **LIZ SCHEFFLER**, who served as chief operating officer in the Copyright Office from 2008 to 2011, assumed the permanent position as director of the PRR.

"I am excited to have this caliber of staff for my senior team," Pallante said.

The law, she explained, allows the Register four associate registers, all of whom should be lawyers and copyright experts who could become the Register of Copyrights. The Librarian of Congress has approved the reorganization, but it will take some time to implement, requiring a temporary appointment to a top position.

Roberts, she said, is a former law professor whose background in copyright and skills with people are "awesome." Scheffler's experience in information technology and organizational management will be important as the Office reengineers recordation, aims for a

digital repository of deposits, and continues digitizing the historical records. Both will conduct brainstorming sessions with all their staff to explore how to restructure their areas. "You have decades of expertise," the Register told the assembled staff. "No one knows the issues better than you do." The Register urged all attendees to think about the new structures for PIE and PRR. This is a major mission, she stated, because the Office could be overtaken with changes to technology and law, and people are calling for a new paradigm for registration.

The Register said that she saw I&R as the "heartbeat of the organization" and that, in a low-budget environment, she wanted to update its functions for the 21st century. To accomplish this goal, she chose to dismantle the old I&R.

In addition, the Register said, there will be a new two-to-five-year plan for facilities that takes into account space needs and proximity concerns. "For now, you will stay where you are, but in the future there will be moves." ©

## U.S. COPYRIGHT OFFICE

Office of the Register of Copyrights, and  
Director of the Copyright Office

Office of the General Counsel

Office of Policy and International Affairs

### Registration Program

Literary Division  
Performing Arts Division  
Visual Arts Division

### Office of the Chief of Operations

Administrative Services Office  
Copyright Acquisitions Division  
Licensing Division  
Receipt Analysis and Control Division

### Office of the Chief Information Officer

Copyright Technology Office

### Office of Public Information and Education

Copyright Information Section  
Publications Section

### Office of Public Records and Repositories

Recordation Section  
Records Research and Certifications Section  
Records Management Section

# Micky Goldstein

WENDI A. MALONEY

**MICKY GOLDSTEIN** joined the Copyright Office as a performing arts examiner in 2000. In 2006, he became an examiner with the Motion Picture Team. When the Office reorganized in 2007, he became a registration specialist.

Micky plays piano and sings and regularly performs in community theater, mostly in musicals. Since 1998, he has participated in 35 local productions by the Damascus Theater Company, the Potomac Theater Company, and the Rockville Musical Theater, among others.

## Where did you grow up and go to school?

I was born in Los Angeles, and my family moved to New Jersey when I was three. When I was eight, we moved to Maryland. I graduated from Walter Johnson High School in Bethesda. I earned a bachelor's degree in music from the University of Texas at Austin; my instrument was piano. Later, I earned a master's degree in library science from the University of Maryland.

## How did you become interested in music?

I've been interested in music for as long as I can remember. My parents were always playing classical music and opera, and I started piano lessons when I was eight. I began singing when I was a teenager. I sang with a chorus and a madrigal group in high school, and I was selected for a Maryland State chorus one year. I also sang in a Montgomery County (Maryland) chorus.

## How did you become interested in theater?

I started acting just before high school. One of my friends was in a play, and it looked like so much fun. My first play was *Oklahoma* in 1973. I was in the chorus. I acted all through high school, both in school and in community theater. Some of my favorite roles were the Cowardly Lion in *The Wizard of Oz*, Mr. Applegate in *Damn Yankees*, and Motel the Tailor in *Fiddler on the*

*Roof*. Daniel Stern, who is now a film and television actor, was in the Bethesda–Chevy Chase High School summer production of *Fiddler on the Roof* with me. He was Tevye, and I was his understudy.

## How did your theater and music career evolve?

After college, I taught piano, and I played chamber music. I didn't do much theater again until 1998, when I auditioned for *Fiddler on the Roof* and once again landed the role of Motel the Tailor. I thought it would be a one-time thing. But I had so much fun, I tried out for another show, then another, and so on. My most memorable roles since 1998 have been Sancho Panza in *Man of La Mancha*, which I've done twice; Nicely, Nicely in *Guys and Dolls*; and Max in *The Sound of Music*. For productions of *You're a Good Man, Charlie Brown*, I've played Charlie Brown, Snoopy, and Schroeder, and I've



PHOTO BY WENDI MALONEY



PHOTOS PROVIDED BY MICKY GOLDSTEIN

Micky at 16 as the Cowardly Lion in *The Wizard of Oz* (left) and as Mr. Snow in *Carousel* (above).

CONTINUED >



blogs; and Doug Wright, secretary of the guild and Pulitzer Prize winner for his play *I Am My Own Wife*.

All addressed the impact of copyright on their work. Schwartz praised the ability to choose where and under what circumstances his work can be performed. He chooses not to license his work for performance in South Africa without an integrated audience and cast or in Moscow due to human rights violations there.

Wright explained that in the realm of TV and films, the writer creates a work-made-for-hire, that is, the writer does not own the copyright in the work. "Hollywood writing is a perilous profession," he said. "As dramatists, we have ownership and autonomy as a result of copyright law."

Pallante asked about financial arrangements for plays. Wright explained that actors, designers, and producers are paid. But writers get royalties from productions for which they have already written the words. Thus, the past, in the form of subsidiary rights in stock, amateur, other professional, and foreign productions, underwrites and finances the next project, and the royalties are dependent on copyright protection. Unlike film, Wright explained, the theater is a literary art built on language. The printed words are the only constant in a play because individual productions are ephemeral.

In conclusion, the authors commented on the public domain. Suilebhan said that "my imagination is a gift to culture at large. But I want my property for my lifetime." Wright said the public domain allows reinvention, reinterpretation, and rediscovery of his work. Increasing the copyright term, said Sevush, would impoverish the public domain. The guild, he said, is not out to create an entrenched artist class with excessively long terms of copyright protection. ©



Micky as Ali Hakim in *Oklahoma* (left) and as Schroeder in *You're a Good Man, Charlie Brown*.



been music director. I'm often cast in comic roles, and I have an edge in auditions for musicals because I'm a singer. I've only been in three nonmusical plays: *Arsenic and Old Lace*, *Lend Me a Tenor*, and *The Mousetrap*. I've also continued to sing outside theater productions. Right now, I'm singing baritone, occasionally pivoting to tenor, with the National Philharmonic Chorale. On April 12, we'll perform the *Bach Mass in B Minor* at Strathmore in Bethesda. I also sing with the LC Chorale when my schedule permits.

#### How did you make your way to the Copyright Office?

After I earned my library science degree, I worked as a reference librarian for a while at the National Aeronautics and Space Administration headquarters. I was interested in working at the Library of Congress, so when I saw an opening in performing arts examining at the Copyright Office, I applied. I thought it would be a good fit with my background, and it has worked out well.



PHOTOS PROVIDED BY MICKY GOLDSTEIN

#### As a theater person, what are your thoughts on the January 29 "Copyright Matters" event featuring the Dramatist Guild?

That day was probably my most interesting day ever at the Copyright Office — not just because I got to meet and talk to Stephen Schwartz, but also because the speakers talked so eloquently about the value of the work we do here at the Office. I especially appreciated Doug Wright's comments about how owning his copyrights allows him to control how his work is presented. As a theater person, I can put myself in his place and understand how he feels. Before the event, I was fortunate to be part of a small group that met informally with the speakers. It was just a wonderful day.

#### What is something most of your coworkers do not know about you?

They probably don't know that I used to work for the U.S. Secret Service. I got a job as a clerk-typist with the service right after high school. I had to get a security clearance, which was an eye-opening process. The investigators talked to just about everyone I'd ever met in my entire life. I worked there for about a year. Another thing many people may not know about me is that I'm an avid bridge player. I've played tournament bridge since 1990 and just love the game. I've taught a dozen or more people at the Copyright Office how to play, and I've played with a couple of colleagues in tournaments. ©

# House Subcommittee Looks at Fair Use

JUDITH NIERMAN

The House Subcommittee on Courts, Intellectual Property, and the Internet continued its rigorous review of the U.S. copyright law with a hearing on “The Scope of Fair Use” on January 28.

Chairman Howard Coble said that fair use, which was incorporated into U.S. law in 1976 and has an important role in our copyright system, has been at the center of many disputes. The strength of fair use, he said, is that it is somewhat ambiguous, leaving the courts with the discretion to clarify what is and what is not fair use. This ambiguity is also its greatest weakness, particularly in the digital era, because new technologies develop far faster than disputes are resolved in the courts. “It is true that fair use can be very controversial,” he said.

The chairman thanked the members of the audience. Their presence, he said, indicated that there is more than a casual or passing interest in the topic.

In his opening statement, Representative John Conyers said that the hearing provided an important opportunity to examine the scope of the fair use doctrine. “Fair use is an affirmative defense against infringement under certain criteria. I generally believe that fair use is working as intended,” he said. “Current law, while not perfect, provides reliable guidance to copyright holders,” but we should reexamine the application of the transformative use standard, which has become all things to all people.

Bob Goodlatte, chairman of the House Judiciary Committee, in his opening statement, said that fair use is a crucial component of our nation’s copyright law system.

To view the hearing, go to <http://judiciary.house.gov/index.cfm/2014/1/the-scope-of-fair-use>.

## Subcommittee Overseeing Copyright Law Review Has New Ranking Minority Member

Representative Jerrold Nadler was elected to the position of ranking minority member of the House Judiciary Committee’s Subcommittee on Courts, Intellectual Property, and the Internet. Nadler replaces Melvin Watt, who took a position in the Obama administration. The subcommittee is chaired by Representative Howard Coble. The vice-chairman is Representative Tom Marino. © JN

While there is no doubt that flexibility in our copyright system is beneficial, he continued, certainty with regard to our legal system is just as beneficial.

Five witnesses testified. They included June Besek, professor and executive director of the Kernochan Center of Law, Media, and the Arts at Columbia Law School; Peter Jaszi, professor and faculty director of the Glushko-Samuelson Intellectual Property Clinic at American University Washington College of Law; David Lowery, singer, songwriter, and lecturer in the Terry College of Business at the University of Georgia; Naomi Novik, author and cofounder of the Organization for Transformative Works; and Kurt Wimmer, general counsel, Newspaper Association of America. ©

## Out & About

**JANUARY 25–26: YVONNE DOOLEY**, records research and certification specialist, and **JOHN SAINT AMOUR**, supervisory copyright specialist, represented the Copyright Office in the Library of Congress’ booth at the American Library Association’s midwinter meeting in Philadelphia. They spoke on “Current Issues in Copyright” to an audience of librarians, authors, attorneys, and administrators. The event took place in the Exhibit Hall of the Pennsylvania Convention Center.

**FEBRUARY 13: ABIOYE OYEWOLE**, attorney-advisor, represented the General Counsel’s Office at the public service career fair at the University of Baltimore School of Law.

**FEBRUARY 19: TED HIRAKAWA**, chief of the Literary Division, spoke at the Fordham University Law School on how to file copyright claims using the Copyright eCO registration system. He also addressed the topics of examining claims to copyright and the creation of copyright public records.

**FEBRUARY 27: KARYN TEMPLE CLAGGETT**, associate register of copyrights and director of the office of policy and international affairs, spoke at the session on “Property: Creativity and Ownership in a Digital World” at the Intellectual Property in the Digital Age forum hosted by Virginia Tech in Blacksburg, Virginia.

**FEBRUARY 28:** Register of Copyrights **MARIA A. PALLANTE** was the keynote speaker at the John Marshall Law School’s 57th annual conference on developments in intellectual property law. Her talk was entitled “Review and Reflection: The Responsible Pace of Copyright Hearings and Related Discourse in the Nation’s Capital.” The conference took place in Chicago.

© JN

## Legal Interns Support Diverse Projects

Alexis Grilli and Matthew Bernstein, students at George Washington University Law School, are assisting the General Counsel's Office by indexing copyright infringement cases raising fair-use defenses. They are also researching issues related to the public performance right and the cable television statutory license. Holly Gordon, a student at George Washington University Law School, and Dawn Leung, who attends the University of Maryland Law School, are supporting the Office of Policy and International Affairs. They are researching the making-available right, liability related



Clockwise from left, Alexis Grilli, Matthew Bernstein, Holly Gordon, and Dawn Leung

to online material, and the handling by courts of website blocking and takedown orders, among other projects.

Chris Ohslund and John Grbic, students at George Washington University Law School, are helping Robert Brauneis, the Office's 2013–14 Kaminstein Scholar in Residence, with research related to reengineering of documents recordation. Specifically, they are developing a database of all recorded documents classified by type of document and type of work and researching historical changes in required copyright formalities and proposals for reintroducing formalities. © WM



PHOTO BY DAVID RICE

From left, Chris Ohslund and John Grbic

## Who Owns the Tattoo on Your Arm?

You may have noticed that the subject of copyright and tattoos has been appearing in the news. Who owns a tattoo? Is it the tattoo artist who created it or the person whose body it adorns?

There is not a lot of case law on the subject, with some disputes being settled out of court.

A tattoo can be a highly original work of visual art, but displaying a work—as in displaying a tattoo on someone's body—is one of the exclusive rights of the copyright owner. Unless the tattoo falls under one of the exceptions to these rights, it would seem that it cannot be displayed without the permission of the tattoo artist. But people get tattoos to display them, right?

If a tattoo were a work made for hire, the rights might not belong to the artist. But unless the tattoo was created by an employee as part of his or her official duties, that argument fails.

Some say that a tattoo can have an implied license, that is, that there could be an unwritten agreement between tattoo artist and customer that the tattoo can be used for the purpose for which it is intended, that is, to be displayed.

A recent case involved boxer Mike Tyson's facial tattoo, which was registered as VA1767704. A recorded document on this tattoo shows Tyson's quitclaim

on "Tribal Tattoo." The tattoo artist threatened to sue Warner Brothers over the unauthorized use of a nearly look-alike tattoo in the movie *The Hangover; Part II*. This case, too, was settled out of court. © JN

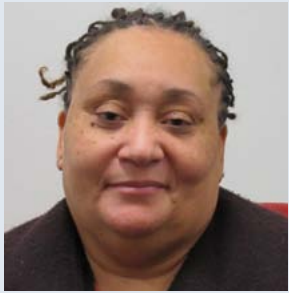


PHOTO FROM LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION

Mrs. M. Stevens Wagner, half length, facing slightly right, arms and chest covered with tattoos.

To read further on this topic, go to <http://www.hollywoodreporter.com/thr-esq/mike-tyson-tattoo-artist-sues-183716> and [www.abajournal.com/magazine/article/tattoo\\_artists\\_are\\_asserting\\_their\\_copyright\\_claims/](http://www.abajournal.com/magazine/article/tattoo_artists_are_asserting_their_copyright_claims/)





**EUGENIE DUNCAN** will celebrate 30 years of federal service on April 2. She started at the General Accounting Office in 1984 and worked briefly at the U.S. Treasury Department before coming to the Copyright Office in 1997 as secretary to the general counsel.

In 2007, she was promoted to administrative officer, her current position. Under the supervision of **DAVID CHRISTOPHER**, the Office's chief of operations, Eugenie processes credit card charges and orders supplies, researching prices and dealing with vendors. She also

handles personnel matters and general office tasks. She said she enjoys the variety of duties she carries out.

On Saturdays and off days, Eugenie does data entry for a nonprofit organization that highlights the contributions of women to the U.S. military. "It's interesting to learn the different ways women have served, especially during World War II and earlier," she said.

On Sundays, Eugenie gets together with her family to see movies and relax. She also likes to travel. "I have a large bucket list of places I want to visit," she said. Most recently, she has been to the Caribbean and Las Vegas.

Eugenie lives in Maryland and shares her home with an orange tabby named Piper. © WM



The first sign of spring (and new exterior lettering) greets visitors to the Madison Building.

### Know Your Federal Health Insurance Benefit

Most federal employees are entitled to enroll in a health insurance plan under the Federal Employees Health Benefits (FEHB) program. In general, the employee pays 30 percent of the cost and the government pays 70 percent. In addition to yourself, you may enroll your eligible family members.

#### Who is a family member for insurance purposes?

- Your spouse and your children, including a child over age 26 who is incapable of self support due to disability; adopted children; and certain stepchildren
- Certain foster children
- Legally married same-sex spouses and common-law spouses

#### What happens when I leave the Library?

If you transfer to another federal job, your health insurance transfers with you.

- If you leave the government, your health insurance will continue for 31 days beyond your last date of employment, at no cost. You will also have the option to purchase up to 18 months additional coverage, at full cost plus an administrative fee, under the temporary continuation of coverage option.
- If you retire, you and your spouse are eligible for FEHB coverage *if* you

are eligible to retire on an immediate annuity *and* have been continuously enrolled in a health insurance plan for five years immediately before the date of your retirement (or for the entire time since you were first eligible to enroll). The five-year rule includes time you may have been covered under another's FEHB enrollment or under TRICARE (the military's health insurance program). *But*, you must be covered under FEHB at the time of your retirement.

[www.opm.gov/healthcare-insurance/healthcare/eligibility/](http://www.opm.gov/healthcare-insurance/healthcare/eligibility/)

#### What if I die?

- For your surviving family members to continue enrollment in the federal health insurance program after you die, you must have been enrolled for self and family at the time of your death *and* at least one family member must be entitled to an annuity as your survivor.
- Temporary employees who have worked continuously for one year may enroll at their own expense, that is, they must pay both the government and the employee share of the premium. © JN

For complete information, go to the Office of Personnel Management's website at [www.opm.gov](http://www.opm.gov). For information on who is a family member, go to [www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/family-members/](http://www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/family-members/). To read more on who is eligible for FEHB coverage, go to [www.opm.gov/healthcare-insurance/healthcare/eligibility/](http://www.opm.gov/healthcare-insurance/healthcare/eligibility/).

For the FEHB program handbook, go to [www.opm.gov/healthcare-insurance/healthcare/reference-materials/#url=FEHB-Handbook](http://www.opm.gov/healthcare-insurance/healthcare/reference-materials/#url=FEHB-Handbook).

# What About Those Attractive Postage Stamps? Are They Copyrighted?

JUDITH NIERMAN

The job of postmaster general, first held by Benjamin Franklin, became a presidential cabinet position in 1829. The U.S. Post Office operated continuously until the Postal Reorganization Act (P.L. 91-375) took effect in 1971, and the old Post Office Department became the U.S. Postal Service (USPS). The comprehensive reorganization cost the Post Office its position on the cabinet.

Because postage stamps printed under the U.S. Post Office were works of the U.S. government, stamps dating from before 1971 were not subject to copyright and are today in the public domain.

However, USPS stamps are copyrighted. *The Compendium of Copyright Practices II* says that “works of the U.S. Postal Service, as now constituted, are not considered U.S. Government works” (206.02(b)), and therefore may be registered for copyright. A casual search in the Office’s card catalog drawers reveals a few U.S. Post Office registrations. But the online records, which began in 1978, contain hundreds of visual arts claims for postage stamps with the USPS as claimant as an employer for hire.

Recent court cases are illustrative of the perils of confusing the copyright status of a stamp or of the image on a stamp. In September 2013, Vermont sculptor of the Korean War memorial Frank Gaylord won a settlement of more than \$684,000 because the USPS



used an unauthorized image of his sculptures on a postage stamp and on merchandise sold by the USPS. The contractor responsible for designing and constructing the memorial did not acquire the sculptor’s rights in the work and thus could not transfer them to the government.

Gaylord registered his claim

to copyright in the memorial’s sculpture in 1998, and it was recorded in the Office as VAu000447698. While the photographer who shot the image of the snow-covered statues used on the postage stamp was paid \$1,500, the sculptor was not paid anything. At first, the Court of Federal Claims ruled for the USPS, saying that the use of the photograph on a stamp was fair use. But the Court of Appeals for the Federal Circuit reversed and directed the first court to establish damages.

In another recent and ongoing case, sculptor Robert Davidson is suing the USPS for the 2010 unauthorized use of his work. The USPS issued a “forever” stamp bearing an image of the Statue of Liberty. However, the image, which was obtained from Getty



Images, was not that of the iconic statue in New York’s harbor but of a recent replica created by Davidson that is standing in front of a Las Vegas hotel. He registered his claim to “Las Vegas Lady Liberty” in January 2012, and it is recorded as VAu001090876. The suit was filed in November 2013 in the Court of Federal Claims. The USPS has sold more than 4 billion copies of the stamp, according to the *Washington Post*. ©



# copyright notices

APRIL 2014



3

New senior staff appointed



5

Afternoon teas resume with focus on Visual Arts Division



11

Copyright deposit sets record straight on noted 20th-century song

- |                     |                |                   |
|---------------------|----------------|-------------------|
| 2 Around the Office | 8 Law & Policy | 9 Human Resources |
| 2 In the News       | 8 Out & About  | 10 Anniversaries  |



PHOTOS BY DAVID RICE

## Office Hosts ASCAP Centennial Celebration

WENDI A. MALONEY

Acclaimed songwriters Paul Williams and Jimmy Webb performed a selection of their hits in the Coolidge Auditorium on February 25 for a Copyright Matters event marking the 100th anniversary of the American Society of Composers, Authors, and Publishers. A collective licensing organization, ASCAP collects and distributes royalties for public performances of its members' musical works. Its historical archive has resided in the Library's Music Division since 2009.

Williams, president of ASCAP, sang his compositions "We've Only Just Begun," "Evergreen," "Rainbow Connection," and the theme from the TV series "The Love Boat." Webb, vice chair of ASCAP, performed his songs "Up, Up and Away"; "Wichita Lineman"; and "Highwayman."

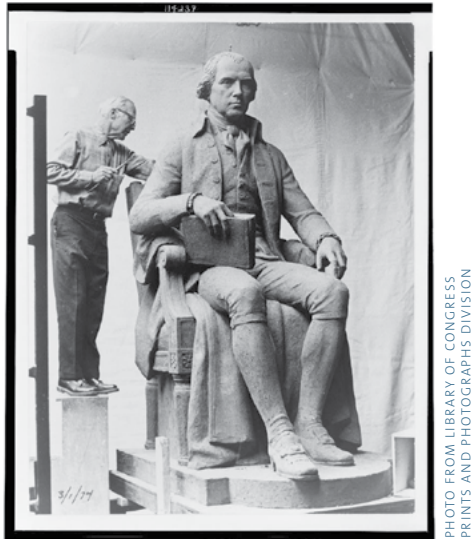
Webb said he wrote his first song at 13 as a pianist for the Oklahoma church where his father preached. "I never wanted to do anything else after that," he said. Later, Motown hired him as a staff writer. He said his best day was "when the big door opened," and someone let him into the music business.

CONTINUED ON PAGE 6 >



## Noticed

In fiscal 2013, the Copyright Office managed the combined (registration and mandatory) deposit of **641,723** copies of books, motion pictures, and other creative works for the Library's collection, valued at approximately **\$29.4 million**, which the Library would otherwise have had to purchase. © JN



Walker Kirtland Hancock works on a scale model for the statue of James Madison for the James Madison Memorial Building.

PHOTO FROM LIBRARY OF CONGRESS  
PRINTS AND PHOTOGRAPHS DIVISION



### Copyright Notices 62:04

Published by the Publications Section, Public Information & Education Office, U.S. Copyright Office, Library of Congress

### PUBLICATIONS SECTION

Helen Hester-Ossa,  
Head, 707-6809

### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

### PUBLIC INFORMATION & EDUCATION OFFICE

George Thuronyi,  
Program Manager

William J. Roberts,  
Acting Associate Register of  
Copyrights and Director

### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

## Around the Office



PHOTO BY DAVID RICE

## Licensing Reengineering Team Reaches Out to Stakeholders

Chris Cinnamon and Alma Hoxha (center right) of the Chicago law firm Cinnamon Mueller visited the Copyright Office on March 11 to comment on an electronic system being developed to process statements of account and fees that cable operators and satellite carriers submit to the Licensing Division to clear rights to content they retransmit. Cinnamon Mueller advises small and mid-sized cable operators about their licensing filings. Stakeholder outreach is a central part of the reengineering effort.



The new system — called “eLi” for “electronic licensing” — will handle filing, processing, searching, and archiving of statements of account once it is completed. Licensing reengineering team members and advisors are seated around Cinnamon and Hoxha. © WM

## Copyright in the News

## Atlanta Photographer Alleges Infringement; Metadata Stripped

An Atlanta photographer, Iran Watson, was surprised in 2011 to find his photo on the cover of a road atlas. Watson, who specializes in real estate and architectural photography, says he did not grant permission for such a use of his photo of the Atlanta skyline. He had posted his creation on his Flickr space, saying that it was protected with all rights reserved. He later registered the photo in the Office as a work of the visual arts (VA 1859387). The metadata identifying the owner of the photo that he had embedded in the shot was missing.

Watson alleges that when he contacted the publisher about the unauthorized use, he was offered \$10 in payment. He thereafter secured counsel and filed suit in the U.S. District Court for the Northern District of Georgia, Atlanta Division. The case has been labeled *Iran Watson v. Kappa Map Group LLC*, No. 1:14-cv-00100-WHB. © JN

For further information, go to

<http://georgiaipit.blogspot.com/2014/02/alleged-copyright-infringer-uses.html>

[www.rfcexpress.com/lawsuits/copyright-lawsuits/georgia-northern-district-court/693680/iran-watson-v-kappa-map-group-llc/docket-text/](http://www.rfcexpress.com/lawsuits/copyright-lawsuits/georgia-northern-district-court/693680/iran-watson-v-kappa-map-group-llc/docket-text/)

# Douglas Ament Appointed Chief Information Officer

JUDITH NIERMAN

Register of Copyrights **MARIA A. PALLANTE** appointed **DOUGLAS AMENT** to the position of chief information officer effective March 2014. Ament will serve as the Register's top advisor on information technology initiatives and will be principally responsible for developing technology strategies related to upgrading and recalibrating Copyright Office services over the next several years. He will work closely with other members of senior management, including **ROB KASUNIC**, director of registration policy and practices; **DAVID CHRISTOPHER**, chief of operations; and **ELIZABETH SCHEFFLER**, director of the newly created Office of Public Records and Repositories.



PHOTO BY DAVID RICE

"Doug has a wonderful mix of technical expertise and business acumen," said Pallante, "and we will make great use of his skill set. He will be a key player in migrating the Copyright Office to a new generation of services for the benefit of both authors and users of copyrighted works."

Among Ament's duties will be managing and improving the Copyright Office information technology enterprise, including strategic planning efforts, digital security initiatives, policy development, and operational and maintenance activities, as well as all research and development of new technologies that support the business processes and mission of the Copyright Office.

Ament assumes the position after serving as chief of the Copyright Technology Office since July 2008 and the director of information technology for the Copyright Office since April 2009. He led a major technical upgrade analysis for the Copyright Office as part of the Register's

2011–2013 special projects, in which stakeholders from across the copyright spectrum offered recommendations and information about possible future strategies. Prior to joining the Copyright Office, he served in the Library of Congress Information Technology Services directorate. He was a federal information technology consultant for more than 20 years supporting clients, including the U.S. Department of Justice, the U.S. Coast Guard, the U.S. Postal Service Headquarters, and the U.S. Navy.

Ament holds a bachelor of science degree in management from Nyack College and Seminary in Nyack, New York. He also earned project management professional certification from the Project Management Institute and completed graduate studies in project management at George Washington University and in management information systems at the University of Maryland. ©



# Elizabeth Scheffler Appointed Director, Office of Public Records and Repositories

JUDITH NIERMAN

Register of Copyrights **MARIA A. PALLANTE** appointed **ELIZABETH SCHEFFLER** to the position of director of the new Office of Public Records and Repositories effective March 2014. Pallante created the position as part of a larger effort to reallocate resources to areas of critical importance and to develop technical standards and capabilities that will make the Copyright Office more interoperable with, and responsive to, the global marketplace.

“Liz will be a key member of our senior leadership,” said Pallante, “and I couldn’t be happier. She has considerable experience in records management, facilities, technology, and government partnerships, as well as an impressive history of bringing complex projects to completion—she’s a natural entrepreneur.”

Scheffler will develop and direct all staffing and activities within the Office of Public Records and Repositories, overseeing significant databases of copyright ownership and related information, as well as the protocols, preservation, and security of works that are entrusted to the Copyright Office for copyright registration. Her work will build upon a number of special projects, completed in 2013, in which the Copyright Office engaged the greater copyright community to discuss its future focus.

Among other things, Scheffler will explore the feasibility of implementing international identification codes for content, metadata standards for licensing terms, and development of program interfaces and other applications to facilitate the interaction of data between public and private registries. She will also build upon efforts to reengineer the copyright recordation function, so that those who record (or consult) licensing information, assignments, and security interests will have the legal benefits and efficiencies of an integrated electronic system. Professor Robert Brauneis—who

is currently Abraham Kaminstein Scholar in Residence in the Office of the Register—has been heading up the research, public meetings, and recommendations on this front.

Scheffler is no stranger to the Copyright Office, having served as chief of operations from 2008 to 2011. She was most recently director of Integrated Support Services at the Library of Congress and has held senior positions with the National Ocean Service of NOAA and the National Air and Space Museum of the Smithsonian Institution. At the Smithsonian, she led financial and operational programs, including planning and production of exhibits; grants and gift management; business and revenue operations; federal, state, and local government relations; and building management. She was instrumental in the construction and opening of the National Air and Space Museum—Steven F. Udvar-Hazy Center near the Washington Dulles International Airport.

Scheffler holds dual bachelor’s degrees in business and accounting, as well as a master’s degree in information systems management from the University of Maryland University College. She earned a certificate in federal financial management from George Washington University. She is an adjunct professor at the University of Maryland University College, where she teaches senior-level accounting research and federal financial management. ©





# Afternoon Teas Resume with Focus on Visual Arts Division

JUDITH NIERMAN

In another in a series of educational talks on February 26, staff from the Visual Arts (VA) Division spoke on that division's work. **CAROL FRENKEL**, team leader, introduced the speakers, who included registration specialists **REBECCA BARKER**, **LARISA PASTUCHIV**, and **IVAN PROCTOR**.

Proctor began the presentation saying that, with only two teams, VA is the smallest division in the Copyright Office. But the wide variety of works it examines, including graphic, pictorial, and sculptural works, presents perhaps the most interesting and, on occasion, the most difficult, deposits to examine. Graphic, pictorial, and sculptural works in the form of wallpaper, floor coverings, stationery, T-shirts, jewelry, board games, toys, and furniture are among the deposits that may contain copyrightable elements.

"However," continued Proctor, "we reject more claims than other divisions, and one of the more troublesome categories of work is jewelry design." VA also registers vessel hull designs and mask works. Both of these

categories of works receive protection that differs from copyright.

Pastuchiv spoke about the examining issues specific to visual arts, including deciphering between an uncopyrightable idea and the expressions of an idea and between copyrightable graphic art and un-registrable lettering and calligraphy. She explained that functional



PHOTOS BY DAVID RICE

items are not registrable, although, if art on functional objects can be conceptually or physically separated from the object, the artistic portion may be registered. She also mentioned issues related to installation art, which is site-specific three-dimensional art designed to transform the perception of the space it occupies. This genre of art can be interactive, raising the question of whether it is fixed in tangible form. Fixation is required for registration.

Barker spoke about photographs, which "are a large portion of what we register. Many of them are personal photographs but a larger number are professional works, such as catalogues, images from stock photo agencies, and fine art." She called attention to the work of Vivian Maier, a master street photographer from Chicago, who died without heirs and without registering her vast collection of photos. A person who purchased her works has tried



From left, Larisa Pastuchiv, Ivan Proctor, and Rebecca Barker

to register them, but he has no written agreement transferring rights to him.

Proctor took up the subject of registration for architectural works. Because the Berne Convention, to which the United States adhered in 1989, requires protection for these works, the United States added them to its list of copyrightable works in 1990. However, standard items, including doors and windows, and structures not intended for human habitation, such as doghouses and bridges, may not be copyrighted. VA requires a complete set of architectural plans and separate applications for the architectural work and the floor plan. Remodeling plans are treated as derivative works.

The program was organized by **ALICIA MROCZYK**, special assistant in the Office of Public Information and Education. ©

## Visual Art Registrations

In fiscal 2012, the Office registered **72,803** works of visual arts, including fine and graphic arts, sculptures, and many photographs, including a prom photo of President Obama.

PHOTO BY DAVID RICE



Maria Pallante quoted the words Kermit the Frog sings in “Rainbow Connection” by Paul Williams as a tribute to ASCAP on its 100th anniversary: “Someone thought of that and someone believed it. Look what’s it’s done so far.”

“Today, the doors aren’t opening for young writers with any degree of acceptable frequency,” he told the audience, partly because the music industry is “so big and busy” that it squeezes out the individual guy.

“More songs are being disseminated more widely than ever now. But payments to songwriters have not kept pace.”

Jimmy Webb

The music licensing system is another problem, Williams stated. He noted that songwriters earn higher royalties from sales of physical media like CDs than they do for streamed music because of the way the market has

traditionally valued authors’ rights under copyright law—the right involved in reproducing a song on a CD differs from the right affected by streaming. As the market evolves toward digital transmission of music, songwriters are struggling.

“ASCAP embraces new technology,” Webb said. “More songs are being disseminated more widely than ever now. But payments to songwriters have not kept pace.”

Outdated legal agreements and copyright law provisions governing music licensing also hurt songwriting as a profession, he said.

“Our goal is to never, ever stop the music,” Williams said. “We will work this out.”

He applauded the Register for calling for a review of copyright law last year to determine whether aspects of it may need modernization. The House Judiciary Committee is now holding hearings.

The Register announced at the ASCAP event that Congress has asked the Copyright Office to prepare a study

of the U.S. music licensing system to inform its inquiry. The study will address “critical copyright questions” raised by new music technologies, she said. (The Office published a *Federal Register* notice and request for comments on March 17.)

The Register introduced the event with a historical overview in which she described how Congress has revised the law since 1831, when music first became eligible for protection, to address new technologies and new methods for disseminating music. She also thanked staff who contributed to the event’s success: **JACQUELINE CHARLESWORTH, KARYN TEMPLE CLAGGETT, ROSEMARY KELLY, CHRIS REED, DAVID RICE, PAT RIGSBEE, and JESSICA SEBEOK.**

Earlier in the day, Webb and Williams joined the Librarian of Congress, Dr. Billington; Sue Vita, chief of the Music Division; Reps. Marsha Blackburn and Ted Deutch; and others for a ribbon-cutting ceremony to formally open a Performing Arts Reading Room exhibition, “ASCAP: One Hundred Years and Beyond.” The exhibition will run through July 26. ©

## ASCAP Pays Off

The Library of Congress exhibition “ASCAP: One Hundred Years and Beyond,” on display in the Performing Arts Reading Room, features records of performance royalties ASCAP processed for classical music composer Aaron Copland, described as a “long standing and enthusiastic” ASCAP member. The pink form below records performances of Copland’s compositions from October 1, 1987, through September 30, 1988. Songs listed include “Appalachian Spring,” “At the River,” “Buckaroo Holiday,” and “I Bought Me a Cat.” The tan form is a copy of a December 1988 royalty check sent to Copland at a Peekskill, New York, address in the amount of \$74,481.21. Copland died in 1990 at age 90.

ASCAP  
WRITER PERFORMANCE RECORD  
PERFORMANCES OCT 1 1987 - SEPT 30 1988

NAME: COPLAND, AARON MEMBER CODE: 3112200

PROGRAM	SYMPHONY CONCERT	RECITAL	EDUCATIONAL	PERFORMANCES	TOTAL CREDITS
APPALACHIAN SPRING	31-0012688	75	125	32,789,715	2
AT THE RIVER	31-0067620	100	1	12,776	3
BILLY THE KID	31-0076112	75	1	19,148	2
BOATHEN'S DANCE	32-0080095	100	42	11,937,604	41
BUCKAROO HOLIDAY	32-0072622	75	15	1,469,345	4
CANTICLE OF FREEDOM	32-0086444	50	1	91,107	1
CELEBRATION AT BILLY'S	33-0381334	100	1	160,004	1
CHATEAU OF FRODO	33-0086444	100	1	81,917	1
CHILDREN'S SUITE	33-0040598	100	4	728,286	1
CHOPIN'S RING	33-0086444	75	1	7,073	1
CONCERTO FOR CLARINET	33-0283724	100	12	1,801,545	1
CONCERTO FOR PIANO	33-0086444	100	2	813,295	5
CORAL NOCTURNE	33-0372922	100	1	114,992	1
COURTESY MACABRE	33-0097579	100	4	204,428	1
DANCE SYMPHONY	33-0080504	100	1	114,992	1
DANCE DE JALISCO	34-0004371	100	1	229,985	1
DANCE CUBANO	34-0258373	100	9	1,074,933	1
DANCE A COUNTRY LANE	34-0121597	100	4	204,429	1
DANCE FOR FLUTE AND PIANO	34-0121597	100	2	74,660	6
EPISODE	35-0020872	100	1	123,872	6
FANFARE FOR THE COMMON MAN	36-0006977	100	1		
FOUR DANCE EPISODES	36-0006977	100	1		
FOUR NOTES	36-0006977	100	1		
FOUR NOTES	36-0006977	100	1		

ASCAP FOREIGN ROYALTY STATEMENT

DISTRIBUTION: AMOUNT RECEIVED 74,481.21

DEDUCTIONS: DUES ADVANCES OVER DIST. RELIER TOTAL DEDUCTIONS .00

DATE: 12/15/88 CHECK NO: 53448

TOTAL DISTRIBUTION: 74,481.21

AMOUNT OF CHECK: 74,481.21

AARON COPLAND  
1538 L WASHINGTON STREET  
PEEKSKILL, NY 10566  
AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS  
ONE LINCOLN PLACE  
NEW YORK, N.Y. 10023  
COPLAND AARON  
Z USA  
3112200

DOCUMENTS FROM THE AARON COPLAND COLLECTION, MUSIC DIVISION, LIBRARY OF CONGRESS  
USED WITH PERMISSION FROM THE AARON COPLAND FUND FOR MUSIC, INC.



## Office Researchers Track Down Copyright Records for ASCAP Event

Register of Copyrights **MARIA PALLANTE** started the February 25 celebration of the 100th anniversary of the American Society of Composers, Authors, and Publishers with a historical overview of the organization's close connection to copyright law ([see story on page 1](#)). Several staff members contributed to the Register's presentation, including **ROSEMARY KELLY** and **PAT RIGSBEE** of the Records Research and Certification Section. Kelly researched registrations for musical compositions from the 1870s, while Rigsbee located the copyright record for "Sweethearts," registered in 1913 by Victor Herbert, an ASCAP founder.

Rigsbee was also asked to find early copyright registrations for singer-songwriters Paul Williams and Jimmy

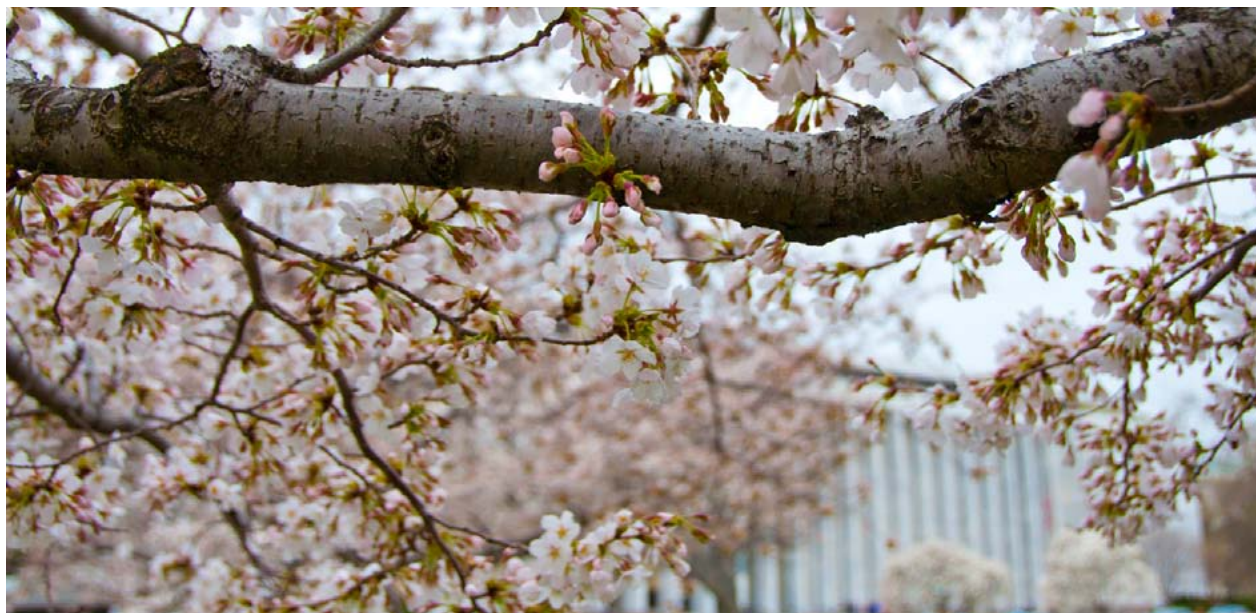
Webb, ASCAP leaders who performed at the event. "It turned out to be quite a challenge," Rigsbee said. "There are at least 10 composers named Paul Williams and several Jim Webbs." She ultimately identified "I Need You" and "Summertime Love" as among Williams's first registrations, both entered on May 5, 1964. She discovered that Webb registered three songs on June 1, 1965. The songs were "Honey, Come Back," which became a hit for singer Glen Campbell; "Please Don't Turn Out the Lights"; and "This Time Last Summer." Rigsbee said she enjoyed learning more about the careers of Williams and Webb through her research and was especially pleased to meet Williams at a post-event reception. © WM



Pat Rigsbee (left) and Rosemary Kelly

COPYRIGHT OFFICE OF THE UNITED STATES OF AMERICA.	
RECORD OF THE FILING OF COPYRIGHT DEPOSITS UNDER THE ACT OF MARCH 4, 1909.	
CLASS E.—MUSICAL COMPOSITIONS.	
96	<p>1913 Sweethearts. From the opera "Sweethearts". Lyrics by Robert B. Smith. Music by Victor Herbert. of United States. High.</p> <p>Mar. 25, 1913.</p>
99	<p>1913 Sweethearts. From the opera "Sweethearts". Lyrics by Robert B. Smith. Music by Victor Herbert. of United States. High.</p> <p>Mar. 25, 1913.</p>

Ledger in which the Copyright Office recorded receipt of Victor Herbert's manuscript "Sweethearts." The entry for the song is dated March 24, 1913.



One of the original ornamental trees included in the gift of friendship to the people of the United States from the people of Japan in 1912 flowers this spring on the grounds of the Library of Congress. The Yoshino cherry tree was transplanted in 1922.



# Office Welcomes Two New Lawyers

WENDI A. MALONEY

**RICK MARSHALL** and **JOHN RILEY** joined the Office of the General Counsel as attorney-advisors in January.

John has bachelor's degrees from Penn State University in political science, English, and communications arts and sciences and a JD from the university's Dickinson School of Law. He has a master's degree in intellectual property law from George Washington University Law School.

John said his interest in intellectual property arises partly from his own experience: he plays guitar and did creative writing in college. "I appreciate the arts and creative people," he said. "So I decided to support them as a lawyer."

John clerked for the Copyright Office during his master's program when the Office was temporarily located in Crystal City. Later, he worked for the Global Intellectual Property Center of the U.S. Chamber of Commerce as a senior manager of intellectual property enforcement. He is a member of the California, District of Columbia, and Massachusetts bars.

John returned to the Copyright Office as a temporary attorney-advisor in January 2013. Since then, he has worked on the Office's report on small copyright claims, published last September, and supported the Office's contribution to briefs submitted in two Supreme Court cases: *Petrella v. Metro-Goldwyn-Mayer, Inc.*, related to the 1980 movie *Raging Bull*, and *ABC v. Aereo*. Recently, he has devoted much time to the Office's draft revision of the *Compendium of Copyright Office Practices*. He also supervises law clerks for the Office of the General Counsel.

