

COPYRIGHT OFFICE MODERNIZATION

SEPTEMBER 2018

More than one hundred years ago, Congress established the Copyright Office as a department within the Library of Congress. The placement of the Copyright Office within the Library has allowed the United States to build what has become the largest library in the world, known for its rich collection of cultural artifacts. The American Association of Law Libraries (AALL) appreciates the attention Congress has recently given to the Copyright Act and the needs of the Copyright Office. While we agree that modernizing the Copyright Office for the 21st century is necessary, we believe that providing the Copyright Office with independence from the Library of Congress would be detrimental to both the copyright system and the public.

AALL opposes H.R. 890, Copyright Office for the Digital Economy Act (CODE Act), which proposes establishing the Copyright Office as an independent legislative branch agency and H.R. 1695/S. 1010, the Register of Copyrights Selection and Accountability Act of 2017, which makes the position of the Register of Copyrights subject to Presidential appointment and Senate confirmation. Currently, the Librarian of Congress is responsible for selecting the Register.

AALL believes these bills would weaken the Copyright Office and create unnecessary tension between the Copyright Office and Library of Congress. We oppose these bills because:

- **Establishing the Copyright Office as an independent agency would simply replace current problems with new ones.** Without the support of the Library, the Copyright Office would be responsible for funding its own capital investments and required to set up a unique and complex technology infrastructure without the benefit of the Library's resources. In addition, during this time of fiscal austerity, it is unlikely that the Office would receive the necessary appropriations to sustain itself as an independent agency.
- **Making the Register of Copyrights a Presidential appointment would create management conflicts within the Library of Congress.** The bill does not make changes to who oversees the Register in practice, which could lead to management difficulties and tension between the Register of Copyrights and the Librarian of Congress.
- **Now is not the right time to make major changes to the Copyright Office's structure.** Librarian of Congress Dr. Carla D. Hayden is addressing many of the technology and other concerns raised in the recent Government Accountability Office report (GAO-15-338) and by the Copyright Office itself. An openness to collaboration and a commitment from both the Library and the Copyright Office to work together to address deficiencies will lead to a stronger and more responsive Copyright Office.