

**United States Senate Judiciary Committee
Subcommittee on Intellectual Property
“Oversight of Modernization of the United States Copyright Office”
December 17, 2019**

**Questions for the Record for
Ms. Jody Harry
United States Copyright Office**

Submitted by Chairman Thom Tillis

- 1. Because of IT Centralization the Copyright Office ends up giving its appropriated dollars to the Librarian to implement modernization. Is that correct? Could you explain how this works functionally and how much of the money appropriated to the Copyright Office is transferred to the Library?**

On an annual basis, the Copyright Office and the Library’s Office of the Chief Information Officer (OCIO) jointly determine the list of technical and non-technical activities necessary to meet the modernization goals for the upcoming fiscal year. The Register of Copyrights, Library Chief Information Officer (CIO), Library Chief Financial Officer (CFO), and Copyright Office Chief Financial Officer co-sign an intra-agency agreement that gives the OCIO access to Copyright Office funds to accomplish technical IT modernization activities, up to a maximum of the amount established in the agreement. If necessary, changes to the planned activities or the funding amount are made through modifications to the intra-agency agreement.

For fiscal 2019, the original modernization intra-agency agreement provided OCIO with \$8.15 million out of the \$12.1 million appropriated for development of the ECS and associated modernization activities. That amount was later reduced to \$5.38 million. The fiscal 2020 intra-agency amount has not yet been finalized.

- 2. How does the Copyright Office ensure the money appropriated for Copyright Office modernization is used for that purposes and not others?**

The modernization intra-agency agreement, including planned activities and activity estimates, is monitored in bi-weekly meetings that are widely attended by financial and IT subject matter experts from across the Library, including the Library and Copyright Office Chief Financial Officers, the Library’s CIO, and the Library’s director of contracting. If necessary, changes to the planned activities or the funding amount may be discussed at Modernization Governance Board meetings, and all agreed-to changes are made through modifications to the intra-agency agreement.

- 3. What authority does the Register have to direct how these funds are spent? Could for example, the Register direct OCIO implement an independent server to store best edition deposit copies if the Register determined it was a business need?**

Under centralization, the Copyright Office is responsible for communicating all mission-centric business requirements for its IT modernization to the OCIO, and the OCIO is responsible for identifying and implementing the best technologies to accommodate those requirements. The centralization of IT investment decisions within OCIO is to ensure technology investments provide for the mission effectiveness of each of the service units and the secure, efficient, and strategic use of technology across the Library. In the scenario described, the Register would not direct that the OCIO implement an independent server to store best edition deposit copies. Instead, the Register would communicate the Office's business requirements for securing best edition deposits. OCIO's technology experts would review the requirements and identify a technology solution to meet those needs.

- 4. The Music Modernization Act requires the Copyright Office to promulgate a number of regulations and engage in other implementation efforts. To date, the Copyright Office has managed Music Modernization Act implementation effectively and transparently, and I commend the Office for its work. As you continue efforts to implement this legislation, along with the many other the Copyright Office must manage, do you foresee any challenges regarding resources or bandwidth?**

Could you speak to how the office has so far balanced its obligations to effectively implement the MMA, along with its other responsibilities?

The Copyright Office appreciates the Subcommittee's recognition of the Office's many ongoing workstreams, including the important responsibilities delegated to the Office under the Music Modernization Act (MMA). As this Committee recognized, the Office built up knowledge and expertise regarding music licensing through past rulemakings and assistance during the MMA's legislative drafting. S. Rep. 115-339 at 15. The Office was ready for enactment of this historic legislation, including by, on the day of enactment, posting informational webpages, updating procedures for filing section 115 notices of intent, and publishing a blog on this historic new law. Just five days later, the Office published an interim rule, form, and searchable database onboarding the filing of pre-1972 sound recordings.

Implementation of the MMA, spearheaded by the Office of General Counsel (OGC) in coordination with other components, spans regulatory activities, digital and in-person outreach, and standing up filings to onboard new protections and exceptions with respect to pre-1972 sound recordings. As groundwork to inform all of these activities, OGC participated in scores of telephonic or in-person discussions in an effort to connect with all aspects of the music community and digital services affected by the new law, and continues to have an open door. The Office has successfully implemented Title II, with over 200,000 pre-1972 sound recording interests recorded to date, 358 notices filed from pre-existing services, and a mechanism to submit a notice of non-commercial use established.

