



10850 Wilshire Boulevard / 9th Floor
Los Angeles, CA 90024-4321
310-446-1000 TEL / 310-446-1600 FAX
www.ifta-online.org / info@ifta-online.org

Dr. Carla Hayden
Librarian of Congress
Library of Congress
Washington, DC
via loc.gov Electronic Survey

RE: Librarian of Congress Seeks Public Input Regarding the Next Register of Copyrights

Dear Dr. Hayden,

The Independent Film & Television Alliance (IFTA) welcomes the opportunity to provide its input regarding the expertise needed by the next Register of Copyrights and the top three priorities for the next Register to achieve. IFTA is the worldwide trade association of the independent industry and its members are the companies that produce, distribute, and finance films and programs outside the large vertically integrated studios. IFTA Members are responsible for 70% of U.S. film production activity and tens of thousands of hours of television programming each year.

IFTA Members rely on Copyright Law and registration of ownership with the Copyright Office to protect the products of their creative activity, to enable the financing of those products, to define the rights that may be exploited, and to encourage ongoing creation of programming enjoyed by consumers. Our industry looks to the Copyright Office to provide certainty about the underlying rights in productions and to the Register to provide leadership nationally and internationally on the importance of copyright and to lead the successful modernization and operation of an efficient, digitally enabled Copyright Office.

In response to the specific questions posed, first, the next Register of Copyrights should possess significant, detailed knowledge of Copyright Law, and experience in applying it in a practical environment. The Register must understand thoroughly that the protections afforded under Copyright Law are the foundation of a sustainable sector that encompasses intellectual property creation, licensing, and enforcement, and that provides a continuing array of diverse content to the public.

The Register also should have the management experience to lead the Copyright Office, including working effectively with its copyright and trade experts, with the Librarian and Congress, and with those who rely on the Copyright Office for service – the public at large, the copyright community of creators, and other businesses that rely on copyrighted content to flourish. The intellectual property industries are significant contributors to the U.S. economy and to our national export balance of trade. The Copyright Office must be positioned to support effectively both Copyright Law and the economic benefits that flow from it.

With respect to priorities for the next Register of Copyrights, the most urgent is to complete the modernization of the Copyright Office. The demand for a fully digitized office, with affordable and easily searchable records, has been articulated in the past and has grown even more critical. As new uses for creative content are developed, producers and distributors must have access to the information that allows them to determine underlying rights, clear productions, address potential conflicts, and ultimately be able to protect their works effectively. The new system must be developed without pricing out small business and creators from the protection they gain with copyright registration. Given the just announced increase to copyright fees, IFTA would urge that fees be maintained at a sustainable level for independent producers. Similarly, a streamlined, modern Copyright Office should not require mandatory Deposits; this is an obstacle to registration for many creators, and, in the case of digital copies, may create an unnecessary security risk for a work not yet in release.

A second priority for the Register will be to complete the work of the Copyright Office in evaluating the effectiveness of Section 512 of the DMCA and providing expert recommendations to Congress on improvements. This project has been underway since 2016 and is of utmost importance to IFTA's Members as they struggle to control piracy of their films and programming. While we are hopeful that the initial report will be released shortly, the important work surrounding these issues will continue. The Register must be able to provide the expert voice and thoughtful guidance to support Congress as it deliberates these critical copyright matters.

U.S. Copyright Law will continue to evolve and will do so in a global context, as different jurisdictions and international organizations seek to shape the principles to meet their own social needs. A third priority for the Register and the Copyright Office is to ensure that the U.S. participates in and takes leadership within the larger arena. The Register must bring to the position a knowledge of developing precedents in intellectual property law and enforcement in other jurisdictions and a keen interest in participating in the shaping of policies that reflect the worldwide film and television industry's needs for clarity and consistency of these laws.

Sincerely,

Susan Cleary
Vice President & General Counsel
Independent Film & Television Alliance