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One Hundred Eighteenth
Congress of the United States
House of Representatives

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October 25, 2024

Shira Perlmutter
Register of Copyrights and Director
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

Dear Register Perlmutter,

As Chair and Ranking Member of the Committee on House Administration (“the Committee”), we write today to request an update on the delay in the release of the U.S. Copyright Office's reports on artificial intelligence (“AI”), which were initially targeted for publication by the end of Fiscal Year 2024. As the committee with statutory oversight authority over the Library of Congress (“LOC”) and, by extension, the U.S. Copyright Office¹, we are tasked with ensuring that the office fulfills its obligations to Congress and the public in a timely and transparent manner.

The Copyright Office has previously indicated that its review of AI's impact on copyright law was a matter of priority.² In your testimony before Congress, you committed to providing timely reports that would address how emerging AI technologies intersect with the current copyright framework, especially in relation to generative AI and creative works.³ Your stated goal was to publish these reports by the close of FY 2024.⁴ However, during the Committee's recent oversight hearing, you predicted the second report would be released before the end of summer and the third report would be published in the fall.⁵ As of this writing, neither report has been published and we have received no formal status update.

¹ The Committee's authority to oversee the Library of Congress and the U.S. Copyright Office is derived from both U.S. statutory law (2 U.S.C. § 136) and the rules governing the jurisdiction of House committees (Rule X, Clause 4).

² Letter from Shira Perlmutter, Reg. of Copyrights, to Sen. Chris Coons, Chair, and Sen. Thom Tillis, Ranking Member, Subcomm. on Intell. Prop. Of the S. Comm. on the Judiciary (February 23, 2024), <https://www.copyright.gov/laws/hearings/USCO-Letter-on-AI-and-Copyright-Initiative-Update-Feb-23-2024.pdf>.

³ Shira Perlmutter, *The U.S. Copyright Office: Customers, Communities, and Modernization Efforts*, Before the H. Comm. on House Admin., 118th Cong. (2024). <https://cha.house.gov/hearings?ID=EF9C2550-4085-453E-9EBE-75BB69E0DC73>.

⁴ “Later sections will turn to the legal implications of training AI models on copyrighted works as well as the allocation of potential liability for AI-generated outputs that may infringe. Those sections will be published as they are completed, with a goal of finalizing the entire report **by the end of the fiscal year.**” Perlmutter, *supra* note 2.

⁵ “...the second section of the report will talk about the issue of copyrightability of the output created using generative AI and that study we expect to issue **by the end of the summer.** And then we will turn to the infringement-related questions, including whether the ingestion of copyrighted works for purposes of training the AI

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The importance of these reports cannot be overstated. The rapid evolution of AI technology, particularly in the fields of creative arts, literature, and media production, is raising unprecedented questions about copyright protections. Creators, technologists, and stakeholders from across the spectrum are relying on clear, authoritative guidance from your office to navigate this evolving landscape and strike an appropriate balance between innovation and the rights of creators. While we appreciate the novel nature of the subject matter, the absence of these reports creates uncertainty for industries that are already grappling with AI-related challenges and hinders lawmakers' ability to craft effective policy.

We urge you to expedite the completion and release of these reports. In the interim, we request that you provide a progress update to committee staff within one week of receipt of this letter. A clear and comprehensive analysis from the Copyright Office is essential for Congress, creators, and businesses as we work to ensure that our copyright laws—and the administration thereof—keep pace with rapidly developing AI technologies.

Thank you for your attention to this urgent matter. We look forward to your timely response and the publication of these critical reports.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration



Joseph D. Morelle
Ranking Member
Committee on House Administration

BGS/jb/jcs

constitutes fair use... so that, those last sections of the report **we expect to be out in the fall.**" Perlmutter, *supra* note 3.



The Register of Copyrights of the United States of America
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000

October 30, 2024

The Honorable Bryan Steil
Chairman, Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Joseph D. Morelle
Ranking Member, Committee on House Administration
U.S. House of Representatives
1216 Longworth House Office Building
Washington, DC 20515

Dear Chairman Steil and Ranking Member Morelle:

Thank you for your letter of October 25, 2024, requesting an update on the forthcoming release of the remaining parts of the Copyright Office's report on copyright and artificial intelligence (AI).

The Copyright Office is keenly aware of the widespread interest in our initiative on copyright and AI. We were among the first federal agencies to take action in response to the public release of generative AI tools to consumers and the potential impact of the use of these tools. We decided to commence this initiative proactively in early 2023,¹ in recognition of the growing importance of AI to copyright law and policy. As the Committee knows, we issued guidance on copyright registration of AI-generated works in March 2023, held public events and meetings in the following months to learn more about the technology and its uses, and issued a comprehensive notice of inquiry in August 2023 (before the President's Executive Order on AI issued in October).²

¹ We have a dedicated webpage on our Copyright and AI Initiative at www.copyright.gov/ai. See U.S. Copyright Office, Copyright Office Launches New Artificial Intelligence Initiative, NewsNet No. 1004 (Mar. 16, 2023).