Regarding Title I, the Office has amended its regulations to reflect the current operation of the section 115 license. It completed its designation of the mechanical licensing collective and digital licensee coordinator, following a public process that resulted in over 600 public comments. The period for comments in response to a notification of inquiry addressing

additional regulations to be promulgated under this Title recently closed, and the Office will move forward with additional regulatory activity after examining these comments.

The Office also has made significant progress in its outreach efforts. The Office issued a pocket-update publication of the new law, which allows the public to quickly locate the changes brought by the MMA. Additionally, just since enactment, the Office has produced six online products, conducted thirty speaking engagements, been featured on a podcast, and begun a collaborative outreach project with a music school. The Office's MMA webpage, <https://www.copyright.gov/music-modernization/>, provides links to a variety of MMA-related digital materials and is regularly updated.

The Office kicked off its public policy study on best practices to reduce unclaimed royalties with an educational symposium on December 6, 2019. The symposium was well-attended and featured speakers from a wide spectrum of the music industry. The Office expects to shortly post a video and audio transcript of that day-long event.

The Office has a dedicated yet slender staff, and music licensing issues are notoriously complex. Thus far, the Office has carefully balanced its work on the MMA with its other statutory responsibilities. MMA implementation, however, is a substantial project and will require dedicated resources to handle its various aspects. Specifically, the Office must focus on three categories: regulatory activities with respect to the mechanical licensing collective and the revamped section 115 license; education and outreach; and the public policy study. A number of critical activities must occur within each area in the next year, before the section 115 blanket license becomes available from the new mechanical licensing collective. It is therefore critically important to allow staff to dedicate the attention required to continue implementation in a thoughtful and transparent manner, particularly regarding the promulgation of regulations and outreach efforts.

5. The Copyright Office has numerous responsibilities and multiple workflows at any given time. We appreciate the advice and work that the Copyright Office undertakes to aid Congress but know that the Office also has additional statutory duties. As the Copyright Office engages in IT modernization, MMA implementation, and numerous other duties, what systems are in place to keep various projects on track?

The Copyright Office has long administered multiple projects simultaneously and successfully. Although modernization represents a critical juncture for the Office, involving all corners of the Office, it occurs while the Office continues to administer the national registration and recordation programs, various statutory royalty licenses, provide authoritative information to the public, advise DOJ, USTR, and other components of federal government on matters of copyright law and policy, and conduct a number of impactful activities in conjunction with MMA implementation. For example, the last year has seen the eradication of the backlog for registration processing times, the stand-up of a component focused on public outreach and education, and prodigious activity with respect to open and concluded rulemakings affecting core areas of the agency's functions, as well as the music ecosystem.

Going forward, the Office expects to continue to draw upon established procedures for tracking and executing these multiple, important activities. For example, senior leadership of the

Copyright Office meet regularly together, as well as one-on-one with the Register, and engage in various reporting channels. As needed, interdepartmental working groups as well as one-off meetings are employed to promote communication and collaboration across divisions. The Office has internalized certain standard operating procedures, and divisions follow individual workflows to effectuate their own responsibilities. Certainly, the 1,182 page public *Compendium of Copyright Office Practices, Third Edition* stands out as one example of how the Office has formalized its agency practices with respect to its administration of the registration and recordation systems, to aid in the steady and efficient discharge of those duties.

6. What lessons, if any, have been learned from implementation of the Music Modernization Act thus far?

As legislative history documents, the Music Modernization Act was enacted after the forging of a historic consensus across the music ecosystem. The Copyright Office believes that it will be important to solicit continued participation throughout the music industry to make sure this historic legislation is successfully implemented, and to proceed with implementation activities thoughtfully and with care. Like many copyright issues in the digital age, implementation of the MMA requires dexterity with nuanced issues of technology, licensing, and metadata spanning the digital supply chain – and sustained focus on ensuring that the system will be constructed and communicated in a manner that works for the creators that author the music that soundtracks our daily lives and belongs to the firmament of American cultural expression.

Following the process for designation of the mechanical licensing collective (MLC) and digital licensee coordinator (DLC), it is apparent to the Office that interest in the MMA was widespread, from large publishers, services, and distributors to international collectives to independents and individual creators. Communicating with all interested parties, and not least those songwriters and creators lacking adequate compensation under the previous song-by-song licensing system, will be important to build trust and success for the new collective licensing system. Additionally, the new law is complex, with multiple operative dates, and there is a strong desire for transparency on these issues. For these reasons, the Office chose to initiate its public policy study with a day-long educational symposium, and is committed to increasing its outreach and communication vehicles in the next year. It will be important that the MLC and DLC also give careful attention to their outreach mandates and approach implementation from an inclusive manner.

