

U.S. Copyright Office

Strategic Plan 2002→2006



February 2002

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**The Congress shall have Power...
To promote the Progress of Science
and useful Arts, by securing for limited
Times to Authors and Inventors
the exclusive Right to their respective
Writings and Discoveries.**

Constitution of the United States, Article 1, Section 8



Introduction by the Register of Copyrights

I am pleased to present this revised strategic plan for the United States Copyright Office. The plan covers fiscal years 2002–2006 and provides a high-level strategic framework for fulfilling the Office's mission. The way in which the Copyright Office works, the processes we use, and the technology we employ must be able to accommodate the demands of our digital world. We will maximize the use of information technology systems in our reengineering of business processes to make our services more fully electronic.

The plan consists of the following parts:

- **Part 1:** The Office's mission and functions
- **Part 2:** A summary of the broad goals and objectives of each major function
- **Part 3:** A description of the Office's two major strategic initiatives: Business Process Reengineering and Information Technology
- **Part 4:** A detailed section for each function's strategic goal and objectives, including performance goals which will be developed in annual plans, specific strategies and means, and methods to be used in future

evaluations of the manner and extent to which intended objectives have been achieved

This strategic plan is linked to the goals and day-to-day activities of managers and staff through Annual Program Performance Plans, which form a basis for manager and supervisory performance plans and periodic staff performance reviews.

An appendix to this plan shows links to the Library of Congress strategic plan (1997–2004). Throughout this Strategic Plan, the word “copyright” is used to refer to copyright, mask works, and design registration for vessel hulls, as well as to recordable documents relating to these categories of intellectual property.

As the Office looks to the future, I am confident that we will build upon our accomplishments to ensure a strong, effective, and balanced national copyright system. The Copyright Office will continue to lead and serve toward the constitutional goal “to promote the Progress of Science and useful Arts...”

*Marybeth Peters
Register of Copyrights
U.S. Copyright Office
Library of Congress ♦*

Part The Mission and Functions of the U.S. Copyright Office

Mission

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

The American Law of Copyright

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

The owner of a copyright has the exclusive right to reproduce, distribute, and, in the case of certain works, publicly perform or display his or her work; to prepare derivative works; and to authorize others to engage in the same acts under specific terms and conditions. These exclusive rights are balanced by a limitation on their duration, which is generally the life of the last surviving author of a work plus seventy years. There are also limitations such as “fair use” and the “compulsory license”

under which certain uses of copyrighted works are permitted. Maintaining this balance between the rights of copyright owners and the benefits to the public in the use of copyrighted works is the primary goal that has guided changes in the Copyright Act as it has been expanded to include new types of creative works and adjusted to address new technologies.

Functions of the U.S. Copyright Office

Administration of the U.S. Copyright Law

Congress enacted the first federal copyright law in May 1790. The law has been revised periodically. In 1870, the requirement to deposit works registered for copyright in a single location established a centralized national copyright function in the Library of Congress. The registration and deposit of works for copyright protection have served two purposes: to create a record of copyright registration as legal evidence and to enrich the collections of the Library of Congress for the benefit of the American people.

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

Registration of claims to copyright ·

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

The law provides incentives to registration. Legal rights granted by copyright are better enforced in the federal court system once registration is made. Timely registration secures certain legal remedies in a legal action for copyright infringement; the registration certificate is *prima facie* evidence that the factual claims made in the registration certificate are true and that the copyright is valid; and registration makes a public record of the claim.

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

The Office's registration records assist the public to find the copyright owner of individual works.

Recordation · Documents relating to a copyright, including transfers of ownership and security interests, are submitted to the Copyright Office to create a public record of such actions. The Office verifies that the document is recordable, a certificate of recordation is issued, and a public record of the action is created. These records allow the public to track changes in ownership of copyrighted works.

Mandatory Deposit · The Copyright Act provides that every copyrightable work published in the United States be sent to

the Copyright Office within three months of publication for possible inclusion in the Library's collections. While many works are received through copyright registration, this provision ensures that those works that the Library wants for its collections and that are not submitted for registration can be acquired. The Office requests works under this provision in response to requests from the Library's acquisitions librarians.

Licensing · The Office handles administrative provisions of the nine statutory licenses and obligations of the Copyright Act, including those involving secondary transmission by cable television systems and satellite carriers. For certain licenses, the Office collects specified royalty fees for disbursement to copyright owners. It also records voluntary licensing agreements between copyright owners and specified users of their works. Licensing documents submitted for a statutory or compulsory license are examined to determine that they meet the requirements of the Act.

Policy Assistance, Regulatory Activities, and Litigation

The Copyright Office is the primary source in the U.S. government for legal and technical advice on copyright matters. It assists the Congress, executive branch agencies, and the judiciary on copyright and related issues.

The Congress · As part of the legislative branch, the Office works closely with the Congress in providing objective, nonpartisan analysis and recommendations on national and international copyright issues. As Congress considers the complex copyright issues involved in the growth of digital technology and computer networks, it has tasked the Copyright Office with study and rulemaking responsibilities to address these issues. For example,

the Digital Millennium Copyright Act was signed into law on October 28, 1998, and gave the Copyright Office responsibility for conducting several studies on various subjects related to technology control and use. Legislation enacted in the period covered by this strategic plan may give the Office significant additional responsibilities.

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

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

Public Information and Education

With new digital technology, more people have the opportunity to use, copy, and distribute copyrighted works, and thus engage in behavior that implicates copyright law. As such, there is a growing need for clear, accurate information about copyright principles and law.

The Office responds to public requests for information and engages in outreach programs to inform the public discussion of copyright issues.

Management Initiatives

To provide new and more timely public services, the Office is undertaking a major transformation of its internal processes. Two principal initiatives are part of this effort: Business Process Reengineering (BPR) and a new Information Technology (IT) infrastructure.

Business Process Reengineering

The Office has begun an extensive multi-year effort to reengineer its principal public services, which are registering claims, recording documents, acquiring deposited works, answering public requests, maintaining records, and accounting.

A plan to implement the reengineering options has been completed. The plan decreases movement of physical objects and focuses primarily on electronic processing. The reengineering plan requires the use of new information technology.

These technology requirements will be addressed through a new and integrated Copyright Office information technology infrastructure.