"I love it here," John said of the Copyright Office. "It's a collaborative, happy working environment, and there's no better place to dive into copyright."

In his free time, John continues to play guitar and follows baseball and football.



Rick Marshall (left) and John Riley

Rick has a bachelor's degree in political science from West Chester University of Pennsylvania and a JD from Florida Coastal School of Law. Like John, he also earned a master's degree in intellectual property law from George Washington University. A lifelong music and arts fan, Rick said he feels "strongly about helping to facilitate creation and protecting authors."

For nearly three years after completing law school, Rick was a senior staff attorney and law clerk to the chief judge of Florida's First District Court of Appeals. While attending GWU, he clerked for the Recording Industry Association of America, working on issues related to music and copyright law.

He arrived at the Copyright Office in June 2013 as a temporary attorney-advisor and helped to clear a backlog that had arisen in processing second appeals of denials of copyright applications. Rick is now helping to coordinate the Copyright Office's study of music licensing and supporting Office rulemakings.

Rick said he is grateful to be at the Copyright Office. "Everyone is so knowledgeable and encouraging," he said. "It's a wonderful learning environment."

Rick reads in his free time, alternating between fiction and nonfiction, and attends concerts of all kinds. ©

## Law & Policy

### Copyright Legislation Introduced

Rep. Doug Collins of Georgia introduced the Songwriters Equity Act in the House Judiciary Committee on February 25. The bill proposes to update provisions of the copyright law governing music licensing.

Sen. Edward Markey of Massachusetts, Sen. Tammy Baldwin of Wisconsin, and Rep. Jerrold Nadler of New York introduced the American Royalties Too Act in the Senate and House Judiciary Committees on February 26. The companion bills propose a federal resale royalty right for visual artists. © WM

## Out & About

**MARCH 13, 2014:** Register of Copyrights **MARIA A. PALLANTE** delivered the keynote address at the 16th biennial Copyright Law and Practice symposium on "Copyright and the Digital Economy: Where to from Here?" **MARIA STRONG**, senior counsel for policy and international affairs, served on a March 14 panel on "Mass Digitization, Navigating the Grey Matter Post-Google Books." The symposium was sponsored by the Australian Copyright Council and the Copyright Society of Australia and took place in Sydney, Australia. © JN

# Copyright Catalog Receives Upgrades to Security and Performance

GAIL SONNEMANN

On March 24, the copyright catalog received an upgrade as part of a Library-wide project to move to a more current version of the Voyager software. The upgrade's benefits are primarily behind the scenes. Copyright catalog users will see the same public and staff views and will still be able to use the same features of the catalog. With the move from the old version 7.2.4 to the new version 8.2.0, improvements were made to the security and performance of the system.

The upgraded Voyager software supports Internet Explorer version 9 and newer versions of Firefox and Chrome browsers. Copyright Office staff members who use the Voyager cataloging client to create or update Copyright records now must use strong passwords. Passwords will expire after 60 days, and users will reassign their own passwords. The Copyright Technology Office will send instructions for resetting passwords to staff members affected by these changes.

Ann Della Porta, chief of the Library Services Integrated Library System (ILS) Office, managed the Voyager upgrade project, which required months of preparation by the ILS and Information Technology Services offices. **GAIL SONNEMANN** of the Copyright Technology Office (CTO) coordinated Copyright Office staff in planning, testing, and implementing the upgrade of the

Use the catalog by going here:  
<http://cocatalog.loc.gov>

Or get there via the Copyright Office website at [www.copyright.gov](http://www.copyright.gov). Click on "Search Copyright Records."

Copyright Voyager databases. CTO thanks testers **ROBIN COREAS** and **PAT RIGSBEE** of the Office of Public Information and Education, **YVONNE DOOLEY** of the office of Public Records and Repositories, and **KIMBERLY BUGGS** and **ANGELA COLES** of the Copyright Acquisitions Division, who worked with CTO staff **DAVID BRACHEY**, **JANNIE GRANT GILLUS**, **ANNETTE JAMES**, **CHIH-LAN OLSON**, **RICHARD PURNELL**, and **JACQUELINE SMITH** to complete the upgrade. ©

## Human Resources

### Certain Federal Benefits Available to Same-Sex Spouses

Beginning in mid July 2013, same-sex spouses of federal employees and annuitants became eligible for certain federal benefits regardless of the employee's or annuitant's state of residence. Here are some of those benefits:

#### Health Insurance

Benefits under the Federal Health Benefits Program that were available to opposite-sex spouses are now available to same-sex spouses, if the people involved are legally married. Also, children and stepchildren of same-sex marriages as well as family members as defined here [[http://staff.loc.gov/sites/copyright/files/2014/03/march\\_notice.pdf](http://staff.loc.gov/sites/copyright/files/2014/03/march_notice.pdf)] are eligible for federal coverage.

#### Federal Employees Dental and Vision Insurance Program

A same-sex spouse and children of same-sex marriages are eligible for this coverage.

#### Flexible Spending Accounts, Long Term Care, and Life Insurance

All are available to same-sex spouses of federal employees and annuitants. Children of same-sex marriages must

be treated as children of opposite-sex marriages. Same-sex spouses and children of same-sex marriages have always been eligible to be designated as beneficiaries under the Federal Employees' Group Life Insurance program.

#### Childcare Subsidies

Employees who are otherwise eligible for agency childcare subsidy programs are also eligible for subsidies to assist in childcare expenses for their children and stepchildren.

#### 24 Hours of Leave without Pay

The Family and Medical Leave Act of 1993 permits unpaid leave for early childhood educational activities, family medical purposes, and care of elderly relatives. While this act has not been amended to include same-sex marriages, the Office of Personnel Management has extended the 24-hour leave-without-pay policy to include children and elderly relatives of same-sex domestic partners.

For additional information on same-sex domestic partner benefits, go to [www.opm.gov/](http://www.opm.gov/) and search on "same-sex marriage." © JN

To learn more about ...

... same sex domestic partner benefits:  
[www.opm.gov/faqs/topic/domesticpartner/index.aspx](http://www.opm.gov/faqs/topic/domesticpartner/index.aspx)

... life events and same sex marriage:  
[www.opm.gov/healthcare-insurance/life-events/memy-family/i-have-a-same-sex-marriage/#url=Health=](http://www.opm.gov/healthcare-insurance/life-events/memy-family/i-have-a-same-sex-marriage/#url=Health=)

PHOTO BY JUDITH NIERMAN



**AL HEWITT**, a supervisor in the In-Processing Section of the Receipt Analysis and Control Division, marked 35 years of federal service on January 8.

Right out of Theodore Senior High School in the District, Al attended Westchester Community College in Valhalla, New York, where he studied recreation leadership, a curriculum that provided training in how to work with physically and mentally challenged individuals. And he also played offensive line with the Washington Stonewalls, a semi-pro football team. This commitment involved travel in the mid-Atlantic region that paid off with a Mason Dixon championship.

Back in the District, he was looking for work or possibly another school when he found employment with the Copyright Office. Al came to the mail unit of the

Copyright Office when it was located in Crystal City, Virginia. His group was the first Copyright Office section to return to the Madison Building in 1980, where they became one of only two occupants of the fourth floor for a time. Al was promoted to team leader and then to his current position of supervisory assistant.

When he is not in the Office, Al is still working in the field of sports. He is assistant coach of the varsity offensive line at Calvin Coolidge Senior High School, working with a dozen boys five days a week from May through November. He previously coached at Archbishop Carroll High School.

The grandfather of five ranging in age from 1 to 13 years, Al is the father to three children: Aisha, who works in hospital billing; Marcia, a nursing assistant; and Andre, a professional clown. Al is active in his church, serving as a deacon and engaging in church upkeep, Sunday School and Vacation Bible School teaching, and counseling. He says he is a “huge Washington Nationals fan” and has not missed an opening day. © JN

PHOTO BY JUDITH NIERMAN



**SANDY BARNES**, copyright acquisitions assistant, celebrated 25 years of federal service on January 16. While she did not think she would stay in government service so long, she has no regrets. “I love it,” she said.

Sandy began her federal career in the Register’s Office as a clerical assistant, a position she held for 10 years. “I made hotel reservations for Mr. Oman and helped with arrangements for an International Copyright Institute and holiday-time retirees’ coffees,” she said. “I proofread drafts of speeches, answered the phone, and took messages.”

Sandy’s experience broadened when she was detailed to the General Counsel’s Office and to the Administrative Services Office as part of an interoffice exchange. She performed general administrative duties, prepared letters for the Librarian’s signature, and served as part of the “confidential” staff.

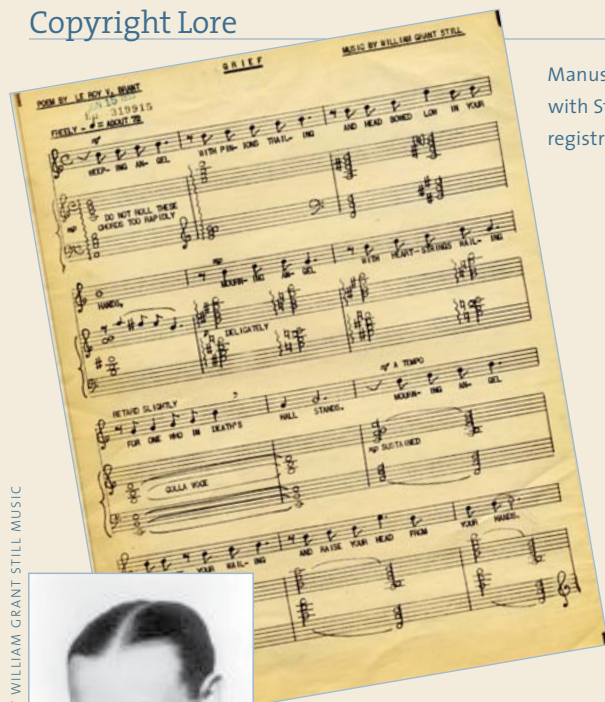
Her next position was in the Copyright Acquisitions Division on a temporary detail that grew to a permanent position.

She now works with **BERNARD MERCER**, a copyright acquisitions specialist. Among her duties is helping review publishers’ lists for books the Library wants. She also searches databases for works the recommending officers want for the Library. Is it in the Library, available through the publisher’s website, noted in *Books in Print*?

Sandy was in the first class of the Office’s Copyright Academy. “I learned a lot,” she said. “It was an eye-opening experience.”

Before coming to the Copyright Office, Sandy worked in the payroll office of eSystems, a semiconductor manufacturing company. Born in Manassas, Virginia, Sandy lives five minutes from where she was raised and near numerous close relatives. She has two children, Michael, who is the father of two-year-old Briella, and Jacqueline, who is the mother of Michael, age six, and Caleb, age one. Sandy babysits on occasion, sings in two church choirs, and participates in the culinary ministry at her church. Last year, she attended a family reunion in Pinetops, North Carolina, with 100 relatives. Her household includes Matrix, a German shepherd. © JN





Manuscript deposited  
with Still's 1953 copyright  
registration.

## Copyright Deposit Sets Record Straight on Noted 20th-Century Song

WENDI A. MALONEY

The Library's "Songs of America" online exhibition, launched in February, highlights how copyright records can help to shed light on American culture and history. To explore the American experience through song, the exhibit draws on hundreds of thousands of pieces of sheet music and sound recordings registered for copyright since 1820.

ALL RIGHTS RESERVED BY WILLIAM GRANT STILL MUSIC



William Grant Still

One copyright record has an especially interesting story. William Grant Still—cited as the “dean of African American composers” in *The Performing Arts Encyclopedia*—registered his composition “Grief” on June 15, 1953, depositing an original unpublished manuscript with the Copyright Office. He wrote the music for a poem by LeRoy V. Brant.

The Oliver Ditson Music Company first published the song in 1955. A version published afterward, however, introduced an error. The final note of the vocal line in this version does not match the one before it, creating a dissonance that extends a mood of sadness through the song’s end.

“This incorrect version of the song was widely performed and came to be considered authoritative,” said James Wintle, a Music Division reference specialist. “For more than 50 years, the mistake was unknown by the public.”

Still’s family, however, felt certain Still did not mean for his composition to end the way it was being

performed. Judith Anne Still, William’s daughter, turned to the Library’s Music Division for help in 2009. “She knew about the copyright registration and wanted to find the deposit to show her father’s intention for the song,” he said.

A search succeeded in locating the deposit and proving Judith Anne Still right. The original composition ends on a consonant note, suggesting a “sense of rest and relief” that resolves grief, Wintle said. “It vastly changed the way an important 20th-century composition is interpreted.”

After learning of the discovery, baritone Thomas Hampson came to the Library’s Coolidge Auditorium in 2009 to record the original version of the song. A recording of his performance is available online through the “Songs of America” exhibition.

“Grief” is but one of many musical accomplishments in the stellar career of William Grant Still. He was the first African American composer to have a symphony performed by a professional orchestra. Wintle notes that the Music Division holds the original handwritten manuscript of Still’s Symphony no. 1 “Afro-American,”

performed at Carnegie Hall in 1935. Still was also the first African American to have an opera nationally televised and the first African American symphony orchestra conductor, according to *The Performing Arts Encyclopedia*. In addition, he set to music many poems of the Harlem Renaissance, including those of Langston Hughes, and he scored films and arranged commercial music throughout his career. Still died in 1978. ©



Baritone Thomas Hampson performed “Grief” in the Coolidge Auditorium in October 2009.

# copyright notices

MAY 2014



7

Budget subject of  
Afternoon Tea



9

Interns help reduce  
tagging queue



12

Public domain photos  
document perils of  
child labor

2 Congratulations

5 In Focus

11 Out & About

2 Around the Office

10 Copyright  
in the News

11 Human Resources



PHOTO BY DAVID RICE

The Copyright Office hosted public roundtables on orphan works and mass digitization on March 10 and 11. Read more on page 4.

## Office Adjusts Fees

The Copyright Office amended its fees for certain copyright services effective May 1. The new fee schedule governs registration, recordation, licensing, and Freedom of Information Act services, among others. The Office revisits its fee schedule every few years to align its fees with the cost of providing services, as required by the Copyright Act. This is the first fee adjustment since 2009.

The new fee structure follows a lengthy process in which the Copyright Office invited and carefully considered public comments on business and policy points. Register of Copyrights **MARIA A. PALLANTE** delivered proposed new fees to Congress in November 2013.

“Copyright Office services benefit many constituencies, including authors, users of copyrighted works, and the general public,” the Register stated. “We took into account the needs of all these constituencies in setting fees.

After considering comments, the Office decided to keep the registration fee at \$35 for single authors who file an online claim that is not a work made for hire. For other claims filed online, the fee rose to \$55.

“The Office is committed to maintaining an affordable copyright registration system and understands that works of independent creators fuel the nation’s economy and are critical to the Library of Congress collections,” the Register said. “Registration not only provides important

CONTINUED ON PAGE 6 >

## Copyright Notices Congratulates

**ERNEST CARPENTER**  
on his March 31 retirement  
with **20 years** of  
federal service

**GAYLE CROOM**  
on her March 31 retirement  
with **30 years** of  
federal service

**NANCY HICKMAN**  
on her April 3 retirement  
with **38 years** of  
federal service



**Copyright Notices 62:05**  
Published by the Publications  
Section, Public Information &  
Education Office, U.S. Copyright  
Office, Library of Congress

**PUBLICATIONS SECTION**  
Helen Hester-Ossa,  
Head, 707-6809

**WRITER / EDITORS**  
Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

**DESIGNERS**  
David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

### **PUBLIC INFORMATION & EDUCATION OFFICE**

George Thuronyi,  
Program Manager

William J. Roberts,  
Acting Associate Register of  
Copyrights and Director

### **U.S. COPYRIGHT OFFICE**

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

## Around the Office



PHOTO BY DAVID RICE

## Homeschool Cooperative Students Visit Copyright Office

The Copyright Office introduced young aspiring writers to copyright in four presentations on April 9. The Capital Baptist Homeschool Cooperative brought 11 student writers to the Office for a tour and presentations on copyright. The group started with a guided tour of the Jefferson Building led by **GUY MESSIER**, staff docent and visual arts registration specialist. **SYLVESTER SIMPKINS**, information specialist in the Public Information Office, gave the young people an overview of copyright. **ADRIENNE BROWN**, a registration specialist in the Visual Arts Division, spoke about registering claims in the Visual Arts Division. She gave examples of claims that the division would not register and involved four students in an attempt to register their artwork. **HEATHER WIGGINS**, registration specialist in the Literary Division, presented an overview of her division. © JN

## State Department Guests Learn about U.S. Copyright

Foreign visitors sponsored by the U.S. State Department visited the Copyright Office on April 10. Accompanied by State Department staffers Ronn Francis and Renee Yates, the 13 participants, who included police officers, lawyers, and professors, were participating in the International Visitor Leadership Program. The program was arranged by the Institute of International Education. Guests were from Brazil, Chile, Indonesia, Italy, Jordan, Kenya, Nigeria, the People's Republic of China, Tunisia, Ukraine, and Vietnam.

Attorneys **KATIE ALVAREZ** and **JESSICA SEBEOK** spoke on "U.S. Copyright Law in the 21st Century." **JOHN SAINT AMOUR**, supervisory copyright specialist in the Public Information Office, gave a tour of the Jefferson Building. © JN



PHOTO BY DAVID RICE





PHOTO BY WENDI A. MALONEY

## Literary Staffer Tackles Never-Ending Procession of Deposits

**DARRYL GRAY**, a Literary Division clerk, organizes deposits submitted with registrations of literary works. First, he sorts the deposits by receipt date, then he uses a strapping machine to bundle them, after which he shelves them for processing by registration specialists. It is his job to make sure there is a steady supply available. "Without Darryl, it would be more difficult for us to keep up with the daily influx of deposits," said **INGRID ABBOTT**, assistant chief of the Literary Division. Darryl started at the Library of Congress in 2011 as a work-study student. He worked for the Receipt Analysis and Control Division in 2012 and 2013, arriving in the Literary Division last October. © WM



PHOTO BY CECILIA ROGERS

## Office Presents Workshop for Investment Institute

The CFA Institute, a 100,000-member global association of investment professionals, brought students to a workshop in the Copyright Office on March 24. **JOHN SAINT AMOUR**, senior supervisory public information specialist, gave an overview of the Office and a tour of the Jefferson Building. **STEPHEN WANT**, chief of the Copyright Acquisitions Division, spoke on voluntary registration and mandatory deposit, and **PAGE MILLER**, information specialist, gave a presentation on "History, Old Ledgers, and Digitization Update."

In addition to promoting investment knowledge and global connections among investment professionals, the CFA administers credentialing programs leading to certificates in financial analyst and investment performance measurements, among others.

**ALICIA MROCZYK**, special assistant, coordinated the workshop. © JN



PHOTO BY DAVID RICE

## Office Hosts Akron Law School Students

On March 24, a group of students from Akron Law, the University of Akron's law school, met with Office officials as part of their study of intellectual policy and politics. Attorneys **KEVIN AMER** and **CHRIS WESTON** discussed current developments in copyright with them. Section head **KIM BROWN** spoke about the work of the In-Processing Section. **JOHN ASHLEY**, Division chief of the Visual Arts Division, and **BILL BRIGANTI**, assistant chief, presented an overview of the registration process; **SABRINA EVERETT**, material expeditor, spoke on issues associated with registration. **PAGE MILLER**, information specialist, explained the Office's catalogs and the Public Access to Historical Records Project. © JN

# Orphan Works, Mass Digitization Focus of Public Roundtables

WENDI A. MALONEY

The Copyright Office hosted public roundtables on March 10 and 11 to explore potential legislative measures to resolve the problem of “orphan works,” or works whose owners cannot be identified or found for the purpose of requesting permission. The inquiry builds on earlier efforts by the Office extending back nearly a decade.

More than 90 individuals participated in the roundtables, representing writers, photographers, songwriters, publishers, libraries, museums, universities, licensing organizations, and other stakeholders.

“The turnout for the roundtables was strong,” said **KARYN TEMPLE CLAGGETT**, director of Policy and International Affairs, whose staff is managing the inquiry. “We’re grateful to hear from so many different voices on an issue that remains pervasive in copyright law.”

The Office submitted a report on orphan works to Congress in 2006, and it supported Congress in drafting bills that were proposed in 2006 and 2008 but not ultimately enacted. Since then, advances including search engine technology have made it potentially easier for users to locate some rights holders through image, sound, or video searches. In addition, online registries



From left, Jacqueline Charlesworth, Catie Rowland, and Karyn Temple Claggett

of copyright owners have increased the availability of ownership information.

Orphan works issues arising from mass digitization projects have also evolved. The 2008 legislation did not consider mass digitization in detail. Although projects were ongoing, the practice has since become more

**For the Copyright Office, the best outcome will be a system in which individual creators are adequately compensated and copyright users and the public have sufficient access to works.**

**Karyn Temple Claggett**

prevalent, Temple Claggett said. In two separate rulings last fall, the U.S. District Court for the Southern District of New York found that digitization projects undertaken by Google and the HathiTrust Digital Library are protected by fair use under copyright law. The projects have digitized millions of copyrighted works, including many orphan works. Neither ruling explicitly addressed orphan works, and both are being appealed. Nonetheless, the response of courts to litigation over mass digitization has changed the legal landscape for orphan works, Temple Claggett said.

“The Copyright Office is soliciting public and stakeholder feedback about the role of legislation in light of developments of the past few years,” said Temple Claggett. She



Participants gathered in the Montpelier Room in the Madison Building on March 10.

PHOTO BY DAVID RICE

said the Office is now approaching the issue from a dual perspective: that of occasional or isolated uses of orphan works and that of their use in mass digitization projects.

Besides assessing the need for legislation given recent developments, roundtable participants discussed standards for searching for owners of orphan works; the role of registries of copyrighted works, including the Copyright Office’s online records; the types of works, users, and uses subject to any orphan works legislation; remedies for copyright owners once they become known; and mass digitization and extended collective licensing of copyrighted works, including the structure of a U.S. collective licensing system.

“Participants expressed diverse views about the advisability of legislation,” Temple Claggett said. “For the Copyright Office, the best outcome will be a system in which individual creators are adequately compensated and copyright users and the public have sufficient access to works.”

The Copyright Office will consider the comments of roundtable participants and public comments received through a related February 2014 *Federal Register* announcement in advising Congress about possible next steps for the United States in regard to orphan works.

For more information, including roundtable transcripts, go to [www.copyright.gov/orphan](http://www.copyright.gov/orphan). ©

# Karyn Temple Claggett

WENDI A. MALONEY

**KARYN TEMPLE CLAGGETT** is Associate Register of Copyrights and director of the Office of Policy and International Affairs.



## Where did you grow up and go to school?

I was born in Cincinnati and lived there until I was 14, when my family moved to Detroit. I went to high school in Detroit and earned a bachelor's degree from the University of Michigan at Ann Arbor, where I majored in English and did creative writing. I earned my JD from Columbia University Law School.

## How did you become interested in copyright?

I was drawn to copyright initially because of my interest in creative writing. I started writing a novel in high school and continued working on it afterward. I haven't written anything lately, but I think there is still a novel in me somewhere. If I didn't become a lawyer, I would be a creative writer. I love to read.

## What brought you to the Copyright Office?

I started my legal career as a general litigator. I then moved to the Recording Industry Association of America, where I litigated copyright matters. After that, I became senior counsel to the deputy attorney general of the United States and helped formulate Department of Justice policy on intellectual property. My current position is a good meld in that it combines my interest in copyright with my interest in policy development. It's truly an exciting time to be at the Copyright Office. Copyright is a focus in Congress now, and so many people around the world are interested in and touched by the copyright system.

## What are your job responsibilities?

I manage a team of eight lawyers who focus on domestic and international copyright law and policy matters. Our primary function domestically is to provide legal and policy advice to Congress, other executive branch agencies, and the courts on a wide variety of copyright issues.

We often conduct studies at the request of Congress and provide technical advice to Congress as it considers amending U.S. copyright law. Right now, we are supporting the ongoing congressional review of the law. We're also working on revision of the *Compendium of Copyright Practices*. Last year, we had primary responsibility for drafting the Office's report analyzing a federal resale royalty right for visual artists, and we contributed to the Office's report on copyright small claims.

In terms of international copyright law, we cover the globe. Each lawyer has a portfolio that includes several countries around the world. When a copyright issue comes up in a particular country, the lawyer assigned to it will take the lead to evaluate and analyze the legal issue.

Legal issues can arise for a variety of reasons. For example, trade policy reviews occur through the World Trade Organization (WTO) to assess whether a country's policies and practices, including its intellectual property laws, comply with WTO agreements. We also participate in the annual "Special 301" review process, which is an annual review of various countries' protection and enforcement of intellectual property rights. Or we might review amendments to a country's copyright laws through the U.S. State Department or another executive branch agency. We also regularly participate in U.S. government negotiations involving copyright law,

CONTINUED >



including bilateral and multilateral negotiations for treaties and trade agreements.

Personally, I spend a lot of time working with the World Intellectual Property Organization (WIPO). I served on U.S. delegations to two diplomatic conferences in the past two years that concluded the most recent WIPO treaties: the Beijing Audiovisual Performances Treaty, signed in 2012, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, signed last summer.

### What is the purpose of the Copyright Office–WIPO symposium to be held at the Library this month?

The International Copyright Institute (ICI) is one of the Office's premier training programs that we cosponsor with WIPO. It brings senior officials from developing countries to the Copyright Office for a week of panel discussions, training, and information sharing. This year, we are focusing on collective rights management and invited several officials from collective management organizations, which license copyrighted works on behalf of the copyright owners who belong to the organizations. Licensing includes collecting royalty fees from users of the works and redistributing the fees to copyright owners. In the United States, collective management organizations focus mainly on music. But elsewhere in the world, many other kinds of copyrighted works are licensed collectively as well. At the ICI, we will be exploring how to make collective licensing more efficient and ways to improve the governance and transparency of collective management organizations.



Karyn Temple Claggett asks questions on March 10 during the orphan works roundtables.

PHOTO BY DAVID RICE

### What is something most of your coworkers do not know about you?

They probably don't know that I'm an avid reality TV watcher when I get the chance. I love *Real Housewives of Atlanta* because it is so far from reality! I also like *American Idol*. ©

## < COVER Office Adjusts Fees

legal remedies for authors, but it also ensures a more comprehensive public database, including information about ownership, licensing, and the expiration of protection."

The newly adjusted fees will allow greater cost recovery for registering copyright claims and other services. The law does not call on the Office to recoup all its costs, but instead directs it to balance administrative costs with the overall objectives of the copyright system.

For some services, fees remained the same or were adjusted downward. Copyright renewal fees, for example, decreased from \$115 to \$100. For services for which costs went up, the Office implemented fee increases to offset the rising costs. In addition to registrations, services affected include searches of copyright records and expedited services. The fee for filing copyright claims on paper applications rose from \$65 to \$85. ©





# Budget Subject of Afternoon Tea

WENDI A. MALONEY

**MEGAN RIVET**, the Office's budget officer, explained the ins and outs of the Copyright Office budget at a March 26 Afternoon Tea.

The Library of Congress starts preparing a budget request around May, soliciting information from Library service units about their needs for the upcoming fiscal year, Rivet explained. Federal fiscal years run from October 1 of one year through September 30 of the following year. In February, after completion of its internal inquiry, the Library proposes a budget to Congress. Congress holds hearings in March and April at which the Librarian of Congress and other top Library administrators make a case for the proposed budget. Ideally, a new fiscal year budget is approved by October 1.

In recent years, Rivet pointed out, Congress has often been unable to agree on funding levels by October 1 and has enacted "continuing resolutions" to fund the government in the meantime. When a continuing resolution—or CR for short—is in effect, no new programs can be started, and furloughs, or unpaid leave days, can occur if a CR lapses before a new CR or a formal budget is approved. Rivet noted that the government operated in fiscal 2011 without a formal budget until April, the longest period recently that the government ran on CRs.

The Copyright Office's budget is divided into three categories, Rivet stated, one devoted to licensing spending, another to spending on the operations of the Copyright Royalty Judges, and a third to basic spending. Royalty monies from use of copyright statutory licenses fund the licensing spending category; royalties and taxpayer money fund the Copyright Royalty Judges category.

The basic spending category includes "offsetting collections," which refer to funds coming into the Office

from fees. Congress gives the Office authority to spend a projected amount of offsetting collections each year, to which it adds an appropriation of taxpayer money.

In recent years, Rivet said, the Office has not brought in fees in the amount Congress has authorized it to spend, requiring it to reduce spending below authorized levels or to rely on its reserve account. That account receives funds when incoming fees amount to more than annual spending, she said.

"Within the Library, the Copyright Office's offsetting collections are by far the largest," Rivet said, noting that they accounted for 64.8 percent of the Office's budget in fiscal 2013, while the Library's offsetting collections accounted for only 6.4 percent of its budget.

For fiscal 2014, Congress allocated \$45 million to the Office for basic spending, Rivet reported. It gave the Office authority to spend up to \$28 million in fee receipts and allocated \$17 million in taxpayer money. Congress assigned \$5.1 million to the licensing spending category and gave the Copyright Royalty Judges a \$1.5 million budget, \$1.1 million of which comes from taxpayer money.

Payroll accounts for 79 percent of the basic spending budget, Rivet said, noting that the Office now has 382 FTEs or "full-time equivalents." The term refers to the hours

a full-time staff member would work if the person was present every paid day of the year. Since 2007, the Copyright Office has lost about 100 FTEs, Rivet said, partly because of the federal budget environment. The Office's total budget since 2010 has dropped by about 7 percent.

Rivet noted that many Copyright Office fees were set to increase on May 1. She said that when fees have been adjusted in the past, the Office's income has dropped for about six months and then recovered. "We hope our income will increase from this fee adjustment so that we will earn the amount in fees that Congress authorizes us to spend," she said. **C**



Megan Rivet

# Subcommittee Holds Hearing on Section 512

JUDITH NIERMAN

On March 13 the House Subcommittee on Courts, Intellectual Property, and the Internet conducted a hearing on the copyright law as part of its review of title 17. Entitled “Section 512 of Title 17,” the hearing was opened by Rep. Howard Coble, subcommittee chairman.

Section 512, which was added to the copyright law after passage of the Digital Millennium Copyright Act in 1998, limits the liability of online service providers (OSPs) with regard to allegedly infringing material placed and transmitted online via their service. The law requires the Register of Copyrights to maintain a [list of agents of online service providers](#) who can be contacted by copyright owners to request the removal of their copyrighted material from the OSP’s website.

Rep. Jerrold Nadler, who was attending his first subcommittee meeting as ranking member, said that section 512 is critical but asked if protections are sufficient. He said that Google received notices regarding 230 million items in 2013. While allegedly infringing matter may be taken down, it is frequently reposted with a new web address. “Our goal now, just as it was in 1998,” said Nadler, “is to preserve incentives for service providers and copyright holders to work together to address online infringement in a manner that provides real protection for creators as the Internet continues to grow and thrive.”

Chairman Coble remarked, “A growing flood of notices is not necessarily a sign of success.”

House Judiciary Committee chairman Bob Goodlatte in an opening statement said that section 512 was enacted in 1998

to achieve policy goals that were crucial to the development of the Internet. These goals were to enable online service providers to operate free of risk of liability and copyright owners to be able to remove infringing content outside the court system. While these goals have largely been met, issues unforeseen in 1998 have arisen and have resulted in calls for updates to section 512.

Goodlatte said that he is interested in delving into three issues in particular. First, copyright owners are faced with sending “a voluminous amount of notices seeking removal of infringing content followed by almost immediate reappearance of the same infringing content.” The second issue is the quality of the notices and their impact on other important legal doctrines, such as fair use and the First Amendment and how section 512 intersects with these doctrines. Finally, Goodlatte wishes to examine how to reduce the volume of fraudulent notices that are sent with little risk of penalties.

“Section 512,” he concluded, “was the product of balancing a number of interests to resolve various issues to improve the copyright system for all,” and “we should keep this consensus model in mind while examining challenges and potential solutions.”

In his opening statement, ranking member of the full committee John Conyers said that the hearing provides an important opportunity to examine online service liability and the effectiveness of section 512. He said that he is concerned that some courts are interpreting section 512 in a way that is more restrictive than was intended when the statute was enacted and thus possibly imposing significant burdens on copyright owners to monitor the Internet.

“In addition,” he continued, “section 512 has generated a large amount of litigation, particularly in respect to issues presented by new technologies such as cyberlockers and peer-to-peer file sharing. These advances in particular have facilitated copyright infringement in a manner that we in Congress did not fully envision when we enacted section 512 safe harbors in 1998. As a result, the statute has proven largely ineffective in combating the massive amounts of infringement that occur using these technologies.” Conyers cited his concern with the need for repeat

requests to remove the same infringing content and encouraged all stakeholders to develop voluntary measures to limit infringement.

Witnesses included Annemarie Bridy, professor of law, University of Idaho College of Law; Paul Doda, global litigation counsel, Elsevier Inc.; Sean O’Connor, professor of law, University of Washington School of Law; Katherine Oyama, senior copyright policy counsel, Google Inc.; Maria Schneider, GRAMMY-winning composer/conductor/producer and member of the Recording Academy’s New York chapter board of governors; and Paul Sieminski, general counsel, Automattic Inc. ©



[Click here](#) to view the hearing and read the testimony.



# Registration Program Tagging Operation Gets Boost from Interns

WENDI A. MALONEY

**ASHLEY KINGSTON** and **HANNAH LOWNDES** are helping to reduce the Registration Program's tagging queue this spring. They are work-study interns from the Model Secondary School for the Deaf, located on the campus of Gallaudet University in Washington, D.C. Tagging involves entering data from copyright claims submitted on paper applications into an electronic system that migrates information to eCO.



From left, Ashley Kingston, Hannah Lowndes, and Susan Austin.

Ashley comes from Stoneham, Massachusetts, and attended the Learning Center in Framingham, Massachusetts, before transferring to the Model Secondary School for her senior year of high school. "I'm learning about workplace requirements, such as showing up on time and doing quality work," she said. "I feel fortunate — not everyone has the chance to intern in Washington, D.C., in high school. This will lead me right into my future."

Ashley said sports are a big part of her life. She played basketball this school year, and she also enjoys volleyball and track and field. She will attend Gallaudet University next year and plans to major in psychology.

Hannah comes from Augusta, Georgia, and attended the Georgia School for the Deaf in Cave Spring, Georgia, before transferring to the Model Secondary School. "It's a wonderful opportunity to work at the Copyright Office," she said. "Everyone is nice, and the work experience is great to have on my resume."

Hannah said she enjoys traveling and community service. This year, she is volunteering with a horse rescue organization and tutoring elementary school students. Like Ashley, Hannah will attend Gallaudet University next year. She plans to major in social justice.

Ashley and Hannah said they are grateful for the support of their supervisor **JOHN POFF** and trainer **SUSAN AUSTIN**.

Before coming to the Copyright Office, Sue worked for 17 years at the National Technical Institute for the Deaf in Rochester, New York, where she learned some American Sign Language. "I've been away 10 years," Sue said. "But I still know enough to convey what I need to."

John has started to learn sign language through the Library's Office of Opportunity, Inclusiveness, and Compliance. ©

## Around the Office

### Gardiner Gives Tips on SmartPhone Photography

**CLAIRE GARDINER**, a team leader in the Performing Arts Division, presented a workshop on digital photography to interested staff on April 8. The topic was "Smartphone vs. Digital Camera." Claire, a serious photographer, revealed tips on getting the most from your smartphone's camera. The event was part of an ongoing series of Worklife Committee workshops organized by **MICHELE CHISHOLM** and **JUANITA LYLE**. © JN



PHOTO BY JUDITH NIERMAN

# Hookah Shape Not Copyrightable: Not Conceptually Separable from Form

JUDITH NIERMAN

A hookah is an ancient device that originated in Asia and is still used today to vaporize flavored tobacco for delivery to the smoker. Also called a water pipe, the device uses burning charcoal to heat tobacco in a chamber. The user sucks the smoke through a separate chamber of water, where it is cooled before entering the user's lungs.


A San Diego smoke shop called Inhale Inc. sells hookas and, in April 2011, registered a claim in authorship in a hookah water container. The authorship that Inhale Inc. claimed was in the device's sculpture and 3-D art work. The claim was registered as a work made for hire—VA0001767997. The hookah in question, which was created in August 2008, displayed a skull-and-crossbones image on its surface.

A month after registration, Inhale filed a copyright infringement suit in the United States District Court for the Central District of California against Starbuzz Tobacco Inc., a California corporation dealing in smoking paraphernalia, claiming that Starbuzz sold hookahs with shapes identical to Inhale's. All involved agreed that a hookah is a useful article. Thus the shape would only be protected if its sculptural features could be conceptually

separated from, and could exist independently of, its function.

In January 2014 the district court decided that the shape of the water container was not copyrightable and awarded attorney's fees to Starbuzz. Inhale appealed, but the United States Court of Appeals for the Ninth Circuit upheld the previous judgment, saying that "the shape of a container is not independent of the container's utilitarian function—to hold the contents within its shape—because the shape accomplishes the function." The appeals court awarded to Starbuzz not only attorney's fees as stated in the original decision but also attorney's fees from the appeal. In stating its opinion, the court relied on the Copyright Office *Compendium* and a 2008 opinion letter

to an attorney in a different lawsuit written by Nanette Petruzzelli, who then headed the registration program of the Copyright Office.

To read more about conceptual separability, go to the [Copyright Notices article](#) on registration specialist **LARISA PASTUCHIV**'s well-received roundtable for reference librarians in which she discussed conceptual and physical separability. 

## *What does the copyright law say about the design of a useful article?*

"Pictorial, graphic, and sculptural works" include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.

17 U.S.C. 101

Read the appeals court decision in *Inhale, Inc. v. Starbuzz Tobacco, Inc.*

And read further information on the legal case or further information on hookahs.

## Out & About

**FEBRUARY 6–8: KARYN TEMPLE CLAGGETT**, associate register and director of policy and international affairs, served as a moderator on a panel entitled “Current Issues in International Copyright Law: Latin America and Beyond” at the Copyright Society of the USA 2014 Mid-Winter Meeting held in Miami. **CATIE ROWLAND**, senior counsel for policy and international affairs, and **MOLLY TORSÉN STECH**, counsel for policy and international affairs, also attended the event.

**FEBRUARY 6–7: MARIA STRONG**, senior counsel for policy and international affairs, was a speaker on a panel entitled “Copyright and Access to Creativity and Culture” at the WIPO/UNITAR briefing for United Nations diplomats on “Intellectual Property and Sustainable Development: The Marrakesh Treaty.” The event took place in New York City.

**FEBRUARY 27:** Karyn Temple Claggett served as a panelist on “iProperty: Creativity and Ownership in a Digital World” on the campus of Virginia Polytechnic Institute and State University in Blacksburg, Virginia.

**MARCH 10–11:** Karyn Temple Claggett; Catherine Rowland; and **FRANK MULLER**, counsel for policy and international affairs, served as moderators for the orphan works and mass digitization public roundtables in the Montpelier Room and the Hearing Room.

**ON MARCH 10–13:** Molly Torsén Stech joined the U.S. delegation for intellectual property discussions in the fourth round of Trans-Atlantic Trade and Investment Partnership negotiations in Brussels.

**MARCH 12–14:** Maria Strong participated in, and spoke at, the 16th Biennial copyright law and practice symposium “Copyright and the Digital Economy: Where to From Here?” held in Sydney, Australia. This event was co-hosted by the Australian Copyright Council and the Copyright Society of Australia.

**MARCH 18:** Karyn Temple Claggett served as a moderator on a panel entitled “The Next Great Copyright Act?” at the USC Gould School of Law 2014 Intellectual Property Institute in Beverly Hills, California.

**MARCH 26:** Karyn Temple Claggett served as a keynote speaker at the Church Music Publisher’s Convention at the Ritz Carlton Hotel in Pentagon City, Virginia.

**MARCH 31–APRIL 4:** Molly Torsén Stech joined the U.S. delegation to the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore during its set of discussions on folklore (traditional cultural expressions).

**APRIL 3:** Karyn Temple Claggett served as a speaker on two panels at the American Bar Association’s 29th annual intellectual property law conference. The panels were entitled “The U.S. Copyright Office: Updates on Policy, Programs and Practices” and “New International Copyright Rules and Why They Matter to Your Practice” at the Crystal Gateway Marriott Hotel in Arlington, Virginia. © JN

## Human Resources

### What Does It Mean to Be Vested in the TSP?

If you are vested in the Thrift Savings Plan (TSP), it means that you can keep your agency’s automatic contribution to your account if you have worked for the federal government as a civilian for at least three years. That contribution is equal to 1 percent of your basic pay. This 1 percent is called the agency automatic contribution, which you receive whether or not you participate in the TSP. There is no waiting period, and you do not have to make other contributions to the TSP to receive the agency automatic contribution. It is automatically invested in the Government Securities Investment (G) Fund unless you choose differently.

What happens if you leave federal employment before you have worked for three years? You lose all of the government’s 1 percent contribution to your retirement fund. However, your own contributions and your agency’s matching contributions are vested on the date of your TSP service computation date. You should be able to see this date on your TSP statement.

Vesting only applies to employees covered by the Federal Employees Retirement System (FERS), that is, most employees who were hired on or after January 1, 1984.” © JN

For further information, go to:  
[www.tsp.gov/planparticipation/eligibility/typesOfContributions.shtml](http://www.tsp.gov/planparticipation/eligibility/typesOfContributions.shtml).



Peonies near the U.S. Capitol in late May.

PHOTO BY DAVID RICE



# Now in Public Domain, Lewis Hine Photos Changed America

JUDITH NIERMAN

An American photographer, educator, and photo journalist, Lewis Wickes Hine played an important part in the passage of laws regulating child labor in the United States. Born in 1874 in Wisconsin, Hine worked to finance his own college education after his father died. He studied sociology in Chicago and New York, earned a master of pedagogy degree from New York University in 1905, and began teaching at the Ethical Culture School in New York City. There he encouraged his students to use photography as a tool in education. His classes took field trips to Ellis Island, where he and the students photographed the immigrant multitudes arriving daily.



Edwin Cope, 13, at midnight in Cumberland Glass Works, Bridgeton, N.J.

In 1906, Hine, who was by then a professional photographer as well as a sociologist and educator, went to work for the Russell Sage Foundation, which funded social research. His task was to document people and life in Pittsburgh's steel-making industry.

Two years later, Hine left his teaching position and took his photography skills to the National Child Labor Committee (NCLC), which advocated for social reforms in the area of child labor. At that time, there was no federal law dealing with this serious social problem. Hine documented child labor conditions, revealing the pitiful and dangerous working conditions of hundreds of thousands of unwashed, underfed, and undereducated American children. He traveled thousands of miles, sometimes risking his personal safety, to photograph

children working in factories, fields, sweatshops, and mines. According to photo historian [Daile Kaplan](#), Hine adopted personas such as salesman to gain entrance to workplaces. When factory owners denied him access, Hine hid his camera in his clothes or simply waited outside to take photos that continue to shock us today. His work contributed to the 1916 passage of the Keating-Owen Act, which prohibited interstate commerce in goods manufactured or processed by child labor, although this law was twice declared unconstitutional by the Supreme Court. The NCLC continued pressing for reform until in 1938 President Franklin Roosevelt signed the Fair Labor Standards Act, which regulates the employment of children to this day.