² Executive Order 14,110: Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, 88 Fed. Reg. 75191, 75207 (Oct. 30, 2023).

We received over 10,000 public comments by December 2023 in response to the notice of inquiry. Each of these comments was reviewed individually by members of our staff—a significant task that took several months. They are all available on our website to inform the debate and have also served as the basis for additional analyses by the Copyright Office as well as the U.S. Patent and Trademark Office.

As I informed Congress earlier this year and testified before the Committee on June 26, we had aimed for an ambitious timeline for the resulting report, planning to issue it in several parts by the end of fiscal 2024.³ While this timeline was purely internal, our goal has been to move as quickly as possible consistently with producing a careful and high-quality product.

On July 31, 2024, the Copyright Office published Part 1 of the Report, which addresses the topic of digital replicas.⁴ We chose to prioritize this topic due to ongoing Congressional activity⁵ and intense public interest. We concluded that federal legislation was urgently needed to address the unauthorized distribution of digital replicas, and provided recommendations for the contours of such a law. Shortly after the report was published, several members of Congress introduced legislation to create such a right, known as “The NO FAKES Act,” in both the Senate and the House.⁶

³ Letter from Shira Perlmutter, Register of Copyrights, to Sen. Chris Coons, Chair, and Sen. Thom Tillis, Ranking Member, Subcommittee on Intellectual Property of the Senate Committee on the Judiciary, and Rep. Darrell Issa, Chair, and Hank Johnson, Ranking Member, Subcommittee on Courts, Intellectual Property and the Internet of the House Committee on the Judiciary (Feb. 23, 2023), at <https://copyright.gov/laws/hearings/USCO-Letter-on-AI-and-Copyright-Initiative-Update.pdf>.

⁴ U.S. Copyright Office, Part 1: Digital Replicas (July 31, 2024), at <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf>.

⁵ Several committees in the House have held hearings on artificial intelligence matters related to their jurisdiction. For example, the House Subcommittee on Courts, Intellectual Property, and the Internet has held several hearings this year on copyright-related matters, as well as three specific hearings on AI; *see* <https://judiciary.house.gov/subcommittees/committee-judiciary-118th-congress/courts-intellectual-property-and-internet-118th?page=0>. The Judiciary Committee has long been involved in the oversight of copyright law matters; *see* House Judiciary Committee History Page at <https://judiciary.house.gov/about>; *see also* U.S. House of Representatives, Committee on the Judiciary, Rules of Procedures for the 118th Congress, Rule VI(b) at https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/118-congress-hjc-rules_adopted-.pdf.

⁶ NO FAKES Act, S. 4875 (introduced July 31, 2024) and H.R. 9551 (introduced Sept. 12, 2024). *See also* No AI Fraud Act, H.R. 6493 (introduced Jan. 10, 2024).

Your staff recently inquired about the status of our work on AI. The Library's Congressional Relations Office responded in writing that same day (October 4), noting that the Copyright Office then expected to publish the two remaining parts of the report by the end of this calendar year. One part will focus on the copyrightability of generative AI output, and the other will focus on the legal implications of training AI models on copyrighted works, including issues such as liability, licensing, and fair use.

While our self-imposed, ambitious timelines have shifted by a few months, due in part to competing statutory⁷ and judicial deadlines, we are well along in the process of producing the rest of the report. Our current goal is still to complete the other two parts by the end of 2024. However, given the complexities of the issues involved and the important public interest, we must prioritize the quality and soundness of our analysis over strict adherence to the target dates that we set. We will keep the Committee informed of any further timing adjustments.

Let me add that the release of the report will not be the end of the Copyright Office's work on AI. In early 2025, we plan to update our March 2023 registration guidance for applicants and to initiate a request for public comments to revise parts of our *Compendium of U.S. Copyright Office Practices*. We will also be releasing a collection of economic discussion papers on the copyright issues raised by AI, produced by a group of academic scholars convened by our Chief Economist.

The Copyright Office remains committed to continued timely, careful, and transparent work on copyright and AI.

Sincerely,



Shira Perlmutter
Register of Copyrights and Director,
United States Copyright Office

⁷ See U.S. Copyright Office, Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, 89 Fed. Reg. 85437 (Oct. 28, 2024). The final rule, the 200-page Register's Recommendation to the Librarian, record materials in this 18-month proceeding, and general information about the section 1201 rulemaking process are available at <https://copyright.gov/1201/2024/>.