Information Technology

The Copyright Office relies on accurate and timely information to fulfill its duties under the Copyright Act. Information processing and products are critical to these duties. Access to information is also important for the Office's policy and regulatory work for the U.S. Congress and the executive branch.

The Copyright Office will unify its information technology systems in an integrated package of interoperable modules. In order to serve its customers fully, the Office must have its services available online to the greatest extent possible.

In the next few years, the Copyright Office will make a transition to primarily electronic delivery of services, while remaining capable of processing hard copy objects within that electronic environment.

The creation of innovative methods for registering works, cataloging them, and making an electronic public record rapidly accessible will position the Copyright Office to address the fast-paced electronic commerce environment of the 21st century.

The long-term outcome of the Copyright Office's work and the strategic directions taken in the next five years will support the constitutional goals of encouraging American creativity and protecting the educational, cultural, and economic prosperity such creativity engenders.

Enabling Infrastructure

To accomplish its mission, the Office must have an efficient and effective infrastructure. The Office relies on the human

resources, security infrastructure, and facilities of the Library of Congress. Through cooperative efforts between the Office and the organizational units of the Library that are tasked with responsibility for key infrastructure support, the Office carries out these key activities:

Workforce Development that recruits, trains, and develops employees for optimal performance.

Management Controls and Support that ensure compliance with laws and regulations, safeguard assets, and meet human resource requirements.

Workplace Safety and Functionality that protect employees and fulfill space and equipment needs. ♦

Part Summary of Major Goals and Objectives

Copyright Law Administration

Goal 1: Carry out the administrative functions of copyright and related laws embodied in title 17 to provide benefit to the public.

Objective 1.1: *Registration* – Provide a timely and effective system to register claims to copyright and other forms of intellectual property in title 17 and provide a public record of registrations.

Objective 1.2: *Recordation* – Provide a timely and effective system to record documents assigning rights relating to copyright and other title 17 protections and prepare a public record of these actions.

Objective 1.3: *Mandatory Deposit* – Provide a timely and effective system for nonregistered deposit of published copyrighted works in the Library of Congress to sustain the high quality of its collections.

Objective 1.4: *Statutory Licenses and Obligations and the CARP System* – Administer title 17 licensing provisions and ensure timely and effective receipt and distribution of royalties.

Policy Assistance, Regulatory Activities, and Litigation

Goal 2: Formulate and provide expert advice to Congress, executive branch agencies, courts, and international entities in furtherance of maintaining a strong and effective national and international copyright system.

Objective 2.1: *Expert Advice and Testimony (Congress)* – Serve the needs of Congress for expert assistance on copyright and related issues.

Objective 2.2: *Expert Advice (Executive Branch)* – Provide policy and technical assistance to the executive branch in international and national copyright matters to encourage effective copyright laws and enforcement nationally and internationally.

Objective 2.3: *Rulemaking and Regulations* – Carry out responsibilities mandated by Congress by conducting rulemaking proceedings, adopting necessary regulations to implement title 17, and informing the public.

Objective 2.4: *Litigation* – Assist the executive branch and the courts with copyright and related litigation.

Public Information and Education

Goal 3: Be an effective voice for the principles of copyright, which benefit the public, by providing information and informing the public debate on copyright issues.

Objective 3.1: *Provision of Information* – Provide copyright information and reference services to the public in a timely and efficient manner.

Objective 3.2: *Outreach* – Provide public outreach through speakers, tours, exhibits, and other means.

Management

Goal 4: Maintain an organization and workforce that perform effectively.

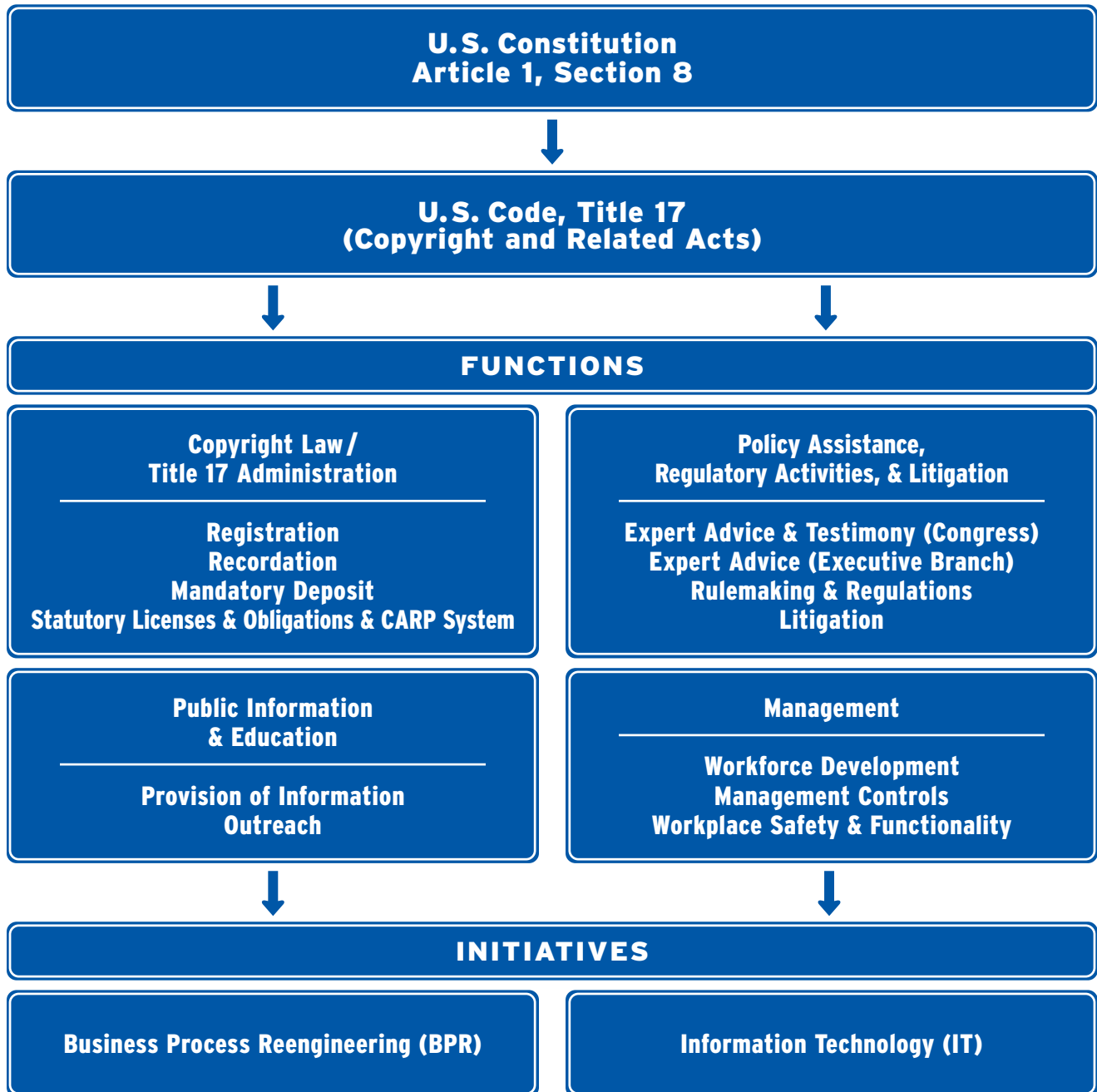
Objective 4.1: *Workforce Development* – Recruit, train, and develop employees for effective performance.