CONTINUED >

&lt;

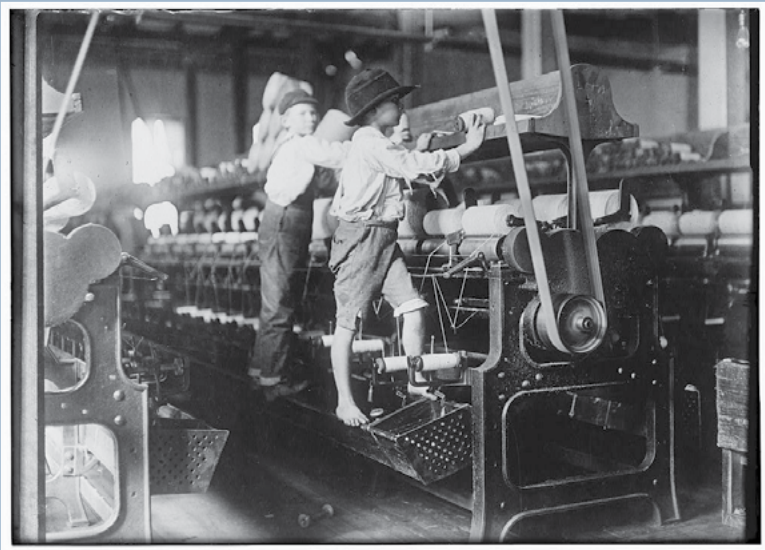
Hine wrote captions for his photos and placed images in sequences within a graphic design. He bears responsibility for developing “a new graphic language instrumental in photography’s successful assimilation into popular culture—the picture essay or photo story format,” said Kaplan in *Photo Story; Selected Letters and Photographs of Lewis W. Hine*.

During and after World War I, Hine worked for the Red Cross photographing the war-ravaged living conditions of French and Belgian civilians. He later traveled to the Balkans, taking pictures of children there. From 1930 to

1931, he created iconic photographs of the construction of the Empire State Building.

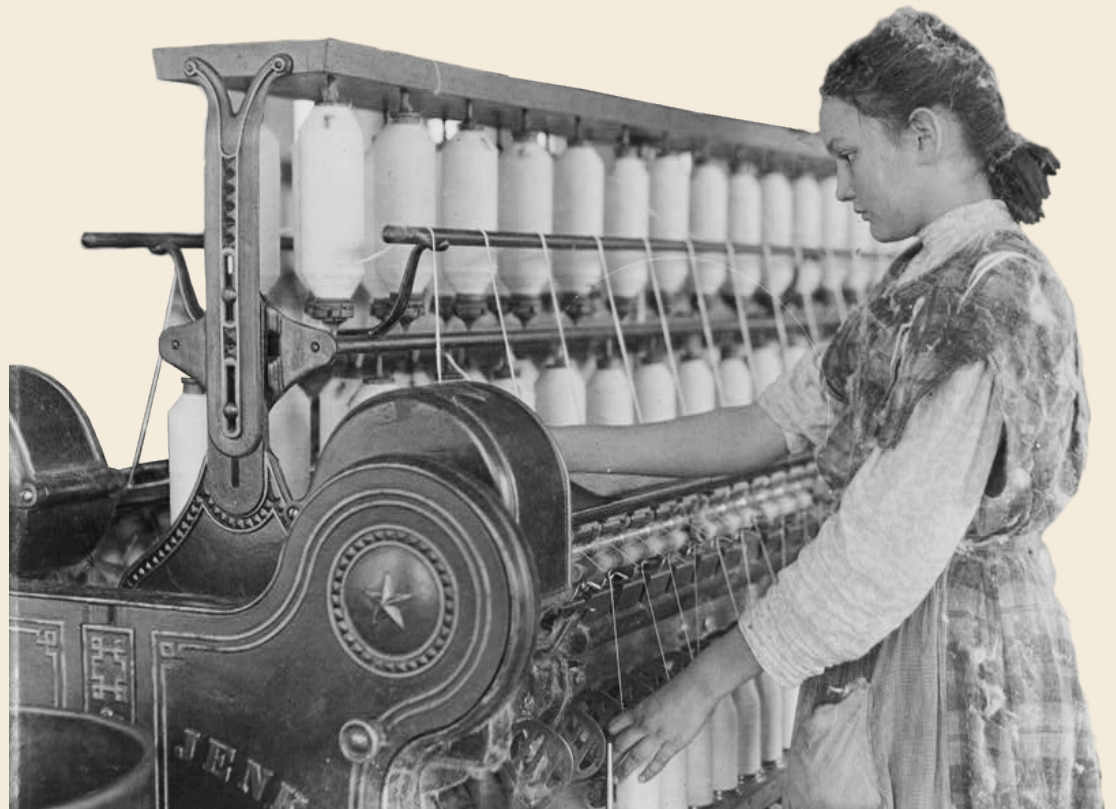
In his later years, Hine worked again for the Red Cross, this time recording the effects of drought in Arkansas and Kentucky. He was also employed by the Tennessee Valley Authority to make a photographic record of dam construction, and he worked for the Works Progress Administration. But Hine was not able to support himself from his photography and died in poverty in 1940 after an operation.

In 1954 to celebrate the NCLC’s 50th anniversary, Gertrude Folks Zimand, then the committee’s chief executive, gave the organization’s records to the Library of Congress. The gift included 5,100 photographs and 355 negatives produced by Lewis Hine. The NCLC stipulated that no restrictions of any kind be placed on the use of Hine’s work. This generous gift effectively places these Hine photos in the public domain. ©



Above: Some boys were so small they had to climb up on the spinning frame to mend the broken threads and put back the empty bobbins.

Right: Spinner in Vivian Cotton Mills, Cherryville, N.C.

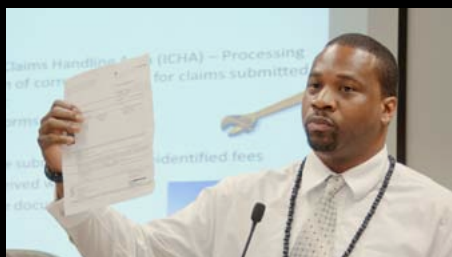


JUNE/JULY 2014



4

Digital processing of documents begins.



5

Jason West speaks at Out-Processing tea.



11

Office hosts international copyright symposium.

2 Around the Office

9 Copyright in the News

14 Appointment

3 Out & About

13 Human Resources

14 Anniversaries

16 Lore



PHOTOS BY DAVID RICE

## World IP Day Celebration Highlights Journey from Script to Screen

WENDI A. MALONEY

Directors, actors, and staff from Congress and federal agencies joined the Copyright Office in the Coolidge Auditorium on April 23 to highlight the ways in which copyright encourages innovation and creativity in movies and television. The event marked World Intellectual Property Day, established by the World Intellectual Property Organization (WIPO) in 2000 to increase understanding of intellectual property in daily life. Groups throughout the world hosted activities related to the 2014 theme, “Movies: A Global Passion.” The Copyright Office’s celebration took place as part of the Copyright Matters lecture series.

**MARIA A. PALLANTE**, the Register of Copyrights, said she was honored to introduce featured speaker Francis Gurry, director general of WIPO. Movies truly are a “global passion,” he said, and “they bring tremendous joy to people worldwide.”

Many different types of artists contribute to a single movie or television show—screenwriters, actors, directors, and composers among them. Their being paid depends on intellectual property

CONTINUED ON PAGE 7 >



## Noticed

### The Out-Processing Section maintains the eCO email database.

**135,218 emails** were received via the database in fiscal 2012.

**1,664 of these required extensive research** to process. © JN



PHOTO BY DAVID RICE



**Copyright Notices 62:06/07**  
Published by the Publications  
Section, Public Information &  
Education Office, U.S. Copyright  
Office, Library of Congress

**PUBLICATIONS SECTION**  
Helen Hester-Ossa,  
Head, 707-6809

**WRITER / EDITORS**  
Wendi A. Maloney, 707-0979  
Judith Nieman, 707-6816

**DESIGNERS**  
David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

#### **PUBLIC INFORMATION & EDUCATION OFFICE**

George Thuronyi,  
Program Manager  
William J. Roberts,  
Acting Associate Register of  
Copyrights and Director

#### **U.S. COPYRIGHT OFFICE**

David Christopher,  
Chief of Operations  
Maria A. Pallante,  
Register of Copyrights

## Around the Office

### Office Celebrates Take Your Children to Work Day

On April 24, the Copyright Office hosted the children of Library of Congress staffers who accompanied their parent or guardian to work. Many children chose to spend time in the Copyright Office to learn about happenings there.

Supervised by **ADAM FRIEDMAN** and **JOHN SAINT AMOUR**, the group gathered first in the Copyright Hearing Room before separating into smaller groups for tours of the Literary Division led by **JANICE PENA**; the Performing Arts Division led by Adam Friedman; and the Visual Arts Division led by **GUY MESSIER**. Staffers **DANIEL SCHWARZ** for the In-Processing Section and **MICHAEL STRATMOEN** for the Out-Processing Section stood by prepared to offer presentations should the number of children require them. **JOE KERSHAW** and **PATRICIA MROCZYK-KERSHAW** escorted the young guests in the Office. **ALICIA MROCZYK** arranged the day's events in the Copyright Office. © JN



"Copyright kids" photo catches an informal moment.



PHOTOS BY DAVID RICE

Copyright Office staffers gather with their children and charges for a group shot. Standing in the back row beginning on the left are **TERESA MCCALL**, **TRACIE COLEMAN**, **TERRI HARDY**, **LORETTA GRAHAM**, **KATRINA ANDERSON**, **DAVID CHRISTOPHER**, and **SUSAN TODD**. Standing in the second row are Jordan Coleman, Tracie's niece; Makayla Hardy, Terri's granddaughter; Deja Berry-Allen, Loretta's granddaughter; Mikayla Anderson and Michael Anderson, Katrina's children; **RHONEE PATTEN**; **SUE AUSTIN**; Caleb Austin, Sue's grandson; and **JARLETTA WALLS**. Seated are David McCall, Teresa's son; Tyler Todd, Susan's son; Jackson Christopher and Cooper Christopher, David's sons; Emily McMahon and Zachary McMahon, Sue's grandchildren; Maurice Walls, Jarletta's son; and Jarvis Patten, Rhonee's son.



Constance Carter, head of the Library's Science Reference Section, shows a page from *The Designer*, brought into the collections by copyright deposit.

# Copyright Deposits Displayed with Artistic Treasures

JUDITH NIERMAN

Several Library divisions and reading rooms came together to mount an exhibit entitled “Artistic Treasures; Book Arts, Art Books, and Art Collections from the Library of Congress.” The exhibit took place in conjunction with the 42nd annual conference of the Art Libraries Society of North America occurring May 1–5 in the District and featured numerous beautiful and rare items from the Library’s collections.



Many of the items on display were purchased by the Library, some were one-of-a-kind, but others were added to the collections by virtue of copyright deposit. Among these treasured deposits was *The Designer*, received in the Copyright Office on April 4, 1895. Published in New York by the Standard Fashion Company, the volume included periodical issues of the *Delineator*, a women’s magazine.

Constance Carter, head of the Science Reference Section in the Science, Technology, and Business Division, said, “A large percentage of the Library’s U.S. holdings in science and technology came in through copyright deposit. Many items of a scientific nature that come into the general collections in all subjects—prints and photographs, geography and maps, rare books, serials, sheet music—come in through copyright deposit. We appreciate the contributions of copyright to our holdings.”

The event took place in the elegant Members Room in the Jefferson Building on May 5. According to its [website](#), the Art Libraries Society of North America promotes the interests of architecture and art librarians, visual resources professionals, artists, curators, educators, publishers, students, and others interested in visual arts information. ©

## Out & About

**APRIL 28:** KEVIN AMER, counsel for policy and international affairs, delivered remarks at a program entitled “Movies: A Global Passion,” sponsored by the U.S. Patent and Trademark Office (USPTO) and the American Intellectual Property Law Association. The program focused on the manner in which technological changes, as well as licensing and branding, have resulted in the global passion for movies. The World IP Day event took place at USPTO headquarters in Alexandria, Virginia. © JN

## Around the Office



PHOTO BY TRACIE COLEMAN

## Office Advises Cable Operators

BILL ROBERTS, left, and MARK DINAPOLI at the Cable Show in Los Angeles in April, where they answered questions from cable operators about copyright statutory licensing and “eLi,” the new electronic system the Office is building to process cable statements of account and other licensing submissions. Roberts is Acting Associate Register of Copyrights and director of the Office of Public Information and Education. DiNapoli is assistant chief of the Licensing Division. TRACIE COLEMAN, head of the Licensing Information Section, also attended the event. The National Cable and Telecommunications Association hosts the Cable Show annually. © WM



# Recordation Section Begins Digital Processing

JUDITH NIERMAN

The Recordation Section began digital processing of documents submitted for recordation on April 28, signaling that this important function of the Copyright Office is moving from an all paper-based work process to a digital one.



PHOTO BY DAVID RICE

From left, **LORRAINE BAYSEK**, **CHANNING LOWRANCE**, and **GLORIA VINSON** display certificates of recordation from the first documents that were processed digitally. These staffers were members of the Recordation Section team that tested the digital processing system and will be involved in training other members of the section in the new work procedures.

Two procedures are changing as the result of the digitization. For the first time ever, certificates of recordation were produced digitally, and information from the documents was uploaded into the Copyright Office online records.

The three documents first uploaded represent so-called simpler documents, that is, ones that do not include multiple titles. About 75 percent of the documents received by the Copyright Office are single-title documents. More complex documents may include 600 pages each and thousands of titles.

When recordation is complete, the section returns to remitters both their original document and a copy of the imaged document containing the recordation number and other information.

The next step in the conversion to all-digital processing will be to develop an interface with the Copyright Imaging System so that no manual handling or rescanning will be required.

The second procedure that has changed is the placement of labels. The Recordation Section has long numbered documents manually. Each submitted document received two labels: one that included a barcode containing the volume where the record appeared and the recordation number assigned to the document. The second label held the

page number in the volume where the document was recorded.

“Not having to provide these labels will save resources,” said **ZARIFA MADYUN**, section head. “Not only will we no longer procure labels, but we will not use staff time to adhere them.”

A team of staffers in the Copyright Technology Office worked to assess the requirements for the improvements and to make changes to Siebel that allowed the successful digital processing of documents. **GEORGE THURONYI** of the former Information and Records Division was part of the team that planned and drafted requirements leading to the success.

Madyun said that she thanks and commends the Recordation Section team members pictured at left, who “took the challenge to embrace and implement change and to see that the section has what it needs for the future.”

The Recordation Section is now part of the Office of Public Records and Repositories led by **LIZ SCHEFFLER**, but until early 2014 it was part of the Information and Records Division. ©





## Out-Processing Section Presents Final “Following the Deposit” Tea

A series of afternoon teas for Copyright Office staff featured the areas of the Office that handle copyright deposits as they transit through the Office. On April 30, in the last of the series, staffers from the Out-Processing Section shared their work with an enthusiastic audience. **DENNIS PEARSON**, section head, led the presentation. Formerly called the Materials Control Section, his section has had an evolving role with the advent of electronic registration, he said. The work at present does not fit neatly into the Office’s workflow because of the variety of services the section provides.

The section’s most demanding tasks, said Pearson, are researching and reporting on copyright cases using a historical accounting of the Office’s practices and procedures as well as those of the U.S. Postal Service, other postal vendors, and the Library at the time a claim or document was submitted. Search requests are received from registration specialists, members of Congress, the Librarian’s Office, and members of the public, either directly or through the Public Information Office or the Records Research and Certifications Section. These requests come by letter, phone, or email, and they vary from routine to extremely complex. Answering them requires a thorough knowledge of Office workflow, deductive reasoning skills, and expert knowledge of the COINS, CIS, Voyager, and eCO systems.

Completed reports may become part of legal cases or official investigations. Often, the staff communicates



PHOTO BY CECILIA ROGERS

Sabrina Everett

with clients to get more specific information or to inform them of search results. These communications are verbal, written, or electronic. The section has an arsenal of template letters in eCO but also generates original correspondence. Few cases are exactly alike, requiring tailored search methods and resolutions. Communication from this section is the initial and often only personal contact that members of the public receive.

**SABRINA EVERETT**, area specialist, and **JASON WEST**, out-processing technician, explained to the group several special work responsibilities of the Out-Processing Section.

**The incomplete claims handling area (ICHA)** handles items that appear to be submissions for registration but that are lacking either an application or a deposit; certain short

fee submissions; incomplete documents; and obsolete forms. Most problems received by the ICHA are referred directly from the In-Processing Section. Others are discovered in the Registration Program or the Recordation Section.

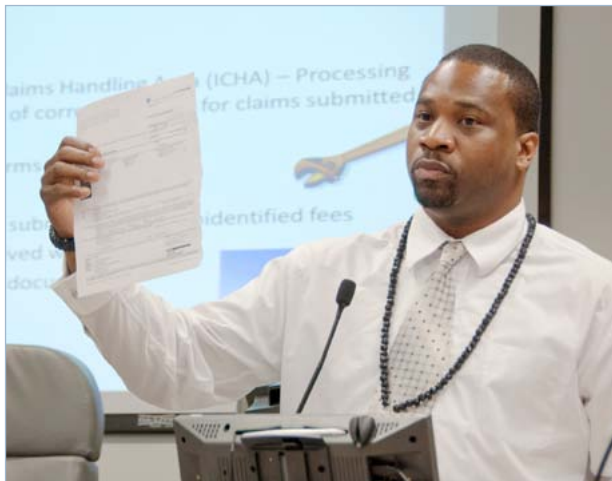
Because of the benefits derived from eCO, missing fee notifications are automatically generated by the system, thus decreasing the number of actual incomplete submissions. However, searching the components has significantly increased in complexity due to the myriad searching avenues within Siebel and the creation or updates of records in eCO. Often, service request records must be created to correspond with the client. Once a

reply is received, it is ingested, that is, scanned and keyed into the record. Ownership is reassigned, and the claim is forwarded for examination.

**The damaged claims processing or triage area** handles claims damaged by the irradiation that is part of U.S. Postal Service security measures. Many items referred, such as CDs, CD-ROMs, and jewel cases, are melted; manuscripts are fused with their plastic binders; and applications or checks are stuck to their accompanying art work.

The unit employs several methods to render the submissions sufficient for examination. However, most items require staff to create or update a service request record and initiate correspondence to the client, requesting a replacement of the damaged item. The correspondence

CONTINUED >



Jason West



gives the client instructions on how to mail items back to prevent further irradiation.

**The undeliverable/returned area** receives, sorts, and reviews all mail returned as undeliverable, including copyright certificates, Office mailings, correspondence, deposit account statements, and unpublished deposits for cases closed as no reply. Certificates of registration are the most significant category.

Publication Section mailings are referred back to Publications. All others are researched for a better address. If a better address cannot be located, the appropriate copyright database record is updated as undeliverable, and the return is returned to the originating area for final processing. If a better address is located, the return is mailed again or sent to the originating area to be reprocessed.

**The special handling area** reviews and approves all such requests received on paper as well as certain eCO filings. This includes creating a special handling record, updating the existing record, corresponding on cases that cannot

be approved for special handling processing with the information at hand, and ensuring that all applicable fees are paid.

**The INCORR processing area** deals with items that created an erroneous online record and claims that would create an error record if ingested as normal. All claims referred here must be researched to determine the proper processing of the material. Most of this material consists of additional deposit material that must be connected to cases that are closed as registered or closed as no reply. After the search has been completed, the records are updated based on the processing resolution, and, as appropriate, referred for examination, referred to have the deposit material dispatched, referred to have fee services completed, or closed if no further action is necessary.

**The Central Print Room** prints and dispatches certificates of registration for more than 500,000 claims a year. When eCO claim records are approved for registration, certificate data is automatically transferred to the Central Print Room printers. The printers receive and direct all unique-category print jobs to a specific printer. This unique category includes special handling, expedited, congressional, Librarian, internal special designations, and air mail. The Central Print Room staff operates this printer and expedites these unique categories as appropriate. A second printer receives all standard certificate jobs and has a separate hopper that receives certificates containing more than five separate sheets. Those with more than five sheets have to be manually inserted into an envelope, addressed, and sealed.

All certificates are imprinted with a unique barcode on the back. When the five-page or fewer certificates are removed from the printer, they are loaded into a folder-inserter machine that has a camera that reads each barcode, alerting the machine when to begin a new envelope for folding, stuffing, and metering. No presorting is necessary.

This operation also includes a printer designed to print certificates generated by the legacy CIS (Copyright

Imaging System). The Print Room staff initiates this printing. All these certificates must be sorted, folded by hand, inserted and sealed in envelopes, and delivered to the Library's Central Services mail operation for metering and mailing.

**The eCO email database attended to by Out-Processing staff** required action on more than 135,000 emails in fiscal 2012. Due to upgrades, this traffic has declined and is expected to further decline in 2015.

**The Out-Processing phone desk** is a public inquiry line for questions about pending claims, no-reply fee cases, no-reply cases where we have no record of receiving deposit material, receipt of certificates, and existing correspondence. Calls must be transferred via the Library of Congress telephone system. © JN



Dennis Pearson

rights, including copyright, Gurry said, noting that the U.S. film and television industry supports hundreds of thousands of businesses and millions of workers.

He said new technologies present opportunities and challenges for the industry in that they “democratize” culture and knowledge while enabling piracy. A movie, for example, that costs millions of dollars to produce can be distributed illegally on the Internet for nearly nothing. This environment underscores the importance of a global intellectual property rights system responsive to emerging technology, Gurry stated.

A panel discussion followed. Mike Mashon, head of the Library of Congress Moving Image Section, discussed film preservation. Matthew Harrison, an award-winning feature film and television director, and actor Robert Newman appeared courtesy of the Copyright Alliance, a nonprofit advocate for copyright creators. Sandra Aistars, chief executive officer of the Copyright Alliance, moderated the panel discussion.

“Copyright registration is a very good way to protect a work,” Mashon said. Each year, the Copyright Office forwards to the Library’s collections hundreds of thousands of works submitted with registrations, including motion pictures. Mashon said he and his colleagues see it as a “moral obligation” to preserve these works as part of the nation’s audiovisual heritage.

Harrison recounted being invited to direct his school’s filming of the *The Decline and Fall of the Roman Empire* in

fifth grade. “The experience went to my head, and I never stopped,” he said.

He showed a clip from *Rhythm Thief*, a low-budget film about music bootlegging that he directed in the 1990s. Later, he directed *Kicked in the Head*, executive produced by Oscar-winning director Martin Scorsese on a \$3.8 million budget. “It was great to have all those toys,” Harrison said of *Kicked in the Head*, adding that the fun part of filmmaking is figuring out “how to put the pieces together” with the resources available.

Newman played the character Joshua Lewis on the soap opera *Guiding Light* for 28 years. It went off the air in 2009. He said he enjoyed soap-opera acting, which is largely unrehearsed. “Extraordinary things can happen in performances that are not polished,” he said.

Newman is also vice president for actors and performers of the Screen Actors Guild, whose members, he stated, rely on intellectual property rights protection for their livelihoods.

At the start of the event, the Register thanked Office staff who helped to organize it, as well as those who contributed to an introductory presentation about motion pictures and copyright: **CHARLES BUBECK, ALICE PARRISH, DAVID RICE, CECILIA ROGERS, CATIE ROWLAND, and SYREETA SWANN.** ©

## Configuration Management Database Tracks CTO Change Requests

ANNETTE JAMES

In December 2011, the Copyright Technology Office (CTO) enhanced its change management processes by automating its process for managing requests for change received from business units within the Copyright Office. The primary objective of change management in CTO is to standardize the methods and procedures used for efficient and prompt handling of all submitted change requests created by the business units because they represent the foundation of high-level requirements used to facilitate desired enhancements and changes to the eCO System.



Jaakia Carrington-Brown

In following industry best practices, **JAAKIA CARRINGTON-BROWN**, CTO information system analyst, developed the change management database to automate the process of creating requests for change and managing the requests as they move through the eCO release lifecycle. Using Oracle Application Express, Carrington-Brown created the database, allowing controlled access to the rapid application prototype.

Prior to the creation of the database, requests for change were managed manually by CTO in an Excel spreadsheet. Upon receipt of a change request, CTO staff assigned each a unique number and documented the date the request was submitted, the summary title, a summary description of the problem or change requested, and details about “what it does now” and “what it should do” once the change or enhancement was developed and implemented. This process is now automated through the database. Requests for change are submitted by authorized submitters on behalf of their business processes constituents either to request enhancements to existing eCO functionality or to add new changes to the eCO database.

The database has matured nicely since its inception and has been instrumental in the change management initiation process within CTO. This has had the effect of greatly increasing the efficiency with which CTO is able to manage requests for change through the eCO maintenance releases. ©



# Roberts Testifies about Television Licenses

WENDI A. MALONEY

As part of its consideration of the reauthorization of the Satellite Television Extension and Localism Act (STELA) of 2010, the Subcommittee on Courts, Intellectual Property, and the Internet of the House Judiciary Committee asked the Copyright Office to testify on May 8 about an August 2011 report it delivered to Congress in relation to STELA.

**WILLIAM (BILL) ROBERTS**, acting associate register of copyrights and director of the Office of Public Information and Education, appeared for the Office and answered questions about the STELA reauthorization.

Sections 111, 119, and 122 of the Copyright Act contain the cable and satellite licenses. Section 111 applies to cable retransmission of local and distant over-the-air broadcasts; section 119 pertains to satellite retransmission of distant over-the-air broadcasts; and section 122 covers satellite retransmission of local over-the-air broadcasts into local markets. Cable and satellite providers rely on the licenses to clear rights to copyrighted content broadcast over the air—movies, sports, news, and other programming. Doing so permits them to retransmit the content legally to paying subscribers.

To use the licenses, the providers have to comply with requirements in the law, including payment of government-set royalties that apply to the distant-signal licenses in sections 111 and 119. Section 122 requires adherence to statutory conditions but not payment of royalties.

The three licenses operate in lieu of the open marketplace. Congress established section 111 in the early days of cable as part of the 1976 Copyright Act. In 1988, responding to the needs of a burgeoning satellite industry, Congress created section 119. It passed section 122 in 1999. The three licenses permitted fledgling companies from

having to negotiate independently with thousands of individual copyright owners.

The section 111 and 122 licenses do not have expiration dates. Section 119, however, was designed to sunset after five years on the assumption that marketplace licensing would supersede it. But it has been reauthorized four times since its enactment, most recently in the Satellite Television Extension and Localism Act (STELA) of 2010, set to expire at the end of this year.

Rep. Tom Marino, the subcommittee vice chairman, introduced the May 8 hearing, stating, “The subcommittee would like to better understand whether these licenses still serve either their original purpose or some other important purpose today and, therefore, whether Congress should reauthorize the Satellite Television Extension and Localism Act of 2010.”

Rep. Bob Goodlatte, chair of the Judiciary Committee, framed the inquiry by remarking that although the statutory licenses are important by themselves, “it is the content displayed on a television that is of interest to subscribers. This content is created by copyright owners

who depend upon licensing revenues to fund the creation of programs.”

STELA directed the Copyright Office to prepare a report on market-based mechanisms to phase out the licenses, which the Office submitted in August 2011. In his testimony, Roberts highlighted key aspects of the report. He stated that the Office advises a “date-specific trigger” for the phase out and eventual repeal of the distant-signal licenses in sections 111 and 119 but recommends leaving repeal of the local-signal licenses in sections 111 and 122 for a later time.

“This approach will provide stakeholders with the opportunity to test new business models with the least likelihood of disruption to consumers and give Congress the advantage of drawing on that experience when considering how and when to address the licensing of local stations,” Roberts stated.

In planning any phase out of the distant-signal licenses, the Office recommends that Congress consider whether stakeholders who operate with limited resources, such as small producers and small cable operators, will need special accommodations, Roberts testified.



From left, Bill Roberts, R. Stanton Dodge of the DISH Network, and Marci Burdick of the National Association of Broadcasters

PHOTO BY DAVID RICE

CONTINUED >

In addition, he noted that although the statutory licenses are codified in copyright law, they interact with complex provisions in communications law and regulations. He said the Office suggests that Congress address these provisions “in tandem with” the recommendations of the Copyright Office to ensure a “harmonious regulatory scheme in the delivery of broadcast programming to consumers.”

In written testimony, Roberts provided details about the Office’s assessment of potential business models to support private licensing of broadcast content. He wrote that sublicensing, where a broadcast station would obtain rights from copyright owners to authorize retransmission of programming by cable and satellite companies, “appears to hold the most promise.”

He noted that most of the stakeholders the Copyright Office consulted to prepare its 2011 report expressed the view that the existing statutory regime should be retained. The Office nonetheless proceeded on the assumption that statutory licensing would be repealed because Congress had directed it to do so in section 302 of STELA.

Also testifying on May 8 were Marci K. Burdick on behalf of the National Association of Broadcasters; R. Stanton Dodge of the DISH Network; and Matthew M. Polka of the American Cable Association.

Written statements and a webcast of the hearing are available on the Judiciary Committee’s [website](#). ©

## Copyright in the News

### Silent Magic Act Registered as Dramatic Pantomime

Magic tricks rely on ideas translated into illusions before an audience. Magicians cannot protect their tricks by copyright because magic tricks are not copyrightable. Some performers have managed to protect their ideas by making the required accouterments too expensive to replicate. Others have guarded their secrecy and depended on a code of honor among magicians.

Famed magician Teller, who performs under a single name in the act known as Penn and Teller, has a trick involving a large knife that he uses to cut the leaves off the shadow of a rose, resulting in the shadow leaves and the real leaves falling. Teller’s illusion “Shadows” was replicated, renamed the “Rose and Her Shadow,” and placed on YouTube by Gerard Dogge, a Dutch magician and entertainer who performs in a lounge act as Gerard Bakardy. For a price, Dogge offered to sell the props necessary to perform the trick.

In 1978, the Copyright Act included pantomime among the works that may be protected by copyright. On January 6, 1983, Teller registered a claim to copyright (PAu000469609) in a dramatic pantomime that detailed his trick. Teller filed a suit in 2012 against Dogge for copyright infringement in the U.S. District Court for the District of Nevada. Dogge evaded Teller’s private investigator through several European countries in an effort to avoid receiving the physical copy of the suit. Teller eventually received permission to serve Dogge by email and by running notices in Belgian and Spanish newspapers.

On March 20, 2014, the court granted summary judgement to Teller. Dogge, who represented himself, argued that magic tricks are not copyrightable. He also claimed that Teller abandoned his copyright when he did not take action against other alleged infringers, that Teller’s work did not include a copyright notice, and that his (Dogge’s) YouTube video was the answer to an implied challenge from Penn Juliet, Teller’s partner in his magic acts, to replicate the illusion.

The court ruled that Teller had a valid copyright in a pantomime and the “mere fact that a dramatic work or pantomime includes a magic trick, or even that a particular illusion is its central feature, does not render it devoid of copyright protection.” The court also said that notice is not required, that there was no evidence that Teller had abandoned his copyright, and that an implied challenge to find out how the trick is done cannot waive copyright protection. The court said that the “secret behind the trick does not impress the court; the performance it is used for is everything.” Because Dogge’s YouTube posting was substantially similar to Teller’s work, the court found for Teller.

However, Teller was not awarded statutory damages, although the court did award attorney’s fees. A trial on the issue of whether Dogge committed willful infringement was set for June 2, 2014. © JN

Read more about Teller’s case at [bna.com](#).  
Read the court’s decision at [bloomberglaw.com](#).

# House Subcommittee Examines Preservation and Reuse of Works

WENDI A. MALONEY

The House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet turned its attention on April 2 to preservation and reuse of copyrighted works. It did so as part of its ongoing review of the copyright law. Specifically, the subcommittee examined whether existing law adequately enables preservation and reuse of works while protecting content creators and other rights holders.

The topic of preservation and reuse “touches on a broad range of interrelated issues,” noted Rep. Jerrold Nadler, the subcommittee’s ranking member. The subcommittee defined these issues as including sections 107 and 108 of the copyright law; orphan works; and mass digitization. Section 107 defines “fair use” of copyrighted works; section 108 sets forth exceptions to the law to permit libraries and archives to make and distribute copies of copyrighted materials in their collections under certain conditions.

Preservation and reuse is “becoming a more urgent issue for American culture as copyrighted works deteriorate with age,” stated Rep. Bob Goodlatte, chair of the Judiciary Committee.

He cited efforts of the Copyright Office over the past decade to address the issue, including the Section 108 Study Group, an independent committee convened by the Office and the Library of Congress. The committee published a report in 2008 proposing updates to section 108 to help libraries, archives, and museums deal with copyrighted material in today’s digital environment. Legislation has yet to be introduced to amend section 108.

“Recently,” Goodlatte said, “some have suggested that instead of updating section 108 for the digital age, preservation activities should be covered by the fair use provisions of section 107.” Clear-cut cases probably exist in which fair use would apply to preservation activities, Goodlatte stated, but fair use “is not always easy to determine.” He said those without resources to engage in fair use lawsuits “may prefer to have better statutory guidance.”

Regarding orphan works, Goodlatte noted that bills had been introduced in 2006 and 2008 to facilitate authorized use of such works. The bills were not, however, ultimately enacted. Orphan works are works whose owners cannot be identified or located for the purpose of requesting permission. The 2006 legislation followed the Copyright Office’s submission of a congressionally mandated report.

“In a sign of how quickly technology and business models advance,” Goodlatte stated, online platforms have since been developed to connect copyright owners of potential orphan works to those interested in using them.

Goodlatte noted that neither the 2006 nor the 2008 legislation addressed large-scale projects to digitize millions of copyrighted works, including orphan works. Since 2008, the practice has become much more prevalent.

“At minimum,” Goodlatte stated, “Congress needs to ensure that any legislative activity in this area can accommodate such rapid progress.”

Testifying were Jan Constantine, general counsel of the Authors Guild; Michael Donaldson, partner in the firm Donaldson and Callif; Gregory Lukow, chief of the Library of Congress Packard Campus for Audio Visual Conservation; James Neal, vice president for information services and university librarian at Columbia University; Richard Rudick, cochair of the Section 108 Study Group; and Jeffrey Sedlik, president and chief executive officer of the PLUS coalition.

A webcast of the hearing is available at <http://judiciary.house.gov/index.cfm/2014/4/hearing-preservation-and-reuse-of-copyrighted-works>. ©



Scaffolding begins to rise on the northeast corner of the U.S. Capitol dome for a two-year restoration project. Learn more about the repairs at [www.aoc.gov/dome/project-overview](http://www.aoc.gov/dome/project-overview).

PHOTO BY DAVID RICE



# Office Hosts 2014 International Copyright Institute

Register of Copyrights **MARIA A. PALLANTE** presented a keynote address at the International Copyright Institute on May 12 in the Jefferson Building of the Library of Congress. The international symposium focused on contemporary issues in collective copyright management for developing countries and countries with economies in transition. The weeklong event was cosponsored by the Copyright Office and the World Intellectual Property Organization (WIPO).



Walid Abou Farhat, Lebanon



Guo Kun, China



Christine Reddy, South Africa



Geethanjali Rupika Ranawaka, Sri Lanka, and Maria A. Pallante



PHOTOS BY DAVID RICE

**Front Row:** Karyn Temple Claggett, U.S. Copyright Office; Guo Kun, China; Yuslisar Ningsih, Indonesia; Maisy Yao, Malaysia; Molly Torsen Stech, U.S. Copyright Office; Jessica Sebeok, U.S. Copyright Office. **Second Row:** Kevin Amer, U.S. Copyright Office; Jusak Irwan Sutiono, Indonesia; Mutale Kaemba, Zambia; Islam Bhugan, Mauritius; Dinh Thi Thu Phuong, Vietnam; Geethanjali Rupika Ranawaka, Sri Lanka; Katie Alvarez, U.S. Copyright Office. **Third Row:** Frank Muller, U.S. Copyright Office; Thato Joseph Mokobi, Botswana; Christine Reddy, South Africa; Cristy Soqueño, Philippines; Michele Woods, WIPO; David Uwemedimo, WIPO. **Back Row:** Albi Alla, Albania; Walid Abou Farhat, Lebanon; Graciela Peiretti, Argentina; Alvin Buenaventura, Philippines; Carol Newman, Jamaica



# ICI Speakers

**Maria A. Pallante**  
Register of Copyrights and  
Director, U.S. Copyright Office

**Katie Alvarez**  
Attorney-advisor for policy  
and international affairs,  
U.S. Copyright Office

**Kevin Amer**  
Counsel for policy and  
international affairs,  
U.S. Copyright Office

**Tracey Armstrong**  
President and chief executive  
officer, Copyright Clearance  
Center

**John Ashley**  
Chief, Visual Arts Division,  
U.S. Copyright Office

**Christos P. Badavas**  
Deputy general counsel,  
Harry Fox Agency Inc.

**Rich Bengloff**  
President, American Association  
of Independent Music

**Jeffrey Paul Bennett**  
Chief deputy general counsel,  
legal and government affairs,  
Screen Actors Guild-American  
Federation of Television and  
Radio Artists

**Jon Berroya**  
Vice president, content  
protection, Entertainment  
Software Association

**Melanie Brunson**  
Executive director, American  
Council of the Blind

**Ann Chaitovitz**  
Attorney-advisor, U.S. Patent  
and Trademark Office

**Jacqueline Charlesworth**  
General counsel and associate  
register of copyrights,  
U.S. Copyright Office

**Sarang Damle**  
Special advisor to general  
counsel, U.S. Copyright Office

**Blane Dessy**  
Deputy associate librarian  
for planning and project  
management, Library of Congress

**Joe DiMona**  
Vice president, legal affairs,  
Broadcast Music Inc.

**Jason Everett**  
Democratic counsel,  
Committee on Judiciary,  
U.S. House of Representatives

**Ryan Fox**  
Legal consultant, Authors Guild

**Bryony Gagan**  
Vice president, business and  
legal affairs, Netflix Inc.

**Alexandra Reeve Givens**  
Senior counsel for intellectual  
property and antitrust,  
Committee on Judiciary,  
U.S. Senate

**Jim Griffin**  
Managing director, OneHouse

**Michael Healy**  
Executive Director, international  
relations, Copyright Clearance  
Center

**Joe Keeley**  
Chief counsel, Subcommittee  
on Courts, Intellectual Property,  
and Internet, Committee on  
Judiciary, U.S. House of  
Representatives

**Nancy Kopans**  
Vice president, general counsel,  
and secretary, ITHAKA /JSTOR

**Mike Lemon**  
Senior counsel, Committee  
on Judiciary, U.S. Senate

**Jukka Liedes**  
Director, Division for Cultural  
Policy, Ministry of Education and  
Culture of Finland

**Dennis Lord**  
Executive vice president,  
SESAC, Inc.

**Joseph Macias**  
Deputy assistant director,  
National Intellectual Property  
Rights Coordination Center

**Steven Marks**  
Chief, digital business and  
general counsel, Recording  
Industry Association of America

**Maria Martin-Prat**  
Head, copyright unit,  
Commission Internal Market  
Directorate General, European  
Commission

**Ed McCoyd**  
Executive director for digital,  
environmental, and accessibility  
affairs, Association of American  
Publishers

**Christopher Merriam**  
Deputy chief for intellectual  
property, Computer Crime and  
Intellectual Property Section, U.S.  
Department of Justice

**Eugene Mopsik**  
Director, Picture Licensing  
Universal System (PLUS) Coalition

**Sam Mosenkis**  
Vice president of legal affairs,  
American Society of Composers,  
Authors and Publishers

**Frank Muller**  
Attorney-advisor for policy  
and international affairs,  
U.S. Copyright Office

**Vickie Nauman**  
President, 7digital



Panelists discuss "A View from Capitol Hill" during a session on Monday, May 12.

PHOTOS BY DAVID RICE

**Sakura Okuri**  
Special agent, Federal Bureau of  
Investigation, U.S. Department  
of Justice

**Shira Perlmutter**  
Chief policy officer and director  
for international affairs, U.S.  
Patent and Trademark Office

**Casey Rae**  
Interim executive director,  
Future of Music Coalition

**Lauri Rechardt**  
Director of licensing,  
International Federation of  
Phonographic Industry

**Jay Rosenthal**  
Senior vice president and  
general counsel, National  
Music Publishers' Association

**Colin Rushing**  
Senior vice president and general  
counsel, SoundExchange

**Jerker Rydén**  
Senior legal advisor, National  
Library of Sweden

**Jane Saunders**  
Senior vice president, rights  
management, Motion Picture  
Association of America

**Jessica Sebeok**  
Counsel for policy and  
international affairs,  
U.S. Copyright Office

**Ken Steintal**  
Partner, King & Spalding

**Molly Torsen Stech**  
Counsel for policy and  
international affairs,  
U.S. Copyright Office

**Olav Stokkmo**  
Chief executive and secretary  
general, International Federation  
of Reproduction Rights  
Organisations

**Maria Strong**  
Senior counsel for policy  
and international affairs,  
U.S. Copyright Office

**Karyn Temple Claggett**  
Associate register of copyrights  
and director of policy and  
international affairs, U.S.  
Copyright Office

**David Uwemedimo**  
Director, Copyright Infrastructure  
Division, Culture and Creative  
Industries Sector, WIPO

**Nadia Vally**  
Head of collective rights  
management, United Kingdom  
Intellectual Property Office

**Willem Wanrooij**  
Consultant, Creative and  
Copyright Sectors, WIPO

**Aaron Watson**  
Attorney-advisor for policy  
and international affairs,  
U.S. Copyright Office

**Michael Weinberg**  
Vice president, Public Knowledge

**Bill Wilson**  
Vice president, Digital Strategy  
and Business Development,  
Music Business Association

**Michele Woods**  
Director, Copyright Law Division,  
WIPO

**George York**  
Deputy assistant U.S. Trade  
representative, Office of  
Intellectual Property and  
Innovation, Office of  
U.S. Trade Representative





# Office Files U.S. Brief with Supreme Court Internet TV Case

WENDI A. MALONEY

The Copyright Office and the U.S. Department of Justice filed a brief in March with the U.S. Supreme Court in *American Broadcasting Companies, Inc. v. Aereo, Inc.* Submitted on behalf of the U.S. government, the brief supports the position of the broadcaster petitioners. Named on the filing are Office lawyers **JACQUELINE CHARLESWORTH**, general counsel; **SARANG VIJAY DAMLE**, special advisor to the general counsel; and **JOHN RILEY** and **STEPHEN RUWE**, attorney-advisors.

The case arises from lawsuits filed across the country over the past two years challenging new Internet services that retransmit over-the-air television broadcasts to private customers without obtaining broadcasters' authorization or paying royalties. The services say they do not need to secure authorization because they do not publicly perform copyrighted works in the way cable and satellite systems do, and thus do not violate the rights of copyright owners.

The services rely on tiny antennas that capture over-the-air television signals; each antenna is assigned to a unique subscriber. The services liken their

technology to the roof-top antennas widely used in former decades. For a monthly fee, subscribers can watch live over-the-air TV on smartphones, browsers, and other devices, or store programs in the cloud for later viewing.

Courts diverged from one another in ruling on whether the services violate copyright law, and in January the Supreme Court agreed to hear the case.

The Supreme Court heard oral arguments on April 22. ©

## Human Resources

### Some Federal Workers Eligible for Tuition Discount at UMUC

Katherine Archuleta, director of the Office of Personnel Management (OPM), has announced an alliance between OPM and the University of Maryland University College (UMUC) that will yield a perk to federal employees who do not live in the state of Maryland.

UMUC will grant a discounted price on tuition for both online and in-person classes to federal employees, their spouses, and legal dependents who do not live in Maryland. The discount amounts to 25 percent and is applicable to all undergraduate programs and most graduate programs. The exceptions are the masters of business administration, cybersecurity, digital forensics and cyber investigations, data analytics, executive, and doctoral programs. For more information on exceptions and for a list of FAQs, go to [www.umuc.edu/corporate/fedgov/faqs-employees.cfm](http://www.umuc.edu/corporate/fedgov/faqs-employees.cfm).

In addition to giving discounted tuition rates, UMUC will also waive the application fee for new applicants who

are federal employees and their spouses and dependents who are not residents of Maryland.

Residents of the state of Maryland are not eligible for the discount or application fee waiver, according to the UMUC website cited above, because they are "already receiving the lowest possible rate offered by the State of Maryland."

Undergraduate tuition rates that are now \$499 per credit hour will drop to \$374.25. Graduate course tuition will decline from \$659 per credit hour to \$494.25

Archuleta said that the alliance is an effort "to increase federal employees' access to high quality, affordable educational resources, to close skills gaps, and to make federal employment attractive to our nation's top talent."

