

Marybeth Peters: Renaissance Woman of Copyright
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Theodora Fleurant: Marybeth Peters, Renaissance woman of copyright. Lawyer. Public servant. Mentor. Teacher. Friend. Hi, my name is Theodora Fleurant and I'm an attorney in New York City. Here with me is my co-host and colleague, Jose Landivar, an associate at Coates IP and a fellow member of the New York City Bar Association's Copyright and Literary Property Committee.

We are thrilled to share this special tribute to honor the late Marybeth Peters, who served as the Register of Copyrights and Director of the United States Copyright Office from 1994 through 2010, at a time when copyright law was adjusting to globalization and rapid changes in technology and communication. Register Peters passed away in Washington, D.C. at the age of 83 on September 29th, 2022, leaving behind a legacy that will shape copyright law for generations to come. To mark the recent one-year anniversary of Register Peters' passing, we brought together some of her closest colleagues and friends to help paint a portrait of this most extraordinary woman. Our hope is that you glean some of the life lessons we learned along the way: lessons in leadership, empathy, and service, as well as qualities that distinguish Marybeth Peters as a public servant, lecturer, and leader.

Jose Landivar: Thank you, Theodora. It has been quite a journey since you first proposed the idea of doing a podcast about Marybeth Peters just over a year ago at that first committee meeting. So what was it that inspired you to do this podcast? And why now? What is so timely about Register Peters' story?

Theodora Fleurant: You know Jose, when I first heard about Register Peters' passing, I was struck by how much she contributed to the field of copyright law over the 40 years of her storied career. And I believe that it was important to learn about how she helped to shape the laws and policies that guide our practice as copyright attorneys and to glean an insight into how Register Peters dealt with many similar issues we face today, issues with technology, and the effect it has on the ability of law and policy to respond to the changes that it brings about. For example, the disruptions brought about by the World Wide Web, which in its time echoes the rise of Artificial Intelligence, and the huge disruptions it seems to be creating in how we think about and enforce the rights of authors and artists.

Jose Landivar: We also learned about how Register Peters guided the Copyright Office through those changes and helped to modernize it and bring about important changes such as the Electronic Filing System and the establishment of the Office of Policy and International Affairs, initiatives which really brought the Copyright Office into the 21st century correct?

Theodora Fleurant: Yes. And as you'll hear, Register Peters' influence and contributions are still being felt to this day. I mean, Marybeth was instrumental in providing guidance and helping to implement key landmark legislation, such as the 1976 Copyright Act, the Digital Millennium Copyright Act, or the DMCA, which dealt with the issue of copyright on the Internet, as well as the Sonny Bono Copyright Term Extension Act, which extended the term of most copyrights by 20 years, as well as the Technology, Education, and Copyright Harmonization Act, or TEACH Act, which sets standards for the use of copyrighted materials and long-distance education.

Jose Landivar: Now before we begin, I think it would be helpful for listeners to be reminded about certain keywords or phrases that we discuss with the people we spoke with, basic terms such as what the United States Copyright Office is, who the Register of Copyrights is, and even more fundamentally, what a copyright is, at least how it's legally defined.

Theodora Fleurant: Absolutely. The Copyright Office is a federal agency located within the Library of Congress that is responsible for registering copyright claims, recording information about copyright ownership, providing information to the public, and assisting Congress and other parts of the government on a wide range of copyright issues, both simple and complex. The Register of Copyrights is the principal advisor to Congress on national and international copyright matters. The Register testifies before Congress upon request and provides ongoing leadership and

impartial expertise on copyright law and policy. The Register is also the director of the U.S. Copyright Office. A copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression. U.S. copyright law provides copyright owners with a bundle of exclusive rights, including the rights to reproduce a work, prepare derivative works, perform or display a work, and more. Our copyright law finds its roots in the U.S. Constitution, which, as Marybeth will shortly explain, secures for limited times to authors and inventors, the exclusive right to their respective writings and discoveries under Article 1, Section 8.

Jose Landivar: Thanks, Theodora. Now let's circle back to the guests on this podcast for a bit. We were extremely privileged to speak with towering figures, giants in the field of copyright law, all in their own respects, correct?

Theodora Fleurant: Giants indeed. On this podcast, we have some of the most influential and esteemed figures in the field of copyright law, including the current Register of Copyrights and Director of the United States Copyright Office, Shira Perlmutter, and President and CEO of the Association of American Publishers, Maria Pallante, who served as the 12th United States Register of Copyrights and remained one of Marybeth's closest friends until her passing. We will also hear from former President of the Copyright Society of the USA and currently counsel at Cowan, Liebowitz, & Latman, Richard Dannay, as well as the former

Associate General Counsel of the Copyright Office, Eric Schwartz, who now works as a Partner at Mitchell, Silberberg, and Knupp, and finally, from current Copyright Claims Officer, Mr. David Carson who was General Counsel at the Copyright Office while Marybeth Peters was Register and who remained one of her closest friends until her passing.

