

LCM

LIBRARY OF CONGRESS MAGAZINE
SEPTEMBER/OCTOBER 2020

COPYRIGHT OFFICE AT 150

Inside

Inspiring Creativity,
Empowering Creators

Serving Congress
And the Public

Plus

Deposits of Gold

What Copyright Protects

The Original Lady Liberty

CONGRESS OF THE UNITED STATES:

AT THE SECOND SESSION, begun and held at the City of

New-York, on Monday the fourth of January, one thousand seven hundred and ninety.

An Act for the encouragement of learning, by securing the copies of Maps, Charts, and Books to the Authors and Proprietors of such copies, during the times therein mentioned.

BE it enacted by the Senate and House of Representatives of the UNITED STATES of America, in Congress assembled, that from and after the passing of this Act, the Author and Authors of any Map, Chart, Book or Books already printed within these United States, being a Citizen or Citizens thereof, or resident within the same, his or their Executors, Administrators or Assigns, who hath or have not transferred to any other person the Copy-right of such Map, Chart, Book or Books, share or shares thereof; And any other person or persons, being a Citizen or Citizens of these United States, or residents therein, his or their Executors, Administrators or Assigns, who hath or have purchased or legally acquired the Copy-right of any such Map, Chart, Book, or Books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such Map, Chart, Book, or Books for the term of fourteen Years from the recording the title thereof in the Clerk's Office, as is herein after directed: And that the Author and Authors of any Map, Chart, Book or Books already made and composed and not printed or published, or that shall hereafter be made and composed, being a Citizen or Citizens of these United States, or resident therein, and his or their Executors, Administrators or Assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such Map, Chart, Book or Books for the like term of fourteen Years from the time of recording the title thereof in the Clerk's Office as aforesaid: And if, at the expiration of the said term the Author or Authors or any of them be living, and a Citizen or Citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them his or their Executors, Administrators or Assigns, for the further term of fourteen Years; Provided he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

And be it further enacted, that if any other person or persons from and after the recording the title of any Map, Chart, Book or Books, and publishing the same as aforesaid, and within the times limited and granted by this Act, shall print, reprint, publish or import, or cause to be printed, reprinted, published or imported from any foreign Kingdom or State, any Copy or Copies of such Map, Chart, Book or Book without the consent of the Author or Proprietor thereof first had and obtained in writing, signed in the presence of two or more credible Witnesses; or knowing the same to be so printed, reprinted or imported, shall publish, sell, or expose to sale, or cause to be published, sold or exposed to sale, any Copy of such Map, Chart, Book or Books without such Consent first had and obtained in Writing, as aforesaid, then such Offender or Offenders shall forfeit all and

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Inspiring Creativity

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■ The National Archives holds this original manuscript of the Copyright Act of 1790, passed by Congress and signed into law by President George Washington. [National Archives and Records Administration](#)

Mission of the Library of Congress

The Library's mission is to engage, inspire and inform Congress and the American people with a universal and enduring source of knowledge and creativity.

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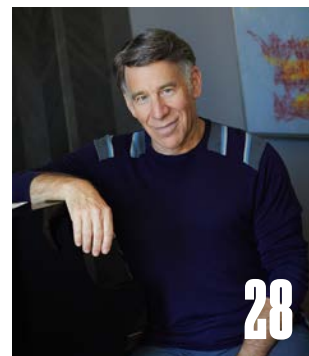
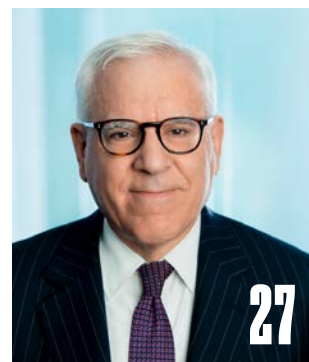
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■ On the cover: The seal of the U.S. Copyright Office consists of a capital C in a circle with a stylized eagle with a shield perched on the lower limb of the C. The seal is used on official documents, such as the certificate of registration and certified documents. *David Rice*

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CONNECT ON

loc.gov/connect





■ Copyright Office employees work at their desks in the Jefferson Building of the Library of Congress, circa 1920. *Prints and Photographs Division*

HAPPY 150TH, COPYRIGHT OFFICE

Library Marks a Milestone Anniversary for the Office.

This summer, the U.S. Copyright Office reached a major milestone: 150 years of promoting creativity and free expression through the administration of the nation's copyright laws.

Congress first centralized copyright at the Library on July 8, 1870. Librarian of Congress Ainsworth Rand Spofford served as the register of copyrights, and deposit copies of registered works helped build the Library's collections. But by 1877, over 70,000 deposits were piled around the Library, and Spofford told Congress he soon would be "presiding over the greatest chaos in America." So, in 1897, Congress established

the Copyright Office as a separate department within the Library and named Thorvald Solberg the first dedicated register of copyrights.

Since then, Congress passed two major revisions to copyright law – the Copyright Act of 1909, signed by President Theodore Roosevelt, and the Copyright Act of 1976, signed by President Gerald Ford. The Copyright Office was a key player in getting those laws in place. Solberg was deeply involved in crafting the 1909 act, and the 1976 act resulted in large part from years of Copyright Office work, including by former Registers Abraham Kamenstein and Barbara Ringer. The 1976 act is still in effect today, with several amendments, including the landmark Orrin G. Hatch–Bob Goodlatte Music Modernization Act of 2018.

Today, the office is undergoing a modernization initiative that will help it fulfill its mission for years to come. Modernization includes important updates such as building



a new Enterprise Copyright System featuring a user-centered and flexible design, streamlining processes and procedures and improving access to services. The office made its pre-1978 physical card catalog records available online, and it is modernizing the current online record system. It began a pilot program to submit documents for recordation electronically, and a modernized registration system is in development.

“I want to wish the Copyright Office a very happy 150th anniversary,” Librarian of Congress Carla Hayden said. “More than ever, it’s important for us to realize the role of the Copyright Office in encouraging and supporting ingenuity and innovation.”

MORE INFORMATION

Copyright services
copyright.gov

HOW DO I

REGISTER A WORK FOR COPYRIGHT



DAVID RICE

Copyright protection is automatic once a work is fixed in a tangible form of expression, such as on paper, a recording file or a digital photograph. So why register a work with the Copyright Office?

Copyright registration establishes a public record of a copyright claim, making it easier for a copyright owner to prove their legal case. Registration (or a refusal from the Copyright Office) is required before an infringement suit can be filed for U.S. works. Registration also gives copyright owners several other remedies in court.

Electronic registration on copyright.gov is the easiest and least expensive way for authors to register their work. Electronic registration also results in faster processing times, accepts electronic payment and, in some cases, allows for electronic upload of deposit copies. For those without internet access, paper applications are still available for most works.

The office will start the examination process once it receives a complete application, which includes the completed registration, the correct fee payment and the required deposit copy or copies of the work.

The Copyright Office YouTube channel (youtube.com/uscopyrightoffice) features an online registration playlist containing video tutorials that walk authors through the registration and deposit copy process. The channel also hosts the office’s Learning Engine video series, which introduces copyright concepts. The registration video shows how the office reviews each application and completes the registration process.

—Alison M. Hall is a writer–editor in the U.S. Copyright Office.

SERVING CONGRESS

■ Barbara Ringer describes an early copyright registration form in New York in 1963. U.S. Copyright Office

SERVING CONGRESS AND THE PUBLIC

Copyright Office assists legislative bodies as they contemplate changes to law.

Throughout its history, the Copyright Office has served as a leader of copyright development and reform, cultivating a market of creative expression that offers cultural and economic benefits to the nation. The office has been actively involved in the development of copyright law since its inception and regularly conducts policy studies to advise Congress as it contemplates legislative changes.