To read Archuleta's memorandum on the alliance, go to [www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=6084](http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=6084). © JN

**Note:** On June 25, as this issue of *Notices* was going to press, the Supreme Court rejected Aereo's argument in a 6 to 3 decision.





**KARIN LEISHMAN** returned to the Literary Division in March 2014 as a problem resolution specialist. She previously worked as an examiner in the Literary Section of the old Examining Division from 2002 to 2005. Karin left the Library in 2005 when her husband, David, who is in the Foreign Service, was posted overseas for his work. For the past eight years, they have been living and working in Brussels and New Delhi.

While in Brussels, Karin was a high school English teacher at a private international school where she taught English literature, composition, and English as a foreign language. In New Delhi, Karin worked for the U.S. State Department in the Consular Section of the U.S. Embassy. In her role there, she was responsible for investigating visa fraud; conducting prison visits with U.S. citizens jailed abroad; handling adoption, missing person, surrogacy, and international child abduction casework; issuing passports and certificates of birth/death abroad; and notarizing documents.

In India, Karin also taught English classes for local staff of the U.S. Embassy and served as a volunteer working with children in orphanages and slum areas.

Karin was born and raised in Wyoming. After earning a bachelor's degree in English at Chadron State College in Chadron, Nebraska, she moved to Washington, D.C., and served as an aide to two Wyoming senators on Capitol Hill for the next three years. Following her time with the U.S. Senate, Karin earned a master's degree in English from the University of Wyoming. While in graduate school, she taught English courses and worked with runaways, foster children, and other at-risk youth at a crisis center. Karin and her husband then moved to Minnesota so he could pursue his PhD. While there, Karin served as the director of outreach and education for a large social service agency serving those struggling with poverty, mental illness, and drug addiction.

Karin and her family, which now includes daughters Elizabeth, 8, and Sarah, 5, returned to the United States a few months ago and live in Maryland. Back in the Copyright Office, Karin is adapting to the many changes that have taken place since 2005 and says she feels fortunate to be here. © JN



**CAROL FRENKEL**, a supervisory registration specialist in the Visual Arts Division, celebrated 35 years of federal service in May. She started working in the division in 2007, following the reorganization of the Copyright Office and many years as a copyright cataloger. "I feel at home in the Visual Arts Division now," Carol said. "I've become a subject-matter expert, and I like the variety of issues that crop up."

For the past two years, Carol has enjoyed drawing on her expertise by representing the Office at the PhotoPlus Expo in New York City, where she and a colleague answer questions about registering photographs.

Carol began her federal career in 1975 at the Bureau of Alcohol, Tobacco, Firearms, where she did clerical work while attending college. After graduating from the University of Maryland with a bachelor's degree in music education, Carol taught music at the junior high school level for several years. While earning a master's degree in piano pedagogy from Catholic University, she worked for the Library of

Congress part time. Afterward, she joined the Copyright Office.

Her first position was in the Clerical Support Unit of the Publications Section. In 1983 Carol became a cataloger in the Performing Arts Section, advancing to senior cataloger and team leader before becoming a supervisory registration specialist. "I've enjoyed the Office," Carol said. "There are a lot of good, dedicated people working here."

Recently, Carol earned her "second-dan" (degree) black belt in karate and continues to train. "A black belt is considered the beginning of serious training, not the end, as many people think," she explained. She started doing karate about a decade ago and practices two to three times a week. Carol also sings with her church choir and occasionally with the Library of Congress Chorale, and she plays piano.

Carol and her family live in Olney, Maryland. © WM



PHOTO BY JUDITH NIERMAN

**JOSEPHINE MA**, who celebrated 35 years of federal service on April 2, relocated from the lush tropical environment of Hawaii to the metropolitan Washington, D.C., area after attending an American Library Association convention in the District in 1979. There she saw a posting for a position at the Library of Congress.

She took the job as a cataloging technician in the Library Services Division. Two years later, she gained her next position as an information resource assistant in the Congressional Research Service. In 1990, she moved to the Literary Section of the Office's former Cataloging Division as a cataloger and became a Copyright Office staffer. She stayed in Cataloging until the Office was reorganized in 2007, when she started as a registration specialist. Another opportunity in 2010 resulted in her current position of descriptive metadata specialist, now in the Office of Public Records and Repositories. Her job is to enter data from imaged card catalog cards into an online database and to do quality assurance tasks.

Josephine finished her high school education in Hong Kong and then moved to Hawaii with her parents. She spoke British English at the time. She graduated from the University of Hawaii with a bachelor's degree in history and a master's of library science. For a several years she taught Chinese at the Library as part of a Library of Congress Professional Association program. As a docent, she gives Library tours in both Chinese and English. She also teaches special needs children at the Providence Recreation Center in Falls Church, Virginia. One of her students, who is blind, now swims laps. Josephine considers this student's accomplishment her own biggest achievement.

In her free time, Josephine swims laps, cooks Chinese food, knits, gardens, and grows orchids at her Arlington, Virginia, home. She also cares for the family pets, DeeDee, a keeshond, and Pocket, an Abyssinian cat.

Her family includes her husband, David, a physicist and research engineer at the Naval Research Laboratory, and their son, Peter, who will soon begin a fellowship in anesthesiology and pediatric cardiology at Emory University Hospital in Atlanta. © JN

**LAVONNE BODDICKER**, a Copyright Office retiree died March 5 in Washington, D.C. She retired in 2002.

Lavonne came to the Office in 1984 as a cataloger in the Serials Section of the former Cataloging Division. She began her federal service at the National Science Foundation in the District. From there she took a job in 1978 in the Cataloging-in-Publication Division of the Library, working in the Processing Services Department.

Born at home in rural Newhall in east-central Iowa, LaVonne grew up on a farm with eight siblings and many cousins. Graduating from high school at age 16, LaVonne earned an associate's degree from Mount St. Clare College in Clinton, Iowa, and a bachelor's degree from the University of Minnesota in Minneapolis. After graduating, she taught elementary school in Iowa and Illinois for seven years. She then went to work at the University of Wisconsin at Madison in the library and attended classes at the University of Minnesota studying for a master's in library science.

As a retiree, she was active in the St. Matthew Cathedral parish in Washington, D.C. She was known for her sense of humor and her love of baseball. Burial was in Watkins, Iowa. © JN

## Staffer Needs Donated Leave

**WYKESHA TRIPP**, a registration specialist in the Literary Division of the Registration Program, is in need of annual leave donations. Donated leave will be used for time spent hospitalized, undergoing treatment, and recovering.

Wykesha has been approved for the leave donor program, and her account has been established in WebTA under her name. Submit your leave donation through WebTA in the Leave and Premium Pay Requests section. Direct requests for assistance to **CHRIS CRUZ** at 7-4116 or [ccru@loc.gov](mailto:ccru@loc.gov). Wykesha thanks you in advance for your support and well wishes.

# Rare Map on Display at Library Scored Some “Firsts”

WENDI A. MALONEY

Engraver Abel Buell “came out of nowhere,” at least in terms of cartography, when he printed a United States map in 1784. “He’d never done a map before,” says Ed Redmond of the Library’s Geography and Map Division. Nonetheless, Buell set records.

He was the first U.S. citizen to print a map of the United States in the United States after the Treaty of Paris was signed on September 3, 1783. The treaty formally concluded the American Revolution and recognized the United States as an independent nation. Buell was also the first person to copyright a map in the United States.

Buell’s “New and Correct Map of the United States of North America” is the centerpiece of “Mapping a New Nation,”

an exhibition in the Jefferson Building of the Library of Congress. Philanthropist David M. Rubenstein purchased Buell’s map at auction in 2010 and made it available for public display at the Library.

The wall map contains no original cartographic material, Redmond says; instead, Buell seems to have combined elements of maps published earlier in Europe. “Buell, who lived in New Haven, Connecticut, may have accessed other maps at nearby Yale University,” Redmond suggests. “That’s a supposition, however; we can’t prove it.”

With Kimberli Curry of the Interpretive Programs Office and Julie Miller of the Manuscript Division, Redmond identified maps in the Library’s collections that Buell may have used as sources, including them in the exhibition. “As the largest map library in the world, we have in our collections the maps Buell likely would have had available to him,” Redmond says.

Buell’s map documents a unique time in U.S. history. “Before adoption

Connecticut was the first U.S. state to pass a copyright statute. On January 8, 1783, it enacted “An Act for the Encouragement of Literature and Genius.” In 1790, the federal government incorporated copyright protection in the U.S. Constitution.



Abel Buell, “New and Correct Map of the United States of North America,” 1784. On deposit to the Library of Congress from David M. Rubenstein.

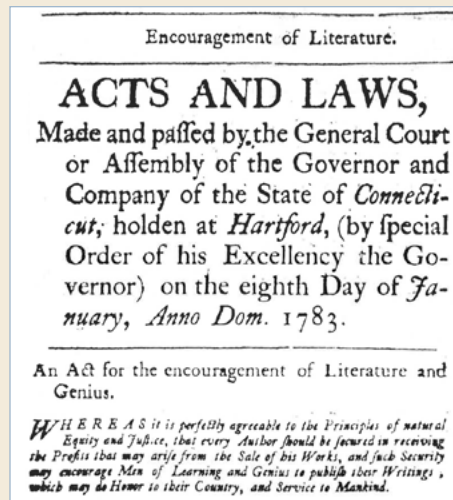
of the Constitution in 1787, the federal government couldn’t establish boundaries between states or force surrender of the western lands some states claimed,” Redmond notes. “As a result, the boundaries of many states in Buell’s map extend west from the Atlantic coast all the way to the Mississippi River.”

Buell petitioned the General Assembly of Connecticut for a copyright for his soon-to-be-printed map on October 28, 1783, nine months after Connecticut became the first U.S. state to enact a copyright law. By October 28, Maryland, Massachusetts, and New Jersey had also passed copyright laws, but none expressly

protected maps, as Connecticut’s law did. Thus Buell became the first person to copyright a map in the new nation.

Lawrence Wroth, Buell’s biographer, described Buell as creative and versatile but also restless and impulsive, which perhaps explains his conviction in 1764 for counterfeiting. Buell served jail time, had the tip of his ear cut off, and had his forehead branded with the letter C, a standard penalty of the time.

His colorful life notwithstanding, Buell had the skill and wherewithal to create his own cartographic conception of the United States, rich in symbolism of the emerging new nation. ©





# copyright notices

AUGUST 2014



6

In-Processing Section  
realigns job descriptions  
and business processes



10

National magazine  
features legacy of  
Barbara Ringer



13

Irving Berlin gives  
“God Bless America”  
royalties to scouting

2 Around the Office

3 Human Resources

7 Outreach &  
Education

10 Out & About

12 Appointment

12 Anniversary



PHOTOS COURTESY MELISSA CRAWFORD

## In Focus

# Melissa Crawford

WENDI A. MALONEY

**MELISSA CRAWFORD** joined the Copyright Office as a visual arts examiner in 2006; when the Office reorganized in 2007, she became a registration specialist. A book she is completing about her grandfather's World War II service was recently featured in the *Washington Post*. *Copyright Notices* interviewed Melissa as part of its In Focus series, which highlights individual staff members.

### Where did you grow up and go to school?

I grew up in Middletown, Rhode Island, and I earned a bachelor's degree in English literature at the University of New Hampshire.

### How did you make your way to the Copyright Office?

After college, I edited social studies textbooks at Houghton Mifflin in Boston. In my last year there, I did rights and permissions work and became interested in copyright law. When my family vacationed in Washington, D.C., in 2005, we visited the Copyright Office exhibit that used to be on the fourth floor of the Madison Building. I was so impressed that I applied for a copyright examining position. I love my job. Preserving people's creativity is important to me, and I feel privileged to see the works that come through the Office.

CONTINUED ON PAGE 8 >

## Summer Interns Learn about Copyright, Support Office Projects



PHOTO BY DAVID RICE

This summer, interns throughout Copyright Office divisions contributed to projects including registration and recordation processing, technology implementation, records research, and law-related matters. Back row, from left: Jack Vidovich (Registration, Program Office); Bryan Matthews (Recordation); Andrew Moore (Office of General Counsel); Will Hoing (Policy and International Affairs); and Kyle Petersen (Office of General Counsel). Middle row, from left: Shakuira Davis (Recordation); Atira Best (Recordation); Camille Kidwell (Recordation); Camille Smith (Copyright Technology Office); and Phillip Robinson (Registration, Literary). Front row, from left: Alyssa James

(Registration, Literary); Diamond Clayton (Registration, Literary); LaPriya Parker (Registration, Literary); Cheryl Foong (Policy and International Affairs); Alison Storella (Register's Office); and Sana Khawaja (Office of Public Information and Education). Not pictured are Michelle Hill, Megan Li, Benjamin Mazzara, Jacquelyn Rubashkin, and Kimberly Te of the Copyright Technology Office and Isabella Hyun and Hanson Ngo of the Office of Public Information and Education. Stories about legal interns and Junior Fellows summer interns appear elsewhere in this issue. © WM

Junior Fellows Erin Bello and Margie Scott, who worked in the Office of Public Information and Education, found this deposit for Irving Wiles's 1906 portrait of Theodore Roosevelt. The painting was done for the Roosevelt Room in the University of Berlin. Wiles (1861–1948) was an American artist known for his portraits, some of which have recently sold for more than \$100,000.



### Copyright Notices 62:08

Published by the Publications Section, Public Information & Education Office, U.S. Copyright Office, Library of Congress

### PUBLICATIONS SECTION

Helen Hester-Ossa,  
Head, 707-6809

### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Niernan, 707-6816

### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

### PUBLIC INFORMATION & EDUCATION OFFICE

George Thuronyi,  
Program Manager

William J. Roberts,  
Acting Associate Register of  
Copyrights & Director

### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights



PHOTO BY CECILIA ROGERS

## Copyright Staffers Perform with LC Chorus

Three Copyright Office staffers performed with the Library of Congress Chorus in the group's spring concert on June 12 in the Coolidge Auditorium. **DAN MEYER** served as the accompanist while **KARIN SWEET** sang alto and **JOHN SAINT AMOUR** sang bass.

The concert was entitled "Singing in Spring" and included choral works by Bach, Britten, des Prez, and Mozart among others. © JN



## Office Hosts European Colleagues

On June 4, members of the Munich Intellectual Property Law Center and the European Intellectual Property Institutes Network met with Copyright Office officials for presentations on the work of the Office.

**KIM BROWN** demonstrated the work of the In-Processing Section, and **JOHN SAINT AMOUR** gave an introduction to the U.S. copyright law. **PAGE MILLER** spoke on the copyright card catalog and the digitization program. In the afternoon, **CHAD BECKER** and **BETH GARNER** gave demonstrations of the registration process, and **GUY MESSIER** conducted the participants on a tour of the Jefferson Building. **KATIE ALVAREZ** and **FRANK MULLER** spoke on the work of the Policy and International Affairs Office. The day ended with a tour of the Law Library.

The program was arranged by **ALICIA MROCZYK**, special assistant in the Office of Public Information and Education. © JN

## Microsoft IP Law Institute Participants Tour Office

Law students sponsored by the Hispanic National Bar Association, an organization that represents Hispanics in the legal profession, teamed with the Microsoft IP Law Institute to create a program to encourage and increase Hispanic participation in the field of intellectual property law. The 2014 Institute brought law students to the Copyright Office for an afternoon workflow tour on June 4.

Staffers giving presentations to the students included **KIM BROWN**, **PAULA GILLASPIE**, **PAGE MILLER**, and **T.J. WILLIS**. © JN



PHOTO BY DAVID RICE

## Copyright Staff Introduce Interns to Office's Work

Law Library of Congress and Copyright Office interns gathered in the Hearing Room on July 10 to learn about the Office's mission and services. **JOHN SAINT AMOUR** of the Public Information Office spoke about the copyright law. **T. J. WILLIS** of the Performing Arts Division, pictured above, explained the registration system;

**KRISTEN ORAVEC**, also of Performing Arts, talked about her division's work; and **WAYNE CRIST** of the Visual Arts Division discussed his division. **FRANK MULLER** of the Office of Policy and International Affairs gave the interns an overview of the Office's legal work. © WM



PHOTO BY WENDI MALONEY

## Roberts Addresses Catholic University Seminar

**BILL ROBERTS**, acting director of the Office of Public Information and Education, speaks to students enrolled in a five-day Catholic University graduate course surveying U.S. and global copyright law and licensing issues that affect libraries. The students toured the Copyright Office on July 8 and met with Roberts and other Office staff in the Hearing Room. © WM

## Self-Plus-One Is Coming in 2016

The Office of Personnel Management announced that the Federal Employees Health Benefits (FEHB) Program will offer self-plus-one health insurance beginning in 2016. If you choose this option, you will sign up during the open season in late 2015.

Self-plus-one means that you may insure only yourself and one other eligible person, for example, your spouse. Health insurance plans would offer self-only, self-plus-one, and family coverage. The cost would depend on the coverage.

More than 250 insurance plans are part of the FEHB. OPM negotiates the coverage and costs annually. Stay tuned for further details.

To read more, go to [www.washingtonpost.com/blogs/federal-eye](http://www.washingtonpost.com/blogs/federal-eye). To see the OPM letter announcing the change, go to [www.scribd.com/doc/214409791/FEHB-Self-Plus-One-Enrollment](http://www.scribd.com/doc/214409791/FEHB-Self-Plus-One-Enrollment). © JN



# Junior Fellows Research Century-Old Deposits

WENDI A. MALONEY

Erin Bello and Margie Scott worked their way through boxes of copyright deposits from the early 20th century this summer. They did so through the Library of Congress Junior Fellows Summer Intern Program. The 10-week program offers hands-on experience in helping to process and preserve rare and unique items in collections throughout the Library. This year, the focus was on special, legal, and copyright collections. A panel of Library curators and specialists selected 49 finalists from among more than 940 applicants.

Bello and Scott are researching and inventorying original copyright applications from 1898 through 1909. The applications relate to books, dramatic manuscripts, newspaper stories, sheet music, photographs, maps, advertisements, and more.

Bello is pursuing a bachelor's degree in history and American studies at Christopher Newport University in Newport News, Virginia. Last summer when she interned for Sen. Orrin Hatch of Utah, she met 2013 Junior Fellows and learned about their projects. While searching the Library's website this past school year as an American studies research assistant, she encountered instructions for applying to the 2014 program. She did so, expressing interest in the Copyright Office.



Margie Scott, above, and Erin Bello, right, display historical copyright deposits they discovered.

"You see 'copyright' on everything, but you never think about how it actually happens," she said. In her first weeks, Bello's most interesting discovery was registrations of Navajo Indian statuary submitted by a Franciscan Catholic priest from New Mexico at the turn of the 20th century.

Scott is attending the Charlotte School of Law. She has a bachelor's degree in political science from the University of South Carolina Columbia, where she minored in social work. She was an early childhood educator for four years before enrolling in law school, where she has a special interest in entertainment and criminal law and contracts. Rep. James E. Clyburn of South Carolina, for whom Scott interned, recommended Scott as a Junior Fellow.



PHOTOS BY DAVID RICE

She said her Copyright Office experience was fascinating. "I learned about the significance of the Office in law school," she said. "But working directly with historical deposits offers a perspective you can't get anywhere else." Her most interesting find was an application including a large blueprint design for a scale produced by E & T Fairbanks and Company, which to this day manufactures scales for all kinds of businesses and concerns, including the U.S. Postal Service.

At the program's conclusion, the Junior Fellows displayed items they discovered during their internships in a public event in the Jefferson Building and discussed the items' historical significance. See the September 2014 issue of *Copyright Notices*. ©

# Office Hosts Summer 2014 Legal Interns

JUDITH NIERMAN

Several work areas in the Copyright Office are hosting summer legal interns. For the interns, it is an opportunity to learn more about copyright and the Office and to work under the direction of established practitioners. Each intern is tackling projects during the summer.



## The Registration Program under the supervision of ROB KASUNIC

**Nate Delmar** attends George Washington University Law School. His project is to research the works-for-hire doctrine in conjunction with the American Law Institute's restatements of the law.

**Jack Vidovich** is a rising third-year student at American University Washington College of Law. He will be a member of the Glushko-Samuelson IP Clinic starting this August. He is conducting research and drafting memoranda on various registrability issues at the Office.



## Office of Policy and International Affairs under the supervision of MOLLY TORSÉN STECH

**Cheryl Foong** studied intellectual property and technology law at the Queensland University of Technology in Brisbane, Australia, and recently completed her LLM at Columbia Law School in New York. She will be working on a variety of projects, from the making available right, to the range of issues inherent in orphan works, foreign jurisdictions' copyright reviews and legal updates, and music licensing issues.

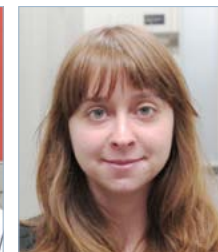
**Will Hoing** is a rising third-year student at Washington and Lee University School of Law. He is working on projects related to orphan works, education exceptions and the TEACH act, and the first sale doctrine.



## Office of the General Counsel under the supervision of JOHN RILEY

**Andrew Moore** attends the New York University School of Law. He is primarily working on the Copyright Office's music licensing study and also providing research support for copyright application appeals and legal developments that may affect copyright.

**Kyle Peterson** attends law school at UCLA School of Law. He is helping with the music licensing study that has recently been initiated. In addition, he is providing legal research and writing services to various departments in the Office as necessary.



## Office of the Abraham L. Kaminstein Scholar in Residence under the supervision of ROBERT BRAUNEIS

**Arpi Abovyan** finished a PhD from the Faculty of Law at the University of Freiburg, Germany, with a thesis on "Challenges of Copyright in the Digital Age." She also holds bachelor's and master's degrees in law from the Yerevan State University in Armenia. In the Copyright Office she will work on issues related to the term of copyright protection in the United States and Europe.

**Alison Storella** is looking forward to her third year at Boston University School of Law in the fall. This summer she is primarily assisting Robert Brauneis with his work on reengineering the recordation process. ©

PHOTOS BY JUDITH NIERMAN

# In-Processing Section Realigns Job Descriptions and Business Processes

WENDI A. MALONEY

A long-anticipated realignment of the In-Processing Section's job classifications and business processes is nearing completion. Following reengineering of the Copyright Office in 2007, managers of the Receipt Analysis and Control (RAC) Division determined that most positions in the section needed to be reclassified to better reflect staff duties in the reengineered section. Melissa Dadant, the retired RAC chief, and **VICTOR HOLMES**, the current chief, initiated a plan in the final stages of reengineering to reclassify most mail series positions to library technician jobs. "Most section staffers are now involved in ingesting or processing claims in the Siebel system. These staffers deserve to work under the appropriate job classification series," said **KIM BROWN**, head of In-Processing.



Back row, from left: Bobbie Cook, Craig Andrews, Tamar Wallace, and Juan Roseboro. Front row, from left: Portia Williams, Kaymi Le, Kim Brown, and Daniel Schwarz.

PHOTO BY DAVID RICE

Brown explained that after reengineering, section staff migrated from manual processing of registration claims and other service requests to more demanding duties, including scanning application forms and entering registration data into the online registration system. "Section staffers create the initial online record for paper-based claims and perform ingestion into the system of deposit copies sent in support of electronically filed claims," he said. "The new work processes are much more complex and interesting than the old manual processes."

Under the new structure, three teams will process copyright claims, documents, and other service requests. Staff on these teams will become library technicians, with a potential for promotion. One team will continue to perform traditional mail-handling functions and collateral duties, such as processing of submissions sent to satisfy

the mandatory deposit requirement. The job classification for this team will remain unchanged.

Supervisors and team leaders for each team have already been appointed. They are **CRAIG ANDREWS**, supervisor, team one, ingestion; **BOBBIE COOK**, supervisor, team two, ingestion; **DANIEL SCHWARZ**, supervisor, team three, ingestion; **JUAN ROSEBORO**, supervisor, mail team; **KAYMI LE**, team one leader; **PORTIA WILLIAMS**, team two leader; **TAMAR WALLACE**, team three leader; and **THOMAS (TOMMIE) SMITH, JR.**, mail team leader.

"After the realignment is complete, we plan to take on more responsibility, including ingestion of claims that currently cannot be ingested into Siebel," Brown said, adding, "This change has been a long time coming. I'm pleased to see staff benefit from being appropriately classified." ©





# Copyright Technology Office Presents Its Work to Office Staffers

JUDITH NIERMAN

On July 11 in one of a continuing series of afternoon teas arranged by **ALICIA MROCZYK**, program assistant in the Office of Public Information and Education, staff members from the Copyright Technology Office (CTO) introduced their work to colleagues throughout the Office.

**DENISE WOFFORD**, director of CTO, spoke about the organization and function of CTO, which is supported by a two-person administrative staff including **DAWN CRAIG** and **ELLEN HALL**.

There are three teams of staff computer experts in CTO, led by **LORETTA FREEMAN**, **JACQUI SMITH**, and **JERRY TUBEN**. Among other duties, Freeman's team manages laptops assigned to staffers, oversees the help desk and customer service, and handles all end-user communications, both external and internal. Smith's team supports the Office legacy systems and Copyright Office use of Voyager, and focuses on information technology

security, change management, policy procedures and practices, and data integrity. The third team, led by TUBEN, is in charge of Captiva administration, production of statistical reports, hands-on workstation support, direct technical support for the Licensing Division, and Siebel administration and architecture.

Contractors work at the help desk and perform project management as well as operations and management functions. Contractors also work directly with Siebel, implementing changes and keeping it running. They managed 36 system modifications in fiscal 2013.

Vijay Alan, a contractor who works as a Siebel solution architect, spoke on Siebel, addressing its use to identify records that meet certain criteria, build reports, and analyze data. He also detailed how to query, the mechanics of querying, and best practices. He touched on the behavior of the Windows 7 operating system that was recently deployed in the Copyright Office.

**STEVE OSWALD**, a Copyright Office subject matter expert and analyst who does technical writing and collaborates with developers, presented an overview of the eCO release cycle. For details of this cycle, see the *November 2013 issue of Copyright Notices*. His priority, he said, is to retire the legacy systems.

Carrie Nelson, who works in the Library's Information Technology Services and serves as a liaison analyst with CTO, spoke on best practices and sharing files on the network drives. ©

As of the first of June, the Copyright Office help desk was fielding **1,200 phone calls per week**.



Vijay Alan



Steve Oswald

## Around the Office

### Office Conducts Roundtable on Auditing SOAs

On July 9 in the Madison Building, the Copyright Office held a public roundtable on a new procedure permitting copyright owners to audit the statements of account (SOA) and royalty payments deposited with the Office by cable operators and satellite carriers. In addition to Office staffers, participants included copyright owners, cable operators, satellite carriers, accounting professionals, and other interested parties.

The Satellite Television Extension and Localism Act of 2010 (STELA) directed the Register to develop a new procedure to allow copyright owners to audit these filings. The purpose of the roundtable was to discuss aspects of the audit procedure.

For further information, go to [www.copyright.gov/docs/soaaudit/soa\\_audit.html](http://www.copyright.gov/docs/soaaudit/soa_audit.html). © JN



Denise Wofford speaks about CTO.



Robert Walling, Jr.

**You are writing a book about your grandfather's World War II service that was featured in the *Washington Post* on June 4. How did you end up writing about this topic?**

Growing up, I knew that my grandfather, Robert Walling, Jr., had served in the army in World War II, but he didn't speak about his experience. He just wanted to get on with his life after the war. He went

to Brown University on the GI Bill, became an engineer with the Naval Undersea Warfare Center, and raised a family. Then, in 2009, I asked if I could interview him for the Veterans History Project, and he said yes. He was ready at that point to start talking. I came with a recorder and an outline, and we began going through a trunk full of his World War II memorabilia. Some questions were hard for him to answer. I told him not to worry, that we had all day. He suggested then that we should write a book together. In my family, I probably would have seemed the least likely to write about the war. I love literature and writing, but my brother is the history buff. However, after immersing myself in WWII history and traveling to France for research, I would consider myself up to speed. This project has been my passion for the past four years.

**What was the nature of your grandfather's service?**

He was in the 87th Chemical Mortar Battalion, Company D. He was 19 when he went to war. Mortar battalions supported U.S. infantry divisions in combat, and Company D landed on Utah Beach to do that on June 6, 1944, D-Day, the Allied invasion of Europe. The company's captain, Henry Williams, was struck by a German bomb. The company was distraught to have to leave him on the beach; even though he was only 33, Captain Williams had a big influence on the men. My grandfather always wanted

to find out what happened to him. Later, my grandfather fought in the Battle of the Bulge. Other campaigns he was part of were Central Europe, Normandy, Northern France, and Rhineland.

**What kind of research did you do?**

First, I had to educate myself about the war—the people, the places, the objects. Working at the Library was the best place to be. It's a gift to have so many resources available. I also connected with veterans of Company D, including one living in Middletown, Rhode Island. Manny is now in his nineties. He and my grandfather lost touch after the war but reunited a month before my grandfather died. Manny came to visit me here last year and would like me to accompany him and his family to Normandy, France. I went once already with my great aunt and cousin. We rented a car in Paris and visited Utah Beach and Omaha Beach. It was a great adventure. I was amazed at how welcoming the local population is to Americans. They are still thankful to the United States as a country for helping to liberate them during World War II.

**What have you discovered that has surprised you?**

I found out that Captain Williams did not die on Utah Beach on D-Day. He survived four more days and was killed on June 10 by a second bomb. I recently also discovered his grave after searching for four years. He is buried at Arlington National Cemetery. I'd searched the registers there before but found his name just before the 70th anniversary of D-Day this year when I included his middle name in the search. The timing was uncanny. I went to Arlington Cemetery on June 6, the D-Day anniversary, and I placed sand from Utah Beach on Captain Williams's grave. I also read aloud a February 1945 message commending the 87th Chemical Mortar Battalion. I called Manny to let him know that I'd found Captain Williams. Like my grandfather, he wanted to know what had happened. I think it would have brought my grandfather peace and closure to find out.

**When will the book be published, and what other writing projects do you have planned?**

I anticipate it will be another year until the book is published. I'd like to include more about Captain Williams. I've discovered that his wife died in 1998 after remarrying. I've just located her children in Mississippi. He is such a huge part of the story. As for other projects, I'd like to write about Vietnam someday. Having done World War II, I'm very interested in veterans. I like to focus in particular on units, so I might write a book about the battalion a family friend served with in Vietnam.

**What is something most of your coworkers do not know about you?**

I just finished my fourth marathon. Running is another passion of mine. I started three years ago. At first, I couldn't even run a mile. I also coach Girls on the Run, a program for girls from the third to eighth grades. For the past two years, I've worked with a group at Capitol Hill Day School. I developed a summer running program for them—Coach M's Summer Racers—which meets once a week. I'm also a sponsored athlete for Timex and GU, an energy supplement. ☺



Melissa, back row, third from right, with her Girls on the Run team.



Jon Baumgarten, who received the Champion of Intellectual Property Award, poses with former Register of Copyrights Ralph Oman (left), current Register of Copyrights **MARIA PALLANTE** (second from left), and former Register of Copyrights Marybeth Peters (right).

## Jon Baumgarten Honored by D.C. Bar

JUDITH NIERMAN

Former Copyright Office general counsel Jon Baumgarten was honored by the District of Columbia Bar on June 5 at an elegant event at the Dolley Madison House in Washington, D.C. Baumgarten received the Champion of Intellectual Property award. Judge Randall Raeder of the U.S. Court of Appeals for the Federal Circuit, spoke.

Baumgarten thanked his colleagues for their help in shaping his career and contributing to his productivity.

Also speaking were Eric Schwartz, a former Copyright Office attorney and the incoming president of the Copyright Society of the U.S.A.

Baumgarten was appointed general counsel in January 1976 by Register of Copyrights Barbara Ringer. Over the next three years he was a leading participant in the final formulation of the general revision of the U.S. Copyright Act and was responsible for the novel and comprehensive rulemakings and thorough overhaul of all Copyright

Office regulations and practices required under the new law. Baumgarten represented the Copyright Office before courts, Congressional committees, and the Department of State. He represented the U.S. government in the World Intellectual Property Organization and other international copyright arenas.

Before and after his public service in the Copyright Office, Baumgarten was a lawyer in the private sector, where he was known for his passionate work on behalf of publishers and other copyright owners. He retired as a partner in the D.C. law firm Proskauer Rose several years ago. Among other accolades, he was recognized professionally by *Legal Times* magazine as one of the nation's top copyright attorneys. ©

## Copyright Policy and Priorities Update

WENDI A. MALONEY

Music licensing and the rights of “making available” and “communication to the public” are among the topics on which the Copyright Office is now conducting public inquiries. For other topics, visit the Office’s website.

### Music Licensing

The Copyright Office initiated a study in March to evaluate the effectiveness of existing methods of licensing music. To inform the study, the Office invited public comments on the state of the music licensing marketplace and hosted public roundtables in June in Los Angeles, New York City, and Nashville. For details, go to [www.copyright.gov/docs/musiclicensingstudy](http://www.copyright.gov/docs/musiclicensingstudy).

### “Making Available” and “Communication to the Public”

The Copyright Office invited public comments in February on how U.S. law recognizes and protects the rights of “making available” and “communication to the public.” On May 5, the Office held a public roundtable on the subject. In July, it invited further written comments, including on how the Supreme Court’s June 25 opinion in *American Broadcasting Cos., Inc. v. Aereo, Inc.* may affect the scope of the rights in question. For details, go to [www.copyright.gov/docs/making\\_available](http://www.copyright.gov/docs/making_available). ©



## National Magazine Features Legacy of Barbara Ringer



Barbara Ringer, Register of Copyrights from 1973 to 1980, is attracting current attention for her accomplishments. *The Atlantic*, a venerable magazine with a national subscription list numbering 400,000, published a July 11 article entitled “The Lost and Found Legacy of Barbara Ringer” on its website at [www.theatlantic.com](http://www.theatlantic.com). The author, Amanda Levendowski, is a blogger,

To learn more about Barbara Ringer, go to [ccl.com](http://ccl.com), [copyright.gov](http://copyright.gov), and [law.columbia.edu](http://law.columbia.edu).

writer, and recent graduate of New York University Law School.

Levendowski’s *Atlantic* article recaps Ringer’s career, focusing on her achievements as “one of the architects of American copyright law and one of the legal world’s pioneering women,” as well as “a brilliant woman ahead of her time.”

Among Ringer’s accomplishments, Levendowski says that she was one of a very few women in her 1949 law school class at Columbia University and was the first woman adjunct

professor of law at Georgetown Law Center. In addition, she wrote the first draft of the Universal Copyright Convention and drafted most of the 1976 Copyright Act. The latter was one of the first pieces of federal legislation to include dual gender pronouns. In addition, Ringer served as the first woman Register of Copyrights.

To read Levendowski’s article, go to [www.theatlantic.com/technology/archive/2014/07/the-lost-and-found-legacy-of-a-copyright-hero/373948](http://www.theatlantic.com/technology/archive/2014/07/the-lost-and-found-legacy-of-a-copyright-hero/373948). © JN

## Out & About

**APRIL 28:** Associate Register of Copyright and Director of Policy and International Affairs **KARYN TEMPLE CLAGGETT** spoke at the U.S. Patent and Trademark Office’s World IP Day event held on Capitol Hill. Counsel **KEVIN AMER** spoke earlier in the day at a separate event at the USPTO campus in Alexandria, Virginia. The theme for World IP Day this year was “Movies: A Global Passion.”

**MAY 5:** Karyn Temple Claggett; **MARIA STRONG**, senior counsel; Kevin Amer; and **AARON WATSON**, attorney advisor, moderated various panels at the Copyright Office roundtable discussions on the “Right of Making Available” held at Rayburn House Office Building. **KATIE ALVAREZ**, attorney advisor, and **JACQUELINE CHARLESWORTH**, general counsel, attended.

**MAY 12–16:** Maria Strong participated in the Trans Pacific Partnership (TPP) negotiations on intellectual property held in Ho Chi Minh City, Vietnam.

**MAY 20:** Karyn Temple Claggett and Counsel **MOLLY TORSÉN STECH** served on the U.S. delegation for the Transatlantic Trade and Investment Partnership (T–TIP) negotiations held at George Mason University in Fairfax, Virginia.

**MAY 25:** Maria Strong and Kevin Amer attended the Congressional Creative Rights Caucus public event on the video marketplace on Capitol Hill.

**JUNE 2:** Karyn Temple Claggett attended a congressional field hearing conducted by the Subcommittee on Courts, Intellectual Property and the Internet in New York City entitled “First Sale under Title 17.”

**JUNE 6:** Karyn Temple Claggett participated in a music leaders roundtable led by Representative Judy Chu, chair of the Congressional Creative Rights Caucus, in Pasadena, California.

**JUNE 8–10:** Karyn Temple Claggett served on a panel entitled “Digital First Sale” at the annual meeting of the Copyright Society of the USA (CSUSA). Also attending the annual meeting were Katie Alvarez, Kevin Amer, Attorney Advisor **FRANK MULLER**, Molly Torsen Stech, and Maria Strong.

**JUNE 10:** Karen Temple Claggett served on a panel on “Digital First Sale” at the annual meeting of the Copyright Society of the U.S.A. in Washington, D.C.

**JUNE 9:** Register of Copyrights **MARIA A. PALLANTE** addressed the Copyright Society of the U.S.A. at its annual meeting in Washington, D.C. The subject of her presentation was “The View from the Copyright Office.” Kaminstein Scholar in Residence **ROBERT BRAUNEIS** served as a moderator on a panel on “International Copyright Developments.” Jacqueline Charlesworth moderated a panel on “The 21st Century Copyright Office.”

**JUNE 11:** The Register gave a keynote address entitled “Copyright in the Nation’s Capital” before the Los Angeles Copyright Society’s special June meeting. The event took place in the Rita Hayworth Room at Sony Pictures Entertainment in Culver City, California. © JN

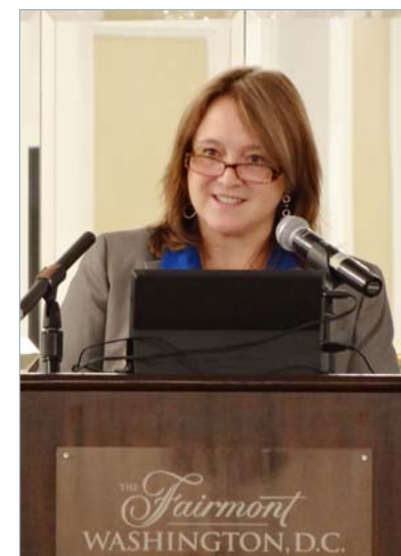


PHOTO BY DAVID RICE

# CISSP Domain Brown Bag Series Prepares Staff for Certification

JANNIE GRANT GILLUS

When you are a professional seeking a certification in your field, the whole process can be a bit overwhelming. This can easily happen in the security field where you can feel confused because there are nearly a dozen internationally recognized certifications. The more popular ones include Security +, CISSP (Certified Information Systems Security Professional), Certified Ethical Hacker, and many others.

When I seriously started pursuing the idea of obtaining my CISSP certification, I sought out Library people who are professionals in the field. But the question became: how? I decided to ask Sean Lang, chief of Information Technology Services (ITS) security, what he thought about having noontime workshops for those who wanted to obtain their CISSP. He liked the idea and asked me to get the opinion of Copyright Technology Office (CTO) staffers during our monthly security meeting. It was risky to ask Office staffers to give up their lunch hour to teach and also to devote many hours to prepare.

Still, it was exciting to see that a few of my colleagues seemed interested in teaching. Others were interested in learning, and everyone seemed enthusiastic to share and give back. That energy was the springboard to the CISSP Domain Brown Bag Series presented by CTO.

A series of 10 sessions was presented by CISSPers from areas in the Library, including the Copyright Office, Congressional Research Service (CRS), Office of Strategic Initiatives (OSI), and

ITS. Presenters were Michael Cassidy, Steve Elky, Sarah Garske, Meenu Gupta, Garrie Heppburn, Deborah Moffett, and Scott Porter. Supporting the initiative were Sean Lang, **JACQUELINE SMITH**, and **DENISE WOFFORD**. Sessions included the following topics:

**Information Security Governance and Risk Management** examined the framework and planning structures used to ensure information assets are protected. It also examined governance, organizational structures, cultures, and staff awareness training.

**Security Architecture and Design** discussed hardware and software systems, memory, storage types, security models, and security control.

**Physical and Environmental Security** covered the implementation of physical security and how it is used as the backbone for enterprise security.

**Telecommunications and Network Security** delved into transport mechanisms, structures, and security measures used to ensure availability, confidentiality, integrity, and authentication over all networks.

**Cryptography** provided an understanding of the application of symmetric and public key cryptography as well as concepts such as key management, secure ciphers, and protocols.

**Business Continuity and Disaster Recovery Planning** covered processes used to create business continuity and disaster recovery plans and strategies for critical resource recovery.

**Legal Regulations, Investigations, and Compliance** brought together aspects of computer crime, to include types of crimes, laws to deal with crime, and the ethics used when investigating crime.

**Software Development Security Methods** covered ways to increase the security of an operating system and application development and how to thwart attacker attempts at manipulating source code.

**Security Operations** covered mechanisms to track security threats, protect resources, and secure the enterprise environment.

**Access Control** revealed access control mechanisms to secure networks and minimize vulnerability to attacks or intrusion.

Participants came from the Copyright Office, ITS, Library Services, CRS, and OSI and included federal staff as well as contractors. They not only wanted to learn, but also to prepare for the certification exam. Each presenter had a different flair for presenting, which added an element of fun to the sessions.

Comments from Steve Elky, deputy director of ITS, nicely sum up the entire experience. "I would like to share how impressed I am with our internal information technology security community here at the Library." "We were all willing to share our time to become better versed ourselves as well as help others do so."

The brown-bag participants would like to have another series of workshops based on other security topics to allow more willing CISSPers to give back the chance to help others pursue their dreams and goals.

*Jannie Gillus is a CTO information technology specialist who focuses on security. ☪*

## Appointment

PHOTO BY WENDI A. MALONEY




**KANKAN YU** joined the Copyright Technology Office (CTO) in March as a project manager and analyst. Previously, she was a project manager at PPS InfoTech in Rockville, Maryland, and a network application performance engineer at OPNET Technologies in Bethesda, Maryland. In these positions, she managed engineering teams, recommended new technologies, established best practices, and carried out other duties to meet clients' technology needs. She has a bachelor's degree in electrical engineering from the University of Illinois at Urbana-Champaign.

KanKan said she is delighted to find herself at the Library of Congress. She recalls running through the George Washington University library stacks as a child when her father was completing a PhD at the university. "I have good memories of libraries," KanKan said. Shortly after starting in CTO, she checked out her first Library of Congress book: *Lies My Teacher Told Me* by James W.

Loewen. "Being able to check out books is a huge benefit," KanKan said.

In her first weeks, KanKan shadowed CTO management and program analyst **STEVE OSWALD** as he considered ways to improve the technical processing systems for copyright registration. She also sat with registration specialists in the Literary and Performing Arts divisions as they did their work. "It's important to understand how people do their jobs day in and day out to attune business processes with technology and the user experience," she explained.

KanKan said she has been impressed by her CTO colleagues' passion for technology and also by their diverse interests.

Outside work, KanKan spends much time outdoors. She enjoys rock climbing, archery, kayaking, and scuba diving, among other sports.  WM

## Anniversary

PHOTO BY DAVID RICE



**CRAIG TAYLOR** has worked at the Copyright Office for just over 20 years. Now the assistant chief of the Receipt Analysis and Control Division, he started in the 1993–94 school year as a work-study student in the former Materials Control Section. After graduation, he joined the permanent staff as a clerk in the Registration Processing and Certificate Production Unit, where he assigned registration numbers. He returned to Materials Control as an expeditor in 1998, and he was promoted to area specialist in 2001. In those positions, he expedited copyright services upon request, helped to resolve incomplete registration claims, and supported Office accounting.