Jose Landivar: Remarkable. I mean, our guests really were a part of her inner circle and each contributed to the shaping of copyright law even up until today. It seems to us after speaking to so many people that they were sort of like her chosen family. Now within the world of policy and planning, Marybeth was a well-known, almost celebrity-like figure, wouldn't you say? For example, we learned that members of Congress, from both sides of the aisle, loved and revered her and actually looked forward to seeing her up on the hill.

Theodora Fleurant: I would say so. And that was why we felt it was so important to tell her story correctly. And it was important that we enabled each guest to contribute a piece of the puzzle to tell Marybeth's story and to help paint a portrait of this towering figure, this Renaissance woman of copyright.

Jose Landivar: Yes, we hope we did that. And now, without further ado, here is our tribute to the late Marybeth Peters.

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Announcer/Interview: Article 1, Section 8, Clause 8, ...would you recite it for us?

Marybeth Peters: Good. I don't know if I recite it. I'll paraphrase it for you. Um, this is the Article in the Constitution. Um, that's very important to every copyright lawyer in the United States. Um, it's the clause that basically gave to Congress the power to grant exclusive rights: to authors, um, for limited times, and it is to encourage science. It also says in the useful arts. Science is knowledge. Science is the part of the Constitution that relates to authors. Um, useful arts is the patent piece. So, we have Congress at the center, basically in charge of putting in place copyright laws for the benefit of society.

Theodora Fleurant: Marybeth Peters was a distinguished scholar and expert as well as one of the first female registers in the U.S. Copyright Office. Register Shira Perlmutter, Maria Pallante, and David Carson share how they first met.

Register Shira Perlmutter: I first met Marybeth when I was a young lawyer practicing at a firm in New York, and she came down from the up, I should say, from the Copyright Office to speak at a Copyright Society event. So, I was expecting a dull presentation about the nuts and bolts of the copyright renewal process. But instead, it turned out that she was a compelling speaker who really opened my eyes to a new perspective. And that was when Marybeth really sparked my own interest in policy issues. That is how the law could be shaped and molded. And then after I moved to

Washington, I joined the faculty at Catholic University's law school and had the opportunity to dip my toe into the pool of policy work for the first time. And that involved a number of things that included testifying before Congress on legislative proposals. But, more importantly, also interacting with both Marybeth and with Barbara Ringer, the first woman Register of Copyrights, as a member of the Library of Congress's Advisory Committee on Copyright Registration and Deposit, with the very felicitous acronym of ACCORD, which included others that may be contributing to this podcast as well. And as I got to know both Barbara and Marybeth, their example really demonstrated the beauties of government service. So when Marybeth was appointed Register of Copyrights in 1994, I jumped at the chance to join the Copyright Office as her first Director of Policy and International Affairs. And this turned out to be just an extraordinary experience, a career-changing experience. And I will be forever grateful to her for making it possible.

Maria Pallante: I met Marybeth Peters over 30 years ago when I was a brand new attorney in New York City, working for the Authors Guild, and I attended a program. I believe it was a PLI program, and she was not yet the Register. She was a Senior Policy Advisor in the Copyright Office, and had been there already at that point quite a while, and was already quite an established expert, and she was speaking. And afterwards, I approached her because I thought she was the most interesting and charismatic and accessible or approachable expert that I had encountered at that point in my

career and just wanted to introduce myself and thank her for her remarks. And it ended up being much more a conversation about her interest in me and her encouragement and sort of natural excitement to meet a young attorney interested in copyright law. And she was very enthusiastic and as I said, genuinely interested, which took me by great surprise because, at that point, I thought her interest in me was disproportionate to any. There was no reason for her to be super excited about meeting me.

Theodora Fleurant: Right.

Maria Pallante: But what I later learned and I'm sure lots of people will tell you is that is just Marybeth was. She, no matter who she was meeting, whether it was an intern, a member of Congress another expert from around the world, she was always great, enthusiastically in the moment, really interested in getting to know that person.