Objective 4.2: *Management Controls and Support* – Maintain effective manage-

ment controls and support to comply with applicable laws, to safeguard assets, to provide proper funds accounting, and to carry out efficient, effective, and economical copyright programs.

Objective 4.3: *Workplace Safety and Functionality* – Ensure effective maintenance of safety, functionality, and personal security in the workplace. ♦

U.S. Copyright Office Statutory Authority, Functions & Initiatives



Part Copyright Office Strategic Initiatives

Business Process Reengineering

The principal processes of the Copyright Office have operated in essentially the same manner for four decades. In order to serve the American people as effectively as possible, the Office has embarked on an extensive effort to reengineer its six primary business processes: registering claims, recording documents, acquiring deposited works, answering requests, maintaining records, and maintaining accounts.

The objectives of the BPR project are to:

- improve operations and service to achieve better processing times and create timely public records;
- enhance operational efficiencies through use of new or alternative technologies;
- contain costs of registration, recordation, and other services;
- strengthen security within the Copyright Office;
- use staff and space efficiently.

In FY2000, the Office contracted with PricewaterhouseCoopers to facilitate the reengineering process and develop and create an implementation plan. Guided by a Steering Committee, a Copyright Process Reengineering Team worked for eight months on process redesign. The team created an “as-is” process description, alternatives for the “to-be” process, and a high-level activity-based costing study for each process.

In April 2001, the Office’s BPR Steering Committee, led by the Register, agreed to the conceptual outline of the future processes, organization, facilities, and tech-

nology. A detailed plan to implement the reengineering concept was completed in June 2001.

The BPR conceptual outline reorganizes the current operational divisions of the Office into six new divisions, each representing a process:

- *Receipt Analysis Control Center*: Receives and sorts items that enter the Office. Creates initial tracking records. Converts paper materials to electronic format for use by the rest of the Office. Sorts and dispatches deposit copies to the appropriate location. Performs outgoing mail functions in a centralized printing and mailing location.
- *Accounts*: Processes checks, verifies and allocates fees, balances accounts, interacts with third party pay services, performs refund or uncollectible activities, and handles deposit accounts.
- *Registration*: Updates tracking records, examines for copyrightability and other legal requirements, catalogs claims of copyright registrations, and corresponds with applicants. Organized by sections according to class of work.
- *Recordation*: Examines for recordability, updates tracking records, and creates a public record of documents that relate to copyright.
- *Information*: Operates a customer in-

Business Process Reengineering (BPR)

→ Review key business processes and reengineer them for more efficient public service. ←

formation and service center and produces search reports. Prepares certifications and maintains deposit copies and other records in storage facilities.

- **Acquisitions:** Issues demands for materials needed for Library of Congress collections and receives voluntary deposits sent to satisfy mandatory deposit requirements. Creates acquisitions and bibliographic records for materials demanded, creates receipt records of all deposits received, collects and maintains information on publishers and distributors, and corresponds with depositors or their legal representatives.

During FY2001 the Office, with the guidance of contractor PricewaterhouseCoopers, completed a BPR study and implementation plan, formed the first two implementation teams, began definition of two processes (Receive Mail and Maintain Accounts), and completed and implemented a communications plan.

Performance Goals

The performance goal for this strategy is *to improve Copyright Office public services in registration, recordation, and mandatory deposit processes*, to be accomplished by implementing a BPR plan incrementally over the next three years.

Means

This project will proceed in concert with the new information technology strategy, including electronic delivery of services and electronic submissions. As outlined in the Implementation Plan, this project will be accomplished in phases through the use of implementation teams, phased training for staff as they enter reengineered processes, and pilot projects to initiate and further refine the reengineered processes.

The Office will also collaborate with the Library of Congress to obtain essential space designs and reconfigurations and to develop an organizational package.

Actions

FY2002

- Form remaining four implementation teams
- Define remaining four processes: Register Claims, Acquire Deposits, Record Documents, Answer Requests
- Continue collaboration with LC Library Services on issues of joint interest in reengineered processes
- Initiate pilots where appropriate
- Complete organizational package
- Prepare Position Descriptions
- Recommend position classifications
- Refine organizational structure proposed in BPR report
- Identify training needs for new processes
- Initiate discussions with labor organizations on impacts of reengineered processes
- Prepare baseline space assessment
- Complete training plan

FY2003

- Hire designer to redesign space
- Install 30 new workstations
- Upgrade 200 workstations
- Modify HVAC for two areas
- Purchase/install 30 new PCs
- Wire 200 workstations
- Train 200 staff
- Move 200 staff into new processes

FY2004

- Hire designer to redesign space
- Upgrade 200 more workstations
- Wire 200 more workstations
- Train 200 more staff
- Move 200 more staff into new processes

FY2005

- Post-BPR implementation evaluation

Information Technology

The collection, processing, storage and presentation of information are essential for the Copyright Office to fulfill its duties under title 17. Information processing and products are critical in the registration of claims to copyright, the recordation of documents pertaining to copyrighted works, the administration of statutory licenses, and the Office's responsibilities as an agency of public record. Access to information is also important for the substantive policy and regulatory work the Office performs for the U.S. Congress and the executive branch.