Finally, one key realization from implementation thus far has been just how many implementation activities are necessary to fully realize the promise of this legislative accomplishment. The Copyright Office remains stalwart in its dedication to its statutory responsibilities, including ensuring the MLC and digital music providers have the guidance they need to fulfill their responsibilities under the statute.

Submitted by Senator Chuck Grassley

- 1. In order to continue the progress with the Music Modernization Act (MMA) implementation, it's critical that the Copyright Office have the necessary resources and bandwidth to move forward. Could you speak to how the Copyright Office has balanced its responsibilities to effectively implement the MMA, along with its many other obligations?**

Implementation of the MMA, spearheaded by the Copyright Office's Office of General Counsel (OGC) in coordination with other components, spans regulatory activities, digital and in-person outreach, and standing up filings to onboard new protections and exceptions with respect to pre-1972 sound recordings. As groundwork to inform all of these activities, OGC participated in scores of telephonic or in-person discussions in an effort to connect with all aspects of the music community and digital services affected by the new law, and continues to have an open door. The Office has successfully implemented Title II, with over 200,000 pre-1972 sound recording interests recorded to date, 358 notices filed from pre-existing services, and a mechanism to submit a notice of non-commercial use established.

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implementation in a thoughtful and transparent manner, particularly regarding the promulgation of regulations and outreach efforts.

Indeed, the Copyright Office has long administered multiple projects simultaneously and successfully. Although modernization represents a critical juncture for the Office, involving all corners of the Office, it occurs while the Office continues to administer the national registration and recordation programs, various statutory royalty licenses, provide authoritative information to the public, advise DOJ, USTR, and other components of federal government on matters of copyright law and policy, and conducts a number of impactful activities in conjunction with MMA implementation.

2. How does the Copyright Office plan to address the September 2019 OIG Report's findings and recommendations?

The September 2019 Semiannual Report issued by the Library's Office of the Inspector General identified a number of key challenges related to Copyright IT Modernization that the Copyright Office is taking steps to address. Through the Library's Contracts and Grants Directorate, the Office sought input from vendors through a Request for Information (RFI). The RFI was successfully completed in 2019 with dozens of responses, and moved into a full request for proposals that includes a Statement of Objectives from the Copyright Office relating to the development of and training around an Integrated Master Schedule and a Critical Path analysis. In parallel with this effort, and in keeping with the GAO's first and second Best Practices from publication GAO-16-89G, the Office collected and validated the raw data which will initially feed the schedule and analysis from the vendor.

Program and project management will be a long-term area of focus for the Copyright Office. The Office is committed to following the best practices outlined in the aforementioned GAO Publication and referenced in the OIG Semiannual Report. The Office is also committed to providing clarity of vision from the executive team through the channels that have been put in place, including the Copyright Governance Board and biweekly financial management meetings. The Office is committed to maintaining progress and visibility on the projects that will deliver their first public releases this calendar year.

3. How can the Library and Copyright Office improve the management practices among top executives to ensure there is better programmatic implementation of modernization?

The Library, OCIO, and the Copyright Office work collaboratively on modernization efforts. Copyright Office subject matter experts and OCIO technical staff work together on a daily basis. Recently, the Copyright Office hired a Senior Advisory for Operational Policy and Special Projects to work as an IT advisor and strengthen our communication and collaboration with OCIO.

At the planning and management level, there are several structures in place. As the Librarian has noted in her testimony, the Library's executive managers, including the Register of Copyrights, participate on the agency's Technology Strategy Board -- the highest level of

technology governance where strategic priorities are set. The Copyright IT Modernization project has its own governance board led by the Register of Copyrights and the Chief Information Officer, which acts as a modernization steering committee to facilitate the coordination necessary to accomplish a system transformation of this magnitude. The Librarian also meets regularly with the CIO and the Register.

Submitted by Senator Richard Blumenthal

1. As I raised during the hearing, in its 2017 Study on Section 1201 of the DMCA, the Office recommended “that Congress consider expanding the reach of this exemption, easing the strict authorization requirement for researchers and restrictions on the use of information generated from the research, and abandoning or clarifying the multifactor test.” Researchers say they're still afraid to publish their work because of legal threats due to the DMCA's trafficking provision and limitations under the class's scope. The DMCA exemptions provide a valuable protection for good-faith security researchers and I am interested in how to ensure that we remove barriers to protecting our critical information infrastructure while ensuring that the legitimate interests of rights-holders remain protected.

a. Does the Office continue to believe that Congress should consider expanding the permanent statutory DMCA exemptions related to security testing? If not, why not?