David Carson: I first met her in 1991 in Dayton, Ohio, of all places. She and I were both speakers at a conference on copyright. Well, not copyright protection, legal protection for databases, which included copyright issues. I'd already heard about her at that time from my partners at the New York Copyright Law Boutique. I had just joined about a year earlier. I'd practiced for about a year, in about 10 years in L.A. before that, and didn't have a whole lot of contact with the East Coast Copyright establishment. In California, we had very little to do with the Copyright Office, even though we did a lot of copyright work. You know, you'd send

registrations there, but they were just off in Washington. But my partners in New York worked a lot with the Copyright Office, and they spoke quite a bit and quite fondly of Marybeth as someone you really had to know to understand the copyright law, the Copyright Office, the copyright world and just had a great deal of affection and respect for her. So when I met her, it was just, I knew it was going to be something special, but I didn't know how special it was going to be because when I met her, she was not at all what I'd expected. She was not this stiff or imposing bureaucrat from Washington. She was a down to earth, informal, very comfortable with herself, not serious about herself, but nevertheless serious about what matters kind of person, who just immediately made friends with you or anyone she saw. And I just sort of, even though I had to right to think this at the end of the meeting, I sort of felt like, wow, I've got, I've made a friend here. And it turned out I had.

Theodora Fleurant: Marybeth Peters accomplished so much in her time as Register of Copyrights. Here's Register Shira Perlmutter and Richard Dannay picking out a few highlights from that storied career.

Register Shira Perlmutter: There are a lot of highlights. Marybeth spent her entire career, over 45 years, in the Library of Congress and at the Copyright Office. So, she was instrumental in the smooth transition to what was, at the time, the new 1976 Copyright Act, which was the first comprehensive revision of the statute since

1909. She trained the Copyright Office staff on how to implement the new law and traveled around the country, explaining the changes made to the copyright bar. And then, as a Register, she played a historic role in adapting both the domestic and international copyright systems to the challenges of the digital age. During my tenure working for her, that included implementation of the copyright provisions of the WTO TRIPS Agreement, negotiation of the 1996 WIPO Internet Treaties, and enactment of the Digital Millennium Copyright Act or DMCA, and the TEACH Act, which created an expanded exception to facilitate digital distance education.

Marybeth also oversaw the first, really exhaustive Section 1201 rulemakings, which recommended exceptions to the Prohibition on Circumventing Technical Measures, used to protect copyright online. And critically, she presided over the Copyright Office's early move to the provision of online services, moving us from paper to electronic applications for registration. And then, there were a number of really groundbreaking studies produced later under her leadership, including one on digital first sale and one for recommending a new approach to orphan works---that is works without an identified or locatable owner. All in all, Marybeth will always be remembered as one of the most consequential leaders of the Copyright Office. She really steered the copyright system very effectively during a period of great turbulence and even controversy.

Richard Dannay: There really were many highlights of her career. I mean, you could obviously start with, you know, one of the things that you would, you could say about any register that there were, there was, important legislation passed during her tenure that she had to implement or was closely involved in, even with the origin. For example, a three comes to mind for me: the 1994 Uruguay Round Agreements Act that dealt with copyright restoration and other matters, the 1998 Sonny Bono Copyright Term Extension Act, which extended the term of copyright, and course the 1998 Digital Millennium Copyright Act, the DMCA. But, those are really small points, I think, in highlights. I, I, would sort of characterize Marybeth as I did when she retired in 2010 and the Copyright Society Journal ran a tribute issue to her, and I was honored to be able to contribute one of the many tributes to that issue of the Copyright Society Journal. And in my tribute, two-page tribute her, I called her the "Renaissance Woman of Copyright," which paralleled a little bit what I called Alan Latman, who died a few weeks after I became president in 1984. He, I called him the "Renaissance Man of Copyright," and one of the towering figures in copyright. Teacher, litigator, executive director of the Copyright Society. Marybeth, to me, had, was very analogous in terms of her leadership. I mean, just think about it. She had a 45-year career in the Copyright Office culminating in her 17-year tenure as the Register. I think that was the second long, longest period of service of a register after the first register and look at what she did inside the Copyright Office. She was so well prepared by the time she became Register. She was a music examiner. She was an

attorney advisor giving important advice. At one time, she was the Chief of the Information and Reference Division, and then other times, she was Chief of the Examining Division. She was Policy Planning Advisor to the Register, a very important position. She even served as Acting General Counsel for a while, all before becoming the Register. So, she filled so many places and, and positions in the Copyright Office. It was like a second home to her, I think, and she left her impact everywhere there. But that wasn't just the only thing. She was in charge--- in 1976, of course, the so-called and still called New Copyright Act, the 1976 Copyright Act replaced the 1909 Copyright Act. But this wasn't just an amendment. This was a wholesale change in all of the copyright provisions. Everything was changed. Many of the basic concepts were changed. And Marybeth was given the position of teaching, instructing all of the staff of the Copyright Office in the new law. We were talking now about two, three, maybe more, more hundreds of people in the Copyright Office.

