

U.S. COPYRIGHT OFFICE -- CORDS ELECTRONIC COPYRIGHT REGISTRATION AND DEPOSIT

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INTRODUCTION

What do all of the following have in common?

- ◆ Michael Cunningham's Pulitzer Prize award winning book, *The Hours*
- ◆ The screenplay for *Star Wars: The Phantom Menace*
- ◆ Episodes of the TV show, *Judging Amy*
- ◆ Volume 340 of the *New England Journal of Medicine*
- ◆ *The Greatest Generation* by Tom Brokaw
- ◆ Recent illustrations in the popular Harry Potter series of children's books
- ◆ 2-dimensional artwork and text for *Pokemon* cards and toys
- ◆ Choreographic works by Merce Cunningham
- ◆ *The Endurance: Shackleton's Legendary Antarctic Expedition* by Caroline Alexander
- ◆ Songs by the group Santana from the acclaimed album, *Supernatural*
- ◆ Volume of 129 of *Chemical Abstracts* from the American Chemical Society
- ◆ Microsoft's *Access 2000* computer program

One answer is that they were all submitted during 1999 with copyright claims to the U.S. Copyright Office for copyright registration and deposit.

MISSION OF THE U.S. COPYRIGHT OFFICE

The U.S. Copyright Office's mission is to promote creativity in society by administering the U.S. copyright law. One of the many ways the Office fulfills its statutory mandate is to create and maintain public records of copyrighted works through registering claims to copyright and recording documents relating to copyright.

In fulfilling its mission, the Office's vision is to advance creativity and widespread dissemination of copyrighted works in society by creating and maintaining the copyright records of the United States as the most useful, timely and accurate copyright records system in the world. In addition to fulfilling its primary mission, the Office's copyright registration and deposit

process also contributes valuable works to the comprehensive collections of the Library of Congress for the benefit of all researchers who rely on the riches and treasures in the Library's preeminent research collections, a great

national resource that is widely recognized as the largest accumulation of knowledge in human history.

BENEFITS OF COPYRIGHT REGISTRATION

When a writer creates an original work of authorship, it is automatically protected under U.S. copyright law. Although registration of copyrighted works is not mandatory, there are strong statutory incentives and significant benefits that result for authors and copyright owners who do register their claims to copyright with the U.S. Copyright Office and deposit a copy (or copies) of the work. Registration establishes a national public record of the copyright claims and also helps users to locate owners or agents to request permission for subsequent uses. The resulting copyright records are also incorporated into the Copyright Office's national database of copyright registration records, which have been available online since 1978 and over the Internet since 1993.

Furthermore, before an infringement suit may be filed in U.S. courts, registration is essential for works of U.S. origin. If the registration takes place within five years of first publication of a work or while the work is unpublished, the *Registration Certificate* that the Copyright Office issues carries many valuable benefits. The certificate is *prima facie* evidence in a U.S. court of the copyrightability of a work, as well as of the facts stated in the certificate of registration, such as the author's name, the name of the owner of the work, and the date of publication.

Additionally, if the registration is made before the work is infringed or within three months of first publication, then registrants have even more powerful tools available to enforce their rights, since they may seek statutory damages and attorney's fees in successful infringement suits. (Otherwise, only actual damages and the infringer's profits are available to the copyright owner, to the extent that damages and profits can be

proven.) The Copyright Office also certifies copies of registered works; this certification states that the copy is an exact reproduction of the work that was registered.

COPYRIGHT REGISTRATION AND DEPOSIT

Each year the Copyright Office registers almost 600,000 copyright claims for about 1,000,000 works of authorship submitted by creators and publishers from all over the world (*594,501 registrations in FY '99*). These include a dazzling array of books, serials, musical works and sound recordings, graphic images and photographs, multimedia works and motion pictures, television broadcasts, computer programs and more, representing both scholarly research and popular culture. The Office also records copyright-related documents pertaining to transfers of copyright ownership, including assignments, licenses, security interests and others.

