

Copyright Office: Celebrating 150 Years of Creativity – Captioning

Please stand by for realtime captions.

Good afternoon everyone and welcome. I am working with my colleague and the copyright office is celebrating 150 years of creativity. Our presenter is George Thuronyi. George is a deputy director of public information and education at the copyright office and since the associate register and the director of PIP with production education and educational programs and other expert resources. George has been with the copyright office since 1999 and is working to educate and can win with the general public in the community. He has served in various roles as acting chief, assistant chief and he was one of the agency's early web masters when the Internet was a new way of reaching people. He gave users easy access in the copyright catalog. Before we get started, I will walk you through housekeeping and if you have any questions you would like to ask George or if you have any technical issues, you can write in the chat box which is located on the bottom right-hand corner of your screen. I will keep track of all the questions and not the end of the presentation, I will read them should George and he will respond to each of them. We are also recording today's session. We will send a link and a certificate of participation. If anyone needs additional certificates, if there are multiple people watching, please email us and include the title of today's webinar along with the names and addresses. Desktop computer or laptop users can zoom in on sides being presented. You can look at the bottom left side of your screen to exit and then click on the return button. Finally, we will be sharing a webinar satisfaction survey and we will let you know when the survey is available. We very much appreciate your feedback including comments on the presentation style and value of the webinar. Also, if George decides to share his screen and go to websites, once he starts talking, you will be able to see the chat box so in that case if you want to ask a question, just watch the chat traffic. Once screen sharing begins, go to the top and when the menu drops down, you can enable the chat box. With that, I will hand the virtual microphone over to George and he will take it from here. Thank you.

George, I think you are muted.

All right, how about now?

That is good.

Thank you, Joe. Welcome everybody. I am George Thuronyi. I am in the D.C. area and it is a gray and drizzly day. I am just staying inside and I will try to make this fun for you. I will have this sprinkled throughout and I want to make it fun so that we can get a good report prior to the survey but I also want to make it fun for you. I will turn this off now and focus on the slides. We are talking about the copyright office and creativity and copyrights in general. We are celebrating our 150 years of creativity and you can see the date is 1870 and we are looking at July 8 of 1870 and I will tell you why in just a few minutes. Last year was the 160th and just like any good birthday, you celebrate for a long time so we are celebrating for the whole year up until July 2021. I will go a little further back in time about wind property rate started in the United States and it started with the birth of our nation. Copyright is enshrined in the Constitution that talks about how Congress should have the power to promote science and useful art and doing that is a matter of securing authors for their writing and giving people the tools to be creative and to make a living doing that in that way promoting creativity throughout the country. The U. S. copyright office takes on that role as the agency to administer copyright law and encourage creativity. It is original works that are in a unchangeable form. We will get to that more in a second but the first one was passed in 1790 with books and maps and charts for a period of 14 years and it was