Two principle factors will shape Copyright Office information technology (IT) planning in the coming years. First, in order to serve its customers fully and efficiently, the Office must provide its services online to the greatest extent possible. Second, the Business Process Reengineering implementation plan requires new IT initiatives and/or redesign of current systems.

The results of the Office's reengineering work have shown that the Office must accelerate the use of new technology, not only for the processes affected by reengineering but for the entire Office. The Office must make a fundamental transformation in its public services from paper and hard copy-based processing to primarily electronic processing. Copyright Office processes must change from traditional manual capabilities to IT-enabled functions. The Copyright Office's separate information systems need to be unified in an integrated package of interoperable modules.

The outcomes of a more robust IT environment include faster and more accurate service to the public, more efficient and effective use of resources, and support of the Library's National Digital Information Infrastructure and Preserva-

tion Program through increased acquisition of digital works that can be made available for the Library of Congress collections.

To best fulfill its statutory mandate, the Copyright Office requires information technology systems that are interoperable, robust, and secure. These systems should:

- leverage information technology to increase the efficiency of Copyright Office business practices and the timeliness of service to the public;
- allow for electronic processing of registrations and deposits and, ultimately, of recordations;
- provide user-friendly Internet access to Copyright Office public records and information;
- provide administrative applications that increase Office productivity, including management of Office documentation;
- support the Office's policy and regulatory work by providing technology that will rapidly access current news and reference sources;
- allow for interoperability with Library of Congress systems so that data can be shared.

The Copyright Office will make a strategic transformation to electronic delivery of services while remaining capable of manipulating hard copy objects within that electronic environment.

In FY2001 the Office implemented a new management structure for IT through the creation of the Information Technology Oversight Group to coordinate all Copyright Office IT development

Information Technology Planning and Development

→ Make optimal use of information and digital technology to enable new methods of providing copyright services. ←

and projects. The group developed an action plan for the Office's existing systems; developed a request, approved by the House and Senate, for reprogramming of funds for the IT initiative; prepared a statement of work for an IT requirements contract; and awarded the contract to PricewaterhouseCoopers. The Office has positioned itself to create an integrated IT environment concurrently with the reengineering effort.

Performance Goals

The performance goals for this effort are to *enable the online provision of Copyright Office services to the public, accelerate the Copyright Office's ability to conduct most transactions with remitters and their representatives in an electronic format, and implement information technology improvements for internal processes.*

Means

Information Technology planning and development will be accomplished through a broad-based Copyright Office Information Technology Oversight Group which will:

- develop statements of work and select contractors who will define an IT strategy, devise an implementation plan, develop IT systems, and evaluate those systems as they are installed and in use;
- oversee all Copyright Office information technology projects.
- consult with the Library of Congress to coordinate functioning of new IT systems with existing and anticipated Library systems and to develop effective digital asset management.

Actions

FY2002

- Complete IT requirements analysis
- Develop an IT strategy and implementation plan that defines concurrent development paths using a multiple award contract with task order processing; organize the plan around the functional requirements needed to support the BPR implementation plan
- Complete a statement of work and select contractors for multiple contracts to design new IT systems
- Begin information systems design

FY2003

- Continue information systems design and prepare specifications that support functions including data capture through electronic receipt, scanning, and character recognition; routing of service requests; tracking of workflow; correspondence processing; flow of scanned images through processing steps to certificate production; enhancement of the data tracking record into a comprehensive historical record; movement of materials to/from secure repositories and access to the full complement of copyright records and materials in accordance with the provisions of the copyright code
- Continue to buy or develop systems based on the specifications; test, implement, and evaluate these systems

FY2004–2006

- Develop additional new systems to implement reengineered processes and IT strategy; test, implement, and evaluate these systems. ♦

BPR and IT Milestones ↔ FY2001 – FY2005

Business Process Reengineering

FY2001	FY2002	FY2003	FY2004	FY2005
→ Complete BPR Study & accept proposal → Complete Implementation Plan → Form two implementation teams → Define two processes: Receive Mail, Maintain Accounts → Complete & maintain Communications Plan	→ Form four implementation teams → Define four processes: Register Claims, Acquire Deposits, Record Documents, Answer Requests → Complete reorganization package → Complete training plan	→ Hire designer to redesign space → Install 30 new work stations → Upgrade 200 work stations → Modify HVAC for two areas → Purchase & install 30 new PCs → Wire 200 work stations → Train 200 staff → Move 200 staff into new processes	→ Hire designer to redesign space → Upgrade 200 work stations → Wire 200 work stations → Train 200 staff → Move 200 staff into new processes	→ Post-BPR Implementation Evaluation

Information Technology

→ Form IT Working Group → Complete current IT assessment → Set up new IT Management Structure → Request \$620,000 IT reprogramming → Deliver IT SOW to C&L → Award IT Requirements Contract	→ Complete IT Requirements Analysis → Award initial contracts – systems design	→ Continue systems design → Test & implement systems	→ Continue systems design → Test & implement systems	→ Test & implement systems
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Part Performance Goals, Means, and Actions

1 • Copyright Law Administration

Goal: Carry out the administrative functions of copyright and related laws embodied in title 17 to provide benefit to the public.

Objective 1.1: Registration

Provide a timely and effective system to register claims to copyright and other forms of intellectual property in title 17 and provide a public record of registrations.

Registration (section 408 of title 17) involves receiving copyright applications, deposited works and fees; ensuring proper payment and accounting for registration services; examining submitted works for copyrightability; issuing certificates of registration to copyright owners; and providing a public record of copyright ownership.

Goal: Copyright Law Administration

→ Carry out the administrative functions of copyright and related laws embodied in title 17 to provide benefit to the public. ←

Performance Goal

The performance goal for this objective is to *promote efficiency and timeliness in registration processing*, to be measured by cycle times for the issuance of registration certificates and the preparation and making available of online records. These cycle times will be set in Annual Program Performance Plan targets.

Means

(See also the description of “Means” under Business Process Reengineering on page 14.)

The means to accomplish this objective include implementation of the BPR plan and maintenance of the Copyright Office Electronic Registration, Recordation and Deposit System (CORDS).