In the past half century, the office studied and made recommendations on standards of copyrightability, classes of copyrightable works, the scope of rights, terms, formalities, remedies, ownership, performance rights, protection for architecture, orphan works, mass digitization, pre-1972 sound recordings, small claims, limitations and exceptions for libraries and the print disabled, and more – work that helps the law keep pace with the changing copyright ecosystem.

In 1974, Register of Copyrights Barbara Ringer served on the Commission on New Technological Uses of Copyrighted Works, which was established by Congress to comprehensively revise copyright law in light of new technologies such as computers and photocopying. The office spent three years collecting data, participating in hearings, analysis, and deliberations before the commission ultimately presented its recommendations to Congress, including extension of copyright to computer programs.

Ringer also was one of the principal architects of the Copyright Act of 1976, the first major revision of the copyright law since 1909. It took over two decades to negotiate its provisions, and the law took effect on Jan. 1, 1978, implementing fundamental changes in many aspects of copyright law and in the operation of the Copyright Office itself.

In the following decades, the office



continued those efforts on such major legislation as the Digital Millennium Copyright Act of 1998; the Technology, Education and Copyright Harmonization Act of 2001; and the Music Modernization Act of 2018. The last represented one of the most significant pieces of copyright legislation in decades: The act updated copyright law to reflect technological developments in the music marketplace.

The office actively participates in the development of copyright law internationally. It actively participated in the negotiation of the Marrakesh Treaty, which requires member nations to create limitations and exceptions that will make it easier for those who are blind, visually impaired and otherwise print disabled to access certain works. The office also worked on the 2018 copyright law amendments needed to implement this treaty. The office reviews copyright developments in other countries and participates in U.S. trade agreement negotiations.

As it has for decades, the Copyright Office will continue to fulfill its duties and responsibilities in an effort to promote the nation's free expression.

– George Thuronyi



THE ORIGINAL LADY LIBERTY

Copyright deposit preserves early version of Bartholdi's iconic sculpture.

Of the tens of millions of creative works registered with the Copyright Office, the Statue of Liberty is one of the biggest and most famous.



French sculptor Frédéric Auguste Bartholdi registered his “Statue of American Independence” on Aug. 31, 1876, submitting two photos of a model of the statue as the deposit copies. The first image shows just the model. The second is a rendering of how the statue would appear against the New York skyline on the pedestal. The pedestal also is registered with the office with architect Richard M. Hart listed as the author.

This second image has great significance because it shows a very early version of the statue that most people today would not recognize.

In the original design, the Statue of Liberty is shown holding a broken chain and shackle in her left hand, representing freedom newly achieved. Bartholdi later made a major change to his design by placing the chain and shackle, symbolically broken by Liberty, at her feet. He then positioned the familiar tablet, inscribed “July IV, MDCCLXXVI” (July 4, 1776), in her left hand.

In the decade before the statue was assembled in New York Harbor, newspapers and magazines popularized images of it, and memorabilia proliferated. New York publisher Root and Tinker registered a color lithograph of the statue in 1883, thought to have been commissioned to raise funds to build the pedestal. The next year, the publisher registered a reissue of the same lithograph with “Low’s Jersey Lily for the Handkerchief” imprinted on the statue’s base.

The copyright on the original Statue of Liberty sculpture has expired, which means it is now in the public domain. Creators are free to use it in any way in their works.

—Alison M. Hall

■ Sculptor Frédéric Auguste Bartholdi submitted this photo of a model of the Statue of Liberty (left) for copyright in 1876, along with this rendering of how the statue might appear against the New York City skyline. *Prints and Photographs Division*

ONLINE OFFERINGS



■ Opposite: Copyright staff members Tricia Kemp (left) and Robin Coreas discuss the Virtual Card Catalog, shown on this page. David Rice

A VIRTUAL CARD CATALOG

Millions of historical copyright records are now online.

In recent years, the Copyright Office has made tens of millions of historical copyright registration cards available online. While records from 1978 through the present have been online for some time, the pre-1978 records were only available in physical form in the Copyright Records Reading Room at the Library of Congress. But last year, the Copyright Office completed a Virtual Card Catalog proof of concept, making pre-1978 cards from the catalog available online as well.

Virtual Card Catalog records typically include author name, title of work, copyright registration number and effective date of registration. The catalog also contains entries for transfers of ownership, generally one card for each title, assignee and assignor.

The Virtual Card Catalog is divided into

six primary chronological indexes from 1870 through 1977. Other indexes include assignments, notices of use, commercial prints and labels and a pseudonym file. Users can browse the cards in each index in the same filing order as found in the physical card catalog. Two of the indexes, 1955 through 1970 and 1971 through 1977, contain enhanced browse capabilities that include the ability to filter the card results based upon the card content.


While not the final version of the planned Virtual Card Catalog, this proof of concept gives the public a glimpse of the digitized card catalog. The Copyright Office is collecting feedback about the online catalog, which will provide valuable information for the future digital transformation of the Copyright Office's physical historical records as the office modernizes and creates a new Enterprise Copyright System.

—Alison M. Hall

MORE INFORMATION

Virtual Card Catalog
copyright.gov/vcc





WHAT DOES COPYRIGHT PROTECT?

Why the law safeguards the great American novel but not a recipe or a selfie taken by a monkey.

BY NICOLE LAMBERSON

Since George Washington signed the first federal copyright law in 1790, copyright has continuously evolved into a system that encompasses everyone. Everyone uses copyright-protected works daily, and everyone is a copyright owner – even if they don't realize it.

Copyright is a type of intellectual property that protects an original work of authorship as soon as it is fixed in a tangible medium of expression.

So, what does that mean?

To be copyrightable, a work only needs to meet a few minimal standards:

First, a human being must have created the work. So, selfies taken by a very photogenic monkey or paintings created by an artistic elephant aren't eligible for copyright protection. Similarly, a work produced by a machine without any creative input or intervention from a human author doesn't qualify.

Second, the work must be an independently created, original work of authorship. This means that an author can't copy someone else's work and claim it as their own. But if two authors create similar works without ever knowing of the other's work, copyright protects both.

Third, a work must possess a minimum degree of creativity to successfully claim copyright. A basic or routine expression lacking a creative spark, such as a telephone directory with names and numbers listed alphabetically, is not enough for copyright – no matter how much effort it took to compile.

And fourth, the work must be fixed in a tangible medium of expression, meaning it has been captured in a sufficiently permanent medium that can be perceived, reproduced or communicated for more than

a short time. If an individual walks around singing a spontaneously created song but then doesn't write it down or record it, copyright can't protect it.

With few requirements, it would seem that most creative works qualify for copyright protection; however, the law excludes quite a few types.

So, what isn't protected by copyright?

Ideas. Having an idea for the next great American novel isn't enough; it has to be written down first. Copyright will protect specific fixed content, but not the idea itself. Likewise, concepts, principles, discoveries and inventions are not copyrightable on their own.

Recipes. A family recipe may yield a unique take on a delicious dish, but copyright won't protect it. Copyright law specifically excludes procedures, processes, systems, methods and facts. This means a mere listing of ingredients or simple instructions for making a dish won't be protected; however, any written description of the dish or the process, along with any photos or illustrations, might be.

Familiar symbols and designs. Familiar shapes, symbols and designs cannot be protected because they do not contain a sufficient amount of creativity. A company's logo may fall into this category, as do blank forms, layouts and formats, and typefaces.

Names, titles and slogans. A new business may create a fun, short slogan to describe its services, but copyright law won't protect it. This is because words and short phrases do not contain a sufficient amount of authorship or creativity.

Remember, copyright is just one form of intellectual property law. Trademark and patent law might protect what copyright can't.