As part of its commitment to promote creativity, the Office aims to make copyright registration easy and affordable to all by keeping filing fees as low as possible, making forms and instructions easily accessible, and simplifying the process as much as is feasible. The Office provides a wide variety of informational materials, including circulars such as *Circular 1, Copyright Basics*, copyright application forms, fact sheets, and other publications, along with public information and reference services concerning copyrights, freely available from its Public Information Office. The Copyright Office website <www.loc.gov/copyright> also offers informational circulars and many other sources, as well as online, fill-in versions of most copyright registration forms and the Document Cover Sheet (which should be used when submitting copyright-related documents for recordation). Applicants for copyright registration or recordation of copyright-related documents may select the proper form online and key the information directly onto the form instead of having to print the blank form first and then complete it by hand or typewriter. After the form has been filled in, the applicant should then print it and mail it to the Copyright Office, together with the deposit of the work and the filing fees. The basic filing fee for copyright registration claims is currently \$30 per claim, as of July 1, 1999.

The Copyright Office also maintains a system of Deposit Accounts for the convenience of those who frequently use its services. Individuals or firms may establish Deposit Accounts and make advance deposits of funds into their accounts for payment of services requested in the future. Information about how to open and maintain a deposit account with the Copyright Office is contained in *Circular 5*. For more information on Copyright Office services and fees, check the Copyright Office website or call the Copyright Public Information Office at 202-707-3000.

Today increasing numbers of copyrighted works are being made available online in electronic form. Global communication networks offer authors and publishers instantaneous delivery of their works to all parts of the world. These same technological marvels also offer unprecedented opportunities for infringement and unauthorized exploitation. Copyright registration is one of the valuable tools available to help creators and owners protect their online works and benefit from their creations.

REGISTERING ONLINE WORKS

Currently, all copyright claimants can register online works using the Office's traditional paper/hardcopy-based registration procedures by following the instructions in *Circular 66, Copyright Registration for Online Works*, which explains how to register online works. Claimants can access this *Circular*, as well as dozens of other informational circulars addressing specific copyright topics, on the Copyright Office website.

Online works represent various types of authorship, similar to other types of authorship registered by the Office, including graphic arts, text, and audiovisual material. The Office examines these, using the same standards of copyrightability and looking for clear facts of authorship, ownership and the extent of the claim. But there are significant differences in online works that frequently have dynamic features, often changing every few minutes. Traditional works submitted for copyright registration are usually static and the physical deposit copy clearly defines what the work is. With many online works, however, there is no tangible copy produced and it is often a challenge to fit some online works, such as websites and multimedia productions, into traditional categories. Furthermore, using the Office's traditional procedures to submit claims in online works means that the claimant must submit the completed application form on paper, together with the work in some physical format, such as a disk or print-outs of the work, and send these to the Copyright Office by postal mail or other delivery means.

The Office's innovative new system — CORDS — will permit fully electronic submissions of claims and deposits of works in the future.

CORDS

Since 1993 the U.S. Copyright Office has been developing CORDS, (*the Copyright Office Electronic Registration, Recordation and Deposit System*), a fully automated system for electronic copyright registration and deposit. Copyright claims can be filed through CORDS by sending applications and deposits in electronic form and charging fees to active Deposit Accounts with the Copyright Office. The CORDS system

facilitates full electronic processing, both front-end preparation by claimants and back-end processing by the Copyright Office. The Corporation for National Research Initiatives (CNRI) has developed and successfully tested the CORDS prototype system under agreement with the Copyright Office, the Library of Congress and the Defense Advanced Research Projects Agency (DARPA), as part of DARPA's digital library initiatives. CNRI is a not-for-profit organization formed in 1986 to foster research and development for the National Information Infrastructure. Its goals include a program of research to identify and nurture infrastructure technologies and services that unlock the potential of information and knowledge, along with technology itself, in collaborative activities with universities, private organizations and government agencies, such as the U.S. Copyright Office and the Library of Congress.