Yes. As noted in the 2017 policy report, the Office recommends that Congress consider expanding the section 1201(j) exemption “to better accommodate a broader range of legitimate security research, without compromising copyright’s core objectives.” U.S. Copyright Office, *Section 1201 of Title 17*, at 74 (2017), available at <https://www.copyright.gov/policy/1201/section-1201-full-report.pdf> (“Section 1201 Report”).

b. How might Congress consider easing the “strict authorization requirement for researchers” for the statutory security testing exemption in the 2017 report?

While the Office has not proposed specific statutory language regarding the authorization requirement, it has noted generally that “past rulemaking exemptions can be helpful in demonstrating alternate ways to address these concerns without imposing a blanket authorization requirement that may stymie the public policy goal of promoting security research.” Section 1201 Report at 77. The current rulemaking exemption for security research requires that circumvention be undertaken *either* on a lawfully acquired device or machine, *or* “on a computer, computer system, or computer network . . . with the authorization of the owner or operator of such computer, computer system, or computer network.” As the Office explained, this framework was adopted in response to stakeholder comments advising the Office that good-faith security research can occur both on consumer-oriented devices within a researcher’s possession, as well as on large-scale structures such as building automation systems, traffic control infrastructure, and cloud computing systems. In former situation, the exemption does not require the researcher to obtain authorization from the owner of the copyright in the software; circumvention is permitted so long as the device has been “lawfully acquired” and the exemption’s other requirements have been met. In the latter situation, where it is not possible to “acquire” a large-scale computer system, the exemption requires the researcher to obtain the authorization of the owner or operator of the relevant system.

The rulemaking record indicated that this limited authorization requirement is consistent with best practices in the security research field. As the Office noted, researchers “testified that their practice is to obtain advance permission of the building or system owner” when conducting research on those types of structures. U.S. Copyright Office, *Section 1201 Rulemaking: Seventh Triennial Proceeding to Determine Exemptions to the Prohibition on Circumvention; Recommendation of the Acting Register of Copyrights*, at 303 (2018), available at https://cdn.loc.gov/copyright/1201/2018/2018_Section_1201_Acting_Registers_Recommendation.pdf (2018) (“2018 Recommendation”). The Office believes that this regulatory framework provides added flexibility to accommodate the legitimate needs of good-faith security researchers, while ensuring that the exemption does not give rise to circumvention by bad actors.

- c. Does the Office believe that, under the “lawfully acquired” limitation in the existing exemption, researchers can permissibly acquire voting machines and other devices for testing even if contracts between device vendors and initial purchasers purport to restrict the resale of the devices?**
 - a. If so, please explain the intent of retaining the “lawfully acquired” limitation?**
 - b. If not, why not?**

Certain participants raised this concern during the 2018 rulemaking, and the Office provided its response at pages 302-303 of the 2018 Recommendation. While the Office cannot advise on specific factual scenarios, it continues to believe that the phrase “lawfully acquired” as used in the exemption “does not require that the circumventing party be the lawful owner of the device,” but “requires only that the acquisition not be in violation of law.” 2018 Recommendation at 303. Therefore, “eligibility for the exemption ‘should not turn on restrictive contractual terms purporting to limit use of the hardware on which the copyrighted software is running.’” *Id.* (citation omitted). Further, the Office expresses no view as to whether any such restrictions on resale would be enforceable, as questions of contract law are outside the scope of the rulemaking.

The Office provided its rationale for retaining the “lawfully acquired” limitation at pages 297-298 of the 2018 Recommendation. The Office noted that this limitation is fundamental to its determination that the research activity covered by the exemption is likely to be fair use. As the Office explained, “acquiring a device in violation of law would weigh heavily against a fair use finding, as it plainly is conduct that, were it to become widespread, would adversely affect the software copyright owner’s potential market.” *Id.* at 298. Therefore, such activity is not the proper subject of an exemption.