■ **Opposite: This selfie was taken by Naruto, a crested macaque, in Indonesia in 2011.**



DEPOSITS OF GOLD

Copyright submissions preserve a treasure trove of history that might otherwise be lost.



BY MARK HARTSELL

■ The composer's daughter submitted this music manuscript of the march played at President Abraham Lincoln's funeral for copyright in 1911. *Music Division, Prints and Photographs Division*



■ The Music Division holds the incidental music for the classic “How the Grinch Stole Christmas!” TV special, based on the book by Dr. Seuss. *Music Division, Prints and Photographs Division*



We know how the march played at Abraham Lincoln’s funeral in 1865 goes because the composer’s daughter submitted the music manuscript, “To the Memory of President Lincoln,” for copyright in 1911.

Copyright deposits capture milestones, even if they aren’t recognized as such until years later.

The Copyright Office holds the unpublished deposit for a 1980 “Star Wars” Christmas album that marks the recording debut of Jon Bon Jovi, who sang lead vocals on “R2-D2 We Wish You a Merry Christmas.” (Sample lyric: “If the snow becomes too deep, just give a little beep. We’ll go there by the fire and warm your little wires.”)

They reveal new dimensions to famous folks – an unpublished composition by a 14-year-old Aaron Copland, for example, or unpublished plays written by Tennessee Williams and Zora Neale Hurston.

The Manuscript Division holds 13 such plays by Mae West, the actress and sex symbol whose ability to impart suggestive meaning to any line onscreen is immediately apparent in her writings, too. “The things I can teach you are not in the books,” a seductress slyly tells Professor Thinktank in “Ruby Ring,” a 20-page play West submitted for copyright in 1921.

In 1997, a Library staffer discovered 10 unpublished plays written by Hurston, the African American anthropologist and author who died in obscurity in 1960. She later became celebrated for her novels and work as a folklorist, but few knew of her ambitions as a dramatist until that discovery among copyright deposits nearly four decades later.

Copyright deposits record the history of events that never even happened.

The Music Division holds songs composed for productions that were begun and then called off, including dozens for a live TV musical version of “Hansel and Gretel” and “Rainbow Road to Oz,” a film project that proposed to star the Mouseketeers as characters from the Land of Oz.

They help scholars and artists better understand the works they study and perform.

William Grant Still, the “dean of African American composers,” wrote “Grief” in 1953, and a version published a few years later introduced an error into the final



■ Decades after the film was released, Charlie Chaplin composed this score for his silent picture “Sunnyside” and submitted it for copyright in 1977. *Music Division, Prints and Photographs Division*



line of vocals. For decades, performers unwittingly sang the piece wrong.

It wasn't until 2009 that Still's daughter, feeling something wasn't quite right, examined the original version submitted for copyright and discovered the mistake – finally, some 50 years on, allowing the piece to be heard as the composer intended.

Copyright deposits are a great resource for the study of early African American music.

That material preserves songs by well-known figures: the original manuscript of Billy Strayhorn's "Take the A Train" and Bessie Smith's manuscript for "Wasted Life Blues," on which she crossed out her husband's name as composer and wrote in her own.

But they also are invaluable for preserving works by lesser-known artists, shows such as Henry Creamer and Turner Layton's "Ebony Nights" (1921) and Louis Douglass and James P. Johnson's "The Policy Kings" from 1938.

Movie studios tragically threw away historical music scores to save the expense of storage – even the original music for "The Wizard of Oz" didn't survive. Copyright deposits preserve elements of films and TV shows that otherwise might not exist.

The Music Division holds original scores for "How the Grinch Stole Christmas" and lead sheets to songs – "I'm in the Middle of a Muddle," "Pretending," "Raga-Daga-Day" – that didn't make the cut for Disney's classic "Cinderella."

Copyright deposits preserve Elmer Bernstein's score for "The Ten Commandments," Jerry Goldsmith's avant-garde work on "Planet of the Apes" and music Charlie Chaplin composed for his own films.

With the advent of sound technology, Chaplin went back and wrote scores for his silent features. In his 1919 film "Sunnyside," Chaplin milks a cow directly into his coffee and holds a chicken over a pan to get an egg for breakfast – a scene eventually accompanied by a waltz composed by Chaplin and submitted for copyright in April 1977, eight months before his death.

Pieces of history, preserved by the copyright process for posterity.



■ In 1997, a Library staff member discovered 10 unpublished plays written by anthropologist and author Zora Neale Hurston among copyright deposits. Manuscript Division, Prints and Photographs Division



INSPIRING

CREATIVITY,

EMPOWERING

CREATORS

American arts and culture have long-standing ties to the nation's copyright system.

BY WENDI A. MALONEY



It started, the story goes, with a back-to-school jam in the Bronx in 1973. There, in a basement rec room, DJ Kool Herc – aka Clive Campbell – stood between two turntables, switching between records to extend the instrumental breaks so his sister’s friends could dance longer. His parties became so popular he had to move them to clubs and even outdoors.

The movement he’s often credited with igniting – hip-hop – dominates music today. Soon, fans will be able to mix their own beats from a source not often associated with the genre: the Library of Congress.

Citizen DJ, an experimental music sampling tool that launched on the Library’s website this summer, enables aspiring musicians to sonically browse and select sounds from the Library’s collections – vintage audio, interviews, musical performances – to integrate into their own original productions.

The tool combines public-domain content – works available for anyone to use – with material copyright owners have consented to include. Under the terms agreed on, users are free to make their own songs by mixing together whatever sounds they like with beats built into Citizen DJ.

It is the brainchild of Brian Foo, computer scientist, visual artist and one-time break dancer. This year, he’s also one of the Library’s innovators in residence, a program of LC Labs that encourages creative use of the Library’s digital collections.

“I was very much embedded in hip-hop culture and later in life appreciated sampling and collage and referencing as means for self-expression through historical interrogation,” Foo said.

While distinctly modern, Foo’s reuse of content carries out a vision from America’s earliest days. The framers wrote copyright into the Constitution to “promote the progress of science and useful arts” – that is, to add to the growing nation’s wealth of culture and knowledge.

Copyright law gives creators certain exclusive rights to benefit from their works for a limited time. Unless the creators agree or one of the law’s exceptions is used, no one else can exploit the works in a way that would violate those rights. After the copyright term expires, the works become free to use and reuse.

■ **Library of Congress innovator in residence Brian Foo created Citizen DJ, a music-sampling tool that allows musicians to sample sounds from Library collections and use them in their own productions. *Shawn Miller***

Salam (Fr. salam, peace, safety.) A salutation or ceremony or respect in the East.



Salamanders have an elongated body, four long tail, which gives them the general form they have all the characters of batrachians. It they have all the characters of batrachians. It they have all the characters of batrachians. It they have all the characters of batrachians.

Said of a certain acid obtained by heating silicious acid with potash. (Written also salicatic.)

Sally-ence, n. 1. The quality or condition of being salient; a leaping; a springing forward; an assaulting. "Fierce sallience and full intent." Spenser.

Sally-ent, a. [Lat. saliens, p. pr. of salire, to leap; Fr. saillant.] 1. Moving by leaps; leaping; bounding; jumping. "Sally-ent animals." 2. Shooting out or up; projecting; springing. He had in himself a sally-ent living spring of generous and manly action.

