



POSITION PAPER

U.S. Copyright Office Modernization: Ownership Database

The Copyright Alliance believes that a modern and efficient Copyright Office is critical to a 21st century copyright system. In addition to increased autonomy and a more advanced IT system, one step toward ensuring that the U.S. Copyright Office is adequately prepared to meet the demands of the 21st century is to modernize the copyright registration and recordation systems to afford for greater efficiency and transparency.

Since copyright protection subsists automatically, from the moment a work is created, registration allows the Copyright Office to collect information about registered works and provide public notice of the authorship and ownership status of those works via a searchable database. In turn, the public may use this database to determine whether and when a work is in the public domain. A modern and efficient, searchable database of ownership information benefits both creators and users of copyrighted works.

The Office's current database is antiquated, in large part because it is supported by an IT system that is outdated. The first step toward creating a modernized database is implementing an IT system advanced enough to support such a database. Only after that is accomplished does it make sense to attempt to develop and administer a modern database.

A modern Copyright Office database should:

- be intuitive and user-friendly, and incorporate the advanced search functions the public has come to expect of today's search engines. For example, one would expect to be able to use a reverse image search to lookup ownership information for a work of visual art;
- include only the information that is included in the registration form, and should not burden rightsholders by requiring that they submit and maintain additional information^[1] or other information that the rightsholder may not know.^[2]
- merge registration and recordation data into a single, comprehensive database so that ownership information is searchable in one place;

^[1] Such additional information includes authorized licensors, catalog numbers, etc.

^[2] A songwriter, for example, often does not know the identity of the person who has recorded a song until after its release date. Similarly, photographers often do not know the date of publication of photographs they distribute to customers.

- be funded by government appropriations and user fees. Since the public is the ultimate beneficiary of the ownership information retained and disseminated by the Office, users should share the burden of funding the database by. Since registration is not mandatory, charging rightsholders larger fees will result in fewer registration and recordation filings and result in less data, not more; and
- provide incentives that encourage rightsholders to keep their information up-to-date without penalizing those who choose not to.

It has been suggested that changes in the law are necessary to ensure that the database is comprehensive and accurate to incentivize copyright owners to register and keep their ownership information up to date. The Copyright Alliance supports the goal of a comprehensive and accurate database, but It makes no sense for policymakers to begin considering whether it is appropriate to make changes to the current registration incentives in the copyright law until the Copyright Office first employs a new IT system and has successfully implemented the new database. Why consider changes in the law until users of the Copyright Office, Congress and the staff of the Office first gain experience understanding how copyright owners, users and others are using the new database, what is and is not working correctly, and whether new incentives to registering and recording are appropriate or necessary? Once the new IT system and database are successfully operational and we have usage data to analyze, that will be the appropriate time to consider whether the law needs to be revised, not now.

The positions taken here may not reflect the views of Copyright Alliance Associate Members.