When the Office began developing the electronic Copyright Office (eCO), Craig volunteered to test and to help implement accounting functions in Siebel, the software application underlying eCO. As he gained expertise, he trained many of his colleagues in advanced functions related to fees. "I learned as much as I could, not only

about accounts, but also about the entire division," he said.

In 2007, Craig helped to migrate data from the Copyright Office In-Process System, known as COINS, to Siebel. Soon afterward, he moved to the newly established position of accounts searcher. "The position was an extension of the area specialist job but focused mostly on financial transactions related to registration," he explained.

In 2008, Craig became head of the Accounts Section, a position he held until 2011, when he assumed his current position as assistant division chief.

"I've been very fortunate in my career," Craig said. "Opportunities arose that matched my skills and interests, which allowed me to grow."

Outside work, Craig enjoys spending time with family, including his daughter, Ashley, who recently completed her first year of college as a biology major.  WM

## Congratulations!

*Copyright Notices* congratulates:

**EDITH DIBARTOLO** on her retirement June 30 with nearly 12 years of federal service.

**CECILY PATTERSON** on her retirement with nearly 15 years of federal service.



# Irving Berlin Gives “God Bless America” Royalties to Scouting

JUDITH NIERMAN

Irving Berlin (1888–1989), the famed American songwriter and composer, held numerous copyrights in his 900 songs, 19 musicals, and 18 movie scores. Berlin immigrated from Russia to America with his parents at the age of five to escape pogroms. Helping to support his family from the age of eight, Berlin grew up poor, but he learned music. Berlin, who was a prolific author, sometimes stashed his work for years until he finished it or needed it for a project.

Such it was with “God Bless America,” called by the Library of Congress the “unofficial national anthem” of America. Berlin was serving in the U.S. Army in 1918 at Camp Upton in Yaphank, New York, when he penned the words to the song. Not quite satisfied, Berlin put the song away for decades.

In 1938, Kate Smith, a well-known singer and host of a popular CBS radio program, was looking for a song to sing for Armistice Day. Berlin remembered his work of 20 years before and got out his song. The original words were written in response to an ongoing war. In 1938 with

a new world political situation and war again menacing Europe, Berlin altered a few of his original words. Smith performed the song on November 10, 1938, and the response was immediate. America loved it.

*The Rodgers & Hammerstein Organization* states that Berlin decided to give away all royalties from, and control of, perhaps his most famous song. A generous and patriotic man who knew the opportunities afforded him in America, Berlin did not wish to receive any profit from “God Bless America.” When his publisher disagreed, Berlin set up the Irving Berlin Music Company to control the use of his songs. And he established the God Bless America Fund with three trustees to control the use of the song for which the trust was named, receive royalties from the song, and distribute funds to the Boy Scouts and the Girl Scouts. So far, the contribution to scouting has amounted to \$10 million. The song will not enter the public domain until 2034.

America continues its affection for “God Bless America.” Berlin himself sang it to former Vietnam prisoners of war in the White House in 1973. When members of Congress assembled on the steps of the U.S. Capitol after the September 11, 2001, terrorist attacks in New York, what else would they sing? ©



Richard Rodgers, Irving Berlin, and Oscar Hammerstein II. Seated in back is Helen Tamiris. They are watching hopefuls who are being auditioned on stage of the St. James Theatre.

## Read more!

Listen to “God Bless America” here:  
[www.loc.gov/item/ihas.100010431/](http://www.loc.gov/item/ihas.100010431/)

To see Irving Berlin’s copyrights that are administered by the trust, search the *Copyright Office public catalog* on “God Bless America Fund.” “God Bless America” is listed in document number V1771Po85.

For further information on Irving Berlin, go here:

- [www.arcamax.com/knowledge/trivia/s-175319-659638](http://www.arcamax.com/knowledge/trivia/s-175319-659638)
- [www.loc.gov/exhibits/treasures/trmo19.html](http://www.loc.gov/exhibits/treasures/trmo19.html)
- [www.cnn.com/2011/12/11/opinion/greene-berlin/](http://www.cnn.com/2011/12/11/opinion/greene-berlin/)
- <http://news.harvard.edu/gazette/story/2011/01/american-tune/>
- <http://history.house.gov/Historical-Highlights/2000-/The-singing-of-“God-Bless-America”-on-September-11,-2001/>



Irving Berlin and wife, Dorothy Goetz, who died six months after their marriage in 1912.

LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION



## In Memoriam

# Dorothy Schrader, Former Copyright Office General Counsel, Dies

JUDITH NIERMAN

**DOROTHY SCHRADER**, who served as Copyright Office general counsel from 1974 to 1976 and again from 1979 to 1995, died in Fairfax, Virginia, on August 5. Schrader was 76 years old. Her tenure included the years when the Office grappled with the demise of the 1909 Copyright Act and the implementation of the “new law,” the 1976 Copyright Act, still in effect today. Some of the issues facing the Office during that time related to performances of nondramatic literary or musical works; noninfringing uses of sound recordings; design protection for semiconductor chips; amendments to the Semiconductor Chip Protection Act of 1984; the results of the Supreme Court decision in *CCNV v. Reid* implicating the definition of a work made for hire and the nature of joint authorship; the implementation of the Berne Convention, the Satellite Home Viewer Act, and the Audio Home Recording Act; automatic renewal of certain copyrights; the reform of the Copyright Royalty Tribunal; and the expiration of the manufacturing clause.

PHOTO COURTESY GERALD SCHRADER



Under her oversight, the Office worked to carry out the legal requirements of the 1976 Copyright Act, although regulations on some new technologies, including cable systems and jukeboxes, had already been issued when she began her second tenure as general counsel. Schrader said in the July 24, 1979, [Copyright](#)

[Notices](#) that she saw her first priority to be the formulation of regulations that affect the registration process and that explain the more complex requirements of the new law. Her accomplishments also included overseeing the preparation of numerous important reports to Congress (see box on next page) and the 500-plus page Compendium II, titled *Compendium of Copyright Office Practices*, which was a general guide to examining and related practices in the Copyright Office issued in 1985 in light of the 1976 Copyright Act.

A recognized authority in U.S. and international copyright law, Schrader represented the Office and the U.S. government in diplomatic missions abroad, including in Japan, where she discussed how to proceed with an international treaty on protection for semiconductor chips; in the former Soviet Union, where she discussed copyright relations between the U.S.S.R. and the United States; and in Paris, where she represented the Office in Berne Union, Universal Copyright Convention, and International Convention for the Protection of Literary and Artistic Works discussions. Schrader also represented the United States at an International Conference of States for preparation of the 1974 Brussels Communications Satellite Convention; sessions of the Intergovernmental Copyright Committee of the Universal Copyright Convention; a meeting of the Committee of Experts on Reprographic Reproduction; the Seminar on Neighboring Rights in Latin America; and a 1974 meeting with the copyright licensing agency in Moscow.

Schrader assisted the U.S. Department of Justice in the first mandamus action—*Nova Stylings Inc. v. Ringer* (1980)—against the Register after the implementation of the 1976 Copyright Act. She presided at hearings on photocopying and balancing the rights of copyright owners with those of libraries and archives as reflected in section 108.

Schrader's first job in the Copyright Office in 1963 was examiner in the Examining Division. She was promoted to senior examiner in the Book Section and then to assistant head of the Miscellaneous Section, later called the Arts Section. After serving as head of Miscellaneous, she became a senior attorney advisor on the Examining Division legal staff. There she influenced a generation of staff attorneys, some of whom went on to serve in the General Counsel's Office, which was established after the passage of the 1976 Copyright Act. In 1972 she was promoted to assistant chief of the Examining Division and, after two years, to general counsel.

As noted in the July 24, 1979, [Copyright Notices](#), "In an unusual turn of events, former general counsel Jon Baumgarten has become the predecessor to his predecessor. Dorothy Schrader resumed the post of general counsel on July 16, 1979, after being out of the position since January 2, 1976. She had remained at the Copyright Office as an attorney advisor on a part-time basis until August 1977 because, in her words, 'I had personal objectives apart from law, but I was not prepared to leave the Office immediately in 1976.'"

Her objectives included going to Europe to see whether a career in opera was feasible for her. While she was in law school, Schrader had discovered an unusual talent for singing. Her



Register of Copyrights Barbara Ringer (left) and Dorothy Schrader.

FILE PHOTO



FILE PHOTO



Dorothy Schrader testifies at a House hearing. From left are Copyright Office staffers Patrice Lyons, Richard Glassgow, Schrader, and Michael Keplinger.

previous background in voice had been her church choir, although she was an accomplished pianist and violinist. After gaining employment in the Copyright Office as a lawyer, she began studying vocal performance at George Washington University and in New York City, where she was tutored by Karin Branzell, a Swedish former Metropolitan Opera Company contralto. After this mentor died, Schrader decided to move to Germany. However, gaining only one singing role, she resumed her career in the Copyright Office.

In 1960 Schrader graduated from the University of Southern California *summa cum laude* and Phi Beta Kappa. She received the Emma Bovard Award given annually to the female graduating senior with the highest grade point average. She had worked two jobs to support herself as an undergraduate. She received a scholarship to Harvard Law School and earned her law degree in 1963.

### Reports to Congress prepared under the supervision of Dorothy Schrader

"Library Reproduction of Copyrighted Works"

"The Report of the Register of Copyrights on Works of Architecture"

"The Cable and Satellite Carrier Compulsory Licenses: An Overview and Analysis"

The "Droit De Suite: The Artist's Resale Royalty"

"The Computer Software Rental Amendments Act of 1990: The Nonprofit Library Lending Exemption to the 'Rental Right'"

At a 2000 honor awards ceremony in the Library, Schrader received the Library's Distinguished Service Award, the Library's highest honor, for her "professionalism, sound judgment, and in-depth knowledge of the law in support of the Library of Congress, the Copyright Office, and the Congressional Research Service."

Schrader was a member of the bars of the District of Columbia, the U.S. Court of Appeals, and the Supreme Court. She was an adjunct professor of law at Georgetown University Law Center from 1973 to 1975. A quick Internet search identifies numerous scholarly legal publications bearing her name as author. She was a member of the St. George's United Methodist Church of Burke, Virginia, where she worked with children's choirs and Bible classes.

Schrader is survived by her brother Gerald Schrader and nieces and nephews. She is buried in her native Pennsylvania. ©



FILE PHOTO

From left, Register of Copyrights Ralph Oman, attorney Charlotte Douglass, Dorothy Schrader, and assistant general counsel Richard Glassgow.

### A Debt of Gratitude to Dorothy Schrader

A sharp legal mind. A fantastic memory. Great attention to detail. An indefatigable work ethic.

These are the thoughts that come to my mind when I think of Dorothy Schrader. I had the pleasure of serving on the staff of the Copyright General Counsel's Office under Dorothy early in my legal career; in fact, it was Dorothy who hired me.

It is essential to the development of young lawyers that they receive the tutelage of a bright and experienced boss who not only imparts wisdom and guidance but who also offers a young attorney the opportunity to do important work and to excel. I received this tutelage from Dorothy, and for that I will always owe her a great debt of gratitude.

Working for Dorothy Schrader was not the easiest of jobs. By easy, I mean that

one did not casually offer thoughts about a copyright matter or opine without doing the research. Some people who worked with or crossed paths with Dorothy thought her inflexible and rigid in her thinking. I never found that to be the case. While Dorothy was passionate about the law, and in particular the copyright law, she could be persuaded to see and embrace a different point of view. But if you wanted to persuade Dorothy, you had better be prepared and well informed. In other words, you had better bring your "A" game. In retrospect, I think that this made me a better lawyer, if not a more careful person. I owe Dorothy a debt of gratitude for that as well.

Dorothy Schrader made immense contributions to U.S. copyright law and policy. She was a strong supporter of the importance of the registration system, and many of the rules and practices employed by the Registration Program today owe their origin to Dorothy. She also

had great influence over the Copyright Office's implementation of the cable and satellite carrier statutory licenses, and her policy letters still provide guidance to the Licensing Division.

There was not a job in the Copyright Office that Dorothy could not do fully and completely, whether it was registering a claim, recording a document, answering a Public Information Office telephone call, writing a regulation, opening and processing mail, or examining a statement of account for the Licensing Division.

In sum, copyright was in Dorothy's bloodstream, and she was never properly recognized or acknowledged for her work. If she is now looking on from somewhere, I wish to say, "Thank you, Dorothy. You will not be forgotten."

— WILLIAM ROBERTS

## Brilliant Copyright Lawyer

Dorothy Schrader was a brilliant copyright lawyer. When I came to the Office in February 1966, Dorothy was in what was called the Miscellaneous Section of the Examining Division, later called the Arts Section. She was named head of that section when Arthur Levine became assistant chief of the Examining Division.

Later, Dorothy was promoted to general counsel. She was very involved in copyright revision topics and international copyright matters. She was a tireless worker. Her output was amazing. She never missed a deadline. When legal issues arose, Dorothy was able to answer the question with great certainty. In talking to her about this, she said, “I see an issue, and I know the answer.” In addition to her love of copyright, she also loved opera and was a talented singer herself. She also loved the New York Yankees. Her knowledge of the statistics of the team and the players was incredible and surprising.

— MARYBETH PETERS



FILE PHOTO

Dorothy Schrader

## Keen Intellect, Encyclopedic Knowledge

I was fortunate to work closely with Dorothy Schrader from my first day at the Copyright Office in April 1988. She had a keen intellect and cared deeply about the Copyright Office and its mission. She worked very hard to represent the Office in upholding its practices and procedures and its role within the Library and broader federal government.

Dorothy was an excellent teacher—to me—about Office practices and policy and copyright law in general. She was also encyclopedic in her knowledge of the history of the Copyright Office. I was very fortunate to work with her and to learn from her in my years at the Office.

I liked her very much and truly respected her work and intellect. I was honored to follow in her footsteps after she left the Office and to serve in the role as (acting) general counsel.

— ERIC SCHWARTZ

## Two Epic Journeys of Copyright Law Progression

Dorothy Schrader had a huge impact on my life, all of it positive. Initially, I began my comments as a tribute to Dorothy, but I quickly came to the realization that no one can author a complete tribute to Dorothy Schrader. Dorothy has already written that complete tribute by leading the life that she led. Instead, I will offer a few brief remembrances of my friend and her legacy that is currently alive in the Copyright Office.

Dorothy spanned two epic journeys of copyright law progression. She assisted in the orderly phase-out of the outdated 1909 Act, while at the same time assisted in crafting the jurisprudence of the current law and its underlying implementing policies. Dorothy was an expert in both areas.

It has been about 20 years since Dorothy served in the Copyright Office. She finished her last years of federal service in the Congressional Research Service.

Due to this passage of time, most Copyright Office employees are limited to remembering Dorothy solely on her legacy. I feel fortunate because I am privileged to remember Dorothy as I knew her. Dorothy Schrader was my friend.

— KENT DUNLAP



## Dorothy Schrader, Foremost Among Giants

Dorothy Schrader was general counsel when I began working in the Copyright Office in 1982. Her legal staff included many lawyers who had contributed to registration and recordation practices and to related regulations. Many were steeped in registration before joining the General Counsel's Office. As a young Visual Arts examiner, I could not always find adequate answers to my questions. But Dorothy had answers or introduced me to experts such as Jon Baumgarten, Kent Dunlap, Dick Glasgow, Waldo Moore, and Harriet Oler. Together with Dorothy, they enjoyed a great chat about the historic role of the Office in implementing the 1909 Act and in forging its replacement, the 1976 Act.

Entertained and challenged by staff who had served so brilliantly and with such energy, I stayed on staff a lot longer than I ever thought I would. I am grateful that these giants, Dorothy foremost among them, always had time, even to the point of visiting me with information, making gifts of old research papers and revision materials, and telling stories of grand dialectical debates within the Office about many of the interesting issues. Always opinionated and loudly spoken, Dorothy had played a prominent role in many of these debates! Later, as supervisor and manager, I would help the Visual Arts Section and the Visual Arts Division craft practices full of Office contextual history that helped explain many visual arts doctrines and issues. Not surprisingly, these same issues face us today, and we must be about the business of growing new giants such as Dorothy and her gang, a tall order indeed.

— JOHN ASHLEY

## Formidable Presence, Tender Heart

When I came to the Copyright Office fresh out of law school in 1968, I found Dorothy to be a formidable presence. But I also discovered that she had a tender heart. Once we were walking together on Pennsylvania Avenue when a child came up to us crying because his shoe was untied. Dorothy told him to put his foot on her knee, and she tied the shoelace. And it was Dorothy who financed her niece's college education. Dorothy was a good person.

Dorothy's father died very young, leaving his wife with four small children to support. Dorothy assumed adult responsibilities at a very young age. She was athletic and played softball, basketball, and tennis and sang in the church choir.

Dorothy was a very fair supervisor. She would give you a complete history of any legal issue that you were assigned to write about, and she provided information on primary sources. She was noted for her prodigious work output. When she became head of the Arts Section, she acquired a huge backlog of periodicals. She herself processed 450 in a day, a record that was never broken.

— HARRIET OLER



FILE PHOTO

Dorothy Schrader



FILE PHOTO

Dorothy Schrader presides at a Copyright Office meeting. At the far right are Marybeth Peters, Christopher Meyer, and Richard Glassgow.



Dorothy Schrader sings at the ceremony celebrating the 200th anniversary of the Constitution and U.S. Copyright law.

## Exceptional Person, Brilliant Lawyer, Model Public Servant

News of the passing of Dorothy Schrader on August 5 greatly saddened me. It also resurrected fond memories about an exceptional person, brilliant lawyer, model public servant, and good friend.

In my capacity as counsel to the House Committee to the Judiciary and chief counsel of the Subcommittee with responsibility over copyright matters for close to a decade, I had occasion to work closely with Dorothy in her role as general counsel of the Copyright Office during the 1980s and 1990s. Dorothy was a true professional, full of integrity, humility, and honesty, always responsive to congressional requests, and an ardent believer in the twin needs of the Library of Congress and the role of copyright in incentivizing authorship and promoting progress. She was an internationalist far before it became fashionable to refer to globalization.

I have many good memories of working with Dorothy, but I'll leave you with two that I believe exemplify her character.

First, those of us who worked with Dorothy knew that she was a Harvard Law graduate. Never once, even in response to stupid staff questions, did she refer to her

degree or to the blue-ribbon status that it carried. With many other achievements, Dorothy had confidence in herself and a high sense of professionalism. The only times I saw her bothered were when she received requests to draft materials proposing a weakened copyright law or a diminution of the stature of the Copyright Office. Nonetheless, she always responded to these requests with the same professionalism and care.

Second, we all also knew about her love for opera. Dorothy, a mezzo-soprano, pursued an operatic career earlier in her life. In fact, she terminated an initial stint at the Copyright Office, which culminated in the historic enactment of the Copyright Revision Act of 1976, to move to Frankfurt, Germany, to pursue an operatic career. I only heard Dorothy sing once and that was on the occasion of the Office's celebration of the Bicentennial of the Constitution and 200 years of copyrights and patents. In the majestic Great Hall of the Thomas Jefferson Building, Library of Congress, accompanied by the Bicentennial Brass and the Library of Congress Chorale, Dorothy sang "The Fire of Genius," the lyrics for which were written

by then-Register, Ralph Oman. Dorothy's rendition received extended applause and a standing ovation.

I knew that during the latter years of her life, Dorothy was unable to participate in many of the physical activities she once enjoyed. But I am confident that her brilliant and active mind sustained her. To encapsulate my warm memories of Dorothy, a stanza of a song, "Hearts of Ancient Peace," written by Van Morrison, comes to mind.

*Oh, when I can't find my feet  
Oh, when I need, I need some relief  
I want to go there one more time again  
You know I want to go there one more time again  
Be still in haunts of ancient peace  
Be still*

While Dorothy Schrader now rests in peace, she has left an enduring gold standard for a Copyright Office in the 21st century, responsive to the needs of Congress and the public.

— MICHAEL REMINGTON



FILE PHOTO

Dorothy Schrader entertains at a staff party.

### Dedicated Public Servant and Talented Musician

Dorothy was a terrific lawyer and a dedicated public servant. Like Barbara Ringer, she was also a pioneer for women's rights. She was one of the few women in her Harvard Law School class, along with Janet Reno, the former U.S. Attorney General. Fifty years later, Dorothy would still get furious over comments made to her and her fellow women students by the dean of the law school during a patronizing "welcome, ladies, to Harvard." "Remember," he said, "you have obligations; you are taking the place of a man." Well, she showed him.

She was born and raised in rural Pennsylvania, and that is where she is

buried. I once asked her if her family and relatives in her home town were immensely proud of her—after the University of Southern California, Harvard Law School on full a scholarship, and then general counsel of the U.S. Copyright Office. "Not really," she replied. "All they think is that I've got a cushy government job."

Music, of course, was Dorothy's life outside the law. She played the piano, and she sang. She took a leave of absence from the Copyright Office to study voice in Europe. She had a rich mezzo, with an eerie resemblance to the voice of Marilyn Horne. The role she yearned for was Amneris in *Aida*, but her dreams of the operatic stage

did not work out. Even so, she continued singing in the Washington area. And she sang her heart out in the closing ceremony of the celebration of the bicentennial of the patent and copyright laws in 1990, backed up by the Copyright Chorale and the U.S. Army Band. Her voice filled the Great Hall of the Jefferson Building and soared over the chorale in the thrilling final notes. Years later, I asked her to name the highlight of her life in music, and she said immediately, "The closing ceremony in 1990. It was my shining moment." I am very happy that I was there to witness it.

— RALPH OMAN



SEPTEMBER 2014



3

Copyright Office website undergoes refresh.



6

Resale royalty right subject of House hearing.



8

2014 Junior Fellows display finds in two July exhibits.

2 Around the Office

2 Obituary

5 Out & About

7 Copyright in the News

8 Human Resources

9 Anniversary

10 Lore



PHOTOS BY ED ROGERS

## 2014 Copyright Family Day Is a Success

JUDITH NIERMAN

Copyright Office Family Day at Bolling Air Force Base, a time to picnic, play softball, listen to music, and relax, was a big event.

Music was provided by staffers—**BOB “T-BONE” BLANKENBURG**, electric bass; **HOWARD “COLD CUT” CALANDER**, lead and backup vocals and drums; **KAREN “KABOB” CRIBB**, lead and backup vocals and keyboards; **BRAD “BRISKET” EMMETT**, lead and backup vocals, acoustic guitar, and trombone; and **ROB “RIBEYE” KASUNIC**, lead vocals and electric guitar—configured as a band named T-Rex and the Herbivores.

Staffers serving on the planning committee included **ROSEMARY BRAWNER**; **RINGGOLD CLAYTON**; **ANGELA COLES**; **FREDA DUNCAN**; **LATASHAE FLETCHER**; **ELLEN HALL**; **ALLEN HEWITT**; **MONIQUE MARSHALL**; **ROBERT RAUM**; **TOMMY SMITH**; **CRAIG TAYLOR**; and **TAMAR WALLACE**, who presided over the grill.

Those volunteering at the event included summer hires **Ebony Brawner**, **Diamond Clayton**, **Daryl Gray**, and **Lapria Parke**; staffer **NICOLE SMITH**; and **Carlton Scott**, **DENINA SCOTT**’s husband. **GERALD HOSS** not only volunteered to help, but he also secured use of the Air Force base.

A special recognition goes to Team Pallante, which won a hard-fought victory in the annual softball game. “It should be noted,” said **DAVID CHRISTOPHER**, chief of operations, “that Team (Craig) Taylor is considering filing a protest amid allegations that Team Pallante pitcher **BILL ROBERTS** may have used a foreign substance during the game.” *Copyright Notices* will not cover that issue. ©

## Korean Law Students Visit Office

Korean law students from the Hongik University Law School spent two hours in the Office on July 28 learning about the workings of the U.S. copyright. **SYLVESTER SIMPKINS**, copyright information specialist, gave a brief overview of the U.S. copyright law. **REBECCA BARKER**, registration specialist, and **TED HIRAKAWA**, chief of the Literary Division, spoke on the registration system. **PAGE MILLER**, copyright information specialist, introduced the visitors to the Copyright Office catalogs. Attorney **KEVIN AMER** spoke on the Office of Policy and International Affairs.

Thanks to program specialist **ALICIA MROCZYK** for arranging the program. © JN



PHOTO BY JUDITH NIERMAN



### Copyright Notices 62:09

Published by the Publications Section, Public Information & Education Office, U.S. Copyright Office, Library of Congress

### PUBLICATIONS SECTION

Helen Hester-Ossa,  
Head, 707-6809

### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

### PUBLIC INFORMATION & EDUCATION OFFICE

George Thuronyi,  
Program Manager

William J. Roberts,  
Acting Associate Register of  
Copyrights and Director

### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.



FILE PHOTO

**WYKESHA TRIPP**, a registration specialist in the Literary Division, died August 4 of complications following a lung transplant. Kesh, as she was known to colleagues, was 40 and had worked in the Copyright Office since January 9, 2006.

Kesh was born in the District and resided in Prince George's County, Maryland. She graduated from La Reine High School in Suitland, Maryland, in 1992.

Kesh earned a bachelor's degree *cum laude* in English in 1996 and a law degree in 1999, both from Wake Forest University in Winston-Salem, North Carolina. While she was a student, but before entering law school, she worked for the departments of Agriculture and Energy. She also interned in Vice President Al Gore's correspondence office.

After receiving her JD, she worked as a law clerk in the District of Columbia Court of Appeals in the Office of Bar Counsel for five years. According to her Facebook entry, she prepared disciplinary cases for prosecution and appeal, conducted legal research in ethics law, and investigated allegations of attorney misconduct. She also drafted motions, memoranda, subpoenas, briefs,

and letters recommending discipline and interviewed and prepared witnesses for evidentiary hearings.

Her friend, **DESIREE WOODARD**, a selection librarian in Library Services, said that Kesh was active in her church, St. Joseph's Catholic Church in Alexandria, Virginia, and was very close to her extended family. She enjoyed family gatherings and reunions. In addition, Desiree said that Kesh volunteered with the DC Bar and mentored college-bound high school seniors.

Kesh was a member of the New Jersey Bar. She was predeceased by her parents, Ruth and Wilbert Tripp, and is survived by a large extended family. "She had a heart and spirit like a warrior, and she believed in honesty and fairness," remarked Desiree. **TED HIRAKAWA**, Literary Division chief, said, "We all knew Kesh as a kind and gentle person and grieve along with her family for her passing at such a young age." © WM



# Copyright Office Website Undergoes a Refresh

JUDITH NIERMAN

On July 31, Copyright Office website users discovered a new look at [www.copyright.gov](http://www.copyright.gov). The refreshed website is the result of the concentrated effort of many staffers led by **DINEDA NYEPAN**, webmaster in the Office of Public Information and Education (PIE).

“This was a very big undertaking,” said Nyepan, who as project manager worked from the “ground up,” meaning that there was no template for her to follow to overhaul and renovate the website. “We created 23,000 links and redesigned 400-plus pages.”

**BILL ROBERTS**, acting associate Register of copyrights and director of the Office of Public Information (PIE), lauded the work of the team. “The website refresh is a major accomplishment for PIE and the Office, and I am honored to have such dedicated and hardworking colleagues. Everyone in the Office should be proud of their work.”

The refresh team, including **MICHAEL BROOKS**, Nyepan, **ED ROGERS**, and **GEORGE THURONYI**, was in the Office until evening hours on launch day to oversee uploading pages and the general refresh process.

The project to refresh the website was first announced in the Register’s October 2011 *Priorities and Special Projects of the United States Copyright Office* document. After meetings to discuss navigation through the Office website and other matters, Nyepan created wireframes, that is, textual representations that are the foundation for what the website could look like. Nyepan presented three with the help of Chris Reed, then acting chief of the Information and Records Division. One was approved.

Next, Nyepan worked with **DAVID RICE** and **CECELIA ROGERS**, visual information specialists in PIE, on the visual representation, including mockups, which were approved by the Register.

“Feedback we received helped improve the original idea for the website,” said Nyepan. **ROBIN COREAS**, program specialist, conducted

CONTINUED >



PHOTO BY DAVID RICE

The refreshed Copyright Office homepage presents a more up-to-date appearance with improved graphics and navigation.

**“Without everyone’s support, the refresh would not have come about. What matters in the end is that users can find what they are looking for.”**

Dineda Nyepan





user testing to gather feedback from frequent users and others who had not previously used the website. In addition, **MICHELLE CAMPBELL**, chair of the Office's Metadata Committee, created a list of key words to help ensure that the webpages are searchable.

"The October 2013 furlough came at a good time for me," reflected Nyepan. "It gave me time to think about the structure and design of the website."

After the furlough, she began to write code to match the mockups, making eight templates. She and Ed Rogers, also a webmaster in PIE, placed content into the templates. "We coded all pages that came off the

homepage down to the third level to conform to the new look and feel of the templates," said Rogers.

In January 2014, Michael Brooks, who until then was a licensing examiner but who had been helping Nyepan build Intranet pages, came on board the project and took over coding the Licensing Division pages.

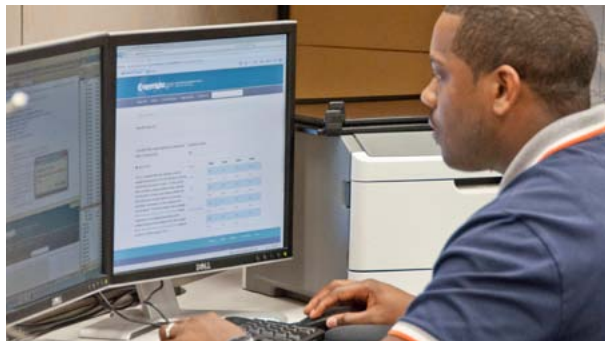
"For one year I focused on this project," said Nyepan. "I was working seven days a week. But it was a collective thing. Without everyone's support, the refresh would not have come about. What matters in the end is that users can find what they are looking for." ©



Dineda Nyepan



Ed Rogers



Michael Brooks

PHOTO'S BY DAVID RICE

## Around the Office



PHOTO BY JUDITH NIERMAN

## Interns Contribute to Refresh

Office of Public Information and Education interns Mike Ohr (left above) and Hanson Ngo were a great help in refreshing the Copyright Office website. Ngo, who recruited Ohr, started in the Records Research and Certification Section, but when his computer skills were made known, he was recruited to help **DINEDA NYEPAN** on the refresh. He wrote the code for the timeline and worked on the budget page. Ohr helped with software to make submitting various forms more secure, and he built the page containing the biographies of the Registers. © JN

## Read the Register's Keynote

The Register's keynote address presented at the John Marshall Law School's 58th annual intellectual property conference is available via the Copyright Office website at [www.copyright.gov](http://www.copyright.gov). Click on the first entry under "Register's Public Statements." Entitled "Review and Reflection: Copyright Hearings and Related Discourse in the Nation's Capital," the presentation was published by the John Marshall Law School in its *Marshall Review of Intellectual Property*, volume 13, page 487. © JN

# House Subcommittee Examines First Sale Doctrine

JUDITH NIERMAN


On June 2, the Subcommittee on Courts, Intellectual Property, and the Internet of the House Judiciary Committee conducted a hearing on the first sale doctrine in the Daniel Patrick Moynihan United States Courthouse in New York City. The field hearing was the first such hearing outside the House of Representatives premises in the ongoing comprehensive review of U.S. copyright law.

The first sale doctrine is codified in section 109 of title 17. Implicating the distribution right of a copyright owner, the first sale doctrine provides that the owner of a legally obtained copy of a copyrighted work may dispose of that copy without the consent of the copyright owner, whose exclusive right of distribution has been exhausted with the legal change of ownership of the copy.

Chairing the subcommittee hearing, Judiciary Committee Chairman Bob Goodlatte delivered an opening statement in which he said that the first sale doctrine is “an integral part of our economy” and that entire businesses are built on it. Digital business models, however, have grown and in some cases have supplanted analog business models. In these cases, licensing may enable a greater range of business models that benefit consumers. Consumer expectations for digital content, he continued, are still developing. Concluding, Goodlatte said, “the first sale doctrine is essential part of our nation’s commerce, and understanding its impact in the digital age is something that this committee looks forward to hearing more about.”

In his opening statement, Rep. Jerrold Nadler, the ranking member of the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet, said that the 2001 Copyright Office study on the first sale doctrine concluded that section 109 does not protect digital transmissions because a perfect copy of the digital item is created. These copies could result in piracy and harm the market for the original copyrighted item. Nadler said that, among other issues, he wished to explore whether this is still true today, and in addition, he was interested in the impact of *Kirtsaeng v. John Wiley and Sons* ([See Copyright Notices July/August 2013](#)), in which the Supreme Court ruled that importing textbooks made overseas for resale in the United States did not violate the copyright law.

Those testifying included Jonathan Band, Owner’s Rights Initiative; Greg Cram, associate director of copyright and information policy, the New York Public Library; Matthew Glotzer, writer; John Ossenmacher, chief executive officer, ReDigi; Ed Shems, Edfredned Illustration & Graphic Design; Emery Simon, counselor, the Business Software Alliance; Sherwin Siy, vice president for legal affairs, Public Knowledge; Stephen Smith, president and chief executive officer, John Wiley & Sons Inc.; and John Villasenor, professor of electrical engineering and public policy, UCLA Luskin School of Public Affairs.

[Read the testimony and to view a video of the hearing here.](#) 


## Out & About

**JUNE 28–JULY 4: MOLLY TORSEN STECH**, counsel for policy and international affairs, served on the U.S. government delegation at the 28th session of the World Intellectual Property Organization’s Standing Committee on Copyrights and Related Rights held in Geneva.

**JULY 6–JULY 11: MARIA STRONG**, senior counsel for policy and international affairs, served on the U.S. government intellectual property rights delegation at the Trans-Pacific Partnership negotiations held in Ottawa.

**JULY 13–JULY 19:** Molly Torsen Stech, served on the U.S. government delegation at the Trans-Atlantic Trade and Investment Partnership negotiations and in meetings of the Transatlantic Intellectual Property Working Group, held in Brussels.

**JULY 15: KARYN TEMPLE CLAGGETT**, associate Register of copyrights and director of policy and international affairs, testified before the Subcommittee on Courts, Intellectual Property, and the Internet of the House Committee on the Judiciary, in a hearing on Moral Rights, Termination Rights, Resale Royalty and Copyright Term.

**JULY 30: TRACIE COLEMAN**, head of the Information Section in the Licensing Division, attended the Ninth Independent Show of the National Cable Television Cooperative in Kansas City, Missouri. The show is an annual cable industry meeting that focuses on issues facing independent cable operators.  JN



Tracie Coleman (right) and Bill Self, former head basketball coach at the University of Kansas.

# Resale Royalty Right Subject of House Hearing

WENDI A. MALONEY

**KARYN TEMPLE CLAGGETT** testified on July 15 before the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet about a resale royalty right for visual artists. Temple Claggett is associate Register of copyrights and director of the Office of Policy and International Affairs. The hearing took place as part of the Judiciary Committee's ongoing review of the copyright law.

Temple Claggett referred in her testimony to *Resale Royalties: An Updated Analysis*, a report the Copyright Office submitted to Congress in December 2013. In simple terms, she explained, a resale royalty gives visual artists a percentage of the proceeds when their works are resold. The concept developed because of the "somewhat unique way" visual artists are affected by the copyright system. They enjoy the same exclusive rights as other authors under the Copyright Act. But unlike authors of copyrighted books and music—whose works are reproduced and sold in large quantities—visual artists derive most of their compensation from the initial sale of their works and often do not benefit if their works generate more significant profits later.

France enacted the first resale royalty in 1920, Temple Claggett stated. Today, more than 70 countries around the world have one, and several major economies, including Canada and China, are considering a resale royalty. "This international trend is compelling," she testified, adding that because of reciprocity requirements, American artists are often not paid when their works are resold in countries that have adopted a resale royalty.



FROM LIBRARY OF CONGRESS VIDEO

Karyn Temple Claggett

Temple Claggett noted that the Copyright Office first reported to Congress about resale royalties in 1992. "Although we didn't recommend adoption of a resale royalty at that time, we noted that Congress might want to take another look at the issue if a resale royalty were adopted throughout the European community," she testified. The European Union "did just that" in 2001, she stated, harmonizing resale royalty laws across Europe.

The Copyright Office was gratified in 2012 when Rep. Jerrold Nadler of the House Judiciary Committee and Sen. Herb Kohl, formerly of the Senate Judiciary Committee, asked the Office to revisit the issue, Temple Claggett said. In the Office's December 2013 report, which suggests that Congress may now want to consider a resale

royalty, the Office cited studies occurring since 1992 that failed to detect market harm in countries that adopted resale royalties; in addition, the report made specific recommendations about what to include in any resale royalty legislation that is developed. Temple Claggett said the Office was pleased that the American Royalties Too Act of 2014, introduced in the House and Senate in February, incorporated a number of the Office's recommendations.

"The issue of a resale royalty is, at its core, an issue of fundamental fairness: should visual artists be able to receive some compensation from substantial increases in the value of their works over time to help ensure a fair return on works that are uniquely produced?" Temple Claggett asked.

"Undoubtedly, the issue of a resale royalty still raises complex questions. The true benefits of a resale royalty are difficult to accurately quantify, and there are concrete administrative and logistical concerns that Congress may want to consider in reviewing this issue," she stated.

Others witnesses at the hearing testified about moral rights, termination rights, and copyright term. A webcast of the hearing is available on the [website](#) of the House Judiciary Committee. ©



# Failure to Register in 1940s Lands J. D. Salinger Stories in Public Domain

JUDITH NIERMAN

Perhaps the most famous American recluse of the 20th century, an author who was averse to publishing his writings, has returned to print in 2014. J. D. Salinger is well known as the author of *Catcher in the Rye*, a novel of adolescent angst that was almost required reading for young people after its publication in 1951 and still sells 250,000 copies a year. The eccentric author ceased publishing his work 50 years ago and lived nearly as a hermit in New Hampshire until his death in 2010. He told the *New York Times* in 1975 that publishing “is a terrible invasion of my privacy.”



ILLUSTRATION BY ANNA ROSE YOKEN USED COURTESY DEVALT-GRAVES AGENCY

Had he been diligent about registering all his claims to copyright, three of his short stories would not have been published this year without the permission of his estate and the J. D. Salinger Literary Trust. But he neglected to register two and did not renew the third. Because they were first published when the 1909 Copyright Act was in effect, his failure to register or renew caused his stories to enter the public domain.

The three previously uncollected short stories appear in the slim paperback, *J. D. Salinger: Three Early Stories*, published in June by Devault-Graves Agency. They include “The Young Folk,” first published in *Story* magazine in 1940; “Go See Eddie,” which appeared the same year in the *University of Kansas City Review*; and “Once a Week Won’t Kill You,” which *Story* published in

1944. Devault-Graves Agency supplied illustrations by Anna Rose Yoken to the new volume.

To quote the headline of a June 25 article in the online *Publishers Weekly*, copyright protection is “The Best 35 Dollars You’ll Ever Spend,” although at the time Salinger’s stories were first published, the cost to register a published work was only \$2. The fee for an unpublished work was \$1. ©

## Read more!

In a June 25 online *Publishers Weekly* article entitled “Copyright Protection: The Best 35 Dollars You’ll Ever Spend,” author Allison Schiff explains copyright and the registration procedure for writers who, she says, frequently misunderstand copyright.

Reprinting of Salinger stories includes illustrations.

Salinger tells author Lacey Fosburgh of his desire for privacy.



PHOTO BY DAVID RICE

Chad Becker explains examples of deposits received in the Office.

## USPTO Legal Interns Learn about Copyright

On July 30, legal interns from the U.S. Patent and Trademark Office spent the morning in the Copyright Office to learn about the Office and its work. **MONICA BEACH**, an information specialist in the Public Information Office, gave an overview of the copyright law. **JOHN ASHLEY**, chief of the Visual Arts Division, and **CHAD BECKER**, a registration specialist in the Performing Arts Division, gave an overview of the registration system. **KEVIN AMER**, counsel for policy and international affairs, introduced the interns to the work of the Policy and International Affairs Office, and **ERIK BERTIN**, assistant general counsel, addressed the activities of the General Counsel’s Office.

The program was arranged by **ALICIA MROCZYK**, program specialist in the Office of Public Information and Education. © JN



PHOTO BY DAVID RICE

Dr. Billington, accompanied by special assistant Liz Morrison (left), examines the items displayed by Margie Scott (speaking) and Erin Bello, junior fellows in the Copyright Office. George Thuronyi (rear), program manager in the Office of Public Information and Education, listens.

## 2014 Junior Fellows Display Finds in Two July Exhibits

JUDITH NIERMAN

Librarian of Congress James Billington attended a special July 21 exhibit of important materials identified by the 2014 Junior Fellows. The event took place in the decorative north pavilion in the Jefferson Building. Dr. Billington closely observed all the items on display and spoke with each junior fellow about his or her findings.

Copyright Office Junior Fellows Erin Bello from Christopher Newport University and Margie Scott from the Charlotte School of Law sorted through and inventoried boxed copyright applications and deposits that have been in storage for more than 100 years. Their special “finds” on display for Dr. Billington included a colorful label for a human tonic called “DiColQ” that contained chloroform; a design of a medal depicting Abraham Lincoln; designs by Charles Russell, renowned western artist; a photograph of a portrait of Theodore Roosevelt (*see August issue of Copyright Notices*); and other items.

On July 24, an additional exhibit was open to Library staffers and the public. The 2014 internships ended August 1. ©

## Human Resources

### OPM Distributes News and Information Online

The Office of Personnel Management has a vigorous social media presence. In an official policy statement, OPM says it encourages the use of social media “to enhance engagement with the public” and “to improve transparency, collaboration, and participation in support of the agency’s mission.”

From the OPM website, you can go to postings on Twitter, Facebook, YouTube, and Flickr. Information includes links to USA Jobs, the federal government’s job postings site; FedHireVets, the initiative to hire military veterans; information on health insurance open season; courses—some



free—for the human resources professional; photos; and short unscripted videos of federal employees talking about their jobs. You can subscribe to the Twitter feed without establishing a Twitter account.

In addition, go to OPM’s page on feeds, blogs, and lists and subscribe to whatever matches your interest, for example, the D.C. area operating status, current news, and retirement information.

Read more at [www.opm.gov/news/social-media-presence/social-media-policy.pdf](http://www.opm.gov/news/social-media-presence/social-media-policy.pdf) and [www.opm.gov/news/feeds-blogs-and-lists/](http://www.opm.gov/news/feeds-blogs-and-lists/). © JN

**REMEMBER THE DATE!** The 2014 Federal Employees Health Benefit Open Season will run from November 10 through December 8.

### Staffers Needs Donated Leave

Three Copyright Office staffers are in need of donated leave.

**LETONJA LAW**, a mail technician in the In-Processing Section of the Receipt, Analysis, and Control Division, needs annual leave donations to attend to her son, who will require physical therapy for weeks after major surgery.

**ROBIN WATSON**, a registration specialist in the Literary Division, needs donated leave due to a serious medical condition.

**HEATHER WINDSOR**, a registration specialist in the Literary Division, needs donated leave due to the birth of her son.

All three staffers have been approved for the leave donor program, and their accounts have been established in WebTA under their names. To donate leave, click on “Leave and Premium Pay Requests” in WebTA and follow the instructions. If you have questions, contact **CHRIS CRUZ** at 7-4116 or [ccru@loc.gov](mailto:ccru@loc.gov).

## Anniversary

PHOTO BY JUDITH NIERMAN



Ringgold Clayton (left) and her daughter, Diamond.

**RINGGOLD CLAYTON**, an administrative assistant in the Literary Division, achieved 25 years of federal service on July 28. Ringgold began her federal career with the District government's Comptroller's Office where she worked as a secretary in the grants management office.

For 10 years she worked in the private sector and took computer classes. A temp agency sent her to the Copyright Office in 1999, and she was hired a few months later as the permanent Literary Section secretary. Since then, Ringgold has had several positions in the Office: Visual Arts Section administrative assistant beginning in 2001; administrative assistant to the Literary Division assistant chief in 2007; and library technician in the Literary Division in 2009. Two years ago, she was promoted to her current position when Vera Rich retired. In October Ringgold will begin a detail to the Licensing Division to work under **TRACIE COLEMAN**.