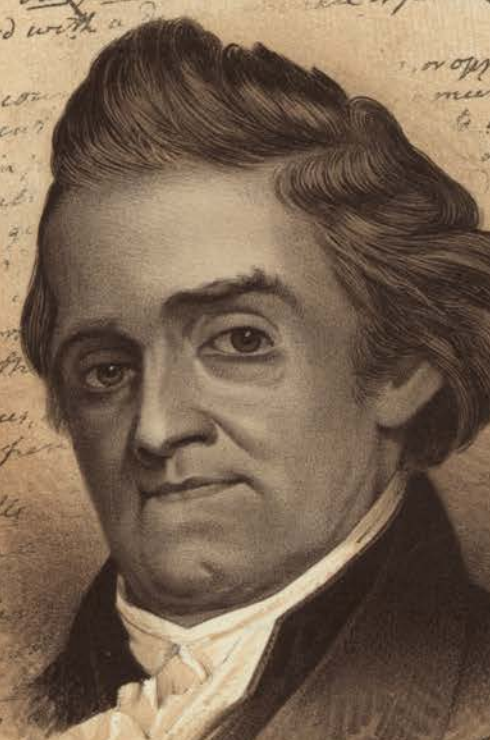
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batalla, H. battaglia & impetu as in from bat, beat. The Heb. כחב hebeth, to beat, is not the primitive bat, beat, south as appropriate. The lexons used in guttural, ge beaten, opposing armies; mess or large bodies to an encounter inferior animals to the encounter waters of the springing in lakes were the main body bats. battle, is properly in is not always drawn up Drive the gate. Is. 28. 6. To join in battle; Addison. To cover with armed force. To array n. [Battle & array] array, or order of battle. An axe used aniently as a weapon. It has been used till late years, by the highlanders in England; it is still used by the wily quacks in Dinburg in quelling Enrye. door. n. battle-dore [from battle, & door, see door.] An instrument with a handle & a flat board or palm, used to strike a Mli-cochr, a ratchet.



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By allowing early Americans to reap the rewards of their efforts – by selling their books or maps, for example – the framers intended to encourage creativity. By limiting the term of copyright protection, they aimed to make knowledge accessible and foster still more creativity

Early American Noah Webster – famous for his dictionary – played an outside role in establishing copyright in U.S. law. On Aug. 14, 1783, Webster obtained a Connecticut copyright for a 120-page spelling book he had written and began publishing it.

Webster's small volume became America's first bestseller – schools that had closed during the Revolutionary War were reopening and needed books. The first 5,000-copy print run sold out within nine months and, the following year, the book sold 500 to 1,000 copies a day. Webster's earnings during his lifetime allowed him to support his family and compile his dictionary.

His state, Connecticut, was the first to enact a copyright law – individual states had such laws before copyright was written into the Constitution. After Webster registered his book, he toured the country to press other states and the new federal government to implement copyright laws. His successful efforts earned him the moniker "father of copyright."

Fellow early American Jedidiah Morse, author of bestselling geographies, not long afterward earned the distinction of filing the first reported federal copyright case. Represented by statesman Alexander Hamilton, Morse sued New York City bookseller John Reid for selling a geography that borrowed liberally from Morse's work. Reid was ordered in April 1798 to cease publishing the offending geography and to pay Morse \$262.50.

Since Webster's and Morse's day, creators across fields – photography, music, drama, sculptural arts, motion pictures, computer software, videogames – have turned to the copyright system to protect their works. Registrations range from the famous – the Statue of Liberty, the Civil War photos of Mathew Brady, the superhero film "Avengers: Endgame" and the Grammy Award-winning music of Roddy Ricch – to the obscure.

■ Noah Webster registered a copyright for a spelling book in 1783 in Connecticut and used proceeds from its sales to fund work on what would be the first American dictionary. Prints and Photographs Division





Americans collectively have secured copyright for millions of works. Many undoubtedly hoped to profit from their efforts like Webster; whether or not they succeeded, their works have become part of the record of American creativity.

The U.S. Copyright Office, which is part of the Library of Congress, today administers the copyright system and oversees the world's largest database of copyrighted works and copyright ownership information.

Like Foo, many of these creators drew on works of earlier artists. Edgar Allan Poe's poems, for example, gave rise to a long list of musical compositions – "Nevermore" by the rock band Queen, "The Fall of the House of Usher" by composer Philip Glass, versions of "Annabel" by Frankie Laine, Joan Baez and Stevie Nicks.

Bob Dylan pays tribute in his music to poets William Blake, Robert Burns, Emily Dickinson, Walt Whitman and Archibald MacLeish – a Librarian of Congress from 1939 to 1944. The web series "Epic Rap Battles of History" draws on Dr. Seuss, Dickens and other literary figures. Robert Frost's poem "The Road Not Taken" has inspired pop music lyrics, episodes of "Twilight Zone" and "Battlestar Galactica" and more than a few commercials.

Foo's ambition is to share the riches of the Library with new creative audiences. Citizen DJ features thousands of sound clips – each about a second long – from holdings across the institution.

Aspiring composers can draw on the Joe Smith collection, for example, featuring interviews with music legends such as Elton John, Ben E. King, Aerosmith. Or, they can use the Tony Schwartz collection of New York City soundscapes: honking horns, jackhammers, snippets of conversation. Or, they can incorporate audio from a Library musical performance by U.S. poet laureate Joy Harjo, who donated reuse rights to the performance.

"From a copyright point of view, we have a really high bar that we're setting," Foo said. "We want to be able to say from a legal point of view, you can use this material for creative reuse, even commercial."

■ Jedidiah Morse published this map of Washington, D.C., in his "The American Geography" in 1794. *Geography and Map Division*

Like *Foo*, documentary filmmaker Elizabeth Coffman incorporates earlier works into something entirely new, a long tradition in filmmaking – the blockbusters “The Wizard of Oz,” the “Harry Potter” film series and “Avengers: Endgame” are but a few examples of motion pictures adapted from literary works.

Last fall, Coffman was awarded the Library of Congress Lavine/Ken Burns Prize for Film for “Flannery,” a feature-length documentary she produced and directed with Mark Bosco about Georgia writer Flannery O’Connor.

Because of the film’s widespread distribution and broadcast potential, “I knew it needed copyright protection,” Coffman said.

Under current U.S. law, copyright protection takes effect the moment a work is created. But timely registration with the U.S. Copyright Office is required to secure certain remedies in cases alleging copyright infringement. So, Coffman registered “Flannery” with the Copyright Office once the film was completed.

That final step was probably the easiest task related to the film.

Telling O’Connor’s story required an intensive search for archival footage that was “funny, dark, weird,” reflecting the writer’s life and iconic fiction, Coffman said.

O’Connor’s novels and short stories are populated with unique and often fantastic characters – Southern prophets, girls with wooden legs. One piece of footage Coffman discovered features a circus woman lying on a bed of nails; another shows WAVES from World War II – women serving in the U.S. Navy – practicing pistol-shooting.

Thanks to a grant from the National Endowment for the Humanities, Coffman was able to hire two research assistants to help her track down materials, including “every photograph we could possibly find of O’Connor,” Coffman said. The grant also supported rights clearance, including payments to copyright owners for reuse of content, and the hiring of a composer and actors.

For interviews with O’Connor associates at the heart of the film, Coffman cleared rights with the Mary Flannery O’Connor Trust. “We’re the first documentary to have full rights to everything, to reference all of her fiction,” Coffman said.





■ Top: Actress Mary Steenburgen records narration for the documentary film “Flannery.” Courtesy of Elizabeth Coffman

Left and opposite: Scenes from “Flannery,” which last year won the Library of Congress Lavine/Ken Burns Prize for Film. Courtesy of Elizabeth Coffman, Emory University, Stuart A. Rose Manuscript Archives and Rare Book Library

The trust did not, however, confer the right to dramatically re-enact O’Connor’s fiction. In declining to do so, it exercised the right to artistic control. Instead, the trust approved use of motion graphics and voice-overs.

“I actually found that the few limitations we had – the trust was very generous overall – the few limitations we had, I did not mind, because I think that allowed for more creativity,” Coffman said.