- d. Under the 2018 temporary exemption, circumvention should occur “solely for the purpose of good-faith security research.” What limitation is imposed by the inclusion of the word of the “sole” in the exemption?**

As noted in the 2018 Recommendation, the phrase “solely for the purpose of good-faith security research” focuses on “the researcher’s purpose at the time of circumvention.” *Id.* at

305. The word “solely” is intended to make clear that the exemption is not available to persons who engage in circumvention for purposes other than good-faith security research, even if such research is one of multiple purposes for which circumvention is undertaken. In response to concerns raised by rulemaking participants, the 2018 Recommendation clarified the Office’s understanding that the term “solely” “is not properly read to prohibit teaching, academic dialogue, or scholarship involving information derived from good-faith security research.” *Id.* at 305. More generally, the inclusion of “solely” is consistent with the language of the permanent exemption under section 1201(j), and the Office “believes it appropriate to track the statutory language to the extent possible, ‘in the interest of adhering to Congress’s basic purpose in section 1201(j).’” *Id.* at 311 (citation omitted).

e. The 2018 temporary exemption requires that good-faith research be conducted “primarily to promote the security or safety of the class of devices or machines.” Would the disclosure of information about a flaw in order to discourage the use of an inherently insecure product fall under the promotion of security or safety? Under what scenarios might publication of security results be unprotected?

The 2018 Recommendation clarified the Office’s understanding that the security research exemption would not prohibit the disclosure of information to discourage the use of an inherently insecure product. The Office concluded that “[i]t would be absurd to construe the exemption to mean that research is protected only if it results in users being able to use the class of devices whose security or safety is being examined.” *Id.* at 309.

With respect to scenarios in which publication might be unprotected, the Office has noted that “[b]ad-faith activities, including irresponsible disclosure, would . . . cause the research to fall outside of the exemption.” U.S. Copyright Office, *Section 1201 Rulemaking: Sixth Triennial Proceeding to Determine Exemptions to the Prohibition on Circumvention; Recommendation of the Acting Register of Copyrights*, at 319 (2015), available at <https://cdn.loc.gov/copyright/1201/2015/registers-recommendation.pdf>. For example, publishing instructions on how to circumvent technological protection measures for the purpose of facilitating piracy by the general public would not be protected. *Cf. Universal City Studios, Inc. v. Reimerdes*, 111 F. Supp. 2d 294, 320 (S.D.N.Y. 2000) (declining to apply reverse engineering exemption to anti-trafficking provision where record indicated that developers of technology to decrypt DVDs “did not do so solely for the purpose of making a Linux DVD player”).

Submitted by Senator Mazie K. Hirono

- 1. We have a program in Hawaii called Creative Lab. It includes immersive programs in different creative industries such as writing, directing, producing, animation, music, fashion, and more. Through these programs, individuals are able to refine their creative skills while also learning the business side of being a creator. The ultimate goal of Creative Lab is to grow the burgeoning creative community in the state.**

One of the requirements for people participating in the program is that they register their works with the Copyright Office. I have heard that these creators face difficulties in registering their works, largely because the Copyright Office's online registration process is difficult to navigate and not intuitive.

- a. What is the Copyright Office doing to make its online registration process more user-friendly? What is the status of that effort?**
- b. How are you soliciting feedback from users to make sure the next iteration of the online registration process doesn't suffer from the same problems as the current process?**

The Copyright Office is keenly aware of the various technological limitations of our current online registration system, eCO (Electronic Copyright Office). Given the outdated nature of the eCO system, both public users as well as Copyright Office staff have been challenged by its limitations. Our Public Information Office handles calls from the public, requesting assistance on using eCO to complete their applications online.

Efforts to modernize the registration have been underway for some time. Indeed, we have laid the groundwork for modernization by significantly improving our day-today operations. In the past year alone, the Copyright Office completely eliminated the backlog of pending registration claims, reduced registration processing times by more than 40%, and completely resolved all older claims pending since 2017. Additionally, the Office of General Counsel drafted a number of revised regulations to streamline registration practices and procedures. Modernization draws heavily upon the staff of various divisions of the Registration Policy and Practice unit is heavily involved in this work, in addition to their regular duties to examine registration claims.

In fiscal year 2019, the Copyright Office worked with a contractor on a robust user outreach and research initiative focused on capturing and integrating feedback from actual Copyright Office users to inform the design of a user-centric interface for the ECS. Work commenced on a global system design, which will allow for a consistent look and feel across all components of the ECS. With the help of this contractor, we conducted sixty-eight in-depth interviews that yielded more than 2,500 interview notes regarding the user experience from applicants in four cities, and launched an extensive online survey. This process allowed us to, among other things, finalize a click-through presentation of the registration interface, which was tested through independent usability testing with existing participants.