The CORDS system, developed by CNRI, now accepts electronic filings from cooperating CORDS test partners for copyright claims and deposits in a number of widely accepted file formats (including HTML, ASCII and PDF files) for several different types of literary works, including electronic journals, technical reports, training manuals, computer programs, and eBooks, as well as musical works with MP3 files as deposits. CORDS development and expansion is continuing for other types of works in digital form as well.

The overall goal of CORDS is to implement a fully automated system, available to the public as well as to the copyright industries, for electronic copyright registration with copyright applications, copies of works, and copyright-related documents transmitted in digital form over communications networks such as the Internet. CORDS also enables the Copyright Office to process and store these submissions electronically and make the digital works available for selection and retention by the Library of Congress for its digital collections.

The Copyright Office and the Library of Congress will also cooperatively establish the policies and operating procedures necessary for both the Office and the Library to maintain the electronic works in digital repositories and to store, retrieve, and use digitized copyrighted materials in accordance with the law and the terms and conditions of access and use established by copyright creators and owners.

CORDS OBJECTIVES

The Copyright Office has four major objectives in implementing CORDS: (1) to make it much easier and faster for copyright applicants to submit their claims and deposits of their works for registration; (2) to control costs and operate more efficiently on behalf of Copyright Office and copyright claimants through the effective use of technology; (3) to enhance the Office's

relationship with its customers and to enable creators and owners of online works to submit these works electronically, without the cumbersome limitations of the paper-based registration and deposit procedures, and (4) to facilitate streamlined back-end processing of electronic claims by enabling staff to examine claims and works, issue registration certificates, and prepare copyright records faster and more efficiently by fully automated means. The Internet is helping the Copyright Office accomplish all four goals.

TECHNICAL REQUIREMENTS FOR CORDS PARTNERS

CORDS partners need Netscape 3.0 or higher or MS Internet Explorer 4.0 to access the CORDS applications forms on the CORDS website. The CORDS software and Helper Application are freely available from the CORDS website to CORDS test partners. This allows claimants to prepare and sign copyright applications digitally, using public key/private key encryption technology embedded in the CORDS software (for the Copyright Office to verify the authenticity and integrity of submissions), and to send claims and accompanying deposits securely to the Copyright Office using the latest version of privacy-enhanced mail. Basic instructions are incorporated in the CORDS software, describing deposit requirements for electronic works. The CORDS system sends electronic acknowledgments to claimants and has email correspondence capabilities as well. The CORDS system also provides a batch processing capability for more efficient system-to-system submission of claims and deposits. All CORDS electronic claims and deposits are stored securely behind the Copyright Office firewall and are accessible only to authorized Copyright Office staff or on-site in accordance with the Copyright Law.

CORDS TEST PARTNERS

Since the 1996-97 successful proof of concept of the CORDS testbed with the first CORDS test partners, Carnegie Mellon University and Stanford University (for electronic technical reports) and MIT Press/Journals Division (for eJournals), the Copyright Office has continued to make systematic progress in CORDS testing and development with a growing number of external CORDS test partners. Almost 15,000 claims (14,993) were received and processed electronically through CORDS during 1999.

CORDS utilizes many new technologies involving emerging uses of the Internet, including applying digital signature technology that authenticates the source and ensures the integrity of communications with far more depth of reliability and security built into it than basic FTP or email communications-based systems. CORDS participants represent users with all

different types of platforms, each with a different technology infrastructure supporting its own individual organization. This affects how each one submits copyright claims, deposits and email correspondence securely through CORDS. Because of these factors, as well as the new technologies involved in CORDS, the CORDS development team is addressing as many of the endless technical variables as possible, while testing web-based transmissions of CORDS applications, deposits and secure email with a wide variety of test partners. In bringing on additional test partners, the major goal has not been to achieve a high volume of receipts initially, but rather to work with a gradually increasing variety of different partners in order to learn, adapt and enhance the system by working closely with each new partner on a one-to-one basis while strengthening and scaling the system for later high-volume wide-scale usage.