The production hired actress Mary Steenburgen to narrate O’Connor’s voice, and three animators to do creative motion graphics.

Upon accepting the Library of Congress Lavine/Ken Burns Prize, Coffman quipped, “Flannery had a good analogy for filmmaking: Writing is like giving birth to a piano sideways. Those who persevere are either talented or nuts.”

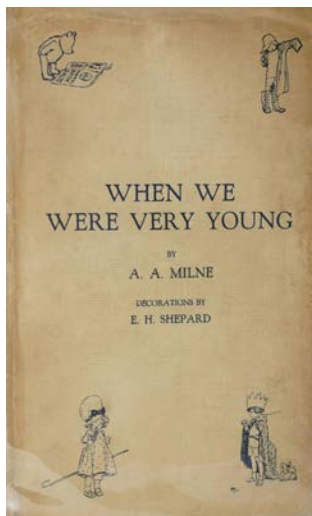
But in the end, Coffman said that documenting the writer’s place in American literature and winning the prize ended up being “one of the highlights of my life.”

Her effort also added yet another entry into the vast record of American creativity.

CURATOR'S PICKS

HISTORY, COPYRIGHTED

George Thuronyi, the deputy director of Public Information and Education for the Copyright Office, chooses favorite historical items submitted for copyright registration:

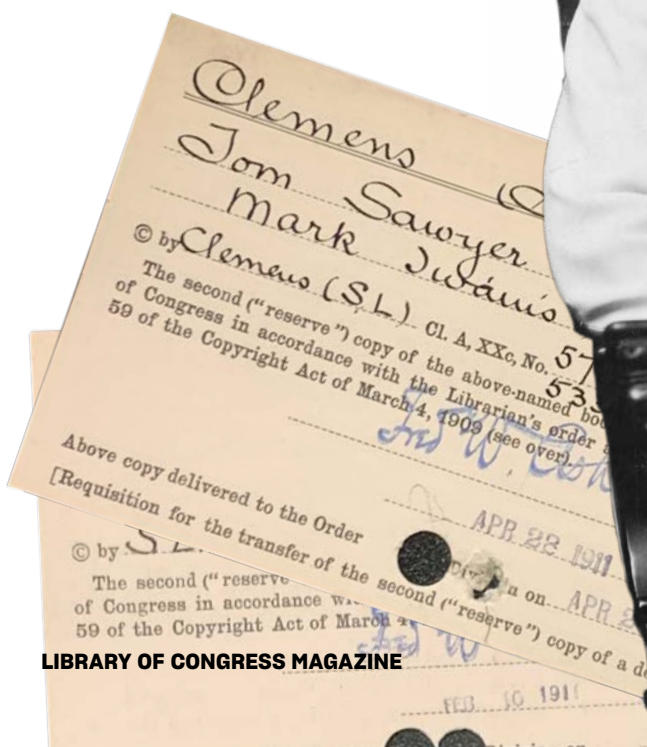
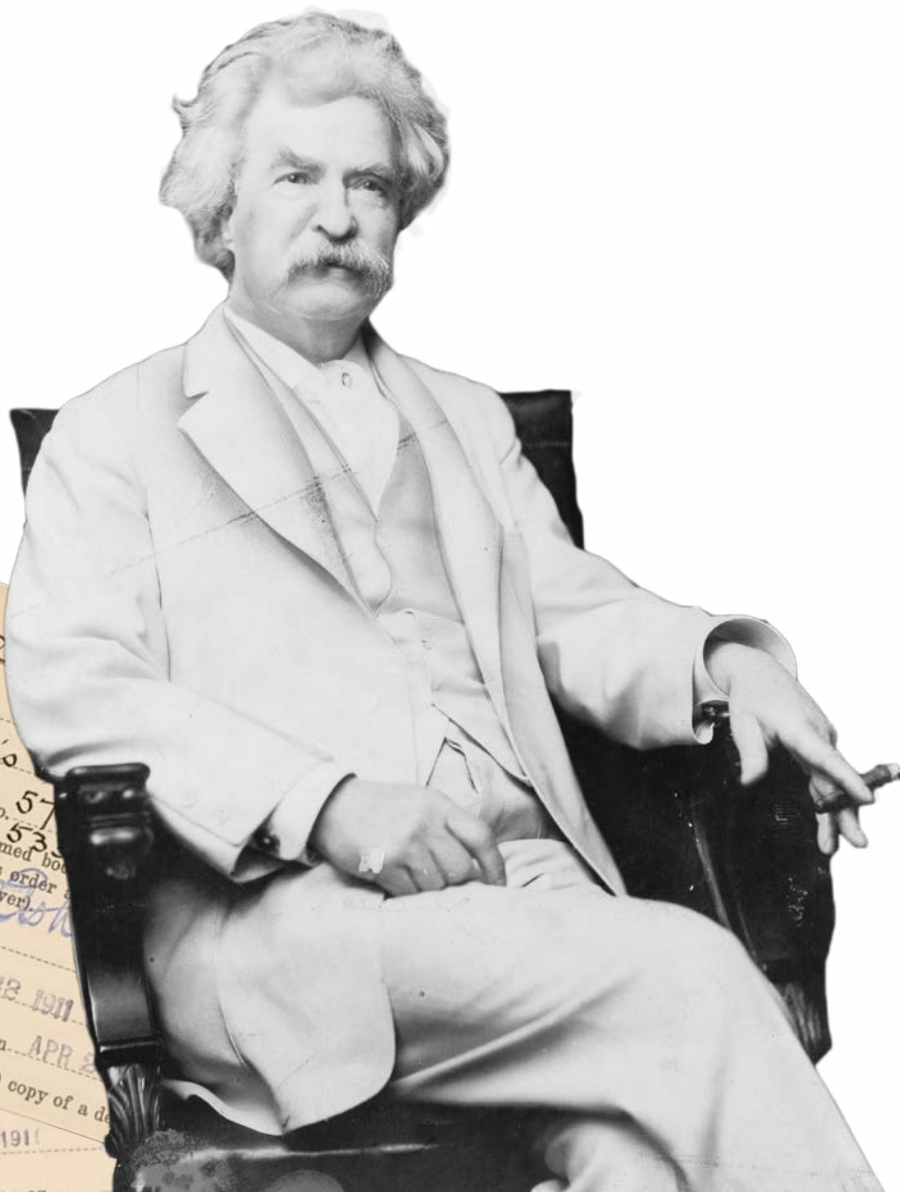


AKA 'WINNIE'

Alan Alexander "A.A." Milne registered many works with the Copyright Office during his lifetime – plays, novels, short stories, music. In 1924, he published a collection of children's poems, "When We Were Very Young," inspired by his son and his stuffed animals. What makes this work meaningful is that it included the first appearance of a character, Edward Bear, Milne soon would make famous under another name: Winnie-the-Pooh.

TWAIN'S MASTERPIECES

Mark Twain was a stalwart defender of authors' rights and lobbied hard for international copyright protection, which finally was enacted in 1891. Detailed registration records for his literary masterpieces were painstakingly handwritten onto 4-by-6-inch catalog cards, including this one for "The Adventures of Tom Sawyer" under the name Samuel Langhorne Clemens.



BRINGING COPYRIGHT TO BEAR

The Smokey Bear image is an unusual example of art that is not protected by copyright. It is, however, protected under The Smokey Bear Act passed into law in 1952, which specifies the image is for use in public information to prevent forest fires and forbids commercial use of the character. Shown here is a Smokey Bear forest fire prevention poster from 1950.