really important for the history of our country that it was one of the very early mornings past and signed by George Washington. That was a law that was two pieces of paper. There were revisions to the law but the really important one and the one that we celebrate is a big revision in the copyright law with trademarks and it did two important things. One is it centralize the business of copyright at commerce and prior to that, a copyright was administered by district courts all over the country. In the area where you work and live. The second important part of this copyright act was to have a requirement that if you are publishing and copyrighting a book and you needed to send it to the library of commerce, this was a very wise move. He thought if this were mandated by law then this would help build collections of the library of commerce and he was right. The library of commerce is the largest in the world and part of that came from this part of the copyright law that still exists today and that if you publish a book in the United States and other materials as well and anything protected by copyright, you are required to send that to the library of commerce. So, in the early days, this is what it looked like. We did not have our own building or anything like that but this is how people dressed and they had cramped quarters as you can see. They were pretty organized but it looks a little bit of a mess. In 1897, that was a really important thing that happened. The copyright office was harassing separate departments and only creating separate departments in separate registers but also providing funds to get this more organized. It makes me feel better about my closets and bookshelves. It got even worse when we did have our collections in the Thomas Jefferson building. They do get a little out of hand. Things were not quite as well organized as they are today. By the early 1900s, things were a lot more cleaned up and I love everyone in their suit and tie. It's a little different these days especially in our remote environment with people working from home. This is some of the correspondence that we had in the early days and we sent out certificates of copyright registration and we still do that today. Everybody who registers, they work with us and make it an actual certificate. There has been talk about providing that electronically but a lot of people appreciate that piece of paper that has the certificate of copyright registration by the register. This is in the 40s and people are working in our building doing cataloging and copyrighted materials. In 1970, we celebrated our 100 anniversary. That is in the Jefferson building on Capitol Hill. The second largest revisions was in 1976 and it is a huge revision of the law which went into effect on January 1 of 1978. There have been provisions to it and a lot came in 1976 which are still in force today. 1994, we started our own website which is copyright.gov. I encourage you to go and learn more. The website was pretty simple at that point but everybody was but it was pretty exciting to set that up. In 2007, we have been online as far as our registration systems and at that point, people were registering by sending in paper applications and today 97 or 90% of registrations are made online. You don't have to send in paper applications anymore. We made some progress over the years and continue to do that. The modernization act was passed that was a unanimous active Congress. That protected works prior to 1972 and set up a system of royalties that changes how people are involved and also enables people to get royalties so that is a big change. The copyright office is very involved in helping draft legislation. That has been a major change in the law that happened pretty recently as far as the copyright office is concerned. The copyright law now is the first in 1790 and while it is over 400 pages long, it does get complicated but part of my job and the people that I work with, it's to help explain copyright law to people and you can't give legal advice but we can steer people in the right direction and for most people, they don't need to know all of the ins and outs but there is some simple context that is involved in many of which I will tell you today so you will be in the know. Copyright is a reflection of American creativity and things that have been registered for copyright show the creative process of authors and artists and songwriters and performers and sculptures and photographers throughout our history. First, I keep mentioning about what copyright is but let me spell it out because this might not be something you know. Copyright is actually a bundle of rights and not just one right. It includes all of these rights with pieces of work to distribute it in other words, making a movie screenplay for example, displaying the work publicly or performing digital transmissions and proper attribution and preservation of

integrity of visual arts. These are all the rights bundled in copyrights and when you are the copyright owner, you have these rights and you can do things with them. You can sell or lease the right or use it as collateral if you are financing a new movie, you can use the rights from your previous movie as collateral for a loan and financing for the next one. You can transfer that right to someone else. There are property rights just like the deed to your house. You can do things with them and that is very powerful. To be able to exercise these rights. So, here is a little bit of trivia to make sure you are all here because I can't see your faces. You can respond in the chat. Works to be protected under copyright must be A original, B copyright notice, C professional quality or D have a value of \$35. Let's see some guesses. We have a lot of very bright people here which is great. Almost everyone is hitting right on it. It is A to be original. A copyright notice is preferred but not required in the law. It used to be required prior to 1978 but as far as quality, I can tell you that we received things of the copyright office at all kinds of quality levels but we don't judge. How much is something worth? It depends on how much someone wants to pay for it so we don't judge that. It is the original. All right, here is another trivia. When is work protected under copyright? Is it when the author mails the copy over to herself? When it is created and fixed in any format? When the work is submitted to the copyright office were once the work is published or displayed publicly? I can see a couple of different guesses here. Thank you for participating and playing our little trivia game. So, the answer is B, when work is created or fixed. The mailing of a copy to yourself is called the poor man's copyright and I don't know why it persists for decades. Submitting the work gives you added benefits work can be unpublished or published so as soon as it is created, you own the copyright. Why do we have a U. S. copyright office if everyone gets a copyright automatically? The reason is that registering the work with us with the copyright office gives you the power to enforce that copyright through litigation. If you want to sue someone for stealing your work, you have to have it registered first. It's not mandatory and it is automatic that as soon as you create your work but if you want to be able to protect your work from litigation, you need to have registered it. That is a great advantage and we asked to see that job in the registration is a valuable tool for creators. The first thing, 1790 was registered in the court of Pennsylvania and that was before 1870 when copyright business came to the library within the district courts. We have a lot of work from names that we recognize. Mark Twain was a very avid proponent of copyright to make sure rights were protected and not only in the U. S. but other countries. At the time, he would write things and somebody in London would make an authorized copy and sell it and he would not get any money from it at all. What is the largest thing a copyright office has ever registered? Is it the bridge, the St. Louis arch, the Statue of Liberty or the Disney castle? Let's see your guesses. A lot of people think it is Disney. A wide variety of answers here. That's great. The Statue of Liberty is the answer. Statues are registrable and if you register your statue, you can just send in a picture. You don't have to send in the statue. Here are some more things you might recognize or some of the things you can register for copyright. It is a reflection of creativity over time. I mentioned that charts and books are able to be registered and other things were added like photographs and motion pictures. In the early days, motion pictures were registered by extending in steel parents of the motion picture. Any guesses on which is the very first motion picture registered? These are all real films by the way. Let us see which one it is. By Thomas Edison, it is a very short clip and you can find it on the library of commerce website. There it is. We have music and there are lots of musicians that register with us and the work is unpublished. You can register with that and upload the original file. We have a lot of new visions. The Wizard of Oz was one of the things that was registered. We had a wonderful exhibit celebrating this and lots of artifacts from not. The very first video take and that is a huge video take their in that picture. Dr. Martin Luther King Jr. registered his "I have a dream" speech and he would often type right his speeches afterwards and send them in and that was his way of protecting the rights to his written words. Here is the registration document for Star Wars. People who make movies today continue to register their works with us. So, where is the copyright office of today? I have seen a lot of history so far and we are part of a library of commerce in our mission statement here