Among the BPR plan’s key features for registration and accounts are:

- use of online registration applications with both electronic and hard copy deposits;
- up-front creation of claim-tracking records, permitting applicants to check claim status via the Internet;
- use of electronic data to create the initial public record;
- claims processing using electronic images of applications;
- one-time initial correspondence with the applicant on all issues or filing errors;
- automatic printing of registration certificates;

- availability of applications and registration information via the Internet;
- encouragement of payments via the Internet to be handled by third-party transactors (credit cards, electronic funds transfer [EFT]);
- account replenishment via electronic payments;
- availability of account information via the Internet with use of a secure personal identification number (PIN).

CORDS • The Copyright Office Electronic Registration, Recordation and Deposit System (CORDS) is the Copyright Office's existing project for electronic submissions. The U.S. Copyright Office, the Library of Congress, and the Corporation for National Research Initiatives (CNRI) have been cooperating on the development of the CORDS testbed. The goal of the CORDS project has been to develop and test a system for copyright registration with copyright applications and copies of works transmitted in digital form over communications networks such as the Internet. The electronic system enables copyright applicants to prepare their copyright applications and deposit materials in machine-readable formats, to sign their submissions digitally using public key encryption technology, and to send applications, deposits, and documents securely to the Copyright Office via the Internet. This system enables the Copyright Office to:

- receive digital submissions via the Internet;
- verify that each submission is authentic and complete;
- debit fees from the applicant's deposit account with the Copyright Office;
- create an electronic tracking record;
- acknowledge receipt of the application;
- provide for online processing of applications and deposits by examiners and catalogers;
- notify applicants electronically that the registration has been completed.

The system provides service to cooperating test partners wishing to submit textual and music files. Over 5 percent of current receipts are through CORDS. Future work on CORDS will be assessed as part of the IT strategy development and incorporated in, or modified for, the new IT systems as appropriate.

Actions

(See also [Business Process Reengineering](#) on pages 13 and 14.)

FY2002

- Complete the ongoing Backlog Reduction Effort in the Examining Division to reach 6 week throughput time.
- Decrease the number of uncataloged registrations on hand in the Cataloging Division.
- Convert CORDS to standard Library of Congress software and transfer maintenance and system operations to the Library.

FY2002–2004

- Implement BPR plans for “Register Claim” process.

FY2002–2006

- Reduce cycle times toward targets in BPR plans for issuance of registration certificates and creation of records.

Objective 1.2: Recordation

Provide a timely and effective system to record documents assigning rights relating to copyright and other title 17 protections and prepare a public record of these actions.

Recordation (section 205) involves making a public record of documents relating to a copyright, primarily transfers of ownership and security interests. The process includes receiving documents, verifying that documents are recordable, issuing certificates of recordation, providing a public record of such ownership, and collecting fees for recordation services.

Performance Goal

The performance goal for this objective is to *promote efficiency and timeliness in recordation processing*, to be measured by cycle times for issuing recordation certificates, returning original documents to submitters, and preparing and making available public online records. These cycle times will be set in the Annual Program Performance Plan targets.

Means

(See also the description of “Means” under Business Process Reengineering on page 14.)

The means to accomplish this objective include implementation of the BPR plan. Among the BPR plan’s key features for recordation are:

- up-front creation of a tracking record;
- use of scanning and creation of the catalog record from electronic information;
- simplified fee structure;
- allowing submitters to check status via the Internet;
- use of e-mail correspondence;
- making the recordation certificate available via the Internet.

Actions

(See also *Business Process Reengineering* on pages 13 and 14.)

FY2002–2004

Implement BPR plan for “Record Document” process.

FY2002–2006

Reduce cycle times toward targets in BPR plans for recordations and creation of records.

Objective 1.3: Mandatory Deposit

Provide a timely and effective system for non-registered deposit of published copyrighted works to the Library of Congress to sustain the high quality of its collections.

Mandatory deposit (section 407) provides for the deposit of copyrighted works for the use of the Library of Congress, without copyright registration. The process includes receiving requests from Library Recommending Officers; communicating with publishers and copyright owners, in particular where the Library wants a copyright owner's works, but the owner has not deposited them; issuing request and demand letters; receiving deposited works; and creating a record of the works received through voluntary and demand deposit.

Performance Goal

The performance goal of this objective is to *promote effective processing of mandatory deposits and compliance with mandatory deposit provisions of title 17*, to be measured by optimum processing times, monitoring and ensuring depository compliance through systematic reviews of copyright owners, and follow-up monitorings.

Means

(See also the description of "Means" under Business Process Reengineering on page 14.)

The means to accomplish this objective include implementation of the BPR plan. Among the BPR plan's key features for mandatory deposit are:

- up-front creation of a tracking record;
- ability to conduct a single search of Library of Congress and Copyright Office databases;
- sending automatic reminder notices to copyright owners;
- automated check-in of deposited works;
- use of e-mail correspondence.

The Office will also continue communication with copyright owners to promote voluntary compliance and refer to the Department of Justice for legal action those cases of repeated non-compliance.

Actions

(See also *Business Process Reengineering* on pages 13 and 14.)

FY2002–2006

- Conduct regular compliance reviews and follow-up monitorings of publishers.
- Reduce cycle times toward targets in BPR plans for processing and creating records.

FY2002–2004

- Implement BPR plan for "Acquire Deposit" process.

Objective 1.4: Statutory Licenses and Obligations and the CARP System

Administer title 17 licensing provisions and ensure timely and effective receipt and distribution of royalties.

Statutory licenses (Chapters 1 and 10 of title 17) involve receiving and disbursing royalty funds and recording licensing documents, in accordance with statutory licenses and obligations, and maintaining public records relating to such royalty funds. The Office oversees the administration of the following licenses and statutory obligation:

- statutory license for secondary transmissions by cable systems (section 111);
- statutory license for making ephemeral recordings (section 112)
- statutory license for the public performance of sound recordings by means of a digital audio transmission (section 114)
- statutory license for making and distributing phonorecords (section 115)
- negotiated statutory license for public performances on coin-operated phonorecord players (section 116)
- statutory license for the use of certain works in connection with noncommercial broadcasting (section 118)
- statutory license for secondary transmissions by satellite carriers for private home viewing (section 119)
- statutory license for secondary transmissions by satellite carriers for local retransmissions (section 122)
- statutory obligation for distribution of digital audio recording devices and media (chapter 10)

The Office also oversees Copyright Arbitration Royalty Panels (CARPs), which determine rates and terms of the compulsory licenses and distribution of royalties for certain of the compulsory licenses, subject to the recommendation of the Register of Copyrights and the final determination of the Librarian of Congress.