'I WILL SURVIVE'

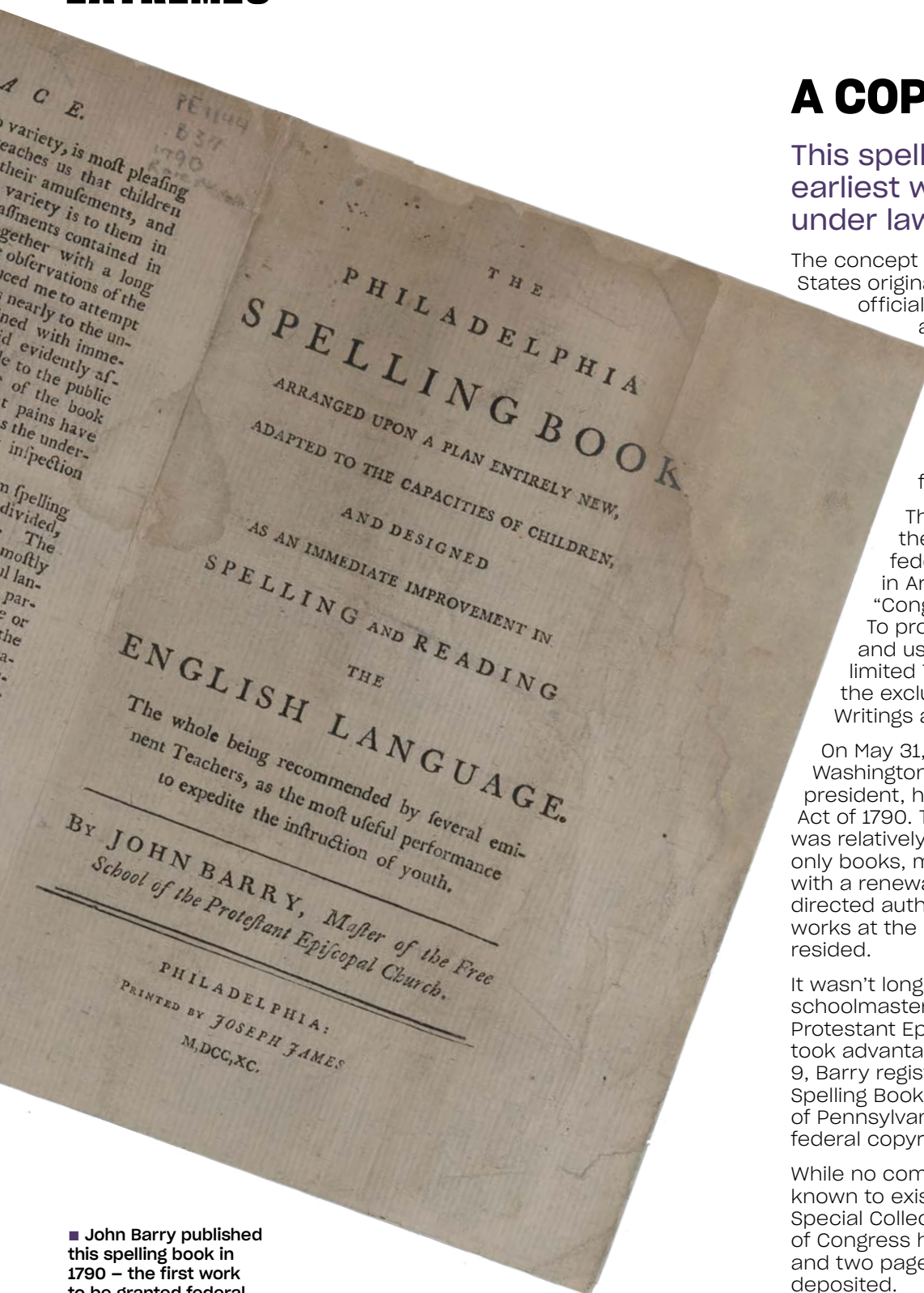
Gloria Gaynor scored a No. 1 hit in 1979 with this iconic dance-floor anthem of determination and perseverance. Dino Fekaris and Freddie Perren wrote "Survive" as a made-for-hire piece for Perren-Vibes Music Co., which submitted the original copyright application. Polydor Inc. submitted the application for the original sound recording of the single and for the album, "Love Tracks," from which it was drawn. "Survive" was added to the Library's National Recording Registry in 2015 and, today, remains loved by generations.



A POLKA FOR BASEBALL

Perhaps no sport has inspired more music – and produced more copyright registrations – than baseball. This piece, "Home Run Polka," was composed by Mrs. W.J. Bodell of Washington, D.C., and registered for copyright in a U.S. District Court in 1867. Bodell "respectfully dedicated" her polka to the National Baseball Club of Washington, a team of government workers, clerks, lawyers and war veterans who that year embarked on baseball's first "tour of the West."





■ John Barry published this spelling book in 1790 – the first work to be granted federal copyright protection. Rare Book and Special Collections Division

A COPYRIGHT FIRST

This spelling book was the earliest work to be protected under law.

The concept of copyright in the United States originated long before the country officially formed. While it had no authority to issue federal copyright, the Continental Congress passed a resolution in 1783 that encouraged states to enact their own copyright legislation. Every state except Delaware followed suit.

The U.S. Constitution then set the stage for Congress to pass federal copyright protection in Article 1, Section 8, stating, “Congress shall have the Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

On May 31, 1790, a year after George Washington became the nation’s first president, he signed into law the Copyright Act of 1790. The first federal copyright law was relatively limited in scope, protecting only books, maps and charts for 14 years with a renewal period of another 14 years. It directed authors and publishers to register works at the U.S. District Court where they resided.

It wasn’t long before John Barry, schoolmaster of the Free School of the Protestant Episcopal Church in Philadelphia, took advantage of this new law. On June 9, Barry registered “The Philadelphia Spelling Book” with the U.S. District Court of Pennsylvania – the first work granted federal copyright protection.

While no complete copies of the book are known to exist today, the Rare Book and Special Collections Division of the Library of Congress holds the printed title page and two pages of text that Barry originally deposited.

—Nicole Lamberson is a writer-editor in the U.S. Copyright Office.



DAVID RICE

COPYRIGHT RECORDS READING ROOM

In 1787, James Madison submitted a provision to the framers of the U.S. Constitution to “secure to literary authors their copyrights for a limited time” – a precursor to the constitutional authority given to Congress to pass federal copyright legislation.

So, it’s only fitting that the James Madison Memorial Building of the Library of Congress houses the U.S. Copyright Office and, with it, centuries of history and culture.

The fourth floor of the Madison Building may seem unassuming, as most office buildings do, but it’s also where the public can obtain guidance on copyright from the knowledgeable staff in the Public Information Office and discover information about copyright registrations in the historical records of the card catalog.

Located within the Copyright Records Reading Room, visitors will find the most complete and accurate collection of copyright records of ownership in the world.

The collection includes the U.S. Copyright Card Catalog, which provides an index of copyright registrations, renewals and other public records about the copyright ownership of works. More than 41 million cards record the literary, musical, artistic and scientific history of the United States from 1870 to 1977.

For those that can’t make it to D.C., a digitized version of the card catalog can now be viewed online via the Virtual Card Catalog.

–Nicole Lamberson

Senior information specialist Rosemary Brawner helps the public understand copyright.

Describe your work at the Library.

I am a senior information specialist in the Public Information Office (PIO) at the Copyright Office. I provide expert guidance and advice on copyright regulations, policies, practices and the law. I am also a card-carrying member of the Guild and serve as its treasurer.

To have a great workplace and good morale, there has to be a balance between the organization's and the worker's needs. I like that I play a role in keeping that balance.

How did you prepare for your position?

In the beginning – 30-plus years ago – I didn't desire to be an information specialist or the treasurer. I was young and had a baby, and I needed a job. I think it was lucky for me to find a job here since I love books and was in awe of the world-renowned Library of Congress.