Throughout this foundational work, we have prioritized the public’s need to understand, and participate in, the modernization process. The Office is committed to engaging with the entire copyright community, whether individual artists and creators, major corporations, or general users of the system, to ensure that our modernization efforts accurately reflect the expectations of the public and the needs of the digital age. We launched a significant online presence to explain modernization and seek feedback from the public. This included creating a modernization website, a dedicated email account for the public to use to ask questions and provide suggestions, and a bimonthly webinar series focusing on modernization issues.

These online efforts supplemented our other communication vehicles, including issuing a Notice of Inquiry in October 2018 requesting input on how to improve practices regarding registration of copyright claims in the digital age. There we sought input on a variety of issues, including the administrative and substance of the registration application, the utility of the public record, deposit requirements for registration, and possible user interfaces, among other topics.

- 2. Piracy of copyrighted content is a massive problem in this country. As part of the copyright registration process, we ask creators to submit copies of their works. They are asked to submit another, higher-quality copy with the Library of Congress.**

Through the modernization effort, do the Copyright Office and Library of Congress plan to transition these submissions from hard copies to electronic copies? If so, what security measures does the Copyright Office and Library of Congress plan to take to ensure they do not become sources of illicit content and contribute to the piracy problem? And, how are the Copyright Office and Library of Congress balancing security with ease of use?

The following response is a joint answer provided by the U.S. Copyright Office and the Library Office of the Chief Information Officer:

Ensuring the security of the digital content it is entrusted with is a top priority for the Library and the Copyright Office. The Library is responsible for IT security for all its service units, including the Copyright Office. The Library has significantly increased its IT security posture over the last few years. OCIO has implemented NIST security standards, with role based security, to ensure that users only have access to the data they are supposed to see. All Library IT systems have had complete security reviews and are continuously monitored. Regular penetration testing is also conducted against the Library’s high value assets. To ensure that data is protected, the Library has built a wide range of IT security processes, tools and dedicated devices into the network, server, and applications used across the agency, and is implementing encryption – at-rest and in-motion – for all sensitive Library data, including e-deposits.

It is important to note that most of these IT security measures are designed to work in the background, with minimal noticeable impact on the ease of use of Library or copyright systems. Where noticeable, like with multifactor authentication, the Library has strived to implement government standard solutions that are easy to use and provide a range of options for use while still ensuring effective security for the network and data.

As the question notes, physical deposit copies are frequently submitted through the registration system. But for certain categories of works,¹ the Copyright Office’s registration system already securely accepts electronic deposit copies. In the case of newspapers, those copies are also used to satisfy the separate requirement to provide a copy for the Library in its preferred format. In all instances, security concerns are paramount to the Library and Copyright Office. Any future expansion of electronic deposits to additional categories of works will require careful consideration of several factors, including the Library’s collection needs, technological capabilities, and security and access issues.² In general, however, the Library and the Copyright Office believe that increased use of electronic copies will be necessary to ensure that a fuller range of creative output is available for registration and Library deposit. The Library and Copyright Office will work collaboratively to offer alternatives that appropriately balance security with ease of use. These kinds of important issues will be addressed using transparent processes that invite public comment and participation.

¹ Categories include groups of photographs, serials, newsletters, and contributions to periodicals, digitally created architectural works, unpublished works, or secure tests.

² Section 407 of the Copyright Act states in part that “the owner of copyright or of the exclusive right of publication in a work published in the United States shall deposit [with the U.S. Copyright Office], within three months after the date of such publication—two complete copies of the best edition” “for the use or disposition of the Library of Congress.” 17 U.S.C. § 407. The “best edition” is defined as “the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.” 17 U.S.C. § 101. In most cases, a copyright owner can satisfy the section 407 mandatory deposit requirement by applying to register the copyright under section 408. *See* 17 U.S.C. § 408(b). Section 408 provides that as a general rule, for a published work, a copyright owner applying to register a copyright claim must deposit two complete copies or phonorecords of the best edition with the Copyright Office. Section 408(c) authorizes the Register to issue regulations permitting copyright owners to meet the registration deposit requirement by submitting identifying materials instead of best edition copies, or by submitting only one copy where two would normally be required. Under this authority, the Copyright Office has issued regulations (which require the Library’s approval) allowing these alternative forms of deposit for certain categories of works. The Copyright Office has issued circulars providing general information to the public about mandatory deposit and its relationship to registration deposit. These are available on the Copyright Office website. *See* <https://www.copyright.gov/circs/circ07d.pdf> (mandatory deposit); <https://www.copyright.gov/circs/circ07c.pdf> (responding to a mandatory deposit notice).