Performance Goal

The performance goal for this objective is to *administer provisions of the statutory licenses for the mutual benefit of licensees and copyright owners* by timely processing, accurate examination of statements of account, efficient cycle times, sound financial management, and on-time fund transfers.

Means

The means to accomplish this objective include:

- providing for the electronic submission of documents;
- providing for electronic payment of royalty fees and increasing numbers of electronic funds transfers (EFT) versus paper remittances to the royalty pool by requiring payment by EFT above a specified amount. [EFT payments provide remitters the ability to transfer funds closer to the due date without fear of incurring

interest assessments for late payments. Problems with lost checks and mail processing are eliminated. Copyright owners accrue more interest on the funds since the monies go directly to the Department of the Treasury without a processing lag time. The Office benefits by reducing administrative workload, lessening paperwork and related administrative costs, and improving reporting and auditing control of royalty fees.];

- determining and implementing other specific process improvements in licensing administration and the CARP process;
- holding CARP proceedings as necessary when parties are unable to agree on a distribution formula.

Actions

FY2002

- Identify opportunities for licensing public service improvements through the Office's Information Technology initiative.
- Implement use of the U.S. Treasury Department's "Pay.gov" program, a package of electronic financial services to assist agencies with collections, forms submissions, authentication, and agency reporting.
- Complete a regulation requiring submission of payments to the royalty pool via EFT for all remittances of \$5,000 or more.

FY2002–2006

- Phase in the implementation of optional electronic submission of forms.

Evaluative Methods for Goal 1

- Measurement of throughput time from receipt in the Office to delivery of customer products, such as certificates, online records, acquisition of mandatory deposits, processing of royalty payments and licensing documents, and so forth.
- User surveys regarding current and new services.

2 • Policy Assistance, Regulatory Activities, and Litigation

Goal: Formulate and provide expert advice to Congress, executive branch agencies, courts, and international entities in furtherance of maintaining a strong and effective national and international copyright system.

Objective 2.1: Expert Advice (Congress)

Serve the needs of Congress for expert assistance on copyright and related issues.

Performance Goal

The performance goal for this objective is to *provide thorough and timely technical and legal advice on copyright issues, meeting congressional requests and timetables.*

Means

The means to accomplish this objective include:

- analysis of legislative proposals and emerging issues;
- testimony at congressional hearings;
- drafting of legislation;
- studies of copyright and related issues;
- convening parties to define issues and identify areas of agreement.

Actions

FY2002–2006

- Provide assistance to Members and Committees in the form and within the time frames requested.

FY2003

- Prepare an evaluation of the effects of the Vessel Hull Design Protection Act as required by law.

Objective 2.2: Expert Advice (Executive Branch)

Provide policy and technical assistance to the executive branch in international and national copyright matters to encourage effective copyright laws and enforcement nationally and internationally.

Performance Goal

The performance goal for this objective is to *provide thorough and timely expert advice on international and domestic copyright issues to executive branch agencies.*

Means

The means to accomplish this objective include:

Goal: Policy Assistance, Regulatory Activities, and Litigation

→ Formulate and provide expert advice to Congress, executive branch agencies, courts, and international entities in furtherance of maintaining a strong and effective national and international copyright system. ←

- analysis of copyright and related issues;
- regular consultation with executive branch agencies on current and expected intellectual property concerns;
- attendance at meetings and conferences of international organizations as part of U.S. delegations;
- conducting annual International Copyright Institute training programs and technical assistance to foreign copyright officials.

Four areas of international activity support accomplishment of this objective:

Multilateral negotiations

- World Intellectual Property Organization (WIPO) treaty negotiations and experts meetings, as members of the U.S. delegation;
- World Trade Organization (WTO) negotiations;
- Hague Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters (hereafter called the Hague Convention);
- Intergovernmental Committee of the Universal Copyright Convention (UCC), administered by UNESCO, to oversee accessions to the UCC.

Trade agreements

The Copyright Office participates in the development and implementation of WTO obligations, the ongoing work of WIPO, and the WTO Council on TRIPS (Trade Related aspects of Intellectual Property rights). Included are meetings on the protection of folklore, databases, and broadcasters, as well as the continuing effort to review the intellectual property laws of developing country members for compliance with TRIPS obligations.

Copyright Office policy and international staff are members of the U.S. delegations to the Intellectual Property Negotiating Group of the Free Trade Area of the Americas. The goal of the negotiating group is to prepare and finalize an IP chapter for a Free Trade Area of the Americas Agreement. Staff were instrumental in drafting U.S. treaty proposals.

The Office is participating in the drafting and negotiation of intellectual property provisions for free-trade agreements with Chile and Singapore.

Bilateral consultations and negotiations

The United States interacts with individual countries in two areas that may result in Copyright Office involvement: trade agreements in which there is an intellectual property component and discussions and agreements focused on intellectual property issues, including level of enforcement.

Special 301

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

Actions

Most actions require multi-year participation in negotiations.

FY 2002–2006

- Participate in the Part Two Diplomatic Conference of the Hague Convention.
- Participate in multi-year treaty negotiations on the Free Trade Area of the Americas.
- Participate at WIPO in negotiations for a treaty on broadcaster's rights and experts meetings on other topics, e.g. protection of noncopyrightable databases, folklore.

Unscheduled (these actions may be necessary)

- Participate in any new diplomatic conferences to conclude a treaty relating to audio-visual performers.
- Provide advice and participate in negotiations on treaties for database protection (contingent on Congress passing legislation that covers database protection).
- Participate in any new round of WTO negotiations that includes intellectual property.

Objective 2.3: Rulemaking and Regulations

Carry out responsibilities mandated by Congress by conducting rulemaking proceedings, adopting necessary regulations to implement title 17, and informing the public.