I started temporary in the Congressional Research Service and then got my first permanent job in the Copyright Office in B-14 (where the applications were housed). I was like a sponge – if I had a question, someone in the office would answer me.

As my career progressed through the Copyright Office and doing labor union work, I knew that I wanted to help people. I worked hard to gain the experience that I needed to apply for the job. I believe that I applied for the job at least three times before getting it.

Once I joined PIO, if I didn't know the answer to a question, I was determined to find the answer. Each day, I start off saying, "They are calling because they don't know, so I'm gonna give them the best and correct answer." To this day, I remember that there was always someone to answer my questions, so I make sure that I'm available to answer someone else's questions.

What have been your most memorable experiences at the Library?

You mean meeting James Earl Jones, Chuck Brown, George Clinton, Fantasia, or speaking with Chuck Berry and Tom Benson on the telephone? No, the best memories are my interaction with staff at the Christmas parties, retirement parties, impromptu lunch



STANLEY MARGOLO

meetings and outdoor events.

I like being a mentor to the work-study students and them tutoring me on "new math" and the current lingo. I like chance meetings and sharing greetings or a joke with the Librarian of Congress, Dr. Charles in the health office and other staff.

Why is sharing copyright information important to you?

Overall, I want to help people understand copyright. I like knowing that I provided a little knowledge to a person each day. I think copyright is underrated – copyright is the Cinderella team at March Madness.

My role is similar to a coach. I help the experienced players explode into stardom, the average players hone their craft, the rookies nail down the basics and fans have the best experience possible. If the team loses, I lose. If the team wins, I win.

Library Takes Book Festival Online for Readers Everywhere

The Library will celebrate “American Ingenuity” at the 20th annual National Book Festival, an event that this year will be staged entirely online for the first time. The festival will be held the weekend of Sept. 25-27.

In a time of social distancing during the coronavirus pandemic, people around the world have turned to books for inspiration. As a result, the festival will move online to serve a global audience and demonstrate how authors and their stories help connect the world.

The doorway to the festival will be the National Book Festival website at loc.gov/bookfest.

The lineup includes stellar authors such as former Secretary of State Madeleine Albright, U.S. Poet Laureate Joy Harjo, philanthropist Melinda Gates, John Grisham, Colson Whitehead, Jared Diamond, Gene Luen Yang and many others.

MORE: loc.gov/item/prn-20-039

Harjo Appointed to Second Term as U.S. Poet Laureate

Librarian of Congress Carla Hayden appointed Joy Harjo to serve a second term as the nation’s 23rd Poet Laureate Consultant in Poetry for 2020–2021. During her second term, Harjo will launch a new Library of Congress collection and online map featuring Native American poets and poetry.

Harjo’s second term began Sept. 1 and focuses on her signature laureate project, “Living Nations, Living Words: A Map of First Peoples Poetry.” This digital project, developed in conjunction with the Library’s Geography and Map Division, will be created using ARCGIS StoryMaps, a web mapping application geared toward storytelling, to showcase contemporary Native American poets.

The project will include the poets’ biographies and recordings of them reading and discussing one of their poems. It also will help build a new collection in the Library’s American Folklife Center featuring the recordings.

MORE: loc.gov/item/prn-20-034

Library Puts Johnson, Arthur And McKinley Papers Online

The papers of Presidents Andrew Johnson, Chester Alan Arthur and William McKinley have been digitized and are now available online for the first time from the Library of Congress. These papers can be accessed both at the loc.gov website and on the new LOC Collections mobile app.

The three presidencies represented in these collections all began or ended with the trauma of a presidential assassination. The Johnson collection includes about 40,000 items mostly dating from 1865 to 1869. The Arthur collection includes about 4,400 items mostly dating from 1870 to 1888. The McKinley collection includes about 131,000 items mostly dating from 1897 to 1901.

The Library of Congress holds the papers of 23 presidents. The digitization of these collections is part of a larger effort to make historical materials available online.

MORE: loc.gov/item/prn-20-033

Whitehead to Receive Library Prize for Fiction

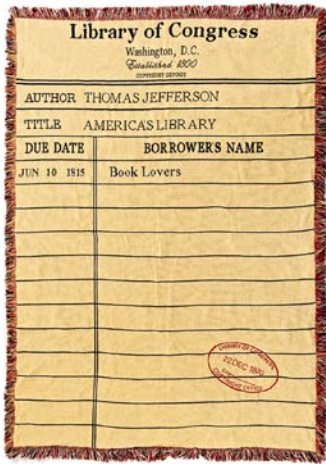
Colson Whitehead, author of the Pulitzer Prize-winning novels “The Nickel Boys” and “The Underground Railroad,” in July was named recipient of the Library of Congress Prize for American Fiction. He will receive the prize during the National Book Festival in September.

At 50, Whitehead is the youngest person to receive the award – the annual prize honors an American literary writer whose lifetime body of work is distinguished not only for its mastery of the art but also for its originality of thought and imagination.

His seven novels include “The Intuitionist,” “John Henry Days,” “Apex Hides the Hurt,” “Sag Harbor,” “Zone Out,” “The Underground Railroad” and “The Nickel Boys.” He also has written two books of nonfiction, “The Colossus of New York” and “The Noble Hustle: Poker, Beef Jerky & Death.”

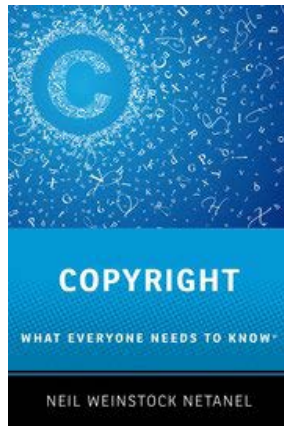
MORE: loc.gov/item/prn-20-046

SHOP



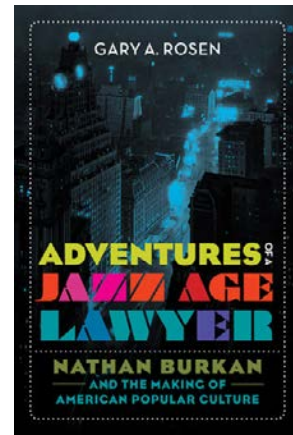
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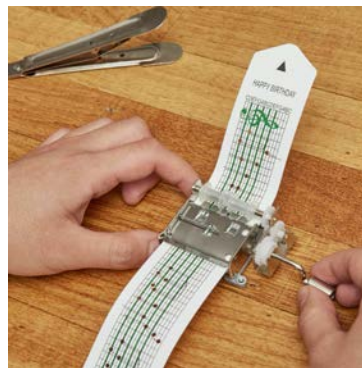
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REIMAGINING THE JEFFERSON

Rubenstein gift will enhance the experience of millions of visitors to the Library.

In February, philanthropist David Rubenstein, chairman of the Library's James Madison Council donor group and co-executive chairman of The Carlyle Group, made a \$10 million gift that will help fund a project to reimagine and enhance the visitor experience for the nearly 2 million people who visit the Thomas Jefferson Building each year.

The goal is to better connect visitors with history and provide better access to the unparalleled collections held by the national library.

"Literacy is critical to learning and achieving one's full potential," Rubenstein said. "The Library of Congress plays a unique role in advancing literacy and fostering a love of country and community. I am honored to be a part of this important project to enhance the visitor experience and present the Library's countless treasures in new and creative ways. I commend Librarian of Congress Carla Hayden for her vision and leadership in modernizing the Library's spectacular Jefferson Building in ways that respect its beauty and grandeur."

Rubenstein's gift will build on the significant public investment Congress has made in the Library's infrastructure. It will support the strategic plan set by Hayden to make the Library more user-centered for Congress, creators and learners of all ages.