and I don't know if you can see but there are two words that are in bold to promote creativity. That is the real important thing that we do in our mission and vision of the day-to-day work by registering works in making the information about registration available in the public catalog. We are promoting creativity by giving people tools to create more and make a living off of their creative enterprise. That is really what we are about. We have 440 people working in the copyright office and here is a little bit of by the numbers. This is based on fiscal year 2020 where we registered 423,000 claims for copyright. That is a little down from where we normally are. During the pandemic, things were a little bit slow and not only for us but for creators as well. We recorded about 7000 documents in those documents are the copyright -related legal documents. I mentioned that you could use those as a loan or transfer them or assign rights to other people and people record those documents with us to create a public record and we get about 170,000 public inquiries a year by phone and email. We continue to transfer copyright deposits and transferred about \$45 million worth last year. We also manage royalty fees and managed \$1.4 billion worth. Those are royalties for cable and satellite transmission. When you are watching something whether it is cable or satellite, your provider has to pay the copyright owner a royalty and that is why they charge you for using their service. It all gets back to the creator and you can maybe feel better when it comes to paying your bill. You are actually paying royalty to the creators of those works. It is going somewhere back into the hands of creators. We have a strategic plan from 2019 to 2023 with free expression calling on the strategic plan and let's just take a guess on where we got that. Where did that expression come from? Is it the U.S. Constitution or a court case or President Ulysses Grant or the House of Representatives. Good guesses here. I know this is a superhard one. Just for fun, the answer is Sandra Day O'Connor who copyrighted the free expression and I like to take the metaphor a little further saying cover is an engine of free expression and the creators are the gas or the fuel for that engine. The copyright office is the oil. That is my little metaphor to follow on to the Supreme Court opinion. Our strategic plan outlines what they are up to in the we have six areas we are concentrating on. The first is I.T. modernization and that was in an earlier slide with the online system in 2007 was the pilot. Then we went full force in 2008 and that is a long time ago. We are now modernizing our systems so there is more connectivity for devices and for people to connect to our database through other kinds of ways and we are working on that and optimizing our business processes to make our workload smoother. We have an organizational change in organizing the change with in our office so we can be more nimble and change what we do. We are doing engagement right now so thank you for helping me fulfill this part of the mission. We provide impartial expertise on copyright laws and policies and our attorneys are hard at work to give opinions and when they are considering changes of legislation, they come to us and ask us questions and we can give impartial advice and then they make their decisions on changes to the long. There was a change that happened very recently in December and that was less than a month ago. Congress has passed a law that is implementing a copyright review board and it is basically a small claims court for copyright cases so that when someone has a case that isn't in the million dollars, they will have a small claims court to go to and that will be set up within the copyright office within the next year or 18 months and it will be online. You don't have to go to Washington D.C. to do it and you can adjudicate the case in the small claims court. That is a brand-new thing thanks to something called the case act and that was passed in the last appropriations bill in December. The last one is measuring success or using data to measure what we are doing and not just anecdotally but based on data. This is the strategic plan. This is our office in the management building in Washington D.C. We are not there right now. There are a few of us but we are mostly working remote and we were pleased to learn that we could work pretty well remotely. There are deposits and we are handling them but a lot of the work we are doing is from home now and that is working out pretty well. That was forced upon us along with the rest of the world but it is going pretty well so that is a nice revelation. You can learn a lot about us at copyright.gov and we also have a twitter account and a YouTube account and a lot of videos. All of them are very short for people that don't have a long attention span, you can learn about copyright and

