



Response to Library of Congress Survey on Register of Copyrights

January 31, 2017

1. What are the knowledge, skills, and abilities you believe are the most important for the Register of Copyrights?

As the primary public policy advocate for U.S. publishers, the Association of American Publishers works to create an unrestricted and sustainable environment for publishers, authors, booksellers and readers around the world to support the creation and dissemination of works of original expression, by novice as well as celebrated authors. Among AAP's highest public policy priorities are the protection and enforcement of intellectual property rights, defense of the freedom to read and the freedom to publish, and promotion of research, education and literacy.

AAP believes the next Register of Copyrights must deeply understand and have the ability to articulate the following to both Congress and the general public:

- the importance of copyright law to the U.S. economy and cultural fabric, and the critical role of its implementation through the Copyright Office's services and responsibilities;
- the various roles copyright plays in the economics of publishing for authors, publishers and distributors of published works, including the diverse approaches taken by trade publishers, learning companies and scholarly societies, and analogous considerations for creators, publishers and distributors of other kinds of copyrighted works;
- the challenges that publishers and other rights holders and distributors of copyrighted works face in enforcing their rights online under the current legal framework; and
- the importance of bridging disagreements among all stakeholder communities to achieve copyright laws and policies that lead to a well-functioning online copyright ecosystem.

Additionally, the next Register should have significant experience with:

- executive management suitable to the size and structure of the Copyright Office, the nature of its mission and responsibilities, and its current place within the Library of Congress;
- enterprise level IT systems and databases and the ability to understand the issues that arise to fund, build, implement and administer them;

- the federal legislative and regulatory processes, including working with Appropriations and Judiciary Committees in both the House and the Senate; and
- working on domestic and international copyright policy matters with the Executive Branch, including the Intellectual Property Enforcement Coordinator and the Patent & Trademark Office in the Department of Commerce.

2. What should be the top three priorities for the Register of Copyrights?

Priority #1: Develop and implement policies for a sustainable online environment where authors, publishers and other rights holders can effectively exercise and enforce their rights under copyright, and users of their copyrighted works can easily and affordably discover and access such works through legitimate online distribution channels with diverse options to facilitate a variety of user preferences;

Priority #2: Modernize the Copyright Office by promptly initiating implementation of the Copyright Office's IT modernization plan, which includes making the registration and recordation processes easier and more affordable.

Priority #3: Develop and implement more effective means for public education on copyright law, particularly on its economic and social impact on creators and users of copyrighted works.

3. Are there other factors that should be considered?

Although the Copyright Office is a department of the Library of Congress, rather than an independent agency, the search for its leader should be conducted with the utmost thought and consideration for the national and international importance of its highly specialized mission and responsibilities. The Library should consult with former Registers of Copyrights for their unique perspectives on the qualifications and traits necessary to thrive as the leader of the U.S. Copyright Office. More importantly, to make the best choice possible, the Library must coordinate closely with the House and Senate Judiciary Committees which have substantive legislative jurisdiction over copyright law. In particular, we urge the Librarian to work with the leadership of the Committees with regard to their current consideration of proposals to update the statutory terms for the appointment and service of the next Register of Copyrights.