Performance Goal

The performance goal for this objective is to *fulfill the Copyright Office's general regulatory role as specified in title 17 or in specific copyright legislation according to timetables set by Congress.*

Title 17 U.S.C. places numerous regulatory responsibilities on the Copyright Office. As title 17 is amended, new responsibilities are added. For example, the Digital Millennium Copyright Act (DMCA) created ongoing regulatory duties for the Copyright Office. The major ongoing regulatory requirements are contained in Chapter 12 of the copyright statute, which addresses technological protection and management systems for copyrighted works. Section 1201(a)(1) makes it unlawful to circumvent a technological measure that effectively controls access to a copyrighted work. However, the prohibition against circumvention does not apply to users of a copyrighted work that is in a particular class of works if those users are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition in their ability to make noninfringing uses of that particular class of works. The determination of what classes of works, if any, are subject to this exception is made by the Librarian of Congress on the recommendation of the Register of Copyrights, who conducts a rulemaking proceeding to identify any such classes of works. The initial rulemaking was completed on October 27, 2000. A rulemaking must be conducted every three years, with preliminary work in the intervening years.

Means

The means to accomplish this objective include:

- ongoing monitoring of the development and use of technological measures used to protect copyrighted works;

- ongoing performance of all regulatory activity;
- preparing and publishing notices of inquiry and notices of proposed rulemaking seeking comments;
- announcing hearings in the *Federal Register* and conducting such hearings; issuing interim and final regulations.

Actions

FY2002–2006

- Follow standard procedures for issuance of regulations for any new responsibilities set by Congress.
- Follow standard procedures for review and amendment to existing regulations.
- Complete work on pending rulemakings.
- Initiate all necessary new rulemakings.

FY2002

- Prepare a Notice of Inquiry regarding the statutory rulemaking on section 1201(a)(1).

FY2003–FY2004 and every successive third year

- Complete required statutory rulemaking on section 1201(a)(1).

Objective 2.4: Litigation

Assist the executive branch and the courts with copyright and related litigation.

Performance Goal

The performance goal for this objective is to *provide timely and thorough advice and assistance to executive branch agencies and the courts in legal cases involving copyright and related issues.*

Means

The means to accomplish this objective include involvement in litigation in five different contexts:

- when asked to assist the Department of Justice in defending a lawsuit in which the constitutionality of a federal copyright or related (title 17) statute is challenged;
- on the rare occasion when the Office is sued under the Administrative Procedure Act;
- when the Office elects to intervene, pursuant to 17 U.S.C. section 411(a), in a copyright infringement suit filed by a claimant whose application for copyright registration has been refused;
- when the Department of Justice files suit pursuant to 17 U.S.C. section 407 to compel the deposit in the Copyright Office of a copyrighted work published in the United States;
- when the Office works with the Department of Justice in connection with an *amicus curiae* brief in litigation involving important issues of copyright law and policy.

Actions

FY2002–2006

- Provide legal assistance in a timely and effective manner.

Evaluative Methods for Goal 2

- Formal and informal input from Congress and executive branch agencies.
- Timely completions of requested actions and legal requirements.
- Accomplishment of U.S. government objectives in international activities, including negotiations.
- Meeting statutory deadlines for section 1201(a) and other rulemakings.

3 • Public Information and Education

Goal: Be an effective voice for the principles of copyright, which benefit the public, by providing information and informing the public debate on copyright issues.

Objective 3.1: Provision of Information

**Goal: Public Information
and Education**

→ Be an effective voice for the principles of copyright, which benefit the public, by providing information and informing the public debate on copyright issues. ←

Provide copyright information and reference services to the public in a timely and efficient manner.

Performance Goal

The performance goal for this objective is to *make information maximally accessible, particularly on the Office's website, and to respond within optimum time frames to requests for copyright information, records, documents, and search reports.*

Means

(See also the description of "Means" under Business Process Reengineering on page 14.)

The means to accomplish this objective include implementation of the BPR plan. Among the BPR plan's key features for public information are:

- optimizing the Copyright Office Website's design and usability, including use for public education on the copyright law, registration, and other copyright services;
- recording and tracking all requests electronically;
- allowing customers to check request status via the Internet;
- use of e-mail to answer requests;
- determining ways to educate and assist the public to prepare complete and correct submissions for registration and other services.

The Office will continue to improve its response to in-person and telephone requests.

Actions

FY2002

- Provide a new organizational structure and user-friendly navigational tools for the Copyright Office Website.

FY2002–2004

- Implement BPR plans for the "Answer Request" process.

Objective 3.2: Outreach

Provide public outreach through speakers, tours, exhibits, and other means.

Performance Goal

The performance goal for this objective is to *conduct public outreach regarding Copyright Office services and the provisions of the copyright law, as well as to inform the public debate on copyright issues in various forums and media.*

Means

The means to accomplish this objective include:

- continued public outreach on ways to ensure that the Copyright Office's principal services are meeting the needs of the public, e.g. meetings with copyright constituencies to resolve registration issues for specific formats such as photographs, web sites, databases, etc.;
- increased public outreach to inform the public debate on copyright law and the role of copyright in the digital age, e.g. use of senior policy staff as participants in the public debate on copyright principles through speaking and writing on copyright issues.

Actions

FY2002–2006

- Identify opportunities for effective outreach to audiences throughout the country and respond to requests to participate in public forums on copyright issues and programs in copyright education.

Evaluative Methods for Goal 3

- Measurement of timely answers to inquiries.
- User surveys.
- Analysis of approaches to copyright law and the media.

4 • Management

Goal: Maintain an organization and workforce that perform effectively.

Objective 4.1: Workforce Development

Goal: Management

→ Maintain an organization and workforce that perform effectively. ←

Recruit, train, and develop employees for effective performance.

Performance Goal

The performance goal for this objective is to *maintain a Copyright Office workforce that meets the Office's mission requirements* by providing training and development opportunities for staff.

Means

The means to accomplish this objective include:

- determination of training needs;
- training competency criteria for managers and supervisors;
- online and classroom courses in needed areas.
- succession planning to perform timely recruitment and retain institutional knowledge;
- consultation with labor organizations.

Actions

(See also *Business Process Reengineering* on pages 13 and 14.)

FY2002

- Determine career and training needs of Copyright Office employees, especially in relation to BPR.
- Train managers to develop position descriptions and write performance requirements.

FY2002–2005

- Develop a core curriculum for staff and managers, which new employees would complete within a set time period.
- Complete and implement training plans and requirements as called for in the BPR implementation plan.

Objective 4.2: Management Controls and Support

Maintain effective management controls and support to comply with applicable laws, to safeguard assets, to provide proper funds accounting, and to carry out efficient, effective, and economical copyright programs.