Ringgold has taken part in various Office projects. In 2007 in Crystal City she was working overtime to close files related to short fees and learning

tagging to place paper applications in the online system. She has helped close cases in COINS and wipe out a backlog in the old Correspondence Unit of the former Visual Arts Section. She served as a

Combined Federal Campaign keyworker twice and learned to review claims to look for basic errors and to communicate with remitters on some of these errors. She was a volunteer at the National Book Festival in 2011.

Born in Calvert County, Maryland, Ringgold lived for 20 years in the District. Her daughter, Diamond, was a 2014 summer intern in the office after graduating from Kent State University in Ohio with a bachelor's degree in psychology. Ringgold's son Dijon attended Stevenson University in Maryland and is now working for Dynaelectric, an electrical construction company, while he studies to become an electrician. Her oldest child, Daniel, died in 2008. Ringgold spends time with his three daughters, who are ages 15, 12, and 6.

In her free time, Ringgold enjoys traveling with her sister. Their goal is to visit all 50 states. So far, their total stands at 27. Ringgold is anticipating a 2015 trip to Phoenix to visit a friend. © JN

## Congratulations

*Copyright Notices* congratulates:

**WARREN CYTRON** on the July 23 anniversary of his 30 years of federal service

**JERRY TUBEN** on his July 31 retirement with nearly 42 years of federal service

## Birth

**HEATHER WINDSOR**, a registration specialist in the Literary Division, and her husband Tommy welcomed a son, Wyatt Jackson Windsor, on June 19 in Fredericksburg, Virginia. He joins older brother Edison at home. The baby weighed 7 lbs, 10 oz. The proud aunt is **DENISE HEZLEP**, division secretary in the Office of Public Information and Education.

© JN

## Around the Office



PHOTO BY JUDITH NIERMAN

## Bill Collins Reminds Staff about Continuity of Operations Plan

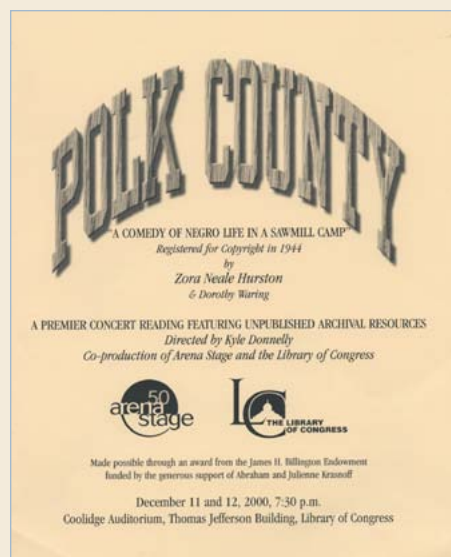
**BILL COLLINS**, program planning officer in the Register's Office, reminded staff to read the revised FAQ from the Office's Continuity of Operations Plan (COOP). The COOP deals with carrying out critical functions of the Office if operations cannot continue at the normal work site.

A COOP would be activated at the Library or in the Copyright Office in the event of the disruption of physical facilities, infrastructure, or technological systems for several days or if there were a widespread outbreak of disease (pandemic) adversely affecting Library or Copyright Office staff. The FAQ is located here: <http://staff.loc.gov/sites/copyright/planning/coop/>. © JN





Portrait of Zora Neale Hurston in midlife (above) and image of program from the 2000 premiere of “Polk County” at the Library.



## Writer’s Reputation Grows with Rediscovery of Copyright Deposits

WENDI A. MALONEY

Zora Neale Hurston died in obscurity in a Florida nursing home in 1960. But her standing as a distinguished writer of African American literature was already on the rise in 1997, when retired visual arts examiner John Wayne identified 10 little-known play scripts she had deposited decades earlier for copyright registration. The discovery of the scripts, added to other known Hurston plays, established her as an important 20th-century dramatist.

Born in 1891, Hurston grew up in Eatonville, Florida, and began writing and publishing short stories, poems, and plays while attending Howard University. Later, she won a scholarship to Barnard College, where she studied with noted anthropologist Franz Boas and earned a bachelor’s degree. She conducted folklore studies under his direction in the American South in the 1920s and recorded folk music there and in the Caribbean in the 1930s with folklorist Alan Lomax for the Library of Congress. She drew on this work and her own life experiences in her writing, celebrating African American folkways of the rural South.

Interest in Hurston revived in 1975 when acclaimed novelist Alice Walker published an essay, “In Search of Zora Neale Hurston,” in *Ms. Magazine*. Hurston’s books came back into print, her life became the subject of study, and a commemorative stamp was created in her honor.

Hurston was known initially as a folklorist and a novelist before she became known as a playwright; her 1937 novel, *Their Eyes Were Watching God*, is regarded as an American classic. It was the rediscovery of the scripts she deposited

for copyright registration that uncovered the extent of her dramatic aspirations. She deposited them between 1925 and 1944. All but one—*Mule-Bone*, coauthored with Langston Hughes—remained unpublished when Wayne found Hurston scripts while volunteering with the Copyright Drama Deposit Collection.

The collection consists of drama deposits registered as unpublished with the Copyright Office between 1901 and 1977. Different Library divisions acquired select titles over the years, but the bulk of the collection was transferred to the Manuscript Division in the 1980s. Since then, division staff, interns, and volunteers have been researching and inventorying it. Eventually, the entire collection will be microfilmed; selected scripts, including Hurston’s, will also be retained in paper format.

“The discovery of the unpublished Hurston play scripts radically changed scholarly appraisal of Hurston,” said Alice Birney, the collection’s curator. “It now seems that the theater may have been her best medium for integrating folklore, autobiography, and music.”

Between 1997 and 1999, Birney organized a series of lunch-hour staff readings at the Library of the unpublished scripts. The readings culminated in the professional production of “Polk County” on December 11 and 12, 2000, in the Library’s Coolidge Auditorium; the Arena Stage of Washington cosponsored the production with the Library. Hurston had deposited the script of the folk comedy, which she coauthored with Dorothy Waring, in 1944.

“I am particularly pleased to see one of our 250,000 unpublished copyright drama deposit typescripts come to the professional stage here for a world premiere at the Library of Congress,” stated Librarian of Congress James Billington in 2000. “This work is but one of a rich treasure chest of neglected creative items deposited for copyright in the past but never performed.”

The Arena Stage produced the play again in its own theater in 2002. To accommodate scholarly interest, the Library has since made the Hurston scripts available online. ©

OCTOBER 2014



4

Office releases draft of updated *Compendium*



6

Office answers questions about copyright at book festival



11

International copyright woes helped sink Herman Melville's reputation in his lifetime

2 Around the Office

3 Human Resources

8 Anniversaries

2 Out & About

5 Copyright in the News

10 Retirement



PHOTO BY CECILIA ROGERS

## Register Testifies about Office Operations

WENDI A. MALONEY

Register of Copyrights **MARIA A. PALLANTE** testified on September 18 in an oversight hearing before the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet. The subcommittee heard about and considered the operations and concerns of the Copyright Office.

Rep. Howard Coble, chair of the subcommittee, opened the hearing. "We will not merely gaze backward to assess how the Office has constructed its business in recent years," he stated. "We will look forward and begin to examine the more difficult and substantial question of whether we are equipping the Office to succeed and ask what steps we need to take to position it to promote the interests of authors and the public and perform its statutory responsibilities."

**"Never has the delivery of creative content been faster, more interactive, or more global than it is now. In turn, it has become clear to me that the Copyright Office must also become more forward thinking than it is; that is, more flexible and more interoperable with the marketplace that we serve."**

**MARIA A. PALLANTE**

CONTINUED ON PAGE 7 >

## CFC Kicks off Yearly Campaign



The Combined Federal Campaign (CFC) yearly drive began in September in the Library and will conclude on December 15. “The CFC is the only

authorized charitable drive for employees in the federal workplace,” said the staff [website](#). The goal in 2014 is to raise \$425,000. With 24,000 nonprofit charitable causes to select from, there is probably something that appeals to everyone.

To donate, go online to the staff website or see your keyworker. Copyright Office keyworkers are **HAZEL CHISHOLM, YVONNE DOOLEY, FELICIA DOZIER, ELLEN HALL, ROSALYN JONES FOUNTAIN, MYRA LAIRD, MAMIE MUSE, TERRI VINCENT, and JACQUELINE WOOTEN**. Ellen Hall is serving as coordinator. © JN



PHOTO BY JUDITH NIERMAN

Technical Processing Unit staff members are, from left, Edgar Raines, Joseph Mroczyk, Jamaal Johnson, and supervisor Charles Lane.

## Technical Processing Unit Keeps Deposits Flowing to Collections

The Technical Processing Unit, part of the Copyright Acquisitions Division, creates electronic bibliographic records of deposits received by the Copyright Office as a result of the section 407 mandatory deposit provisions of the copyright law. The team members also ready the physical deposits for the Library’s selection officers. Here they pose with some of the volumes they have arranged for the selection officers. © JN

During the first three quarters of fiscal 2014, the Technical Processing Unit created **18,000 records** for **23,437 deposits**. The items, which were transferred to the Library’s collections, have an **estimated value of \$1,691,313**.

## Out & About

**AUGUST 15: AARON WATSON**, attorney advisor in the Office of Policy and International Affairs (PIA), gave a presentation and participated in a panel discussion at the U.S. Patent and Trademark Office in Arlington, Virginia, during the 16th Independent Inventors Conference.

**SEPTEMBER 3–10: MARIA STRONG**, senior counsel in PIA, served as copyright expert on the U.S. government intellectual policy rights team at the Trans-Pacific Partnership negotiations held in Hanoi, Vietnam.

**SEPTEMBER 15–19: KARYN TEMPLE CLAGGETT**, Associate Register for Copyright and Director of Policy and International Affairs, attended the International Literary and Artistic Association’s conference in Brussels on Moral Rights in the 21st Century.

**OCTOBER 1–3:** Karyn Temple Claggett and **MOLLY TORSÉN STECH**, counsel in PIA, attended Round 7 of the Trans-Atlantic Trade and Investment Partnership negotiations in Chevy Chase, Maryland.

**OCTOBER 6, 8:** Senior Copyright Office staff participated in “Copyright Office Comes to California” seminars in Los Angeles on October 6 and in San Francisco on October 8. The events were sponsored by the California Bar Association. **BILL ROBERTS**, Associate Register of Copyrights and Director of the Office of Public Information and Education, and Karyn Temple Claggett spoke on “Copyright in the 113th Congress: Ongoing Review and Legislation.” Roberts and **ROB KASUNIC**, Associate Register of Copyrights and Director of Registration Policy and Practice, spoke on “Registration: The New Compendium of Practices and Navigation of Copyright Office Services.” Claggett and **JACQUELINE CHARLESWORTH**, Associate Register of Copyrights and General Counsel, spoke on “Studies and Rulemakings: The Current Copyright Office Docket.” Charlesworth and Tyler Ochoa, professor at Santa Clara University School of Law, spoke on “Litigation: The Year in Review.” Kasunic moderated a panel that included Charlesworth on “A 21st-century Copyright System Requires a 21st-century Copyright Office.” © JN



**Copyright Notices 62:10**  
Published by the Publications  
Section, Public Information &  
Education Office, U.S. Copyright  
Office, Library of Congress

**PUBLICATIONS SECTION**  
Helen Hester-Ossa,  
Head, 707-6809

**WRITER / EDITORS**  
Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

**DESIGNERS**  
David Rice, 707-0613  
Cecelia Rogers, 707-3313

### **PUBLIC INFORMATION & EDUCATION OFFICE**

George Thuronyi,  
Program Manager

William J. Roberts, Jr.,  
Associate Register of  
Copyrights & Director

### **U.S. COPYRIGHT OFFICE**

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.





PHOTO BY DAVID RICE

## Graduate Students Learn about Copyright

Participants in American University's Global Economics and Business Program toured the Thomas Jefferson Building on August 26 under the leadership of **JOHN SAINT AMOUR**, assistant head of the Public Information Office. Saint Amour also presented a talk on "Basic Copyright: What's Copyrightable and What's Not," followed by a presentation entitled "Introduction to Copyright Registrations" by **IVAN PROCTOR**, registration specialist in the Visual Arts Division. © JN

## Interns Enjoy Jefferson Building Tour

On August 26, **JOHN SAINT AMOUR**, assistant head of the Public Information Office, gave a tour of the Jefferson Building to four Library of Congress interns from the Hispanic Association of Colleges and Universities. He spoke on the role of copyright in developing the collections and buildings of the Library. © JN

## Puerto Rican Officials Learn About U.S. Copyright

Puerto Rican officials sponsored by the Department of State's Intellectual Property Office learned about the work of the Copyright Office on August 28 during a workshop arranged by program specialist **ALICIA MROCZYK**. **GUY MESSIER**, Visual Arts registration specialist, presented an introduction and overview of the registration procedures. **JOHN SAINT AMOUR**, assistant head of the Public Information Office, spoke on "How to Amend an Existing Registration Application." Information specialist **MARIA PEREZ-MORALES**, who also provided translation services, spoke on the Office's catalogs and the digitization project. Concluding the event was a tour of the Jefferson Building given by Messier. © JN

## Are You Really on the TSP Website?

After completing the Library-required Security Awareness online course, all staffers should know that criminals can mimic legitimate websites. When you go to a website, you need to make sure you are really where you think you are.

The same is true for the Thrift Savings Plan website. If you are accessing the TSP website from a high-security browser, you will know that you are on the TSP website if you see that the address bar, an icon from the web server, or the words "Thrift Savings Plan" have a green background. The *browsers* include various recent versions of Explorer, Firefox, Safari, and Google Chrome.

In addition, look for a small padlock icon and a change from "http" to "https" when you begin to enter your account number. If the padlock appears somewhere other than in the address bar, you are not on the TSP website.

Also, look for misspelled words and threats of actions against your account. These are indicators of phishing sites.

If any of these things happen to you, close the website immediately and report your experience to the TSP [here](#). © JN

## 2015 FEHBP Rates Posted

To view the 2015 rates for insurance plans in the Federal Employees Health Benefits Program, [click here](#).

# Office Releases Draft of Updated Compendium

WENDI A. MALONEY

The Copyright Office released a public draft of the third edition of the *Compendium of U.S. Copyright Office Practices* on August 19. The new edition is the first revision in more than two decades. The Office anticipates that it will take effect by the end of the year, following consideration of public comments and final review. The *Compendium* is the administrative manual of the Copyright Office regarding its statutory duties under the Copyright Act.

“The new *Compendium* is an exhaustive undertaking that explains and reconciles the many legal interpretations, regulations, and procedures of the Copyright Office in administering the copyright law,” stated **MARIA A. PALLANTE**, Register of Copyrights, in announcing the release of the draft. “At the same time, it provides a necessary and authoritative foundation for ongoing policy and regulatory discussions that are pertinent to the digital era.”

Previous editions of the *Compendium* were “largely internally directed,” the Register noted. The third edition aims to make the practices and standards of the Office accessible and transparent to the public. “It will serve as a technical manual for staff, as well as a guidebook for authors, copyright licensees, practitioners, scholars, the courts, and members of the general public,” she said.

The third edition, like its predecessors, addresses fundamental principles of copyright law, such as

standards of copyrightability, joint authorship, and terminations of transfers. In addition, it addresses matters related to fees, records retrieval, litigation documents, and other procedural issues.

Unlike earlier editions, however, the third edition is being published electronically, making it easily searchable and simpler to update regularly than a printed edition. The new edition features electronic links to cross-references, glossary terms, and statutory and regulatory provisions.

“This is a surprisingly readable and crisp summary of copyright doctrine and Copyright Office practice,” commented Professor Eric Goldman of the Santa Clara University Law School.

“I was just amazed at how clear and approachable the *Compendium* reads,” stated Corey Field of the firm Ballard Spahr. “It is so clear and user friendly, truly only copyright geeks will understand just what an achievement that is!” Field is a past president of the Copyright Society of the U.S.A.

“I was just amazed at how clear and approachable the *Compendium* reads. It is so clear and user friendly, truly only copyright geeks will understand just what an achievement that is!”

**Corey Field**  
**Ballard Spahr**

The Register acknowledged the “team of attorneys, registration specialists, and design experts who worked relentlessly and collaboratively with the Office and the Register” to make the *Compendium*’s release possible. “Their careful stewardship of the project over the past two-and-a-half years is as fine an example of public service as I have known in my career,” she stated.

The Register thanked the leaders of the project: copyright law practitioner Mary Rasenberger, who developed and managed the *Compendium*, and **ERIK BERTIN** and **CATIE ROWLAND** of the Office’s legal staff, who served as principal drafters. “If there is a special category for those who break new ground while also meeting unrealistic deadlines, then Erik, especially, belongs at the top of it,” the Register said.

She also thanked **ROB KASUNIC**, “who was indispensable to the project on matters both large and small,” and staff who helped to draft and edit content: **INGRID ABBOTT, JOHN ASHLEY, CHAD BECKER, WILLIAM BRIGANTI, ROBIN COREAS, KENT DUNLAP, LAURA LEE FISCHER, ROSEMARY KELLY, TED HIRAKAWA,**

CONTINUED >



Staffers who worked on the *Compendium* include, from left, David Rice, Jane Rinard, Chad Becker, Cecelia Rogers, Rob Kasunic, Erik Bertin, Abi Oyewole, Dineda Nyepan, and McKenna Rain.

PHOTO BY DAVID RICE

# London Publisher Asserts Copyright in Marx-Engels Translations

JUDITH NIERMAN

The Marxist Internet Archive ([www.marxist.org](http://www.marxist.org)) posted digital copies of a 50-volume English translation of hundreds of works by Karl Marx and Friedrich Engels, thus making freely available the culmination of a 30-year scholarly collaborative project begun in the 1960s and initially guided by the Soviet Union, said *The New York Times*.

The publishers of the volumes included Progress, a defunct Soviet company; Lawrence & Wishart of London; and International Publishers, a New York publishing house specializing in Marxist works. Lawrence & Wishart emailed the Marxist Internet Archive with a demand that the volumes be removed from the website. While copyright was not claimed in the 19th-century writings, it was claimed in the translations, the 50th volume of which was registered as a work-made-for-hire

in the Copyright Office on February 15, 2005, as TX0006393490. The archive did not dispute the claim and removed the translations and associated notes.

In an official statement, Lawrence & Wishart stated that those who were appalled by a left-wing publisher claiming copyright are “asking that L&W, one of the few remaining independent radical publishers in the UK, should commit institutional suicide.” Moreover, “The work that went into producing the volumes involved years of documentary research, collating and organising, the commissioning of hundreds of translations, and academic work on references and context.” ©

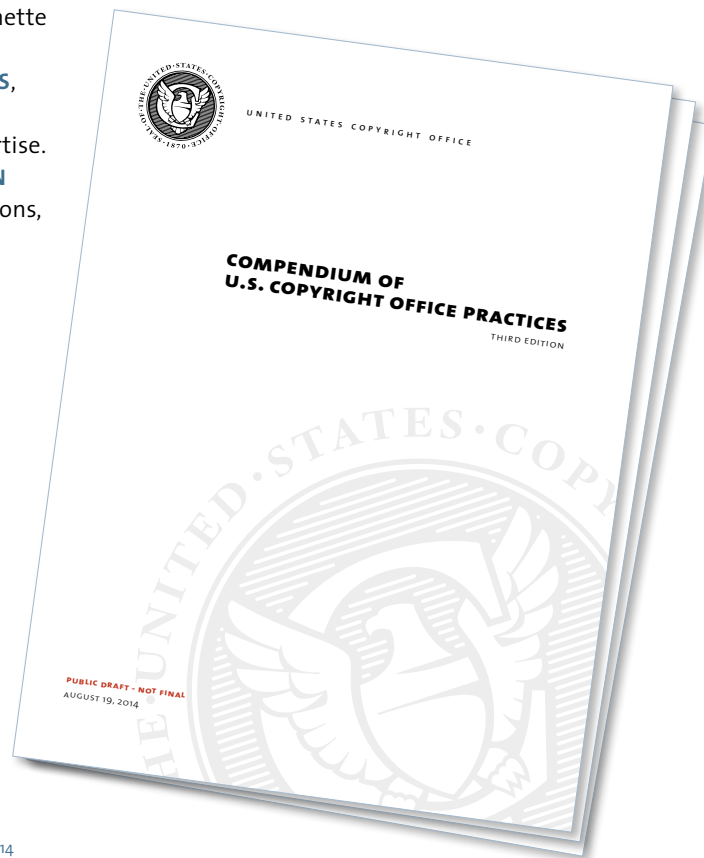
For further information, go to [The Chronicle of Higher Education](#), [The New York Times](#), or [Lawrence & Wishart](#)



ZARIFA MADYUN, STEPHEN OSWALD, ABI OYEWOLE, ALICE PARRISH, JANE RINARD, KIM ROBINSON, SHAWN THOMPSON, GEORGE THURONYI, SUSAN TODD, and the staff of the Registration Program.

The *Compendium* reflects the “considerable talents and professional coordination of **MCKENNA RAIN**,” the Register stated. She supported all aspects of the production process from the project’s inception. **DAVID RICE** and **CECELIA ROGERS** designed and produced the 1,200-page volume. **MICHAEL BROOKS**, **DINEDA NYEPAN**, and **ED ROGERS** published it on the Office’s website. Robert Brauneis, **JACQUELINE CHARLESWORTH**, **KARYN TEMPLE CLAGGETT**, Nanette Petruzzelli, Christopher Reed, **WILLIAM ROBERTS**, and **MARIA STRONG** contributed legal expertise. **JOHN RILEY** and **AARON WATSON** checked citations, and **GINA GIUFFREDA**, **JAYLEN JOHNSON**, **WENDI MALONEY**, and **JUDITH NIERMAN** proofread chapters.

**JANET ALGER**, **KATIE ALVAREZ**, **REBECCA BARKER**, **MELISSA BETHEL**, Tom Brina, **ADRIENNE BROWN**, **DIANE COOKE**, **MELISSA CRAWFORD**, **KAREN CRIBB**, **MAX DERRICKSON**, **MEGAN FRITZ**, **BETH GARNER**, **CLAIRE GARDINER**, **RHODA HOLLIMAN**, **GARETH JAMES**, **ROBIN JONES**, **CHENILLE “DENISE” LOWRANCE**, **FRANK MULLER**, **JANICE PENA**, **JOHN POFF**, **DONNA ROBSON**, **KARIN SWEET**, **MARY SVRJCEK**, **JEFF TAYLOR**, and **SANDRA WARE** volunteered to review text, prepare illustrative examples, and draft glossary definitions. ©





# Office Fields Questions About Copyright at Book Festival

WENDI A. MALONEY

Copyright Office staff answered questions all day at this year's National Book Festival, held August 30 at the Walter E. Washington Convention Center in Washington, D.C.

**ALICIA MROCZYK**, a program specialist in the Office of Public Information and Education (PIE), and PIE program manager **GEORGE THURONYI** oversaw the Library of Congress Pavilion. It housed Library of Congress service unit displays, including the Copyright Office's, which Mroczyk organized. "This year's display attracted bigger crowds than ever. All the Library units represented experienced more interest than on the Mall for past festivals. It was a pleasant surprise."



Photographer Karl E. Moon registered "Navajo Boy" on February 10, 1906.



Copyright Office staffers Alicia Mroczyk (left), Guy Messier, and Rosemary Brawner answered questions from festival-goers at the 2014 National Book Festival.

**BILL ROBERTS**, director of PIE, and Thuronyi presented an overview on the pavilion stage of "Copyright Treasures in the Library of Congress," an exhibit PIE staff developed for the festival. The exhibit consisted of eight postcard-size giveaway cards featuring historical images from the Library's collections that arrived as copyright deposits. The cards highlighted a play by Zora Neale Hurston (1944); a print from "The Serpentine Dance," an early motion picture (1896); posters of a circus act (1856) and a vaudeville troupe (1894); and photographs of Oscar Wilde (1882), a young Navajo man (1906), the Detroit Tigers (1907), and Russian czar Nicholas II and his family (1918). Larger print versions of the images were also on display.

**WENDI MALONEY**, a PIE writer-editor, researched and wrote the text for the cards; **DAVID RICE**, a PIE visual information specialist, designed the postcards and larger accompanying prints.

"The cards and images were the focus of many questions," Mroczyk said. "Even though we brought 800 cards, they were so popular that we ran out by noon."

Staffing the Office's display and answering questions from festival-goers were **ROSEMARY BRAWNER** of the Public Information Office, **GUY MESSIER** of the Visual Arts Division, Mroczyk, and Thuronyi.

**HELEN HESTER-OSSA**, head of the PIE Publications Section, helped to prepare handouts, which included information about copyright and fair use, photography, music, sound recordings, visual arts, and other topics. ©

Zora Neale Hurston (shown at right) registered an unpublished typescript of her play "Polk County" in 1944.



Coble noted that the Copyright Office's location within the Library of Congress has served the objectives and interests of both organizations and the American people well over the years. "But we live in a dynamic and increasingly digital environment, and it is clear that the Office's structure was designed for an analog age," he stated. Coble added that the discussion of the Office's future "needs to be a public one, and it needs to be approached with an open mind with the clear objective of building a 21st-century digital Copyright Office."

"Never has the delivery of creative content been faster, more interactive, or more global than it is now," the Register testified. "In turn, it has become clear to me that the Copyright Office must also become more forward thinking than it is; that is, more flexible and more interoperable with the marketplace that we serve."

She explained that the Office has focused on two primary goals over the past few years: carrying out the day-to-day workload of administering the law and engaging in discussions with the public about the future strategies and



PHOTO BY CECILIA ROGERS

The Register was the sole witness at the September 18 hearing.

direction of the Office. "We have been very transparent about this work," she stated.

The Register cited the Office's multiyear work plan *Priorities and Special Projects of the United States Copyright Office, 2011–2013*, noting that the Office accomplished goals in the plan during a time of budget cuts, "further challenging us to not only think big but to think creatively about our operations."

Highlights of the Office's accomplishments include the first revision in decades of the *Compendium of U.S. Copyright Office Practices*, publicly released in draft form in August, and a comprehensive review of the Office's technical work-processing systems, she reported. The review

involved evaluating the "user interface of our electronic systems, the quality of our public records, security issues, the usability of our website, industry standards . . . and the overall customer experience of interacting with the Office," she explained. The Register underscored the need to transform the Office's documents recordation service from a "paper process to an interoperable digital platform."

Regarding the Office's budget, the Register noted that its fee authority "does not permit the Office to collect for capital improvements or other forms of investment above actual costs," an "equation" that Congress may want to visit. "If we want the public record to be better, we will need better resources," she stated.

The Register testified that the Copyright Office's staff is "smaller than it should be." Unfortunately, "as the staff has been reduced, the work of the Office and the complexity of the copyright system have increased dramatically," she stated.

The Register concluded her testimony by acknowledging Coble's longtime support for copyright as demonstrated by his service on the subcommittee for "close to three decades." Coble will retire at the end of the current Congress. "On behalf of myself, my predecessors, and the entire staff of the U.S. Copyright Office, I wish to personally thank you for your dedication to our nation's copyright system and for your service to us. We will miss you tremendously, as will the rest of the copyright community," the Register stated.

Hearing documentation is available on the Judiciary Committee's [website](#). ©



PHOTO BY DAVID RICE

PHOTO BY WENDI A. MALONEY



**TRACIE COLEMAN** is celebrating 35 years of service to the Library. She started as a work-study student in 1979 while attending the Academy of Notre Dame High School in the District. She continued to work for the Library part time after high school, earning a bachelor's degree in business administration from Howard University and a graduate degree in financial management from the University of Maryland.

In 1985, she secured a full-time position in the Library's Loan Division, where she worked until coming to the Copyright Office in 1991 as a copyright bibliographer. The position involved researching copyrights and writing reports explaining her research. "I had done research in the Library's collections as a student, and I really enjoyed it," Tracie said. "So I was happy to be selected for the bibliographer position."

In 2001, Tracie was appointed head of the Certifications and Documents Section of the former Information and Reference Division. There she supervised staff who certified copies of copyright deposits and certificates, mainly for submission in court cases. Following the Office's reorganization in 2007, she became a supervisor in the new Records Research and Certification Section. In 2009, she was appointed head of the Licensing Division's Information Section,

her current position. "I had to learn about the statutory licenses the division administers," she said. "I still have a copy of the *Code of Federal Regulations* in which I color-coded references to them."

Tracie said her job in Licensing suits her. "I'm passionate about helping people, I'm outgoing, and I like to meet people," she said. "This job allows me to draw on my strengths."

Tracie is managing outreach related to the division's ongoing reengineering effort, which involves developing a new electronic system, called eLi, for filing, processing, searching, and archiving licensing statements of account. She is working with internal and external stakeholders to determine what they need from the system.

Tracie and her colleagues developed a quarterly newsletter to update interested parties about reengineering and to invite their input. She also manages the division's web presence and discusses reengineering and other licensing matters at trade shows and private meetings around the country. "Hearing from people who use our services helps us to fine-tune our processes and provide better customer service," she said.

While at the Copyright Office, Tracie has mentored numerous work-study students. "I still keep in touch with many of the interns, some of whom have gone on to earn undergraduate and graduate degrees and start families," she said.

Tracie has also mentored deaf and hard-of-hearing interns and volunteers, both students and adults, through the

Library of Congress Work Experience Program. She has a goddaughter who is deaf, and observing her goddaughter's challenges inspired her to help deaf young people adjust to work in a hearing world. She knows American Sign Language, which enables her to communicate with them. "Mentoring has been one of my most rewarding experiences at the Copyright Office," Tracie said. It also inspired her to pursue a second master's degree, this time in special education, which she aspires to teach someday.

Tracie is involved in diverse volunteer and family activities in her free time. She spends much time with her nieces and especially enjoys taking them to cultural, arts, and sporting events. She is a Kennedy Center contributor; a charter member of the Smithsonian National Museum of African American History and Culture; and a friend of Step Afrika, a percussive dance ensemble. She is also on the board of the Cinderella Foundation, a nonprofit organization serving high-risk, low-income young women, and the Greater Academy, a church-based academic program for elementary school children. In addition, she holds leadership positions in her church; is an active member of Delta Sigma Theta Sorority; and has been in *Who's Who* compilations of students in American high schools, students in American colleges and universities, and executive and professional women. © WM

PHOTO BY WENDI A. MALONEY



**MARK DINAPOLI** has worked at the Library of Congress for 35 years. Except for six months spent in the Library's Photoduplication Service, his entire career has been in the Copyright Office, mostly in the Licensing Division.

Mark started in 1976 in the Records Management Section of the former Information and Reference Division, moving to the Licensing Division in 1979 as an examiner. In 1983, he resigned to work in California and Florida, returning in 1987 as a licensing examiner. In 1995, he was promoted to head of the Licensing Division's Information Section; in 2004, he assumed his current position as assistant division chief. "I've enjoyed the Copyright Office," he said. "The people are fabulous, and the work is interesting."

Mark said his responsibilities fall within four main categories: information technology systems support, assistance to the General Counsel's Office, administrative duties, and public outreach. Increasingly, information technology is consuming much of his attention. "I couldn't have imagined 10 years ago the amount of time I would be spending on the security facets of information technology today," he said.

CONTINUED >



&lt;

The ongoing development of eLi, the new electronic system for filing, processing, searching, and archiving licensing statements of account, has greatly expanded Mark's involvement in computer systems management. But information technology security has been the main reason for it. Recently, the Licensing Division has been busy, under Mark's direction, verifying that eLi will adhere to all Library information technology directives. Doing so involves responding to hundreds of questions and supplying supporting documentation. Contractors and other divisions within the Copyright Office and the Library are contributing to the effort. Accreditation is made more complicated by the fact that eLi will be hosted fully in the public cloud, a first for the Library. "We're breaking new ground in the Library with eLi," Mark said. "So there is a learning curve for both the Library and the division."

The system will have to be reaccredited annually to continue to operate within the Library. LDS, the automated system the Licensing Division now uses to make available certain data from statements of account, must be accredited every three years. Mark is charged with overseeing reaccreditation of both systems.

While overseeing system accreditation, Mark continues to assist the General Counsel's Office with administering the copyright statutory licenses, a longtime responsibility. Mark weighs in on proposed licensing rulemakings, assists with review of licensing-related content in the law

and regulations, and helps to identify records for retention under National Archives and Records Administration guidelines. He also assists with ad hoc licensing issues that arise.

In addition, Mark works with division chief **JIM ENZINNA** on planning, personnel, and administrative matters, and assists as needed with public inquiries and outreach activities.

Mark said he appreciates the variety of duties within his job. "Together with my colleagues, that is what I have enjoyed the most all these years," he said.

Outside work, Mark attends concerts, bikes, shoots pool, plays tennis, and dabbles in magic, maintaining an extensive magic library. A food lover, he is also learning to cook. On a trip to Los Angeles earlier this year, he saw performances by the bands En Vogue and The Iron Maidens and attended a magic show. He said his attendance at many fabulous concerts recently has inspired him to resume playing the guitar.

While in Los Angeles, he had his best meal ever at the restaurant Da Pasquale, which serves southern Italian cuisine. "I had the most amazing spaghetti marinara, eggplant parmesan, veal shank, and pastry," he said. "Fortunately, I have a fast metabolism." Mark's friends call him the "restaurant guru" and often ask for recommendations. Recently, he has started cooking his mother's Italian recipes at his Arlington, Virginia, home, where he lives with his wife, Susan. **WM**



PHOTO BY WENDI A. MALONEY

**SAM TEK** has worked at the Copyright Office for 20 years. He started in 1994 as a work-study student in the Literary Section of the former Examining Division, moving to a permanent clerk-typist position the following year in the Publications Section.

"I applied because I could see myself working in the Copyright Office for a long time," Sam said. "I enjoy working for the government."

In 2000, Sam became a fiscal assistant in the Data Preparation and Recording Unit of the former Receiving and Processing Division. Several years later, he returned to the Literary Section as a copyright technician, his current position. The section was incorporated into the Literary Division of the Registration Program with the Office's 2007 reorganization.

Sam examines serials claims, including magazines, journals, and "anything with an issue date," he said. He checks to see if applications are completed correctly and contacts remitters if they are not. "I especially like seeing the comic books," he said. "It's interesting to see how they've changed over time."

Outside the Office, Sam spends time with his family, including his wife, Jerrica, and their children Jade, 15; Jason, 12; and Minori, 5. He also enjoys working around the house, especially gardening, and reading. The family lives in Mount Wolf, Pennsylvania. During the week, Sam often stays a few days with his mother in New Carrollton, Maryland, to reduce his commute.

"I love copyright," Sam said. "My career here has been great." **WM**

### Staffer Is in Need of Leave

**ANTOINETTE CHILDS**, a senior support assistant in the Records Research and Certification Section, is in need of donated leave due to an ongoing medical condition. She has been approved for the leave donor program, and her account has been established in WebTA under her name. To donate leave, click on "Leave and Premium Pay Requests" in WebTA and follow the instructions. If you have questions, contact **CHRIS CRUZ** at 7-4116 or [ccru@loc.gov](mailto:ccru@loc.gov).

## Anniversaries

PHOTO BY HELEN HESTER-OSSA




**FRED WEISS**, a support clerk in the Publication Section's Clerical Support Unit, achieved 20 years of federal service on August 18. His unit is responsible for answering the public's requests for Copyright Office circulars and paper forms.

Fred was born and grew up in Gary, Indiana. He spent two years at the University of Michigan as a general studies student. His father, who began as an independent grocer, owned a chain of eight supermarkets in Indiana. Fred and his brother not only frequently accompanied their father on his rounds checking on his stores but they also worked in the stores.

Outside his work hours, Fred pursues his interest in Maxfield Parrish illustrations and Wallace Nutting photographs, which he uses to decorate his apartment. "I have no more wall space," he said. His former collection interests include glass ash trays and bronze Buddhas. He also listens to jazz and works out with a personal trainer. He plans to establish a small garden in pots on his balcony.

Fred enjoys traveling to visit his brother, two sisters, eight nieces and nephews, and their families in Chicago and Denver.

As for his job, Fred said, "I'm glad I am working here."  **JN**

## Retirement

PHOTO BY JUDITH NIERMAN



**TERRI HARDY**, an information specialist in the Public Information Office, retired October 3 with 33 years of federal service. She started in the Copyright Office in April 1984.

Beginning her federal career as a work-study student first at the Department of Treasury and next at the Department of Transportation, she was selected for the federal junior fellowship program that allowed her to work at the Census Bureau during breaks from college. She was studying business administration at the University of Maryland at the time.


Terri worked in retail for four years, including as assistant manager at the Regal Shoe Store in Temple Hills, Maryland.

Her first position in the Copyright Office was in the pre-COINS days. She worked as an accounts maintenance clerk, filing master cards for each claim in the Account Sub-Unit. With the advent of COINS, Terri's group was absorbed into the Data Preparation and Recording Unit. There she was a recording technician who input claims information into COINS.

For a short time, Terri worked as a materials control expeditor in the Materials Control Section but in 1989 was promoted to technician in the old Performing Arts Section. She served details in the Motion Picture Unit two times. A graduate of the Library's Career Development Program, Terri was promoted to the position from which she retired in 2011. She also worked outside the Office in network marketing, selling Mary Kay cosmetics and the services of Prepaid Legal Services.

As a federal retiree, Terri plans to focus on her Jehovah's Witness ministry, "going where the people are," she said, and teaching women's Bible studies. She has received training in presentation skills in the denomination's theocratic ministry school, which helped her in her work in the Office. "I am a dispenser of information," she commented, "both on the job and in my life outside the Office."

Terri is the mother of three adult children, James, Brooke, and Jared, and grandmother to three small children who spend one weekend a month with her.

"I've immensely enjoyed my time in the Copyright Office," Terri said.  **JN**

## Congratulations!

*Copyright Notices* congratulates the following staff members:

### KATRINA ADAMS

on 35 years of federal service

### IRENA WEISS

on 35 years of federal service

PHOTO BY DAVID RICE



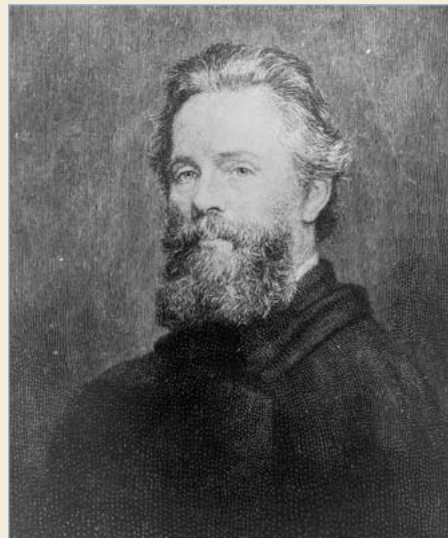
# International Copyright Woes Helped Sink Herman Melville's Reputation in His Lifetime

JUDITH NIERMAN

New York City native Herman Melville (1819–91) was a rising American literary star until the 1851 publication in London and New York of his magnum opus *Moby-Dick* sank his reputation. The lack of international copyright cooperation played a large part in this sad outcome, which was not reversed until years after the author's death.

Melville began writing *Moby-Dick* in 1850 as an adventure story. However, late in the year he moved with his family to a farm called Arrowhead in Pittsfield, Massachusetts, where he became friends with author Nathaniel Hawthorne. Scholars speculate about the effect of this literary relationship on the final form of *Moby-Dick*, which has Shakespearian, biblical, and intellectual overtones far beyond a simple adventure story. Andrew Delbanco, a noted Melville scholar, *called the novel* “the most ambitious book ever conceived by an American writer.”

LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION



Herman Melville

Melville's plan was to publish his book first in London to secure English copyright and then, using printing plates made before the English publication, in America as soon as possible to secure American copyright. Because the two countries had no copyright reciprocity, authors were regularly pirated. (See “Piracy Inspires ‘Real’ Stage Version of Children’s Classic” in the [March 2010 issue](#) of *Copyright Notices*.) The English publisher Peter Bentley offered Melville 150 pounds and half the profits after all printing and

advertising costs were deducted. On October 18, 1851, the English version was published with a dedication to Hawthorne but without Melville's last-minute title change from *The Whale* to *Moby-Dick*. Unfortunately, Bentley's hastily produced edition was also an expurgated version, the victim of Victorian censors, and it was missing the all-important epilogue, which tells of the narrator Ishmael's survival after the annihilation of the ship, captain, and crew by the white whale. English reviewers savaged the volume in part because, as a first-person narrative, the narrator had to have survived the cataclysmic event at the end of the story to tell the tale.

The American version, including the epilogue, was published in New York on November 14, 1851, by Harper and Brothers. A deposit copy was received in the Library of Congress on November 19 of that year.

## Read more!

To read *Moby-Dick*, go to [Project Gutenberg](#).

To compare the American *Moby-Dick* and the British *The Whale*, go to the [Melville Electronic Library](#).

American readers and reviewers, at that time highly influenced by their English counterparts, gave the volume a poor critical reception. Sadly, the publication of one of the great American novels began its author's slide into obscurity, a process not reversed until decades after his death.

Melville earned only ~~\$1,259.45~~ from *Moby-Dick* according to scholar G. Thomas Tanselle. Bentley printed just 500 copies. In America, only 3,215 copies were sold in Melville's lifetime, and the book was out of print when he died in 1891. The Chace Act, signed into law in March of that year, for the first time granted foreigners the ability to register their copyrights in the United States if their nation provided reciprocal recognition of U.S. citizens' copyrights. ©



Arrowhead, where Melville wrote *Moby-Dick*

LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION



NOVEMBER 2014



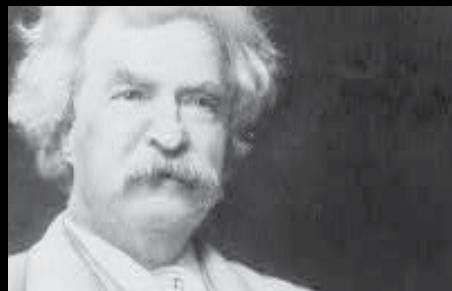
4

Copyright Help Desk  
manages year of  
transitions



6

In Focus: Meet  
Jaylen Johnson



14

Mark Twain debuted iconic  
style at copyright hearing

2 Around the Office

3 In the Limelight

3 Human  
Resources

7 Outreach &  
Education

11 Copyright  
in the News

12 Law & Policy

13 Appointment

13 Obituary



David Christopher

PHOTO BY DAVID RICE

## All Hands Meeting Documents Highs and Lows of 2014

WENDI A. MALONEY

Fiscal 2014 started with the first government shutdown in 17 years, followed by other challenges for the Copyright Office. Yet by year's end, the Office could cite major achievements. That was the message staff heard from senior Office managers at an October 16 All Hands Meeting in the Coolidge Auditorium.

"It seems like every year, someone will say, boy, that was a crazy one that just ended," said **DAVID CHRISTOPHER**, the Office's chief of operations, in opening remarks. "Well, this one was really crazy. It was totally crazy." He said that it seemed as if the Office was losing ground when the shutdown came on the heels of the budget cuts and furloughs of recent years. But later in 2014, the House of Representatives expressed concern in a budget hearing about the Office's low staffing levels, dated information technology systems, and other problems, and it allocated a little more funding than the Office had requested for fiscal 2015. This positive movement suggests that members understand that "we're drowning, we need help, we need resources," Christopher said. "Hopefully, we will carry that momentum into fiscal 2015."

Christopher described a year in which congressional hearings on the copyright law continued, new Copyright Office leaders were appointed, and the Office completed a draft of the

CONTINUED ON PAGE 9 >

## Marybeth Peters Speaks to PIO Staff

*Marybeth Peters*, who retired in 2010 after serving 16 years as Register of Copyrights, returned to the Office to speak to the staff of the Public Information Office (PIO) on October 15. The warmly received presentation gave insight into the Office's public service and the relationship of this service to the law.

