

Copyright Office for the Digital Economy (CODE) Act Section by Section

Key Points

- Establishes the U.S. Copyright Office as an independent agency.
- Provides that the President will appoint a Director for one 10 year term upon the advice of a bipartisan, bicameral commission, and with consent of the Senate.
- Transfers administrative functions and legal duties from the Library to the Copyright Office.
- Allows the Copyright Office to deliver any and all communications directly to the legislative branch, free of executive review
- Would allow the Copyright Office to physically move out of the Library and into a new federal building

Section 1: Title of the bill. Copyright Office for the Digital Economy (CODE) Act

Section 2: Establishment and Organization of the U.S. Copyright Office

- Establishes the U.S. Copyright Office as an independent agency of the United States
- The Director must be appointed by the President, and confirmed by the Senate. A commission consisting of Senate and House leadership, including the Chairs and Ranking Members of the Senate and House Judiciary Committees, shall recommend individuals to the President for appointment. The Director shall serve a term for one 10 year term, and can only be removed for cause.
- The Director shall appoint a Deputy Director of the Copyright Office. The Director must consult with the commission prior to the appointment.
- The Copyright Office shall have the following powers and duties:
 - Advise Congress on national and international issues relating to copyright;
 - Provide advice and assistance to the Executive branch and the Judiciary on national and international issues relating to copyright;
 - Participate in meetings of international intergovernmental organizations and meetings with foreign government officials, and serve on U.S. delegations;
 - Conduct studies and programs regarding copyright;
 - Perform other functions as Congress directs; and
 - Adopt a seal to be used to authenticate all certified documents issued by the Office.
- The Executive may not have any authority or require the Director to submit legislative recommendations, or testimony or comments on legislation, to any officer or agency of the U.S. for approval or review.
- Allows the new office to acquire operational authorities including making purchases and entering into new contracts for services.
- Requires the Office to publish a report every year on the work and accomplishments of the Office.

Section 3: Modernizing Copyright Registration

- Changes the name, “deposit” to “examination copies.”
- The Director must issue regulations specifying the form, quality and content of examination copies of works that are submitted. The regulation must include provisions on retention and disposition of examination copies. The Director shall provide the Library of Congress access to examination copies solely for the Library’s determination of whether to demand a deposit.
- Deposited copies are available to the Library of Congress for its collections.

Section 4: Pay of Director, Deputy Director, and Associate Directors

- Establishes the Director and Deputy Director pay scales at current levels.

Section 5: Transfer of Administrative Functions

- Until the Director is appointed, the Librarian shall continue to perform any administrative functions.
- May acquire office space through the General Services Administration (GSA)
- Requires a status report on the transfer of administrative functions and recommendations for additional amendments in modernization efforts.

Section 6: Study of Mandatory Deposit

- Requires a study on the future administration of the mandatory deposit provisions in the code. The Study must cover the history of mandatory deposits, the Library’s preferences, the concerns of copyright owners, observations regarding the legal and administrative conditions under which the Copyright Office may transfer to the Library the responsibility for administering section 407, relevant experience from foreign countries, and recommendations.
- The study must include a public comment period.
- The report must be submitted to Congress within a year of enactment.

Section 7: Technical and Conforming Amendments

- Transfers legal authorities from the Library to the Copyright Office.
- Amends the code to replace “Register” with “Director.”

Section 8: Transitional Provisions

- The Act shall take effect 60 days after enactment.
- Allows the staff and Copyright Royalty Judges to carry over.