Move to Electronic System Means Long Waits at U.S. Copyright Office – washingtonpost.com

© 2009? Wishful Thinking, Perhaps, as Backlog Mounts
Copyright Office Bogged Down by New System

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The envelopes fill white plastic tubs, stacked on hundreds of shelves in the basement of the Library of Congress. They’re spreading to a ground-floor space that once housed the gift shop and are clogging offices on the fourth floor. And each day, the mail trucks bring about a thousand more.

A serious logjam in the U.S. Copyright Office has created a growing mountain of paper applications, more than the staff can process. Like the marching buckets of water in “The Sorcerer’s Apprentice,” the envelopes just keep coming, threatening to flood the operation.

The problem has tripled the processing time for a copyright from six to 18 months, and delays are expected to get worse in coming months. The library’s inspector general has warned that the backlog threatens the integrity of the U.S. copyright system.

The irony is that the slowdown stems from a new $52 million electronic process that is supposed to speed the way writers and others register their literary, musical or visual work.

The delays do not appear to be hampering the business of the major publishing houses or those willing to spend $685 for a “special handling fee” that expedites registration. But the slowdown is frustrating hundreds of thousands of little-known people with big dreams.

They paid $45 for the right to claim legal ownership of poems, fabric designs, plays, jingles, even computer manuals.

Marissa Ditkowsky, a Long Island teenager, has been checking her mailbox for 15 months for the copyright registration for three songs she wrote, recorded and sent on a compact disc to the federal government.

“We lost a whole year,” said her mother, Alita, who wants to launch her guitar-strumming daughter on a music career. At 14, Marissa is too young to appear on “American Idol.” Instead, she wants to sing her songs during open-mike nights at local clubs and she wants to sing her songs during

http://www.washingtonpost.com/wp-dyn/content/article/2009/05/18/AR2009051803171.html?nav=rss_email/components
open-mike nights at local clubs and make a professional demo she can shop to music companies.

But Alita Ditkowsky does not want her daughter to perform without a copyright, because she fears that Marissa's songs are so good, someone else will steal them. She said she learned that lesson years ago while trying to get a job at an advertising agency.

"They asked me to write an ad for the Schick electric shaver," Ditkowsky said. "So one day in my car, I hear this radio spot I had wrote for the Schick electric shaver. It was my commercial, word for word. They used it, didn't pay me for it, didn't even hire me. But legally, I had no recourse."

At first, the Ditkowskys were told it would take three to six months to register Marissa's songs. That grew to nine months, then a year. When she last called for an update, Alita Ditkowsky was told 16 months.

"This is just unacceptable," the mother said. "Any company outside of a government agency would have been held accountable for this. They cashed my check, and I got nothing for it. There's something very, very wrong here."

The trouble is twofold. Workers say the electronic system is slow and prone to crashing. Managers say the challenge has been retraining the staff to use the system. Both sides agree the more significant problem is the fact that much of the public is still using paper applications, which must be painstakingly entered by hand into the new electronic database.

About 45 percent of applications are still in paper form. The staff is spending so much time handling the paper claims, it doesn't have enough time to process electronic applications, which has created delays for online claims now, too. It now takes six months to process electronic claims when it should take one month.

Of the 10,000 applications that pour into the Copyright Office each week, the staff can process about 7,000, adding 3,000 untouched applications to a growing pile that currently totals about 523,000. Workers are now handling paper applications received in late 2007.

An artist doesn't need to register a copyright to perform, publish or display an original work. But a claim filed with the government offers legal protection -- it is the only way to stop someone else from copying a work.

Gerald Linder, a 77-year-old retired anesthesiologist from Bel Air, Calif., has been waiting 16 months to register lyrics he wrote to a melody that has haunted him for years.

"Finally, I got this call a couple of days ago that it was done," said Linder, just before crooning his lyrics for "When the White Lilacs Bloom Again" over the phone. "I have some connections where I could get this out in the entertainment field and hopefully popularize it. Look, I get Social Security and consulting fees now and again. But like everyone else, we're all suffering. It would be nice to make a little money."

The problems began last July when the copyright agency implemented the electronic system, which replaced a paper-based process that had been in place for decades. The union that represents the copyright workers, Library of Congress Professional Guild AFSCME Local 2910, faults management for dismantling the paper system while the public is still using paper.

David J. Christopher, associate chief operating officer of the Copyright Office, said the backlog cannot be solved with temporary workers, because it takes a year before a registration specialist is up to speed. He acknowledged that the office had been recently understaffed but has hired 17 new registration specialists to bring the total to 115. And he said the electronic system is getting a major upgrade.

Key to management's strategy is an assumption that most applicants will eventually switch from paper to electronic filing, allowing the staff to gain control over the paper backlog and reduce it. To that end, the office plans to raise the fees for paper applications.
from $45 to $65 in August while keeping the fee for electronic filing at $35.

But some complain the electronic system has its own problems.

"What the hell is the matter with that [expletive] software of yours?" one author wrote in a March 22 e-mail to the copyright agency. "I've spent more than three hours and a ton of grief trying to register my literary work and upload it. That [expletive] told me at least four times that an error had occurred and then it stopped dead. Why? Who sold you that [expletive] and why did you buy it?"

The author was trying to copyright a children's book.