registrations and what the public domain is. You can learn about modernization and I encourage you to go to copyright.gov and learn more about us and watch our videos and get information there. Now, that brings me to questions and answers. Copyright office is the twitter account and I saw another question. Let me try to scroll back.

I can check for you, George.

Okay.

Thank you so much. That was a fantastic webinar and I learned so much. We had a question. Do you keep the envelope? Or does that go to narrative?

The envelope for registration?

I guess Kathy would need to clarify that. Do you keep the whole package?

We keep some historical items that are displayed and so forth. This is the twitter account and we have a lot of fun things that happen. As far as? Interacting with similar entities internationally. In different countries, some countries have copyright offices that are separate and some are parts of libraries or institutions. There is one called the Berne Convention and there are a few others. Countries have agreed to honor each other's copyrights so if you are here in the U. S., we will honor copyrights from the United Kingdom for example. There are a few countries that don't participate like North Korea and a couple of others.

Great. The one that Kathy said, the one you showed from bronze. You mentioned that, okay. How long does it take for an application to approve?

It usually just takes a few months. It depends a little bit on what kind of work it is and whether we have to correspond with you. If it is a claim, no questions or anything that needs to be done, it can be pretty quick with a matter of a few months but your effective date of registration is the date that we received your application and your fee and copyright deposit. We've seen that back even if it takes a few months to get to it.

Sharon has a shout out. To the virtual catalog.

That is great. The virtual catalog is our virtual digital copy of our catalog and we have the largest catalog in the world. It has indexes to copyright registrations although it up to 1978. After 1978, you can find it online at copyright.gov and it works sort of like scrolling through an old-fashioned catalog. If you're old enough to remember what those are, the virtual card catalog is kind of like that. You open the drawer and you can find the registration and it is very handy. We had like 4 million cards or something, it was a lot of cards and we are very happy to have that available so thank you for that.

Keep the questions coming in. Some of the rock stars are selling music rights. Bob don't got about three or \$4 billion from his. Is that involving copyright issues?

Yes, it is. The Beatles sold their rights and that is a big part of business. As I mentioned, copyright is an intellectual property and you can sell it and usually those contracts are complicated and people record those documents with us. There is a constructive notice of that.

At that point, the artist would not have any rights to his own material anymore or are there some caveats to that?

It depends on the agreement. There is a bundle of rights and you can transfer just some of those rights or do it for a limited period of time. It all depends on the contract. Things can get very intricate and sometimes it is a percentage of the rights or a percentage of the profits depending on the agreement. It can get very complicated but it depends on the agreement.

Thank you. Mina has a question. Does a person have a right to your image? For instance, a picture of a famous person.

That is a good question and gets into a couple of different areas. When we take a picture or anyone takes a picture with your phone or camera, usually the person taking the picture is the person that owns the rights to that picture but there are some exceptions. If someone is giving creative artistic direction, they might own the rights because they are the creative person behind that picture. There is a whole other area having to do with privacy rights and that does not involve copyright. That is when it can get complicated. As far as copyrights are involved, it's usually the person who takes the picture or is controlling the taking of the picture.

Okay, thank you. If someone wants to make a social media post and use your website, what image can they use?

Everything on our website is free for you to use. Another provision of copyright law is that works created by federal government employees in the course of their work are not protected by copyright with the idea that you already paid for it and it is free for everyone to use. If you find something on her website, you are free to use it.

Okay, thank you. Sarah makes the comment that -- sorry, I just lost it for a second. Many of my art students have questions about infringement.