CORDS also successfully implemented system-to-system submissions during 1999, with high-volume processing of thousands of claims in doctoral dissertations and masters theses in partnership with Bell & Howell Information and Learning (formally UMI Company). In 2000, the Copyright Office is initiating another major CORDS partnership with the Harry Fox Agency, a subsidiary of the National Music Publishers Association, for electronic submissions of claims and deposits of musical works on behalf of music publishers. Other CORDS partnerships are being planned and developed as well.

MIXED CORDS

The Copyright Office recognizes that many publishers and producers are not ready to deposit their works online and the Library of Congress is also not ready yet to accept digital versions as archival copies for many types of works. Therefore, the Office is developing *Mixed CORDS (electronic applications with hard-copy deposits)*, including various print formats, CDs, CD-ROMs, motion pictures and so on. Mixed CORDS offers the benefits of CORDS electronic filing, with savings in time and effort in preparing copyright applications. Mixed CORDS also enables faster processing by the Copyright Office, helps the Office expand the CORDS system gradually, proves its viability, and ultimately benefits all copyright industries as well as the Copyright Office.

CORDS IMPLEMENTATION

The Office is trying to make the CORDS website both functional and attractive. The CORDS Helper software, including electronic forms, is freely available from the CORDS website for CORDS test partners and will be freely available later for all CORDS users. Claimants are asked to identify the nature of the work

they want to submit — text, images, computer programs, serials — and then they are taken directly to instructions and application forms aimed specifically for their needs.

Claimants can make changes to their online applications before claims are finalized with a digital signature more easily than they can in preparing copyright claim forms on paper. On the CORDS website, they can use hypertext links to access appropriate background information in Copyright Office circulars or instructions and to answer copyright-related questions raised as they proceed, such as the meaning of the terms “work-made-for-hire” or “publication.” CORDS’ sophisticated online site includes many pages of detailed copyright information, easily accessible through dozens of hypertext links.

The CORDS electronic claim process has been specially adapted for large customers who file hundreds or more claims a year. It also supports claimants who file less frequently and may need more explanation and assistance as they proceed to complete CORDS claims online. In the future, CORDS will permit claimants to check on the status of their claims while in process, as well as to use other payment mechanisms such as credit cards.

The Copyright Office is making the CORDS online registration and deposit system an integral part of its overall operation and its services for the future. High quality customer service is an important goal of the Copyright Office. CORDS helps the Office provide better and faster service to its customers. The Office has created a focused team to build the web-based CORDS operation, people who are dedicated to the goals of the copyright system, the Office, and its mission of providing effective support for copyright creators and publishers, as well as the public that relies on its copyright records. While only a handful of the Office’s 500-plus employees are dedicated full-time to CORDS web-based operations at this time, many people throughout the Copyright Office contribute information and expertise to CORDS system development and operation. The Copyright Office is embracing CORDS as a fundamental part of its copyright registration and deposit operations in order to enjoy and share the full range of benefits that result.

BENEFITS OF CORDS

When fully implemented, CORDS will offer publishers and other copyright claimants more efficiency through electronic filings, saving time and effort in preparing and transmitting copyright claims and deposits. CORDS processing helps the Copyright Office save time, speed processing, better assist copyright claimants, communicate by email to resolve examiners’ questions regarding claims, and avoid

future costs. The CORDS system also enables faster processing by the Copyright Office and more secure handling of deposits. CORDS automatically charges claimants' Deposit Accounts for claims, creates in-process tracking records, and prepares preliminary catalog records. CORDS permits streamlined processing by Copyright Office staff in examining new works, issuing registration certificates, completing copyright catalog records, and publicizing cataloging records in the Office's online databases.