Performance Goal

The performance goal for this objective is to *make optimal use of management controls and support options to ensure efficient and fiscally sound operations*.

Means

The means to accomplish this objective include:

- *Planning*: Completing and disseminating strategic and annual program performance plans to focus team and individual performance on key Copyright Office initiatives and annually reviewing the Office mission and performance measures;
- *Financial Management*: Preparing the Copyright Office budget, assuring that the Office operates within allotted funds, meets Congressional and Library of Congress reporting requirements, and accords with the Strategic Plan and Annual Program Performance Plans;
- *Management Controls*: Using periodic vulnerability assessments, management control reviews, and corrective action plans to ensure effective copyright programs;
- *Organization and Personnel*: Effectively managing personnel matters, reviewing Office organization on an ongoing basis, and collaborating with the Library's Human Resources Directorate to meet human resource requirements.
- *Security of Assets*: In accordance with the Library Security Plan and risk assessments, taking appropriate measures to mitigate control weaknesses and meet security standards.

Actions

FY2002–2006 (to be performed annually)

- Complete targeted numbers of management control reviews, completing all Copyright Office modules by 2004, and reviewing all management controls at scheduled intervals.
- Resolve the majority of corrective actions within a year of discovery.
- Prepare annual program performance plans in consultation with the Copyright Office management team and Library of Congress Service Units and infrastructure support.
- Tie annual program performance plans to manager and division plans.
- Manage the Copyright Office budget within allotted funds.
- Review and analyze losses of assets; apply ownership markings, item bar-code labels, and security devices; transport and store high-risk materials securely; comply with Reader Registration Program provisions.

FY2002

- Train staff in current material-handling standards and procedures.
- Train staff in the application of ownership markings.
- Investigate additional security measures in Records Maintenance Unit and take necessary action.
- Secure and preserve items on display in copyright exhibits.
- Complete a Business Continuity Plan.

FY2002–2004

- Implement organizational changes according to the BPR implementation plan.

FY2003–2006

- Review and update the Strategic Plan.
- Install video cameras in selected areas as required.
- Install electronic card readers for access.

Objective 4.3: Workplace Safety and Functionality

Ensure effective maintenance of safety, functionality, and personal security in the workplace.

Performance Goal

The performance goal for this objective is to *implement the requirements of Library of Congress ergonomic, safety, and facility plans* by timely completion of ergonomic upgrades, correction of safety issues, and completion of space and furnishing priorities.

Means

The means to accomplish this objective include:

- ensuring that all staff have access to ergonomic assessments for their work site and that requested ergonomic furnishings and equipment are obtained and installed as resources permit;
- complying with Library of Congress regulations on safety and hazard abatement, correcting identified unsafe conditions or hazards;
- ensuring that evacuation teams and staff are fully trained in emergency procedures and that all staff participate in scheduled evacuation drills;
- ensuring that space requirements are met by inclusion of priority Office projects in Library of Congress space plans;
- ensuring that the workplace environment provides staff the highest possible assurance of personal security by disseminating and complying with Library of Congress regulations and special announcements on personal security; training staff to deal with workplace violence; restricting access to work and public areas to authorized persons; heightening staff awareness of potential terrorist activities;
- correcting all deficiencies discovered during health and safety inspections or ergonomic assessments;
- consulting with labor organizations.

Actions

FY2002

- Complete baseline space assessment for reorganization under BPR.
- Implement plans for restructuring and readiness of Copyright Office evacuation teams.

FY2002–2004

- Complete installation of ergonomic furniture upgrades.

FY2003–2004

- Work with the Library's Facility Services and the Architect of the Capitol to accomplish all space reconfigurations in accord with BPR implementation plan requirements.

FY2003–2006

- Install electronic card readers for access.

Evaluative Methods for Goal 4

- Percentage of training needs met in a timely manner.
- Control reviews without material weaknesses or reportable conditions.
- Percentage of total workstations that are ergonomically designed. ♦

Appendix

Links to the Library of Congress Strategic Plan

Functions and Infrastructure

Copyright Office Strategic Plan, 2002–2006

Library of Congress Strategic Plan, 1997–2004

1 · Copyright Law Administration

I.1 · To fulfill all Congressional mandates so well that the Congress confidently continues to rely upon the Library of Congress to meet those needs.

II.1 · To develop and maintain the Library's universal collections ... acquiring them through copyright...

II.7 · To organize and make more usable the record of American creativity through copyright registration, deposit, and recordation systems.

2 · Policy Assistance, Regulatory Activities, and Litigation

I.1 · To fulfill all Congressional mandates so well that Congress confidently continues to rely upon the Library to meet its needs.

I.2 · To meet or exceed the needs and expectations of the Congress for legislative research, analysis, and information services...

I.3 · To assure that the Congress is fully cognizant of the services and resources of the Library of Congress and has access to them.

3 · Public Information and Education

III.3 · To provide high-quality service to users accessing the Library by telephone, correspondence, and electronic means.

III.4 · To sustain high-quality service to users of the Library's reading rooms, research areas, and collections.

IV.2 · To promote awareness of the Library and fuller and more varied use of its resources through national and international copyright services...

4 · Management

II.2 · To ensure that the Library's collections ... are appropriately secure.

Enabling Infrastructure: Financial Services, Human Resources, Security, Support Services, Technology.

Initiatives

Copyright Office Strategic Plan, 2002–2006

1 · Business Process Reengineering

2 · Information Technology

Library of Congress Strategic Plan 1997–2004

II.1 · To develop and maintain the Library's universal collections ... acquiring them through copyright...

II.7 · To organize and make more usable the record of American creativity through copyright registration, deposit, and recordation systems.

II.7 · To organize, sustain and make more usable the record of American creativity through copyright registration, deposit, and recordation systems.

III.1 · To lead in the area of electronic outreach by contributing to a national digital library...

III.2 · To make the Library's collections available both nationally and internationally through the use of digital technology...

Enabling Infrastructure: Technology

U.S. Copyright Office

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

Home Page

www.loc.gov/copyright

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

Public Information Office

(202) 707-3000

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

Forms and Publications Hotline

(202) 707-9100

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

Fax-on-Demand

(202) 707-2600

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

TTY

(202) 707-6737

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

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