Theodora Fleurant: Right.

Richard Dannay: So, she had to construct courses to teach them the basics in order to be able to make the transition to the new law. And I'll hold this up. You probably can't see it very well. This is the booklet that resulted from that. It's called The General Guide to the Copyright Act of 1976 and it became the basis, ultimately of her instructional materials to train people in the Copyright Office on the new act. And I would say it was really

kind of like a bible for the training of the Copyright Office staff. It's over one hundred pages. Not a treatise, not editorializing. It's just a straightforward, unvarnished description of what the new law was and it developed. It was so popular that it developed into a, the publication, which the Copyright Office put out. This was all Marybeth's work for the public. That's how I got my copy and people at that time really benefited from that. But she wasn't just that in terms of career highlights. She was a genuine expert. There have been people who've served in these positions who really weren't that expert in copyright law. They may have had other abilities and accomplishments. But Marybeth was truly an expert, not only on U.S. copyright law, but international copyright law. And one should remember that she was a consultant on copyright law to W-I-P-O in Geneva, the World's Intellectual Property Organization. But I can't stop there either because there's a lot more. She was a teacher, genuinely, a teacher at law schools you know, usually at evening courses for people taking extra courses or graduate courses. Three places that come to mind, there may have been more: Georgetown University Law Center, University of Miami School of Law, and the, I think, it's called The Columbus School of Law at the Catholic University of America. So she, she taught people copyright. And it didn't stop there because beyond just teaching in, in an instructional environment, she was a lecturer and she gave two lectures---probably the two most, the oldest and most prestigious lectures in the copyright field. The oldest is the Copyright Society, the Donald T. Brace Memorial Lecture, and she

gave that lecture in 2004. I remember well sitting through that because a few years later in 2007, I gave a Brace lecture. And she also gave the Horace Manges Lecture at Columbia University Law School in 1996, earlier than the Brace Lecture. Those are very prestigious lectures that she delivered well-attended and well-received. And of course, she gave so many more lectures beyond that. So think about it, career highlights Renaissance woman of copyright. She was an author. She was a scholar. She was a teacher. She was an expert. She was an absolutely marvelous public official. And beyond all that, she attended so many professional and industry conferences. One of the highlights that I remember, because I'm so active in the Copyright Society as she was, she gave, the Register usually gives the keynote address at the Annual Meeting of the Copyright Society in June, the lead-off speaker and Marybeth did that for so many years obviously, as Register. I would call it like a "State of Copyright Lecture," not the State of the Union, but the "State of Copyright." And she did that. And it was well received and she was terrific at that. So, all of those things, you can't really pinpoint one or two or three or four or five highlights. She just had a career that was filled with them in her 45 years in the Copyright Office. She was really a towering figure in copyright.

Theodora Fleurant: Register Peters possessed a number of different qualities, which contributed to her amazing tenure and success. Shira Perlmutter, Maria Pallante, and Eric Schwartz describe some of those qualities that attributed to those successes.

Register Shira Perlmutter: Marybeth really had a unique combination of qualities. First and foremost, she knew everything there was to know about the history of copyright and the operations of the office after 45 years of working here. And she also had a lot of international experience, which gave her a truly global perspective. And then, when you add to all that knowledge, her personal characteristics, which were also extraordinary, she had an innate talent for teaching and communication, and on the flip side from imparting information, she had a real intellectual openness and a continued willingness to learn new things and rethink her assumptions. She really listened. She also had a commitment to balance and a desire to help the less privileged. She had a passion for music and for creativity and a true lack of guile or any drive for power. And I cannot leave out the quality that most attracted people to her, drew people to her, and that was her warmth and empathy as a person.

Maria Pallante: It was very hard to separate the position of Register from Marybeth Peters. Her style of running the office was contagious in that she had this platform where she got to be, she had the formal platform that for a lot of women, I think is important. So, some people emerge as leaders because they're really strong natural leaders. Some people emerge because they're great at networking. And I think for women, and maybe women of that era that she came up through, having a formal title in a formal office, provided the platform that she needed where then she could relax