Workload and time spent opening, bundling and moving claims for manual processing are greatly reduced, with increased security and efficiency in operations. Time and effort spent by data entry personnel to create tracking records for claims received and to prepare preliminary copyright catalog records are eliminated by the automatic population of data by the CORDS system into the Copyright Office's other major systems. Both copyright claimants and the Copyright Office realize significant benefits when claimants use CORDS to file copyright claims and deposits.

FOR FURTHER INFORMATION

For additional information about copyright registration and CORDS, visit the Copyright Office homepage at <www.loc.gov/copyright>. Frequently requested Copyright Office circulars, announcements, regulations, other related materials, and all copyright application forms are available via the Internet. Copyright Office circulars and other information (but not application forms) are also available by using a touchtone phone to access *Fax-on-Demand* at (202) 707-2600.

For general information about copyright, call the Copyright Public Information Office at (202)707-3000. The TTY number is (202) 707-6737. Information specialists are on duty from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Specific application forms and circulars may be requested from the *Forms and Publications Hotline* at (202)707-9100 24 hours a day; leave a recorded message.

For more information about CORDS, see the Copyright Office website or visit the CORDS website at <www.CORDS.loc.gov>. To inquire about collaboration with the U.S. Copyright Office in a CORDS test partnership, contact the Associate Register for National Copyright Programs at (202) 707-8350.

SUMMARY

CORDS enables creators to register their copyrighted works more efficiently by allowing them to prepare and transmit both the application and the accompanying works in digital form, with resulting

registration information incorporated into the Copyright Office's national online database of copyright registration records.

CORDS helps the Copyright Office achieve greater productivity, process an increasing number of copyright claims on a timely basis, and provide faster and better service to copyright claimants and the public.

CORDS enables the Library of Congress to acquire new copyrighted works in electronic form for its digital collections for use by the Congress and Library of Congress patrons, with access to the works available only in accordance with the law and authors' or copyright owners' terms and conditions.

CORDS will allow copyright owners and agents to record electronically documents pertaining to transfers of copyright ownership (such as assignments, licenses, and security interests), which are also accessible in the Copyright Office's national online databases.

REFERENCES

U.S. Copyright Office. *Copyright Act of 1976*, as amended.

<www.loc.gov/copyright/title17/>

[U.S. Copyright law. 17 U.S.C. §§ 101, *et seq.*]

U.S. Copyright Office. *Copyright Basics*. Circular 1, 1996. 12 pp.

<www.loc.gov/copyright/circons/>

[Circular 1 provides general information and answers basic questions that are frequently asked about copyright.]

U.S. Copyright Office. *Copyright Registration for Online Works*. Circular 66, 1998. 4 pp.

<www.loc.gov/copyright/circons/>

[Circular 66 provides instructions for copyright registration of online works, using the traditional process of submitting paper claims and using identifying material as the deposit.]

U.S. Copyright Office. *Copyright Office Website*.

<www.loc.gov/copyright/>

[Most of the information published by the U.S. Copyright Office on paper is also available for viewing and downloading from the Office's website and gopher site, including information circulars, federal copyright

regulations, the Register's testimony, the Office's recent major reports, copyright application forms, and access to Copyright Office records from 1978. To access Copyright Office online databases of copyright records, use <telnet: locis.loc.gov>.]

U.S. Copyright Office. *CORDS Brochure & Description Flowchart*. 2 pp.

<www.loc.gov/copyright/CORDS/>

[Some CORDS background information is available on the Copyright Office website, including the CORDS brochure and a graphic depicting the CORDS system.]

U.S. Copyright Office. *CORDS Website*.