"We are incredibly grateful and honored by the support of David Rubenstein and from Congress to help us create a new experience for visitors to the Library of Congress through a public-private partnership," Hayden said. "We believe all Americans are connected to their national library and will be inspired and empowered to explore the wide-ranging collections, from the manuscripts of presidents and changemakers to historical photographs and maps to our nation's creative heritage in music, film and art."



ROBERT SEVERI

Three core components are central to the visitor experience plan, which will be implemented over the next three to six years. These include a new ground-level orientation center to help visitors navigate the Library and understand its history, a new learning lab to engage and inspire visitors and new exhibitions to showcase the Library's treasures.

LAST WORD

STEPHEN SCHWARTZ

“Copyright” is a dry word. So is the phrase “intellectual property” – it’s dry. They sound as if they have only to do with legalities, with issues of foreign and digital infringement, fair use, corporate branding and such.

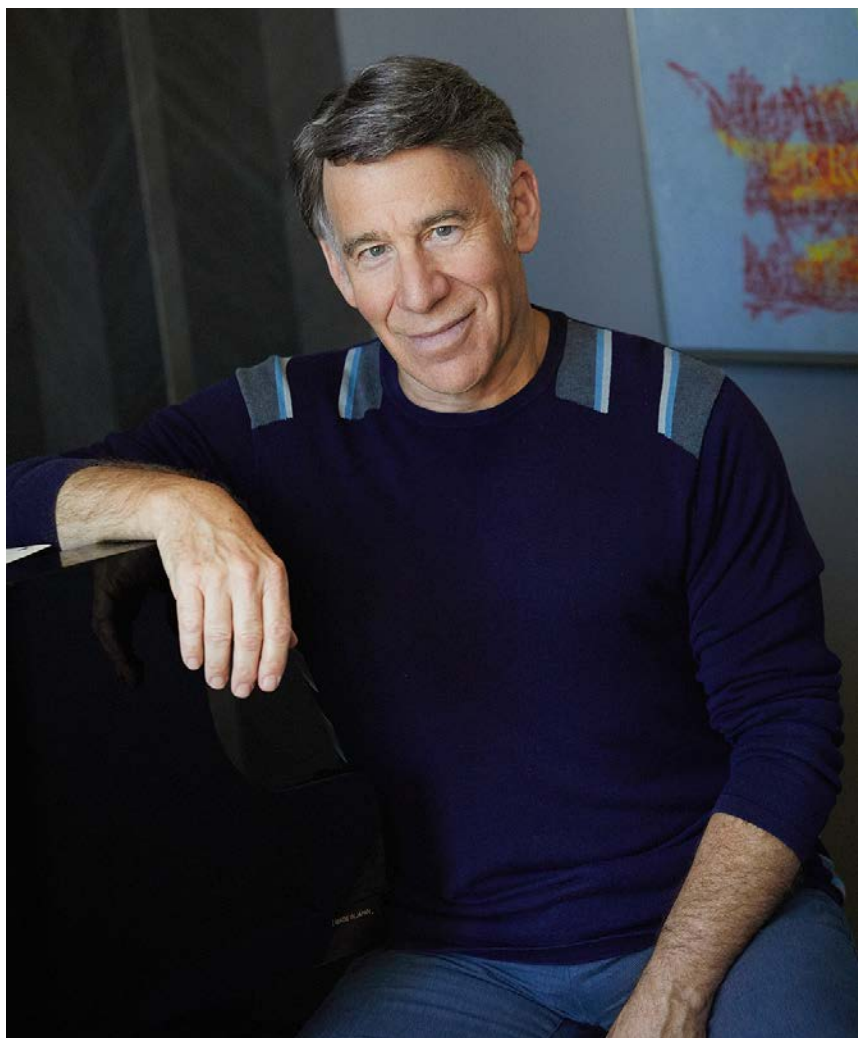
That’s not to say I have anything but enormous respect and gratitude for those who deal with copyright in the legal sense of protection, enforcement and so on. As a copyright holder and user of copyrighted material, I’m very glad they do.

But there’s an emotional side to copyright and intellectual property that doesn’t often get discussed. I remember visiting a second-grade class in an inner city school not long ago, as part of an ASCAP Foundation program. The students were asked to create something: A poem, a story, a drawing. Then they were told to put a cute little marking on it, a little “c” in a circle, a ©, and then to write their names after it. And when they were told that this meant that the work they had made belonged to them, that no one else could take it or change it or use it without their permission, their faces lit up and their eyes shone. There was a pride and pleasure in the ownership of their own creations, a kind of validation, almost a celebration.

I understand and still feel that pleasure and pride. Most of my work is done for the theater, and what many people don’t know about dramatists is that we own our own work, we hold the copyright. Not a movie studio, not a corporation. The authors. In order to have this right we have given up a lot. We can’t unionize, we can’t bargain collectively, we can’t get group health insurance. It would seem things would be a lot easier if we would just be “work for hire,” give someone else the copyright, and take all the perks we would then get. But for me, owning my own work outweighs all of that.

I like knowing that once I have finished a show, once I feel that my score is done to the best of my ability and I put it out there into the world, my work stands as is. The only one who can change it without my permission is me.

This has in fact led to some fun experiences. Occasionally, I get requests from a director or producer doing one of my shows who



NATHAN JOHNSON

wants to make changes – a school for whose students something might be inappropriate, a theater that wants to make something more locally relevant, all sorts of reasons. And I’ll work with them, with these new collaborators of mine, to solve their problem in a way that’s artistically satisfactory to me. (And when I say no, I try to explain my reasoning.) Of course I don’t want to spend all my time doing this, but it’s been enjoyable and sometimes enlightening. And above all, I like the fact that they can’t just do it, they have to ask.

As a former president of the Dramatists Guild (“guild,” not “union”), I know I am not alone in this feeling. It’s true of my fellow playwrights, composers and lyricists as well. For us, copyright is not just about legalities or even income. It’s part of who we are.

– *Stephen Schwartz is the Oscar- and Grammy-winning composer of musicals such as “Godspell,” “Pippin,” “Wicked” and “The Prince of Egypt” and of lyrics for films such as “Pocahontas” “The Hunchback of Notre Dame” and “Enchanted.”*



■ U.S. Copyright Office staff member Corey Chubbs processes incoming materials. *David Rice*

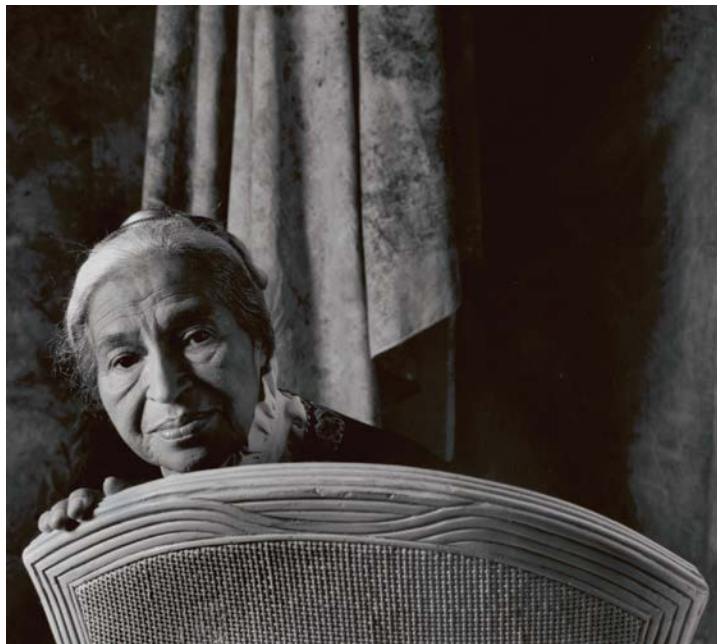
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