Peters began with a little history of PIO. "When I became head of the former Information and Reference Division, there were four people in the public office and a few telephones. After the passage of the 1976 Copyright Act, no one knew what the law meant and no one knew the answers to the questions the public had." She went on to say that every morning, staff met to discuss these



questions. Sixty percent of them were referred to the legal group for a statement on what the answers should be. From this information, the Office developed practices and the *1984 Compendium*.

"For you, it is even harder. Everything in copyright is changing, and everything is very complex." She said that the current Register is working with Congress to update the copyright law, and when this occurs, the focus will be on PIO. "You are the front door on many issues. But you can't answer legal questions with which the Office has not dealt."

Peters said that "it is an exciting time and a difficult time" because it is harder to be absolutely clear on the scope of rights. Even with the regulations and the new *Compendium*, not all questions are answered because all over the world, copyright laws are changing." Although "you never know what is coming at you in terms of questions, you are making a difference," she told the staffers.

She continued, "The registration system drives a lot of the questions that you receive. Few lawyers understand the system. Although they may know the law, many copyright lawyers do not know the regulations or Office practices."

Peters advised the specialists to draw a hard line between facts and legal advice, which the Office is not permitted to give. "Err on the side of caution," she urged



PHOTOS BY DAVID RICE

*"It is an exciting time and a difficult time because it is harder to be absolutely clear on the scope of rights. Even with the regulations and the new *Compendium*, not all questions are answered because all over the world, copyright laws are changing."*

**Marybeth Peters**

them. "You don't want to see your name or the name of the Copyright Office in the news for giving erroneous advice."

She addressed the topic of how copyright remains meaningful in the Internet age. "I believe authors should be paid," she stated. Most serious careers that are based on creation require a paycheck. The current Register is rethinking the law to take into account today's trends. But it is up to Congress to decide what is best for the country and how to incentivize authors, Peters said.

Concluding, Peters said that "the Copyright Office as an institution is bigger than all of us. It has a spectacular reputation for public service. You have got jobs that really are important, and you are doing a good job." © JN



### Copyright Notices 62:11

Published by the Publications Section, Public Information & Education Office, U.S. Copyright Office, Library of Congress

### PUBLICATIONS SECTION

Helen Hester-Ossa,  
Head, 707-6809

### WRITER / EDITORS

Wendi A. Maloney, 707-0979  
Judith Nierman, 707-6816

### DESIGNERS

David Rice, 707-0613  
Cecelia Rogers, 707-3313

### PUBLIC INFORMATION & EDUCATION OFFICE

George Thuronyi,  
Program Manager

William J. Roberts, Jr.,  
Associate Register of  
Copyrights & Director

### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

## Congratulations!

*Copyright Notices* congratulates **DINEDA NYEPAN**, webmaster in the Office of Public Information and Education, on her graduation from Strayer University in summer 2014 with a master's of business administration degree. Her concentration was project management. Dineda finished her degree in three years.

## Thousands of Mary Baker Eddy Letters Deposited

Staff of the In-Processing Section received an unusually large deposit in October: 15 boxes arrived by mail containing 148 neatly bound volumes of letters—about 27,000 in all—by Mary Baker Eddy, founder of the Christian Science Church. The Christian Science Board of Directors submitted the deposits with a copyright registration, stating that it owns the copyright in the letters. Eddy died in 1901.

“We seldom receive such a large deposit for a single application,” said **KIM BROWN**, head of In-Processing. “We were also surprised to receive her letters as a mail delivery rather than by courier.”

Eddy wrote *Science and Health with Key to the Scriptures*, the church’s central text,

which has a notable copyright history. In 1971, Congress passed a private copyright law extending the copyright to the 1906 edition of the work by 75 years. It also restored the copyright to 16 earlier editions that had fallen into the public domain. Up to that time, only nine other private copyright laws had been enacted, the most recent in 1898. The private law affecting Eddy’s work did not last long, however. In 1985, following a challenge by a dissident group of Christian Scientists, the U.S. Court of Appeals for the District of Columbia invalidated the law. “We conclude that [the law] offends fundamental principles of separation of church and state,” the court ruled. © WM

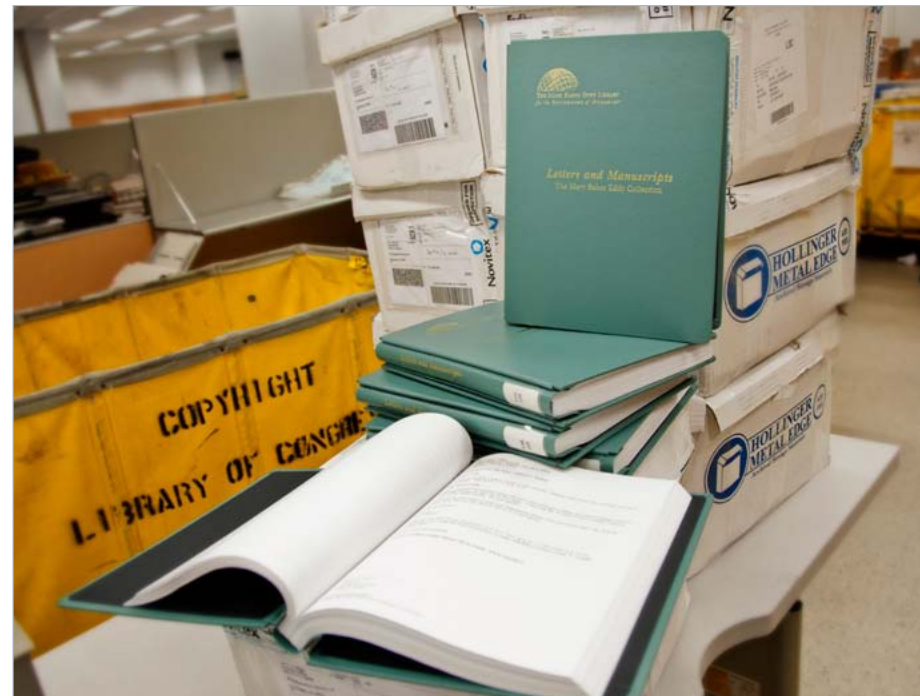


PHOTO BY DAVID RICE



PHOTO BY JUDITH NIERMAN

**BILL COLLINS**, a program planning officer in the Register’s Office, will be singing with an ensemble of the Metropolitan Washington Baha’i Chorale at the 35th Annual Interfaith Concert sponsored by the Interfaith Conference of Metropolitan Washington. The concert will be held at the Washington Hebrew Congregation, 3935 Macomb St., NW, on November 20, 7:30–9:00 p.m. The admission charge supports the charitable and social programs supported by the Interfaith Conference of Metropolitan Washington.

© JN

## Human Resources

### Changes Coming to Flexible Spending Account Rules

Flexible spending accounts (FSA) may be established by individual employees to pay for eligible medical and dependent care expenses. There are three kinds of flexible spending accounts: dependent care, such as child or adult day care; health care; and limited expense. The latter is only for those enrolled in or covered by a high-deductible health plan with a health savings account.

The benefit from an FSA comes from the fact that the money that you pay into it from your salary is not taxed. In 2015 two new rules take effect.

1. You need not spend every cent in your health care and limited expense flexible spending accounts by the end of the calendar year or risk losing the money. You may roll over up to \$500 into each type of account for the next year. Dependent

care accounts will not have this carryover option to the next year. However, this type of account adds a “grace period” of two months to the end of the calendar year for you to use the funds. The health care and limited expense accounts will not have a grace period. According to the Office of Personnel Management, in transitioning from the grace period to carryover, “Qualifying 2014 participants will still have the grace period in the first two months of 2015.”

2. The minimum yearly amount that you may elect to place in your account has been lowered from \$250 to \$100 beginning in 2015.

© JN

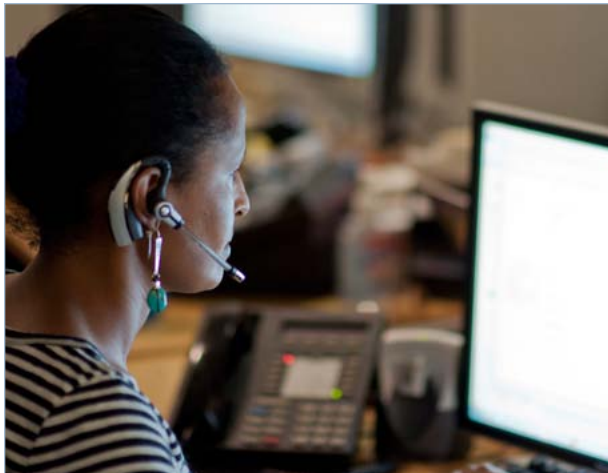
For additional details, visit *Federal News Radio* and [myfederalretirement.com](http://myfederalretirement.com).



# Copyright Help Desk Manages Year of Transitions

WENDI A. MALONEY

A switch in contractors, staff changes, and a new database were among the challenges the Copyright Help Desk navigated this year. Now that 2014 is coming to a close, a reconstituted Help Desk is up and running well, said **AUDREY MILLER**, the Copyright Technology Office (CTO) systems analyst who supervises the day-to-day operations of the desk.



Tigist Arefaynea



Back row, left to right, Joseph Marin, Keith Lomax, Jwan Miller, Rajaul Karim, Daniel Murphy, and Terry Gilchrist. Front row, left to right, Monique Boone, Audrey Miller, and Tigist Arefaynea.

PHOTOS BY DAVID RICE

In April, INDUS Corporation, an information technology firm, assumed the contract for the Help Desk, taking over from SAIC. As a result, the desk lost four longtime contract staff members. Eventually, a new team leader and three new staff members came onboard. Until that happened, however, the remaining staff had to deal with a heavy workload—the Help Desk receives thousands of inquiries each week by phone, email, and in-person visits.

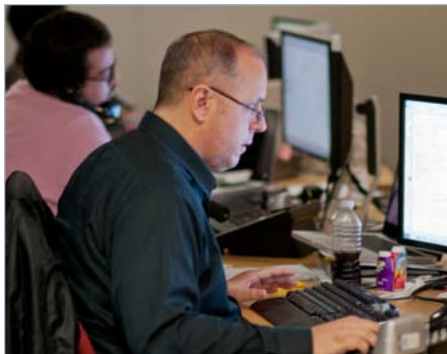
The inquiries come from public users working with the electronic Copyright Office (eCO) and from Copyright Office staff. Unlike the Public Information Office, which deals with questions about copyright and copyright registrations, the Help Desk addresses technical issues having to do with the functioning of eCO and other hardware and software in the Office. “We answer questions about, for example, resetting passwords, uploading files, or resolving incompatibility of Internet browsers with eCO,” explained Miller. “As we make upgrades to the eCO system, the questions from remitters and staff change according to the system modifications.”

She said **MONIQUE BOONE**, the new Help Desk team manager, has done an excellent job of bringing the team together as a cohesive group. “She had to assess the skills of staff members as they were hired and provide training,” Miller said. “Now everyone is up to speed, and inquiries are being opened and closed quickly.”

Boone notes that although initial instruction has been completed, training continues to occur daily to keep staff abreast of improvements to eCO and related applications and other hardware and software. Soon, she said, a new interface will be introduced to fine-tune the display users see on their screens. “We’re testing what the public and internal users will encounter so we can anticipate questions,” she said. In addition to Boone, Help Desk staff are **TERRY GILCHRIST**, team leader; **TIGIST AREFAYNEA**; **RAJAUL KARIM**; **KEITH LOMAX**; **JOSEPH MARIN**; **JWAN MILLER**; and **DANIEL MURPHY**.

On October 1, team members welcomed the launch of a new database, FootPrints, to track inquiries. Audrey Miller

CONTINUED >



Daniel Murphy



Rajaul Karim



Monique Boone



Jwan Miller



developed FootPrints and manages it. “It’s a big improvement,” said Miller. “It gives us more information about inquiries; for example, we can better track our correspondence with staff, which is very helpful.” By mid-October, the Help Desk had generated more than 2,000 tickets in the new database corresponding to inquiries.

Miller said CTO will use FootPrints to track not only inquiries related to eCO but all software and hardware problems that affect Copyright Office staff, whether someone is working in the Office or teleworking. She asks that staff report all issues to CTO at 7-3002 or [ctoinfo@loc.gov](mailto:ctoinfo@loc.gov). “I have high hopes for FootPrints,” said. “It should help us to resolve problems quickly and efficiently.” For instructions, see the story to the right. ©

## Don’t Forget!

### Restart Your Computer Before You Go Home

At the end of the day, restart your computer before you go home and leave it turned on. Doing so allows proper processing of patches and updates that are performed at night. If you don’t restart your computer, the patches and updates will queue up; eventually, your computer will cease to function properly.

The Copyright Technology Office also recommends that you completely shut down your computer and restart it at least once a week to ensure smooth functioning. You can shut down any time during the day; just remember to leave your computer on when you go home.

## Getting Help with Hardware or Software Problems

Service unit liaisons are the first point of contact for staff experiencing hardware or software problems. They are, for the Receipt Analysis and Control Division, **MARK JOHNSON**; for the Registration Program, **MICKEY VUJCIC**; for the Register’s suite, **DENISE PRINCE**; for the Office of Public Information and Education, **ED ROGERS**, **DINEDA NYEPAN**, and **MICHAEL BROOKS**; for the Copyright Acquisitions Division, **MYRA LAIRD**; for the Licensing Division, **TRICIA KEMP**; for the Office of Public Records and Repositories, **CHANNING LOWRANCE**.

The next point of contact is the Copyright Technology Office. You can reach the CTO Help Desk at 7-3002 or [ctoinfo@loc.gov](mailto:ctoinfo@loc.gov). To ensure efficient processing of your request, please provide the following information.

1. Your name.
2. Your user ID (e.g., fmid)
3. Your PC or laptop ID
4. Your location (your room number if you are on site; otherwise, specify that you are teleworking)

5. A phone number where you can be reached
6. Your case or service request number (if applicable)
7. The volume document number, or VDOC (if applicable)
8. A detailed description of your problem. Avoid general descriptions, such as “Siebel is down.” Describe exactly what you are experiencing. Attach a screen shot of an error message if possible.

Each individual must report his or her own problem. Tracking records cannot be created, and thus problems cannot be resolved, based on reports such as, “Everyone in my area is having this problem.”

If you have a problem after business hours, contact the Library’s Information Technology Services at 7-7727. When the Office opens the following day, contact CTO at 7-3002 or [ctoinfo@loc.gov](mailto:ctoinfo@loc.gov) so that a tracking record can be created. © WM

# Jaylen Johnson

WENDI A. MALONEY

JAYLEN JOHNSON joined the Copyright Office as an examiner in the Performing Arts Division in January 2010. She is now on detail to the Registration Program as an attorney-advisor. Last year, she served a detail as a copyright information specialist in the Public Information Office.



PHOTO BY WENDI MALONEY

## Where did you grow up?

I was born and raised in Highland Park, Michigan, located in the Detroit area. My family encouraged me to become involved in all different kinds of activities—music, dance, drama, sports. For me, music stuck. I attended the Detroit High School for the Fine and Performing Arts. I

auditioned on the flute and later learned the bassoon.

## Where did you earn your undergraduate degree?

Howard University. I attended on academic and music scholarships and majored in the music business. I played bassoon in the university band and orchestra, in a consortium at Catholic University, and elsewhere.

## What inspired you to go to law school?

As an undergraduate, I took a class in entertainment law, which opened my eyes to the world of law as it relates to intellectual property. I became interested in how rights are protected, enforced, and negotiated. During my third year of law school and after I passed the Michigan bar exam, I worked for a solo practitioner in the District who specializes in music transactions. I helped to draft and review licensing agreements and had the chance to do a lot of hands-on work, including litigation. But I also took electives on real property and real estate law, and I was a student attorney in the Howard University School of Law Fair Housing Clinic. I assisted with housing disputes and helped victims of mortgage fraud.

## How did you make your way to the Copyright Office?

I was looking for a permanent position after law school, and the Performing Arts registration specialist job opened at the Copyright Office. I thought it would be interesting because it combines music and intellectual property law. And it is. I enjoy being here.

## Last year, you served a detail in the Public Information Office. What did you do?

It was a part-time detail as a copyright information specialist. It was challenging. As a registration specialist, you develop an in-depth knowledge of a certain area. But in PIO, you need a broad, overarching knowledge of the Office. When you answer a phone call, you can get a question about any of the Office's services. It was a good way to learn about the Office's work. We can get compartmentalized in our separate areas and not understand what our colleagues do.

## Now you are on detail as an attorney-advisor to the Registration Program. What are you doing?

I am researching statutory, regulatory, and case law and history for issues related to registration practices and policy, and I've helped to draft responses to first requests for reconsiderations of copyright registration refusals. I've also been asked to look at circulars to see how consistent



PHOTO COURTESY JAYLEN JOHNSON

Jaylen during a Prince George's Philharmonic performance of Stravinsky's *Rite of Spring*.

they are with the new *Compendium*, suggesting changes where necessary.

## What do you most enjoy about the Copyright Office?

I'm pleased that I have been able to do different things since I've started, and I would like to continue to grow. I really like the work, but it's not the only interesting part of the Office—the people here are also great. I don't know where else you could find such a mix of talented, creative colleagues.

## What do you do outside work?

I play bassoon with the Prince George's Philharmonic. During our fall season, we'll be performing Mozart, Wagner, Beethoven, and others, including Richard Rodgers's composition "Victory at Sea," written for a television documentary series about World War II. I also assist with program development as a volunteer for The MusicianShip, which offers after-school private music lessons to students in the D.C. public schools.

## What is something most of your coworkers do not know about you?

They probably don't know about several things I've mentioned. But they certainly do not know that I played the mellophone in college. It's a brass instrument used in marching bands in place of French horns. I didn't play it for very long, because I found I didn't enjoy it. They also do not know that I belong to Sigma Alpha Iota International Music Fraternity for Women, which I joined in college. ©





## Meet the Public Information Office

JUDITH NIERMAN

Staff from the Public Information Office (PIO) spoke to colleagues from throughout the Copyright Office at an afternoon tea on September 17. **MONICA BEACH, PAGE MILLER, PATRICIA MROCZYK-KERSHAW, and JOHN SAINT AMOUR** introduced staff to PIO's work.

The primary function of PIO is to furnish information to the public on copyright law and the operations of the Office. Information specialists have to keep up to date on U.S. law and regulations and the Office's practices, procedures, and policies to give accurate information to the public.

As the direct liaison to the public, PIO answers approximately 6,000 to 7,000 phone calls a month from all over the world with a staff of only 16. Emails amount to approximately 8,000 per month. Each specialist answers 30 to 40 phone calls a day. Some specialists are able to answer 50 to 60 calls daily. The section reviews and responds to about 400 letters a month from the public on how to register a copyright or record a document. Each month, the section also serves about 500 "walk-ins," that is, people who visit the office in person with questions, items to register, or other issues.

Over time, staffers may develop relationships with certain customers, including individuals and law firms, who may ask for a particular staffer's assistance.



PHOTO BY CECELIA ROGERS

From left, Monica Beach, Patricia Mroczyk-Kershaw, John Saint Amour, and Page Miller

PIO also carries out the educational portion of the mandate of the Office of Public Information and Education (PIE) through its public outreach program. Staffers give copyright presentations and tours to government agencies, schools, librarian associations, foreign visitors, and numerous other groups on site. Their presentations are updated constantly to remain current and accurate and to make copyright relevant to the modern world.

The "public" means everyone, said Miller. "Our customers include performers such as George Clinton, who visited the Office in person not long ago, as well as homebuilders, art gallery proprietors, dog trainers, fitness clubs, Internet radio stations, banks, librarians, parents, Boy Scouts, and event planners."

In addition to Beach and Miller, other information specialists include **ROSEMARY BRAWNER, LORETTA GRAHAM, CLIFTON KNIGHT, TONYA LEWIS, MARIA PEREZ-MORALES, LAURENCE SAVOY, and SILVESTER SIMPKINS.**

Saint Amour is a supervisory copyright specialist.

The section also includes **DENISE GARRETT**, section head, and three technicians, **BRYAN JEFFERSON**, Patricia Mroczyk-Kershaw, and **ANTHONY WILLIAMS**. The technicians handle inquiries on the status of applications, send forms and packets of information, staff the front desk, assist customers with electronic registration, and perform other tasks. ©



# Staffers Present Work of Recordation Section at Afternoon Tea

JUDITH NIERMAN

A panel of Recordation Section staff members presented the work of their section in a unique phone-call-and-answer format on October 15. The presentation was one of the afternoon tea programs organized by **ALICIA MROCZYK**, program specialist in the Office of Public Information and Education.

Copyright specialists **LORRAINE BAYSEK**, **JANNEASE JOHNSON**, and **GINEAN MOSER**, together with **JORDAN BENNETT-BARNES**, administrative support clerk, “answered” phone calls from the “public” to demonstrate the functions of the Recordation Section, which is part of the Office of Public Records and Repositories.

Led by Baysek, the panel explained that recordation is not registration. “Registration says, ‘I made it,’ while recordation says, ‘I own it,’” she said.

The most important date in recording a document having to do with the transfer of ownership or any other document pertaining to a copyright is the date of recordation. Stamped on the document in the Receipt Analysis and Control Division, this date indicates when a document and the required fee were received in the Office. The date of recordation may be significant in a court of law. Advantages of recordation include the fact that recordation gives constructive notice to the public of the facts of ownership.

The rules for recording a document are available in the Office’s newly updated *Circular 12, Recordation of Transfers and Other Documents*. No specific form is required, but the Office prefers that documents be submitted with Form

DCS, the Document Cover Sheet, which helps the Office track the document as it moves through the recordation process.

Recently, the Office has allowed those submitting a document that includes *100 or more titles* to send the titles electronically. Other recent innovations include providing remitters with the option of requesting return receipts acknowledging that the Office has received a submission and allowing remitters to submit

144,376  
number of titles  
recorded in fiscal 2014

8,146  
number of documents  
recorded in fiscal 2014

corrections to electronically submitted title lists using a new correction procedure. As of April, the section began digital processing of certain certificates of recordation and replaced manual placement of identifying labels on documents.

New on the Office website is a *fee calculation tool* that makes ascertaining the correct fee for recording a document easy. Fees are determined by the number of titles in a document, not the number of documents.

The panel also covered the online service provider (OSP) agents submissions received in the Recordation Section. The OSP directory was established by the Digital Millennium Copyright Act to limit liability of OSPs by publicly posting the name of an agent to contact if a copyright owner believes his or her copyright has been infringed on a website. The directory includes 100,000 designated agents and is maintained by a single staff member.

The Recordation Section is looking ahead to receiving documents online, hiring staff, and creating an interim database to be used in anticipation of online submission. As the panel said in unison, “The Recordation Section is a happening place to be.”

Technical support in the form of the sound effect of a ringing telephone was provided by **CHANNING LOWRANCE**, a copyright specialist in the section. ©



Jordan Bennett-Barnes, left, made “calls” while Ginean Moser, Lorraine Baysek, and Jannease Johnson “answer.”

PHOTO BY CECELIA ROGERS

third edition of the *Compendium of U.S. Copyright Office Practices*. He called the *Compendium* the “most ambitious and certainly labor-intensive” of all the special projects the Register of Copyrights announced in 2011 in *Priorities and Special Projects of the United States Copyright Office*. After Christopher spoke, other senior managers discussed developments in their areas, followed by Register of Copyrights **MARIA A. PALLANTE**, who described a September oversight hearing in the House of



PHOTO BY DAVID RICE

Karyn Temple Claggett

Representatives about the Office’s operations.

**KARYN TEMPLE CLAGGETT**, director of the Office of Policy and International Affairs (PIA), updated staff on her office’s mandate and recent activities. She also spoke about the projects of the Office of the General Counsel (OGC), whose director, **JACQUELINE CHARLESWORTH**, was out of town. Claggett said PIA and OGC have “twin responsibilities” in terms of advising Congress, conducting studies, and producing reports. But PIA covers international as well as domestic policy issues, and the OGC assists with litigation and formulates Copyright Office regulations.

Claggett said the two offices have been “very, very busy” with studies and reports over the past few years.

The Office has released six reports since 2011, and PIA is now completing two additional studies, one on *orphan works* and mass digitization, the other on the right of *making available*. The OGC is finishing a study on *music licensing*.

Legal staff have also supported the ongoing review in Congress of the copyright law, Claggett said. Since May 2013, 16 *hearings* have been held by the Subcommittee on Courts, Intellectual Property, and the Internet of the House Judiciary Committee. The first eight hearings focused on high-level issues like the role of copyrights in encouraging innovation in America. Afterward, the subcommittee began to examine specific provisions of the law, asking whether updates may be needed, especially given digital-age changes in content delivery. For each hearing, Copyright Office legal staff provided substantive memoranda and often did in-person briefings for congressional staff, Claggett said.

She noted that eight bills related to copyright, including several on music licensing, have been introduced in the current Congress, which will conclude in December. One bill on cell-phone unlocking passed, and another reauthorizing satellite retransmission of distant over-the-air broadcasts is expected to pass, she said.

Although the others will probably not pass by the end of this Congress, they reflect topics in which Congress is “very interested” and may be pursued in the next Congress.

Internationally, PIA staff have continued to support negotiations over the Trans-Pacific Partnership, a trade negotiation involving 11 countries in the Asia Pacific region, Claggett reported, as well as the Trans-Atlantic Trade and Investment Partnership, a trade agreement between the United States and the European Union. Of PIA staff participating in these and other negotiations, Claggett said, “We see a lot of airports, we see the inside of a lot of conference rooms, . . . and we see a lot of head-butting.”

She said PIA staff remain “very heavily engaged” in negotiations at the World Intellectual Property

Organization over issues including a potential treaty to protect broadcasts and library and education exceptions to the copyright laws of member states.

Claggett said the OGC completed two rulemakings this year, one permitting electronic submission of titles for recordation and the other related to statements of accounts for the statutory license for making and distributing phonorecords. She said the office is working on two other pending rulemakings, the most important of which is the sixth triennial section *1201 rulemaking*, which reviews whether certain classes of works should be exempted from the prohibition against circumventing technological measures controlling access to copyrighted works.

The OGC contributed to two cases before the U.S. Supreme Court in fiscal 2014, Claggett said. In *American Broadcasting Companies, Inc. v. Aereo, Inc.*, the Copyright Office and the Justice Department filed a brief with the Court on behalf of the U.S. government. OGC lawyers, including Charlesworth, are named on the filing. The case arose from lawsuits challenging new Internet services that retransmit broadcast television to private customers without obtaining program owners’ authorization or paying royalties. In June, the Supreme Court rejected

CONTINUED >



Liz Scheffler





Bill Roberts

the argument of Aereo, an Internet service, in a 6 to 3 decision. The Copyright Office was also closely involved in another case before the Court, *Petrella v. Metro-Goldwyn-Mayer, Inc.*, involving defenses to copyright infringement that occurred long ago.

**LIZ SCHEFFLER**, appointed director of the Office of Public Records and Repositories in March, discussed the efforts of her office to modernize. She said that although the office still does “almost everything on paper,” important strides have been made recently toward online operations. She said the Office’s listing of online service providers that copyright owners can notify when websites host infringing material is now being updated online. In addition, she said that eCO, the electronic Copyright Office system, will be implemented for recording documents as an “interim solution” as the Office continues to fine-tune recordation. In doing so, it will draw on a report prepared by Robert Brauneis of George Washington University, the Office’s first Abraham L. Kaminstein Scholar in Residence, who led a study in fiscal 2014 on the future of recordation.

To applause, Scheffler reported that scanning of the copyright card catalog, a seven-year project involving 36 million records, was completed in fiscal 2014 except

for six drawers of extremely fragile cards that must be processed separately. A contractor recently tested optical character recognition of a set of scanned typewritten cards to make them searchable online. Scheffler said the test went well and the work will continue. Ultimately, she said, the Office intends to make all its public records available online. “This includes historical records,” she said. “This includes an integrated presentation of the records... with links to external data such as death records, other copyright information that is not held in our Office, anything like that [to] provide to... users who look to us for authoritative information the best possible copyright record.”

Scheffler said her staff is now investigating ways to apply optical character recognition to hand-written records, something that has yet to be accomplished. “Our cards are works of art,” she said, adding that the Office will work with a consortium to achieve hand-writing recognition.

Her staff is also researching repositories for physical and digital copyright deposits, she said.

**BILL ROBERTS**, appointed director of the Office of Public Information and Education (PIE) in September, encouraged staff to visit and search the Office’s newly refreshed website. He called the refresh a “significant and extensive project,” noting that the site had not been updated since 2001. “Being a website, it’s a changing and ongoing thing,” he said, inviting staff to suggest improvements.

Roberts also announced that PIE will be reorganized by year’s end to better support a “21st-century Copyright Office.”

**ROB KASUNIC**, director of the Registration Program, discussed development of the new edition of

the *Compendium of U.S. Copyright Office Practices*. He credited the dedication and resilience of staff across the Office for realizing the first *Compendium* revision in almost 30 years, calling the accomplishment “truly amazing and collaborative.” For the first time, he noted, the volume has been distributed and made completely accessible online, which will permit ongoing revisions and improvements. Not only will the 1,200-page volume assist staff in carrying out their work, but it will also help the public and courts, he stated, noting that the Office has received “many, many comments” praising the revision.

The Register of Copyrights gave an overview of a September 18 *oversight hearing* about Copyright Office operations by the Subcommittee on Courts, Intellectual Property, and the Internet of the House Judiciary Committee. The Register was the sole witness at the hearing in which members raised questions not only about whether the Copyright Office has enough resources, but also about whether its placement in the Library of Congress truly reflects the prominence of the

CONTINUED &gt;



Rob Kasunic



Maria A. Pallante

copyright system. “That’s probably a good way to frame it,” the Register said.

She explained that at the hearing and in a written statement, she described the Office’s efforts over the past few years. “We’ve been incredibly busy,” she stated. “And we’ve been doing lots . . . without any money or very little money. We’ve been doing a lot of thinking and planning and meeting internally. We’ve had project leaders, we’ve had committee discussions, we’ve met with the private sector, we’ve had *Federal Register* notices, we’ve had some hearings that we’ve held under our own power in different cities. We’ve been looking at all kinds of things, our technical infrastructure, our services. . . That is what I spoke about before Congress.”

Questions from members followed, she said, including some related to a 2012 decision of the U.S. Court of Appeals for the D.C. Circuit. In *Intercollegiate Broadcasting System, Inc. v. Copyright Royalty Board*, the court observed that certain duties associated with administering the copyright law—promulgating regulations, for example—are typically carried out by executive branch agencies. The Register was asked, “Does it matter [what branch of government you are in]?” “Does it affect your work with the administration?”

“Does it affect your work internationally?” So, she stated, members are “looking across the government and saying, wait, we really love the Copyright Office. It’s really, really important, and it is the substantive expert in the federal government. But are we shoring it up properly so that it can really play the role that it should?”

The Register summarized themes that emerged among

the questions, including the lack of adequate resources to fulfill the Office’s statutory responsibilities, worries about security of digital deposits, and potential tensions, perhaps exacerbated in the digital age, between the Office’s mission and that of the Library—that is, copyright owners deposit works with the Office to secure enhanced protection, while the Library is charged with disseminating information.

The Register said she welcomes the discussion, which she emphasized is being driven by Congress and intended to be public. But “it’s very early,” she cautioned. “What they’re talking about are legal structures at this point. Who should be appointing whom? Who should be the boss? Are there conflicts that need to be sorted out? But they’re not necessarily saying, physically, we need to uproot staff and go someplace else. . . For those of you who have been around for a while, you’ll recognize these conversations. They’re not new; they come up every 15 years or so.”

The Register thanked staff for their service. “I say everywhere I go, wherever I am, that I have the greatest staff in Washington, and I mean it.”

A webcast of the All Hands Meeting will be posted on the Office’s Intranet site once it is available. ©

## Flooring Pattern Ruled Not Eligible for Copyright

JUDITH NIERMAN

In July, the U.S. District Court for the Northern District of Georgia issued a decision in a copyright suit that had been going on for two years. The issue originally arose when Mannington Mills sued Home Legend for copyright infringement, claiming that Home Legend’s laminate flooring patterns in its Distressed Maple Mendocino line of flooring copied Mannington’s pattern titled Glazed Maple, which was registered in the Copyright Office as a 2-D artwork. See [registration number VA-1-746-071](#).

Laminate flooring is made in layers, the second, under a protective coating, being a decorative digitally produced photograph. In this case, the design resulted from a photo of a piece of natural maple on which Mannington had added hand-applied distress marks to make the board look old. The wood was then scanned and the decorative Glazed Maple pattern created from this. It is the design on this layer that Mannington registered for copyright and which it claimed Home Legend infringed.

Judge Harold L. Murphy said that in an infringement suit, the party claiming infringement must show that it holds a copyright and that the defendant copied. This case was decided based on whether the copyright was valid.

Home Legend asserted that Mannington sought to copyright an idea or process, that the Glazed Maple does not meet the requirement for originality, and that the item is a noncopyrightable useful article not subject to protection.

The judge agreed on all three points, saying that “Home Legend has met its burden to rebut the presumption of validity created by Mannington’s copyright registration.” He concluded that the flooring was a useful item and “the subject matter of the copyright—the 2-D artwork—was not entitled to copyright protection” because designs that copy natural elements cannot be protected by copyright. ©

For more detailed information, you can read the *court’s decision*, a trade association *press release*, and a *newsletter for investors*.

# Office Contributes to Review of Global Intellectual Property Practices

WENDI A. MALONEY

Once again this year, Copyright Office legal staff worked with interagency colleagues to assess intellectual property rights protection among U.S. trading partners. Their findings appear in an annual report published by the Office of the U.S. Trade Representative (USTR).

Attorneys in the Office of Policy and International Affairs reviewed public comments, analyzed foreign copyright legislation, participated in interagency consultations, and carried out other duties related to the *Special 301 Report*, published on April 30 this year.

The Office's participation relates to its statutory charge to advise executive branch agencies on domestic and international copyright law and policy.

This year marked the 25th anniversary of the report's publication. Ambassador Michael Froman, the U.S. trade representative, noted that the report has helped to encourage best practices worldwide in intellectual property rights protection. "The *Special 301 Report* serves a critical function by identifying opportunities and challenges facing our innovative and creative industries in foreign markets and by promoting the job creation, economic development, and many other benefits that effective intellectual property protection and enforcement support," he stated.

To prepare the *Special 301 Report*, the USTR invites public comment through the *Federal Register* about the

status of intellectual property protection internationally. It also holds a public hearing including testimony from industry groups, nongovernmental organizations, representatives of foreign governments, and other interested parties.

Ten countries appear on the "priority watch list" this year: Algeria, Argentina, Chile, China, India, Indonesia, Pakistan, Russia, Thailand, and Venezuela. Twenty-seven other countries are on the "watch list." The report also provides details about an investigation of Ukraine following its placement at the top of the list last year as a "priority foreign country."

On a related matter, the USTR issued a *Federal Register* notice on September 26, 2014, requesting written comments on Internet and physical markets based outside the United States that should be included in its 2014 Notorious Markets List. The USTR began publishing the Notorious Markets List separately from the *Special 301 Report* as an "out-of-cycle review" in 2010. The list identifies online and physical marketplaces that reportedly engage in and facilitate substantial copyright piracy and trademark counterfeiting.

The Copyright Office will work with interagency colleagues on the out-of-cycle review of notorious markets in coming months. ©



PHOTO BY DAVID RICE





PHOTO BY JUDITH NIERMAN

**BRIAN DAY** is the new program specialist/executive assistant to the general counsel. Brian started in this position on September 22. He will help manage the workflow and the responsibilities of the General Counsel's Office.

Brian began his federal career in the Library of Congress in 2007 as executive assistant to Lucy Suddreth, chief of the Office of Support Operations.

A native of Newport, Rhode Island, Brian grew up in Norfolk, Virginia, and Patuxent River, Maryland, as the family followed his father's Navy assignments. After attending St. Mary's College in St. Mary's City, Maryland, where he focused on English, he began working as assistant branch manager at Cedar Point Federal Credit Union in Patuxent River, Maryland, moving from there to the Navy Federal Credit Union in Clinton, Maryland, where he also served as assistant branch manager. His subsequent job, at Tower Federal Credit Union in Laurel, Maryland, involved training, which he found he liked. He then went to work at the Ballenger Group call center in Hagerstown, Maryland, as a trainer. "I loved the creativity in designing a training course," he said.

Following his job in Hagerstown, Brian worked in Baltimore for Thomson Prometric, a company that provides and delivers computer-based tests for professional licensing and certification. There he also worked as a trainer.

Outside work hours, Brian sings with the Gay Men's Chorus of Washington and will participate in the group's holiday concert at the Lincoln Theater. He plays on kickball and softball teams and will soon join dodgeball and volleyball teams. He lives in Silver Spring, Maryland, with his husband of eight years, Marc, who is an FBI employee, and two cats, Winks and Squeaker. **CJN**

### Staffer Is in Need of Leave

**CRAIG ANDREWS**, a supervisor in the Receipt Analysis and Control Division of the Copyright Office, is in need of leave donations due to life-saving dialysis treatments every Monday, Wednesday, and Friday.

Craig has been approved for the leave donor program and his account has been established in WebTA under his name. To donate leave, click on "Leave and Premium Pay Requests" in WebTA and follow the instructions. If you have questions, contact **CHRIS CRUZ** at 7-4116 or [ccru@loc.gov](mailto:ccru@loc.gov).

**MARY LYLE**, who retired from the Copyright Office in 1980, died September 27 in Lexington, Virginia. She was 89.

Mary came to the Office in 1947, working first in the Miscellaneous Section of the Examining Division, later called the Arts Section. In the 1960s, she moved to the Renewals and Assignments Section of the Examining Division, where she served as assistant head. She was promoted to section head in 1974.

In 1976, Mary was promoted by Register of Copyrights Barbara Ringer to one of three program analyst positions in the old Planning and Technical Office. As a program analyst, Mary helped implement the new registration forms and regulations, Office structure, and staff training required by the 1976 Copyright Act. She assisted in developing new publications for the public and in deciding the policies to which the Office would adhere under the new law. Those decisions formed the basis of the 1984 *Compendium of Copyright Office Practices* that was not revised until 2014.

In September 1979, in an effort to reduce demands on the Examining Division resulting from incomplete submissions, Mary served with a team of staffers working on the "Front-End Project" and helped write a successful proposal to reduce the number of incomplete claims that were forwarded to the Examining Division. She also served on the Librarian's Advisory Committee on the Expanding Use of the Copyright Deposit Collection.

"Mary was very savvy about the flow of materials and the workings of the Office," said **SANDY HARWELL**, information

technology specialist in the Office, who worked on the Front-End Project with her. "She was a pleasure to work with. She had a pleasant personality, was approachable, and was always open to suggestions and recommendations. I believe that she really improved the Office by instituting and formalizing the Front-End Project into the Incomplete Claims Handling Area."

Mary was widely considered a kind, knowledgeable, and helpful staffer as well as an expert on issues relating to registering renewal claims and recording assignments and other important documents.

After she retired, she continued living in Washington, D.C., until moving to her family farm in Bath County near Millboro, Virginia. At the 1990 retirees' reunion in the Office, Mary said she was building a new home in central Virginia. There she was active in community and local library work. She was an opera and ballet fan, traveling to Baltimore and New York to attend performances. She also went to Bayreuth, Germany, to attend the Wagner Festival in which the complete *Ring Cycle* was performed. In addition, she traveled to Alaska, Australia, islands in the Pacific, and New Zealand. In 2007, she relocated to a retirement community in Lexington where she died suddenly in her home.

*Editor's note: Copyright Notices thanks David Albee, former Copyright Office staffer and Mary's friend, for assistance with this article. **CJN***



## Mark Twain Debuted Iconic Style at Copyright Hearing

WENDI A. MALONEY

Mark Twain impersonators routinely don a white suit to evoke the persona of the famous author. But Twain himself did not make a habit of wearing white until very late in his life. He unveiled his signature style on December 7, 1906, at age 71, when he testified about a copyright reform bill before the Congressional Joint Committee on Patents. The hearing took place in the Congressional Reading Room of the Library of Congress.

Twain posed in white for New York photographer A. F. Bradley in 1907.

"In spite of the keen December wind blowing outside, he burst into view, garbed in a cream-colored suit of light summer flannel," wrote the *Washington Post* in "Twain's Fancy Suit" on December 8, 1906. "The effect was decidedly startling; it fairly made one shiver to look at him."

Author William Dean Howells, Twain's close friend, wrote in *My Mark Twain*, "Nothing could have been more dramatic than the gesture with which he flung off his long loose overcoat, and stood forth in white from his feet to the crown of his silvery head. It was a magnificent coup, and he dearly loved a coup."

"I have reached the age where dark clothes have a depressing effect on me," the *Post* quotes Twain as explaining.

"I prefer light clothing, colors, like those worn by the ladies at the opera."

Whatever his reason for wearing white, it helped to call attention to his testimony. Twain was a strong promoter of copyright reform, both domestic and international. He had lost substantial income in past decades from overseas piracy of his work, especially in Canada and Britain. In the 1870s, he started traveling to Canada upon publishing a new work to apply for a Canadian copyright, which protected his works throughout the British Empire. He enthusiastically welcomed passage in 1891 of the Chace Act, which extended copyright protection to certain works of foreign authors whose nations protected works of U.S. authors.

Twain, who was born Samuel Langhorne Clemens, wanted copyright protection to last in perpetuity. But he testified in 1906 in favor of the bill then before Congress extending protection to the life of an author plus 50 years. At the time, the term was 28 years with the privilege of renewal for another 14 years.

Twain expressed his view with characteristic wit: "I like that extension from the present limit of copyright life of 42 years to the author's life and 50 years after," he testified. "I think that will satisfy any reasonable author, because it will take care of his children. Let the grandchildren take care of themselves."

The 1906 bill did not pass, and the term Twain argued for didn't become law until

1978, when the 1976 Copyright Act was implemented. Today, the term for most works is the life of the author plus 70 years.

While in Washington in 1906, Twain visited the studio of photographer Frances Benjamin Johnston on 1332 V Street, NW. The first official White House photographer, she had taken pictures of many famous people, including Theodore Roosevelt, Susan B. Anthony, and John Philip Sousa. On December 11, 1906, Twain sat for Johnston in his white suit. Later, he posed for many more white-suited photos, including the one included with this column. ©



At the 2012 National Book Festival, copyright information specialist **JOHN SAINT AMOUR** dressed in white to impersonate Mark Twain for a presentation about copyright. At right is **SYREETA SWANN** of the Register's Office as the Statue of Liberty.

# copyright notices

DECEMBER 2014



4

2014 ICPA Art Show opens  
in Madison Building



9

In Focus: Meet  
Kim Brown



11

Dineda Nyepan  
(Re)Introduces  
*copyright.gov*

2 Around the Office

7 Out & About

8 Copyright  
in the News

8 Law & Policy

14 Anniversary

14 Human Resources

15 Copyright Lore



Michelle Choe and Donald Stevens

PHOTO BY DAVID RICE

## Office Welcomes First Ringer Fellows

WENDI A. MALONEY

**MICHELLE CHOE** and **DONALD ROBERT STEVENS** are the first legal fellows to join the Office's staff under the Barbara A. Ringer Copyright Honors Program. They began two-year appointments in September and will work in the Office of the General Counsel and the Office of Policy and International Affairs. The Ringer Honors Program, announced in 2013, offers paid fellowships for lawyers in the initial stages of their careers who demonstrate exceptional ability and interest in copyright law.

"I am very gratified that Michelle and Donald will be joining us as Ringer Fellows during this very important time for copyright law," **MARIA A. PALLANTE**, the Register of Copyrights, said upon appointing Choe and Stevens. "They are exceptional young people, even in a pool of many impressive candidates."

Michelle Choe has a law degree and a bachelor's degree from Columbia University. She studied English literature as an undergraduate and saw law school as a natural progression. "I've always been interested in writing," Choe said. "I moved from creating arguments about plays to analyzing and writing about the law."