That is a big question and a big area. I did not really get into the concept of fair use and we do have a video about that on our YouTube channel. Fair use is a provision in copyright law whereby under certain circumstances, someone can use someone else's work. For example, a news program can show a clip of somebody if it is part of the story as an example that can be fair use. It is decided on by a case-by-case basis and can get complicated because it is not a real and hard fast black and white answer. It is case-by-case but I would encourage you to go to our website and you can look at the fair use index and see the kinds of cases that have been adjudicated to get an idea. Consulting an attorney is probably a good idea if you are interested in pursuing things further.

Thank you. Helen says does the copyright office investigate websites that have publications in violation in for example research cases.

No. The copyright office is not an enforcement agency. The Copyright Office establishes a record but there are enforcement agencies that do that sort of work there is some enforcement and the courts and infringement is enforced. The copyright office is not part of our work.

How does public domain work?

Public domain has to do with limited term of copyright and on the very first slide, the Constitution mentioned that copyright -- that people would have the rights for a limited period of time and that limited period of time has increased over the years. It used to be 14 years and it has increased and at this point, it is the life of the author +70 years. After a period of time, the rights were in doubt and every January 1, a new set of works were in the public domain. That includes the great Gatsby for example and other works. We have a blog about this and I encourage you to go to copyright.gov and look at our blog and you can see a list of things just this January. That means by the way that everyone is free to use it.

Thank you. Corey, can you put the satisfaction survey in the chat, please? Along with some links so people can search. This particular webinar will be up. Here is a question. Does the copyright office work with datasets and if so, what would gaining copyright do to focus on something more tangible?

that is a good question. Databases are protected by copyright to a certain extent. It really depends on how much creativity is put together for the database. For example, the phone book, if you look at the old days and there was some creativity involved in deciding which category so it might be more protected by copyright because of the creativity that went into deciding which category.

Thank you. We have the satisfaction survey so please fill that out. Have you encountered any disputes on open education resources?

I am not familiar with OER per se but if you are talking about rising materials, I'm not sure. I'm not sure what that is.

If you could clarify that, Carl, I would appreciate that. Any more questions for George? These are great questions after a great presentation. I am getting some shout outs here. I know the issue of standing came out with little pieces of someone else's work and sometimes agreed-upon but sometimes not agreed-upon. I don't know if that is still an issue nowadays.

It is an issue that comes up often times in very flashy court cases that involves millions of dollars and with a songwriter or performer saying that another one used their work and it can get very complicated so you have to look into different parts of music and decide whether or not an infringement occurred or if the defendant has had access to the original work. It can get very complicated and these cases get a lot of publicity because there is usually a lot of money involved. That does continue to happen.

There are two types and I have seen groups that claim so-and-so stole the melody of my song and made their song on my song. Carl says I think this is the gratification for supplying their own materials for a class instead of a published work. There is exits from published work. That's an interesting concept. Almost like a sampling situation.

That problem does occur from time to time in those cases sometimes do end up in court depending on how much of a material was used. How much and whether or not it has the market affect of that material. That does come up as a potential problem.

Of those available online --

For me, there is a concept that has come along where people who own the rights can register with the website and let people know that it is okay for other people to use their work. It is not exactly like public

domain but it is similar. Basically people are saying this is mine and I own the rights but it is okay for you to use it. When people give that right, you can use their work.

Thank you. Carl says they have the rights to reuse and rewrite original material. A good example of the copyright in for the case is with Martin Gaye gotta give it up. I remember that one.

I encourage you to read up on that. It is an interesting case and a good example of how comp located things can get in deciding whether or not someone has used someone else's work. That paid around \$7 million so you have to be careful. A lot of musicians will say I have this tune in my head and it inspired me to write a song and then someone will say it was my to in your head. The stairway to heaven case is also an interesting one. These are great questions and thank you so much for being engaged and asking good questions. I hope you learned a little bit and are as excited about copyright as I am.

I think people learned an awful lot so keep the questions coming in for a few more minutes and we have a webinar on the 28th. Check our calendar with proposed legislative changes. We have more coming up in February so check on Matt. I'm getting an awful lot of shout outs. I agree with all these great comments. Okay, any last comments? I know from time to time we get questions coming in and I like to use this from the database so we have some extended language but I think we have language to that effect. Carol just put a link to less. -- to this.

[Event concluded]