

January 30, 2017

The Honorable Bob Goodlatte  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable John Conyers, Jr.  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Conyers,

The Information Technology and Innovation Foundation (ITIF) appreciates and supports the House Judiciary Committee's ongoing comprehensive review of U.S. copyright law.<sup>1</sup> ITIF is a nonprofit, non-partisan public policy think tank committed to articulating and advancing a pro-productivity, pro-innovation, and pro-technology policy agenda internationally, in Washington, DC, and in the states. Through its research, policy proposals, and commentary, ITIF is working to advance and support public policies that boost innovation, e-transformation, and productivity.

The U.S. copyright system has been a fundamental pillar of our innovation-based economy, and Congress should continue its efforts to maximize its benefits for consumers and creators alike. Unfortunately, the U.S. Copyright Office—the organization within the Library of Congress in charge of administering the Copyright Act—has been unable to keep up with the demands of the digital era where businesses and consumers expect swift and reliable access to information. ITIF welcomes the Committee's recent policy proposal to modernize and restructure the Copyright Office to meet the needs of the 21<sup>st</sup> century digital economy.<sup>2</sup>

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<sup>1</sup> "Proposal on Copyright Office Reform," *U.S. House of Representatives Judiciary Committee*, news release, December 8, 2016, <https://judiciary.house.gov/issue/us-copyright-law-review/>.

<sup>2</sup> "Reform of the U.S. Copyright Office," *U.S. House of Representatives Judiciary Committee*, December 8, 2016, <https://judiciary.house.gov/wp-content/uploads/2016/12/Copyright-Reform.pdf>.

The Copyright Office's IT systems are outdated, duplicative, and inefficient.<sup>3</sup> Moreover, some of its services remain slow and paper-based. Without better IT systems, the Copyright Office's staff, as well as the public, are forced to do many basic tasks that could be easily automated, like process paperwork and search physical records. In addition, these limitations prevent the Copyright Office from using the latest IT to tackle problems like orphan works. Furthermore, the Copyright Office's IT systems have experienced computer failures. In August 2015, the Copyright Office's electronic registration system experienced went offline for over a week.<sup>4</sup> This delay disrupted numerous authors, entrepreneurs, and businesses from filing their copyrights online.

The Copyright Office has published a detailed IT modernization proposal.<sup>5</sup> However, it is unable to pursue this proposal since it lacks of control over its own budget and IT systems which are managed by the Library of Congress. As the Copyright Office's chief information officer explained in a 2015 report, his staff is not permitted to control any underlying hardware or the operating system on which its software operates since this is run out of the Library of Congress.<sup>6</sup> These organizational challenges limit the technology options available to the Copyright Office. Indeed, the GAO concluded in 2015 that the IT strategy of the Copyright Office was misaligned with that of the Library of Congress.<sup>7</sup> The Committee's proposal would tackle these problems by giving the Copyright Office independent control over its budget and IT decisions by making it independent from the Library of Congress. Congress should also act swiftly to fully fund the Copyright Office's IT modernization proposal, which will cost \$165 million over 5 year.

By empowering the Copyright Office to create a modern fully-digital copyright registration and recordation system, Congress would increase the productivity of the Copyright Office itself, and improve efficiency and convenience for the citizens and businesses it serves. An error-free, self-service registration system would

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<sup>3</sup> "Strong Leadership Needed to Address Serious Information Technology Management Weaknesses," *U.S. Government Accountability Office*, March 2015, <http://www.gao.gov/assets/670/669367.pdf>.

<sup>4</sup> Hallie Golden, "Library of Congress' Latest Tech Stumble: Copyright System Down for a Week," *Nextgov*, September 4, 2015, updated September 8, 2015, <http://www.nextgov.com/cio-briefing/2015/09/copyright-offices-online-registration-system-goes-dark/120326/>.

<sup>5</sup> "Provisional Information Technology Modernization Plan and Cost Analysis," *U.S. Copyright Office*, February 29, 2016, <https://www.copyright.gov/reports/itplan/technology-report.pdf>.

<sup>6</sup> Office of the Chief Information Officer, "Report and Recommendations of the Technical Upgrades Special Project Team," *U.S. Copyright Office*, February 2015, [https://www.copyright.gov/docs/technical\\_upgrades/usco-technicalupgrades.pdf](https://www.copyright.gov/docs/technical_upgrades/usco-technicalupgrades.pdf).

<sup>7</sup> "Strong Leadership Needed to Address Serious Information Technology Management Weaknesses," *U.S. Government Accountability Office*.

reduce the time and expense wasted on routine transactions. Similarly, new technology could further improve the accuracy and efficiency of the public copyrights database with the complete digitization of physical copyrights records.

We welcome the House Judiciary Committee's proposal to modernize the Copyright Office by granting it with new authority over its technology and budget. An independent Copyright Office would be a more cost-effective one, able to deliver more convenience and better services to the public.

Sincerely,

Robert D. Atkinson  
President and Founder, Information Technology and Innovation Foundation

Daniel Castro  
Vice President, Information Technology and Innovation Foundation

Alan McQuinn  
Research Analyst, Information Technology and Innovation Foundation