CONTINUED ON PAGE 13 >



PHOTO BY CELIA ROGERS



## Ugliest Sweater Acclaimed

**FREDA DUNCAN's** creation, a "distinguished" sweater passing for wearable art, won the contest for the ugliest sweater at the annual Copyright Office holiday party on December 10. The winner was selected when her sweater received the most enthusiastic applause from fellow staffers. Copyright Office staff enjoyed a lunch accompanied by band music and vocals provided by **HOWARD CALANDER, KAREN CRIBB, BRAD EMMETT, ROB KASUNIC, and AARON WATSON.** © JN



**Copyright Notices 62:12**  
Published by the Publications  
Section, Public Information &  
Education Office, U.S. Copyright  
Office, Library of Congress

**PUBLICATIONS SECTION**  
Helen Hester-Ossa,  
Head, 707-6809

**WRITER / EDITORS**  
Wendi A. Maloney, 707-0979  
Judith Niernan, 707-6816

**DESIGNERS**  
David Rice, 707-0613  
Cecelia Rogers, 707-3313

Suggestions for articles and comments are welcomed.  
Please call for deadlines.

### PUBLIC INFORMATION & EDUCATION OFFICE

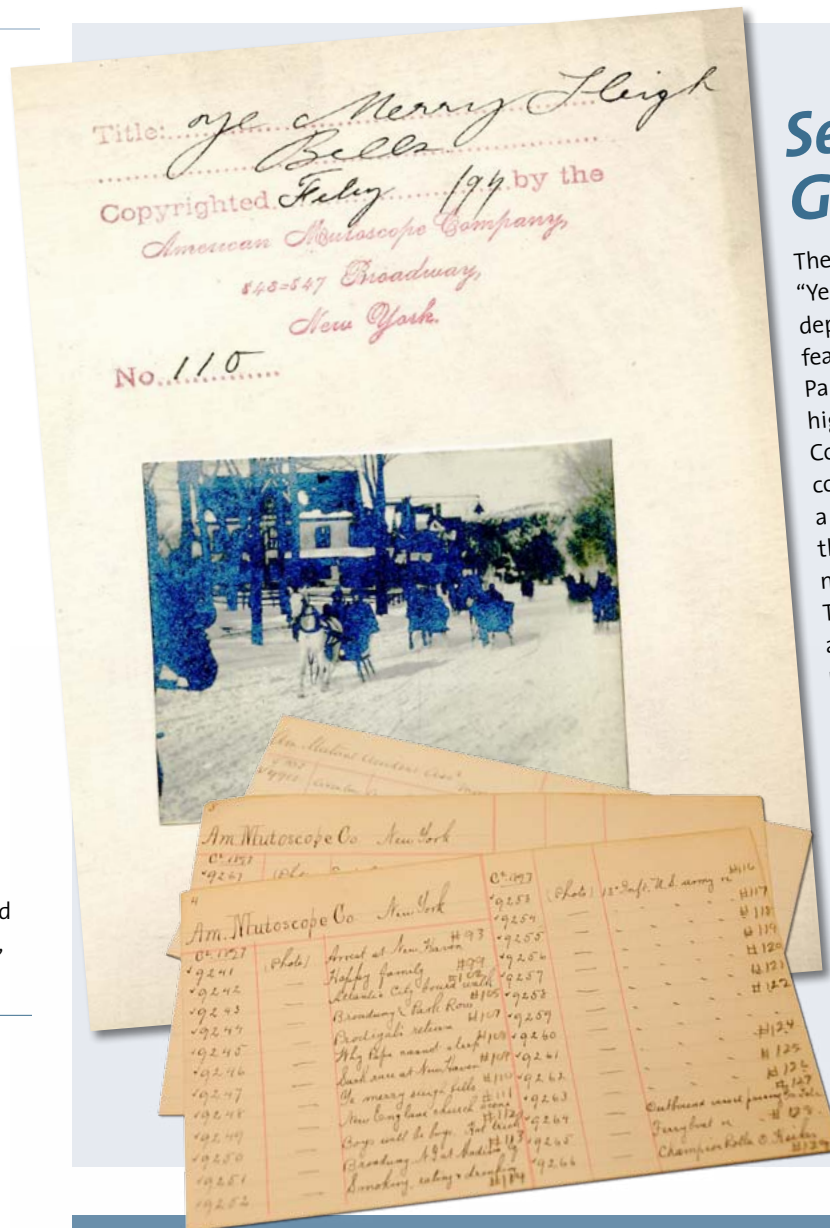
George Thuronyi,  
Program Manager

William J. Roberts, Jr.,  
Associate Register of  
Copyrights & Director

### U.S. COPYRIGHT OFFICE

David Christopher,  
Chief of Operations

Maria A. Pallante,  
Register of Copyrights





## Law School Students Get Overview of Office

Students from the George Mason University Law School received an overview of the Copyright Office on November 14. The morning began with **JOHN SAINT AMOUR**, senior copyright information specialist, giving an introduction to the Office. Next, **SANDRA WARE**, registration specialist from the Visual Arts Division, and **HEATHER WIGGINS**, registration specialist from the Literary Division (pictured left), presented an overview of the registration system. **TONYA LEWIS**, copyright information specialist, discussed the Copyright Office catalogs. The event finished with attorney-advisor **AARON WATSON** speaking about the work of the Office of Policy and International Affairs. The program was arranged by **ALICIA MROCZYK**, special assistant in the Office of Public Information and Education. © JN

## George Washington University Law Students Visit Office

Students from the George Washington University Law School attended “Meet the Copyright Office,” a half-day series of presentations given by Office staffers. **JOHN SAINT AMOUR** presented an introduction to the Copyright Office. Following Saint Amour, **BETH GARNER** and **LARISA PASTUCHIV** (pictured right) from the Visual Arts Division, spoke on “This Is What We Get . . . Overview of the Registration System.” Next, **TONYA LEWIS** from the Public Information Office talked on “The Copyright Office Catalogs.” Concluding was **MOLLY TORSÉN STECH** of the Office of Policy and International Affairs (PIA) who gave an introduction to PIA. The program was arranged by **ALICIA MROCZYK**, special assistant in the Office of Public Information and Education. © JN



PHOTOS BY DAVID RICE

## SAT Tests Registered

Registration specialist **MELISSA WELLS** examines copies of SAT college admissions tests on November 13 while representatives of the Educational Testing Service, which administers the SAT, wait nearby. For purposes of copyright registration, the SAT is considered a “secure test,” or a test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. To register secure tests, remitters can bring test materials to the Copyright Office, where a registration specialist will meet with them and make a preliminary examination of the materials. The test materials are returned, and the Office retains only identifying portions of the deposit sufficient to create an archival record. © WM



# 2014 LCPA Art Show Opens in Madison Building

JUDITH NIERMAN

The Library of Congress Professional Association (LCPA) launched its 42nd annual employee Arts and Crafts Exhibit with a reception and hors d'oeuvres in the Mumford Room on October 14. LCPA president **YVONNE DOOLEY** welcomed the attendees and acknowledged the creativity and accomplishment of staff who submitted examples of their art and craft. **Valerie Mwalilino**, cochair of the exhibit, presented opening remarks.



PHOTO BY DAVID RICE

**JOHN SAINT AMOUR**, LCPA vice president, and LCPA Arts and Crafts Exhibit Committee members **ELLEN HALL** (center) and **TRICIA KEMP** enjoyed the Art Show opening.

Librarian of Congress James H. Billington gave certificates to the featured artists. "The exhibit," he remarked, "relieves the monotony of blank walls. It is a privilege to walk through this wonderful exhibit and to see the variety of talent and expression on the part of Library staff."

Jeffrey Page, the guest speaker, is the chief operating officer at the Corporation for National and Community Service and previously served as the Library's chief financial officer. He spoke on his experiences in acquiring art.

The featured artists—Diane Dixon, Kay Elsasser, and Vejune Svotelis—are all retired Library staffers and were selected by Margaret Sternbergh of the Phillips Collection in Washington, D.C.

**CECELIA ROGERS** served as the second cochair of the exhibit. Copyright Office staffers serving on the LCPA Arts and Crafts Exhibit Committee included **ELLEN HALL**, **TRICIA KEMP**, **ALICIA MROCZYK**, Cecelia Rogers, and **JOHN SAINT AMOUR**. Dooley extended a special thanks to **HELEN HESTER-OSSA** for her support.

## Copyright Office Is Well Represented in Exhibit

The following Office staff members contributed to the 124 works that will be on display in the blue corridor on the sixth floor of the Madison Building until April 3, 2015. Here are their comments on their creations.



### FELICIA CHAU

photograph, *Columbine*

I took this one on the road when I passed by at the corner of the C Street and 2nd Street Saint Peter's church. I used natural light and a 28–300mm zoom macro lens on a Nikon camera.

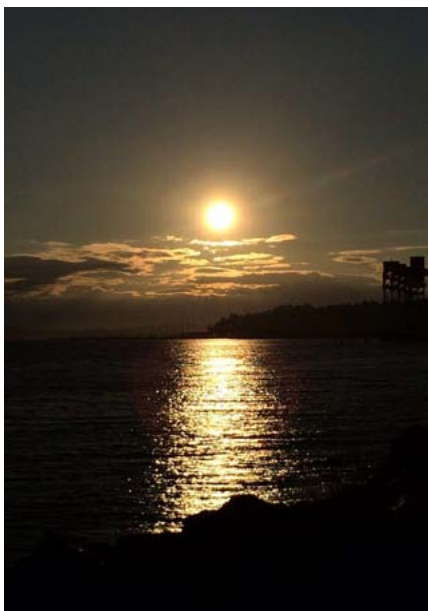
CONTINUED >





### JOANNA CORWIN

photograph, *Abandoned Home* — Bodie, California  
I took this photo in 2009 when my husband and I were honeymooning in Lake Tahoe. We took a trip to Bodie, California, in the Sierra Nevadas near Mono Lake. Bodie thrived as a gold mining town but was abandoned and stands in a state of “arrested decay.” Bodie is a National Historic Landmark, a state park, and a really fascinating place.



### MICKY GOLDSTEIN

photograph, *Clouds*  
This photo was taken during the second week of July 2014 while I was on vacation in Seattle, Washington. My hotel was near Puget Sound, and I sat there one evening during the sunset and snapped some photos. This was the best one from that evening's shoot.



### CLAIRE GARDINER

photograph, *What's All the Buzz About?*  
My photo of the bee was taken in my front yard, and the camera was hand held, that is, not on a tripod. If you've ever seen how quickly a bee moves from flower to flower, you can imagine how challenging this was! When shooting in macro, everything is magnified, including the movement. I don't have a dedicated macro lens. Instead, I used my zoommm zoom lens with a special magnifying filter that converts it to the equivalent of a macro lens. I love the detail of the fur and the fact that you can see specks of pollen on the bee!



### ELLEN HALL

photograph, *Silk Embroidery Sachet 1 and 2*  
This type of embroidery uses silk ribbon and dates back many centuries. This style of stitching adds a three-dimensional effect that allows patterns to become very elaborate. These simple sachets are meant to be placed with linen and took me approximately eight hours to complete.

### MICHELLE GRADY

oil painting, *This Little Piggy*  
I was attending a “sip and paint” with friends, and the project was this pig. I never painted freehand before, so this was a great experience. I was amazed that everyone in the room was painting the same thing, and each one was totally different.



PHOTO BY JUDITH NIERMAN



### JOANNA ROUSSIS

basket, *Cracker Basket*, *Eggplant Basket*

Joanna Roussis is the retired chief of the Cataloging Division. ©

## Claire Gardiner's Digital Photography Slide Show Available to Staff

CLAIRE GARDINER presented a well-received noontime workshop on digital photography in April. The slides from "SmartPhone vs. Digital Camera" are now available to all Copyright Office staff on the Office intranet. The program was organized by MICHELE CHISHOLM and JUANITA LYLE as part of a series sponsored by the Worklife Committee. © JN

## John Ashley Reaches Out to Artists

JOHN ASHLEY, Copyright Academy professor and chief of the Visual Arts Division, answered questions by phone that were posed by Tara Reed on November 12. Reed is an Oregon artist whose website helps visual artists learn how to license their work.

Responding by phone to questions that had been submitted to Reed by artists, Ashley spoke on how to submit a copyright claim, what constitutes a collection, why artists should register their work, and other topics. The call was recorded and made available to the public on Reed's website.

"My guess is that this could be one of the most popular downloads yet...and we have a few with 1,500–2,000 free downloads," Reed commented.

"Though I was not at my best," Ashley said, "Tara and I had a good start to what will be a successful series of talks about copyright matters for painters, sculptors, greeting card designers, pottery makers, and similar visual artists." © JN



PHOTO BY JUDITH NIERMAN



PHOTO BY DAVID RICE

## Office Hosts Docents and Volunteers

The Copyright Office hosted two sessions of Morning in the Copyright Office for the volunteers and docents of the Library of Congress. On November 10, the group was given a workflow tour of the Office, starting with DAN SCHWARZ, who is a supervisor in the In-Processing Section. Next, RHODA HOLLIMAN and GUY MESSIER (both pictured above), registration specialists in the Visual Arts Division, gave an overview of the registration system. Finally, MARIA PEREZ-MORALES, information specialist, explained the Copyright Office catalogs.

On November 12, a similar group was introduced to the Copyright Office by SYLVESTER SIMPKINS, information specialist. Registration specialists GEOFFREY CROWLEY from the Performing Arts Division and ALAN RUNGE from the Visual Arts Division presented an overview of the registration system. Finally, TONYA LEWIS, information specialist, spoke about the Copyright Office catalogs. © JN

## Office Gets Clean Windows

Many staffers have never seen the windows of the Madison Building opened. But in fact they swivel horizontally on a center support after being unlocked with a special key. Here is a shot of an Architect of the Capitol contractor washing a window in the Literary Division on December 2 and giving staffers a clear view of C Street. © JN



# PIA Hosts Legal Interns

JUDITH NIERMAN

The Office of Policy and International Affairs (PIA) is hosting two legal interns during the fall semester. Kastantia Katsouli, who came to the United States from Athens, is working on the topic of orphan works and ancillary copyright law, including laws that affect news headlines, including neighboring rights and provisions in Germany for exploitation of works in the press. She is working under the supervision of **MOLLY TORSÉN STECH**. Katsouli graduated from the National University of Athens with a degree in law. She then studied European law in Germany before earning a doctorate in law from the University of Athens. After moving to the United States, she earned an LLM in intellectual property law from George Washington University Law School in May 2014. Katsouli is fluent in German, Italian, and Greek.

Kimberly Miller, who also is interning in PIA, is a second-year law student at Georgetown Law in the District. Miller entered her undergraduate studies intending to focus on flute and piccolo performance, but she changed to music management. She graduated from the Hartt School, a performing arts conservatory of the University of Hartford in West Hartford, Connecticut. She then worked at a law firm in Philadelphia for a year and a half before entering law school. Miller is working under the supervision of PIA attorneys on orphan works and on various policy issues, such as ways in which foreign laws ensure that ISPs are not disseminating pirated content. She has also helped with presentations, including one given by **KARYN TEMPLE CLAGGETT** on the Marrakesh Treaty. ©



Copyright Office law clerks gather for a group shot. Pictured (left to right) are Maryna Koberidze, Kimberly Miller, Megan Hartnett, and Kastantia Katsouli. Hartnett and Koberidze will be featured in a future issue.

## Out & About

**SEPTEMBER 29:** Register of Copyrights **MARIA A. PALLANTE** and **JACQUELINE CHARLESWORTH**, general counsel, participated in the Recording Academy's Philadelphia Chapter roundtable with music creators. The event took place in Philadelphia and was one of a series beginning in New York City in January 2014. In addition to its work in advocacy and outreach, the Recording Academy honors achievement in the recording arts by sponsoring the GRAMMY awards.

**OCTOBER 8:** Office of Policy and International Affairs (PIA) counsel **KEVIN AMER** was a speaker at the 2014 Seoul Copyright Forum, an event organized by the Korea Copyright Commission in Seoul, Korea. The theme of the event was "The Present and Future of the Copyright System in the Digital Era." Amer delivered a presentation on the ongoing congressional review of U.S. copyright law, current Copyright Office policy activities, and recent U.S. copyright litigation.

**OCTOBER 22:** Maria A. Pallante delivered the keynote address at the GRAMMY Foundation's Entertainment Law Initiative Breakfast in New York City.

**OCTOBER 22:** **KARYN TEMPLE CLAGGETT**, director of PIA, delivered the keynote speech entitled "Understanding U.S. Copyright" and was a panel member at the International Council of Creators of Music Congress in Nashville, Tennessee.



Guy Messier and Melissa Crawford

**OCTOBER 30–NOVEMBER 1:** **MELISSA CRAWFORD** and **GUY MESSIER**, registration specialists in the Visual Arts Division, represented the Copyright Office at the PCN PhotoPlus Expo at the Javits Center in New York City. The event is the largest photography and imaging show in North America. They

provided handouts, demonstrated the Office website, and answered questions pertaining to copyright and photography. "Some questions extended to other areas of registration as well. For us, it was a unique opportunity to interact with the people we help on a daily basis, but in person rather than via email or telephone. Our booth was very busy, with a steady stream of questions coming through each day, all day long," said Crawford.

**NOVEMBER 4:** Maria A. Pallante spoke on "U.S.A.: Current Copyright Policy and the Audiovisual Section" to the 13th American/German Copyright Law Summit: "E.U. and U.S.A. Perspectives and Developments" in Santa Monica, California. She also served on a panel on "U.S. and E.U. Copyright Policy from the Film Producer's Perspective — Reaction to Current Policy Review and Proposed Reforms."

**NOVEMBER 6:** **ABIOYE OYEWOLE**, attorney-advisor in the General Counsel's Office, appeared on the copyright and arts panel at the University of Baltimore School of Law's Entertainment and Arts Law Symposium.

**NOVEMBER 18:** Jacqueline Charlesworth spoke at the second annual "2014 Global IP Summit" organized by the U.S. Chamber of Commerce. The event took place at the Chamber's headquarters in Washington, D.C. © JN





## Office Staff Honored for Support of Intellectual Property Law

The American Intellectual Property Law Association (AIPLA) recognized Copyright Office staff members on October 24 for their “outstanding contribution[s] to the integrity of intellectual property law.” Register of Copyrights **MARIA A. PALLANTE** presented recipients with certificates. From left are Wayne Sobon, 2013–14 AIPLA president; Office staff members **CHAD BECKER, REBECCA BARKER, RASHELLE BUTTS, STEPHANIE MASON, SHAWN THOMPSON, JANE RINARD, SYREETA SWANN, CHIH-LAN OLSON, THOMAS DUNN, ABI OYEWOLE, SASKIA FLORENCE, ROB KASUNIC, Maria Pallante, DIANE COOKE, CHARLES BUBECK, JAMES MOORE, INGRID ABBOTT, MCKENNA RAIN, AARON WATSON, and JOHN RILEY**; and Sharon Israel, 2014–15 AIPLA president. © WM

## Law and Policy

### Leahy and Kilmer Introduce Bills to Amend Copyright Law

Sen. Patrick Leahy (D-Vt.) introduced in the Senate the Copyright and Marriage Equality Act (**H.R. 5617**) that would amend the definition of “widow” or “widower” in the copyright law. Rep. Derek Kilmer (D-Wash.) introduced a similar bill in the House, which was referred to the Subcommittee on Courts, Intellectual Property, and the Internet on

## Ringer’s Speech Hailed During Celebration of Free Speech Week

**Free Speech Week** was observed during the week of October 20 this year. The Copyright Alliance, a nonprofit organization representing innovators and creators of copyright-eligible works, celebrated the week by **publishing online** an essay by Leo Lichtman, a Washington, D.C., lawyer, that comments on Barbara Ringer’s 1974 R.R. Bowker Memorial Lecture (New Series) entitled “The Demonology of Copyright.”

**Barbara Ringer**, the 8th Register of Copyrights who was a leader in crafting the 1976 Copyright Act, delivered a talk that may be enlightening with regard to some of the copyright issues current today. Ringer spoke of confrontation and “diametrically opposed expressions of feelings” about copyright, which opposing viewpoints may define as monopoly or property. These sentiments arise, she said, when

discussions about changing the law commence. Her purpose in the lecture was to analyze “this dialectic in terms of the changes the copyright laws of the world are now undergoing, and to determine whether the charges and countercharges of the pro- and anti-copyright forces can help us in adapting to these changes.” She concluded that “freedom of speech and freedom of the press are meaningless unless authors are able to create independently from control by anyone, and to find a way to put their works before the public.”

Free Speech Week was initially called National Freedom of Speech Week, but the name was shortened in 2011. The purpose is to raise awareness of issues related to free speech and to encourage a broad expression of this right. © JN

### Read more!

Read Ringer’s *lecture* for yourself on the Copyright Office website.

October 28. The proposed legislation would make sure that same-sex spouses could inherit copyrights.

The new definitions would include a same-sex spouse as a widow or widower when property in the form of a copyright is transferred after the death of the author. The new definitions affect those married

same-sex couples in cases where one person dies intestate in a state or jurisdiction that does not recognize same-sex marriage. If the marriage were valid in another state or jurisdiction, the rules of inheritance as outlined in the copyright law would apply.

© JN

# Kim Brown

WENDI A. MALONEY

PHOTO BY DAVID RICE



**KIM BROWN** joined the Copyright Office staff in 1977 after earning a degree in journalism from the University of Maryland at College Park. He worked in the Public Information

Office (PIO) for nearly a decade, then left the Office briefly to launch a magazine about copyright. Since 1996, he has been a section head in what is now the Receipt Analysis and Control Division. Early in his Copyright Office career, Kim also worked as a sports reporter and journalist. He is now completing a volume of short stories to be published in 2015.

## Where did you grow up and go to school?

I grew up in northeast Washington and attended Taft Junior High and McKinley Tech High School. Growing up, I played sports year round with my older brother Butch and our friends. In junior high and high school, I served as a sports reporter and editor for the school newspapers. I was drawn to sports journalism while competing on my junior high track team. *Washington Post* sports reporter Donald Huff interviewed me for a story, and I thought, there's a job I wouldn't mind having.

## How did you make your way to the Copyright Office?

After college, I wanted to be a sports reporter, but I knew it could take a while to get hired. So when I saw an ad for a library aide opening at the Library of Congress, I decided to apply. My first job was in the Records Control Section of the Copyright Office's old Service Division, where I processed copyright deposits. Eight months after starting, I was promoted to compliance searcher in the Deposits and Acquisitions Section. I searched Office files to determine if copyright owners had satisfied their mandatory deposit obligations under the law, and I prepared written reports detailing my findings. I sought to learn as much as I could about the Office, its policies, and workflow during that period and decided that I wanted to become a copyright information specialist. I moved to the Public Information Office (PIO) in 1984 as a junior copyright information specialist. Because inquiries come into PIO about all things related to copyright and the Office's services, I gained a comprehensive knowledge about copyright law, federal regulations, and the Office's policies and practices. That allowed me to advance to increasingly responsible positions, including acting section head. My PIO experience still serves me well today.

Brown's staff identification card from *The Washington Star*.



Kim Brown, second from the left, accepts an outstanding service award from the American Intellectual Property Law Association (AIPLA) in 2012. The Register is to his left. AIPLA officers stand on either side of Brown and the Register.

PHOTO COURTESY RICHARD BURGESS

## How did you become a sports reporter and journalist?

My college roommate was hired as a sports reporter at the *Washington Star*, and he encouraged his editor to recruit me just before I started at the Copyright Office. I covered late-afternoon and evening games, and I also wrote news stories and feature articles. It was a blast, but the hours were a killer. Sometimes, I wouldn't get home until 2 or 2:30 a.m. after filing a story. In 1981, the *Star* folded, and the *Washington Post* recruited me as a sports and metro reporter. I wrote about high school, college, and professional sports and local news. The following year, I branched out into radio and started hosting "Timeout with Kim Brown," a weekly radio sports talk show on WDCU, the radio station of the University of the District of Columbia. Guests included CBS sports broadcaster James Brown, Washington NFL team notables Larry Brown and Bobby Mitchell, former UDC

head basketball coach Willie Jones, and many more. During the same time, the Associated Press hired me to cover local college and professional sports and the metro scene under tight deadlines.



CONTINUED >

Journalism has always been a second career for me. I still occasionally take on assignments for AP.

### **You left the Copyright Office in 1994. Why?**

I left Washington for Minnesota to spend more time with my young daughter, who lived there, and I helped to start a new magazine, the *Journal of Copyright Information*. I wanted to create an opportunity for myself and others while taking advantage of my knowledge of copyright and my experience as a journalist. So I met with investors, brought a printing and graphic design firm on board, and recruited writers and editors with whom I had worked in the past. The journal covered a wide range of issues related to copyright, including legislative developments, copyright and publishing, the activities of the U.S. Trade Representative, court decisions, and much more. We had major subscribers, such as the British Library, colleges and universities, the Recording Industry Association of America, and ABC News. I very much enjoyed working on the journal. But it did not succeed, ultimately, and I was happy to return to the Copyright Office.

### **What position did you take when you came back to the Office?**

I was hired as head of the Mail and Correspondence Control Section of the former Receiving and Processing Division. I like to think that I'd made a good name for myself while working as a manager in PIO—I'd demonstrated that I could show leadership and coordinate the daily activities of a section. So I thought I would be a good candidate. But Receiving and Processing, now the Receipt Analysis and Control Division, was considerably different from PIO. One difference was size—it was huge. Job number one for me as a manager was to change the culture. I wanted staff to see that professionalism and respect for public service can lead to all kinds of opportunities. Staff responded well, and many have moved on to do great things, both in the Office and elsewhere.

### **What has been your biggest challenge?**

Helping staff adapt to the 2007 reengineering and reorganization was an enormous challenge. We had to transition from paper-based manual processing of incoming registration claims to the new online system. Most staff had no familiarity with online processing, so a lot of training was needed. We struggled for at least a year, but now things are going very well. The new system is a vast improvement over the days of manual processing. Following the reorganization, I became head of the In-Processing Section of the new Receipt Analysis and Control Division.

### **What are some of your most memorable Office experiences?**

In 1987, as a senior copyright information specialist, I represented the Copyright Office at the Frankfurt Book Fair. I staffed a revolving carousel assigned to the Library of Congress in the booth of the U.S. Information Agency. I responded to copyright inquiries from fair attendees from all over the world. It was satisfying to be in that position and have that responsibility. But I also enjoyed the trip for a personal reason. My father served in Frankfurt during World War II. By the end of the war, the city had been leveled. I spent time taking in the architecture of the rebuilt city and later shared my impressions with my father. It was a meaningful way to connect with him.

Another highlight came in 1993, when I was selected to serve as acting PIO head and Freedom of Information Act officer. It was my first time serving as a manager and demonstrating leadership skills to ensure that the Office's mission was successfully carried out. I was commended for composing complex and technical correspondence

on copyright matters for the public and for the signature of the Librarian of Congress.

Perhaps the most memorable moment of my Office experience was when the Register selected me to receive the American Intellectual Property Law Association Award in 2012, recognizing my "outstanding contributions to the integrity of intellectual property law while in distinguished service at the United States Copyright Office." It's a rare occasion when the head of an agency singles you out for such a high honor. For me, it affirmed the efforts I've put forward for the Office.

I am also very proud to have earned outstanding performance ratings and special achievement awards 24 times and awards for meritorious service in 1982 and 1987.

### **Can you share details about the short story collection you are writing?**

The stories are based on my experience as a metro reporter. There's murder and mayhem, but also some positive experiences. I write in the evenings after I run—I run five miles a day, rain or shine. I've been working on the collection for a while and hope to publish it next year. ©



Brown outside the hotel he stayed in while attending the Frankfurt Book Fair in 1987.

PHOTO COURTESY KIM BROWN





## Dineda Nyepan (Re)Introduces *copyright.gov*

JUDITH NIERMAN

**DINEDA NYEPAN**, a web administrator in the Office of Public Information and Education (PIE), brought Copyright Office and Library of Congress staff up to date on Office website developments in two programs on November 12, each entitled “(Re)Introducing **copyright.gov**.” The first presentation was an afternoon tea aimed at Office staff. The next was a roundtable for Library of Congress staff interested in Copyright Office developments.

The focus of Nyepan’s talks was the refurbished website, which was launched on July 31 to numerous positive comments from the public. It replaced a design that had not been updated since 2001.

“While the information on the old and new websites is the same,” said Nyepan, “the new design has an updated look and better navigation tools based on a header/footer scheme.” It also has additional pages, such as the **USCO leadership page**, expanded biographies of the Registers of Copyright, and **information** on academic partnerships, the Kaminstein and Ringer programs, and other matters.

Nyepan outlined the activities culminating in the launch, including extensive consultations throughout the Office and the creation of a new structure for the site and



Dineda Nyepan

mockup pages. Nyepan spent months writing code. She was assisted by computer assistant **MICHAEL BROOKS**, who was assigned to PIE in January, and web administrator **ED ROGERS**, who took on additional work so that Nyepan could concentrate on the new website.

After a successful launch, the website has continued to receive tweaks. “It is a work in progress,” explained Nyepan, who, together with Brooks, is engaged in code review to add new technology to the website. It is now “responsive,” which means that it can be viewed on mobile devices such as tablets and phones. In the works are more pictures, and an expanded section on the Registration Program, videos, and improvements to the menu.

And if she had it to do over? she was asked. “I would ask more questions, pace myself better, and ask for more people to be assigned to the project,” she responded.

The two presentations were planned by **ALICIA MROCZYK**, special assistant in PIE. ©



### “Copyright Refresh” Coming to a Theater Near You

A hit at both presentations was a **video** in the form of a movie trailer called “Copyright Refresh” created by Brooks (right) and Nyepan.



# Brauneis Analyzes Recordation System, Music Deposits

WENDI A. MALONEY

Robert Brauneis concluded his residency this fall as the Office's first Abraham L. Kaminstein Scholar having produced a comprehensive report about documents recordation and a study of music registrations since 1978.

A law professor at George Washington University, Brauneis spent a year at the Copyright Office in 2013–14 while on sabbatical leave. When Register of Copyrights **MARIA A. PALLANTE** announced the creation of the Kaminstein residency in 2013, she described it as a way to “bring leading academics to the Copyright Office to work on mutually beneficial projects.”

Brauneis's interest in recordation of copyright-related documents relates to his research into ways to increase information about copyrighted works. “For the copyright marketplace to thrive, prospective users of works need to be able to identify owners to license those works,” he said.

Each year, authors, heirs, copyright owners, and others submit thousands of documents to the Copyright Office for public recordation. In fiscal 2014, the Office received more than 10,000 recordation submissions relating to hundreds of thousands of works. The documents contain information about copyright assignments, licenses, and other transactions affecting chain of title. Since 2011, the Office has been taking steps to reengineer its documents recordation system; unlike copyright registration, recordation remains a paper-driven process.

Brauneis oversaw a public inquiry into documents reengineering involving solicitation of public comments in early 2014, followed by roundtables in Los Angeles; Palo Alto, California; and New York City. Technology experts, librarians, copyright practitioners, educators, consumer groups, authors, and others weighed in. “Taking the show on the road helped us learn about the experience and needs of diverse stakeholders,” Brauneis said.



PHOTO BY DAVID RICE

He prepared a report for the Register that integrates findings from the public inquiry with supplementary research and recommendations. He said the report includes “pages of acknowledgments” recognizing all the staff who contributed. “The report represents a lot of

effort by a lot of people,” he said.

Among its recommendations, the report advises the Office to build an electronic recordation system to parallel its registration system. “The process has already started,” Brauneis noted. “The Office amended its regulations in October to permit electronic submission of long lists of titles for recordation.”

This measure reduces the time it takes staff to process recordations and increases their accuracy. “The hope is that as recordation becomes easier, faster, and less expensive, more documents will be recorded and more information will be available to those seeking to use copyrighted works,” Brauneis said.

The report also analyzes issues such as how best to store electronic documents and make them available and how to accept and authenticate electronic signatures. “There are at least half a dozen issues like that to consider in transitioning toward an electronic documents recordation system,” Brauneis said.

Beyond recommendations, the report describes historical trends in documents recordation, including increased use over the past several decades of copyright transfers in financial transactions, at times involving transfer of entire catalogs of works. Partly because of this trend, the number of titles listed in individual documents has gone up over the years, even though the total number of documents recorded has remained fairly steady, Brauneis noted.

While at the Copyright Office, Brauneis also explored how researchers can mine copyright records for information. Specifically, he studied the types of deposits submitted with registrations of musical works and sound recordings since 1978, the year the Office launched its online catalog. To do so, he compiled a database including the catalog that appears on the Office's website plus electronic registration records not publicly available. His database permits searches that can return millions of records. By comparison, a single search of the Office's online catalog can return only up to 10,000 records.

In 1978, 86 percent of musical works remitters deposited sheet music, Brauneis found. Now, only about 17 percent of such remitters deposit sheet music; most deposit sound recordings. “The records show a cultural shift in the way music is produced,” he said. “Most commercially successful music today does not involve notation.” An article Brauneis wrote that includes this study is scheduled for publication in the *Tulane Journal of Technology and Intellectual Property*.

He will continue to work with the Copyright Office in coming months on a related project to release a dataset of all copyright catalog information, including records dealing with mandatory deposit, which cannot currently be accessed from the Office's website. The project involves formatting the records so they can be manipulated using statistical software and preparing an explanatory document for researchers. The dataset will eventually be made available for downloading.

Brauneis said he “absolutely” recommends the Kaminstein residency to fellow scholars. “It has been great to work with Maria and everyone here,” he said. ©

**For the copyright marketplace to thrive, prospective users of works need to be able to identify owners to license those works.**

Robert Brauneis

In law school, Choe took an intellectual property elective, which she found “absolutely fascinating,” leading her to take more copyright-related courses. An externship at Volunteer Lawyers for the Arts cemented her interest.



Michelle Choe

She worked with clients directly, fielding questions about issues affecting artists, many of them about copyright. In a companion class, she studied relevant laws and cases.

Choe earned academic recognition at Columbia Law School as a Harlan Stone Fiske Scholar, and she served on the *Journal of Transnational Law*. After completing her degree in 2011, she became an associate

at the firm Pillsbury Winthrop Shaw Pittman in New York City and was admitted to the New York Bar.

In 2013, Choe returned to Columbia University to work in the Copyright Advisory Office. She had worked previously for Kenneth Crews, the office’s director, while in law school and had taken his international copyright course. She helped professors, librarians, students, and other members of the campus community research copyright ownership and understand topics like fair use and orphan works. A favorite project involved providing guidance on copyright issues related to an exhibition on literary publisher and provocateur Samuel Roth. “I answered questions about posting of materials online, attributions, and commentary,” Choe explained. “It was fun to be part of the process.”

She subsequently contributed to a World Intellectual Property Organization (WIPO) report Kenneth Crews prepared about exceptions to the copyright laws of WIPO member states. In the report’s introduction, Crews recognizes Choe for her invaluable support.

“I’ve been lucky to work with incredibly intelligent people,” Choe said of her experience with Crews and at Columbia.

She said she is honored to be a Ringer Fellow at the Copyright Office. “This is exactly what I wanted to do next,” she said. Since September, Choe has done research and writing for the music licensing, orphan works, and making available studies the Office will soon publish.

“It is satisfying to work on things I enjoy every day,” Choe said. “My goal is to learn as much as I can from the accomplished lawyers here at the Copyright Office and perhaps to contribute insights I gained from being in an academic copyright setting. It’s been a great experience so far.”

Outside work, Choe likes to write poetry and play piano, guitar, and tennis, time permitting. A native of Los Angeles, she is an avid Dodgers fan. She lives on Capitol Hill and is enjoying getting to know the area.

Donald Robert Stevens has a bachelor’s degree in chemistry from Stanford University, a master’s in history from the University of Oregon, and a law degree from the University of Chicago, which he completed this year.

Stevens’s journey from chemistry to copyright started with history courses at Stanford. “I took a couple of legal history classes at the suggestion of my father and really liked them,” he said. He was sufficiently intrigued to pursue graduate studies in history at the University of Oregon, where he earned a master’s degree. Deciding against an academic career, Stevens enrolled in the University of Chicago Law School.

At the urging of a Stanford law professor, who suggested Stevens could draw on his science background by going into patent law, Stevens took intellectual property courses and found that he enjoyed copyright.

In his second year of law school, he secured a fellowship to do comparative copyright research in Budapest. As a David L. Boren Fellow at the University of Szeged, he analyzed Hungarian and U.S. copyright laws, translated copyright-related documents from Hungarian

to English, and lectured. He said he knew the basic structure of the Hungarian language before accepting the fellowship from having played bass and violin in Hungarian folk music groups since he was a child. An intensive course at the start of his fellowship improved his facility with the language.

“I researched, for example, how the two legal systems might treat digital sampling,” he explained. He said the absence of court decisions in Hungary on that particular subject made it difficult to determine with any certainty.

At the Copyright Office, Stevens has been researching foreign laws and treaties and contributing to the making available and orphan works studies. “It’s fantastic,” he said



Donald Robert Stevens

of his fellowship. “I don’t really feel as if I’m working. You typically wouldn’t expect to get to do this kind of work in your first year out of law school.”

Outside work, Stevens plays violin with a Hungarian folk music group he joined soon after moving to the Washington area. The group played with the Rózsafa Folk Ensemble on the Kennedy Center’s Millennium Stage

in a November 3 music and dance program. Stevens also teaches Hungarian folk music to local students, which he said allows him to practice his language skills.

While in Hungary, he met his future wife, Bibiana, an economics student from Oaxaca, Mexico. The two married days before Stevens started at the Copyright Office and now live in Virginia with their newly adopted Shih Tzu. ©





PHOTO BY WENDI MALONEY

**PAT RIGSBEE** recently celebrated 30 years of federal service. Now a senior copyright research specialist in the Records Research and Certification Section of the Office of Public Records and Repositories, she started working for the government while in high school as a part-time clerk-typist at the Fort Belvoir, Virginia, military base, continuing through college and accruing a year's worth of federal service.

Pat has a bachelor's degree in English and French from the University of Virginia and a master's degree in teaching. She taught high-school French for a year before transitioning to a job as a French-language research assistant in the Federal Research Division of the Library of Congress. Following a reduction in force, Pat came to the Copyright Office in 1988 as a research specialist trainee in the former Reference and Bibliography Section.

"I knew almost nothing about copyright when I started, so there was a learning curve," Pat said. "But the transition wasn't hard because my new colleagues were nice, and I was happy to be able to continue to do research."

After a two-year training period, Pat became a copyright research specialist, a position that involves researching the Office's public records for details about copyright ownership. Anyone who wants

to pay the fee for this service can request a records search. A simple search might require finding registrations facts for a single work; longer searches may demand identifying all the copyrights related to a prolific author.

Copyright research specialists prepare reports that can range from a page to hundreds of pages, depending on the complexity of the search. When certified, the reports can be used as evidence in court proceedings.

Pat said she especially likes doing large-scale searches for all copyright records under a particular author's name or pseudonym. "By the end of some searches, I feel almost as if I know the person, I'm so well versed in his or her accomplishments," Pat said.

She also enjoys completing searches highlighting the work of artists featured at Library or Copyright Office special events. Recently, she searched for copyright records for singer-songwriter Billy Joel, the 2014 recipient of the Library of Congress Gershwin Prize for Popular Song. For a Copyright Matters event in 2013, she searched for records for singer-songwriter Paul Williams, who talked about the importance of copyright to his career.

"That was one of my more difficult searches, because there are many people named Paul Williams," Pat said. "Figuring out which records were those of the right Paul Williams took some digging." After the event, Pat met Paul Williams in person.

Over the past 10 years, the number of copyright research specialists has dwindled. In 2005, there were eight. Now there are only two, one of whom is in training. "We're doing the best we can

under the circumstances, but it's often a challenge," Pat said.

Nonetheless, Pat said she still enjoys researching copyrights. "The records document the history of U.S. creativity—they're very special that way—and some of the older records are themselves works of art," Pat said.

"I'm glad I ended up here," she concluded. "I like learning about people and what they've accomplished, and my colleagues have been great to work with."

Outside work, Pat spends time with her family and is active in her church. She lives in Alexandria, Virginia. **WM**

## Our Colleagues Need Donated Leave

**MELINDA BRISCOE**, an area specialist in the Out-Processing Section of the Receipt Analysis Control (RAC) Division, is in need of annual leave donations due to the birth of her daughter, Morgan.

**ROBERT RAUM**, an accounting technician in RAC, also needs leave donations. Robert was hospitalized for three weeks due to pneumonia and requires follow-up visits and therapy. The donated leave would be used for ongoing treatment and recuperation.

Melinda and Robert have been approved for the leave donor program, and accounts have been established in WebTA under their names. To donate leave, select "Leave and Premium Pay Requests" in WebTA and follow the instructions. Requests for assistance can be directed to **CHRIS CRUZ** at 7-4116 or **ccru@loc.gov**.

## TSP and IRA Limits Increase in 2015

Each year the **IRS** determines the amount of money that you can put in your Thrift Savings Plan account if you "max out" or contribute the most that is allowed. In **calendar year 2015**, that amount will be \$18,000 for employees under age 50. For those employees 50 and over, a "catch up" contribution is allowed. In 2015, that amount is **\$6,000**.

You may not make the catch-up contribution if you do not contribute the maximum allowable for your "elective deferral limit," that is, if you do not contribute the \$18,000 that you ask your employer to deduct from your pay. The total amount that you can contribute if you are age 50 or over, including both the catch-up and the maximum, is \$24,000.

If you contribute the entire amount **before the end of the year**, you may lose your agency matching funds for the pay periods in which you are not contributing. You will not, however, lose your agency automatic 1 percent contribution.

For personalized information on planning contribution strategies, see your tax professional. **JN**

Even though you are contributing the maximum allowed to your TSP account, you may **also** contribute to an Individual Retirement Account.

# The March King and Taylor Swift Share Common Concerns

JUDITH NIERMAN



John Philip Sousa in  
Marine Band uniform

PHOTOGRAPHS FROM THE MUSIC  
DIVISION, LIBRARY OF CONGRESS

John Philip Sousa (1864–1932), who was called the March King, and Taylor Swift have something in common: the two copyright owners expressed concern about the means of distributing their music. Swift, the phenomenally popular singer-songwriter, recently denied a music streaming service the right to distribute her new album *1989*, which was released in October. Instead, the album came out the old-fashioned way, that is, on CDs. It promptly sold more than 1.25 million copies. She and other singers and songwriters **claim** that the small fraction of a cent that they receive when someone streams their music does not fairly compensate them for the use of their copyrighted material.

Sousa too felt that new technology was doing a disservice to his royalties as well as to the music of America. He was outspoken in his distaste for the lack of remuneration for composers and musicians after the introduction of piano rolls. It was not just minuscule royalties, it was no royalties that he decried. Those who used his music but did not pay—the music pirates—were those “**powerful corporations**” that manufactured and distributed “mechanical-recording apparatuses.” The result of this new technology, he said, was a decrease in royalties for composers and performers. He feared that without the incentive of reward for merit and labor, composers would not publish new music but would control their compositions in manuscript form.

A hit at the 1893 World’s Fair in Chicago, Sousa’s New Band, which he formed after leaving his position as conductor of the Marine Band in 1892, inspired thousands to purchase sheet music and take it home to play on their own instruments. According to Sousa, Americans had more instruments than did the residents of any other country, and the multitude of instruments resulted in the employment of many instructors. America was the “**Mecca** toward which journey the artists of all nations,” he said.

But within a few years of the fair, he believed that not only was domestic music endangered, but also that amateur creation of music was in decline due to



A piano that played music from piano rolls.

the proliferation of mechanical devices that played music. Sousa coined the term “canned music” to refer to the sounds emanating from machines playing wax cylinder recordings.

In 1906 when **Congress was considering** whether to give copyright owners a monopoly over machines that could reproduce sound, Sousa **supported** the idea. But Congress adopted a compulsory license so that composers would receive compensation when their works were played.

Swift and Sousa would agree that new technology brings new challenges to composers, songwriters, and musicians. ©