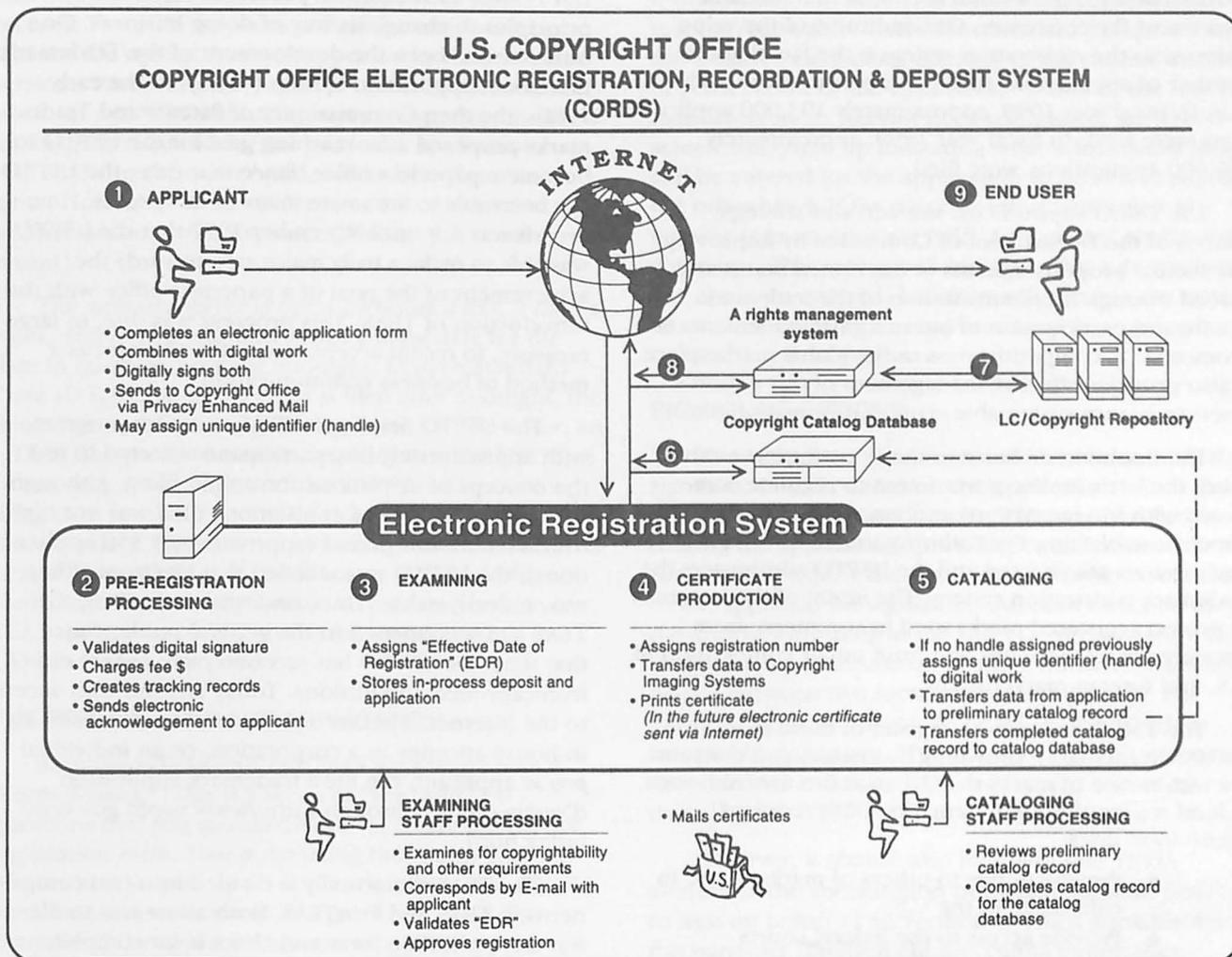
<www.CORDS.loc.gov>

[The CORDS website provides detailed instructions to CORDS test partners on how to submit copyright claims and deposits electronically using the CORDS system.]

U.S. Copyright Office. *NEWSNET Listserv*.

<www.loc.gov/copyright/newsnet>

[Newsnet is an electronic mailing list from the U.S. Copyright Office that sends periodic email messages, which alert subscribers to congressional and other hearings, new regulations, publications and other copyright-related subjects.]



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