and she could use her gifts. So, her gifts of being gregarious and genuine and humble, and really brilliant all at the same time, attracted people to want to work for her, attracted people to trust her. And I think her humility in particular was just a really great gift, in that nobody knew more than Marybeth did about the law. I mean, she knew so much. But in talking with her, and I've witnessed this many times directly, but I also witnessed it as one of her deputies working with her and for her. She never ever wanted to be the person in the room that knew the answer. She was really interested in whether there was a different perspective. And then she would either affirm that and encourage or she would say, I don't see it that way, but it was always very polite and in this kind of inspiring way, because at the end of the day, I think Marybeth just loved copyright law. And I always say that she loved copyright law and she loved copyright lawyers. And not everybody that works in the Copyright Office is a lawyer. So, she, you know, she had, she was a chief executive as well. And you know, I think we look at her legacy as a lawyer, but as a chief executive with four or 500 people working for her over such a long period of time, when you run anything, you have people who are living life, working for you. So, she was a joyous boss, I think, for a lot of people who were not legal experts.

Theodora Fleurant: Right.

Maria Pallante: No, she supportive of their personal lives, what they were going through, their losses. And when she died, I heard

from a lot of people who had worked for her in non-legal capacities who said, "You know, she was really kind to me when my father died" or "She was there for me when I was going through an illness" and she never told anybody and I never told anybody and you begin to think you already know this magnanimous person. We know her in our field, but then you realize that the reach of somebody who was just so humble and genuine a person was even far beyond that. So, I think, I guess what I'm saying is that she had gifts as an attorney, as a lawyer and a public official, but she also had gifts as a chief executive. And I think that's important.

Eric Schwartz: As a career success, first of all, being a good listener. She was not one that commanded the room so much as she listened to staff. She had the small ego in that she was willing to listen and come to consensus on issues and help to develop what was best for the law, what was best for creators and producers and users. I think the thing she told me years later when she was retiring, I asked her what she was proudest of. And she said, the way she had treated the staff in the Office and the relationships that she had with the staff in the Office. And you, you know, I've been in Washington for a long time. And the one thing you never hear of an agency head talking about when asked about their accomplishments is that I treated people well. That you know, I supervise. That's just sort of not a part of the resume they'll brag about, you know, things that they did and maybe things that they didn't do, but they'll take credit for. But that was something that was really important to her. If you walked around in the

office with Marybeth at any point in her career, you know, walking the halls, like being in high school, she knew everybody on a first-name basis and they knew her. She was just Marybeth. It wasn't Register Peters. It was just Marybeth and she knew them. If you went up to the Hill, everyone knew her as Marybeth. If you traveled overseas, people would say, "How's Marybeth?" You could be in a delegation in any country. And she was just, you know, a one-name person, but someone that had these personal relationships and that to me made all the difference in her success. It certainly made the difference in the legislative accomplishments and the regulatory accomplishments in all of the internal changes in the office accomplishments and that they weren't done by, you know, jamming them down, whether people wanted them or not, but in working with people to get these things accomplished. And I think that made all the difference, but it also made her extremely successful because she accomplished so much.

Theodora Fleurant: Former Register Peters was not only known as a renowned scholar and expert at the U.S. Copyright Office, but she was also popularly known as someone who was intellectually open and served as a teacher and mentor. Here are Register Perlmutter and Maria Pallante discussing the impact of her mentorship on their careers.

Register Shira Perlmutter: I will say she was a very important mentor to me in my own career. I learned so much from her. And I'm not just talking about substance, but also about how to interact

with stakeholders and lobbyists and members of Congress, how to stay centered and focused on substance, whatever was swirling around us, how to empower and energize employees in a large organization, how to combine that personal warmth with professional rigor, and I think most importantly, how to be comfortable in one's own skin and not feel the need to conform to expectations or image. And I know I'm only one of many people for whom Marybeth was a mentor. Certainly, the two registers that serve between us, Maria Pallante and Karen Temple. I know that they also benefited from her mentorship. And I have to say the tributes that just poured in after Marybeth's death provided so many stories from others who were touched and also inspired by Marybeth's example.

Maria Pallante: I experienced it in a couple of different ways. So, I feel really privileged because I got to know Marybeth, especially towards the end of her career in a really closely. So, she became a very close personal friend. As she was leaving and after she had retired, and early on she knew my kids when they were infants. And then later, she knew my kids as they became adults and was close to my family. And, we were fortunate to have her over for holidays and to live in the D.C. area where she also lived. And then she moved to a retirement home just a few miles from me. And so, I got to see her toward, you know, through her very end and saw her in that capacity as well, where she was equally humble and always concerned about the other residents in the retirement home. I mean, these qualities just followed her

through to her final days. But for me, I, I, was part of a committee called ACCORD, which was about Sections 412 and 411, and that was when Barbara Ringer had come back to be Interim Register after Ralph Olman had left the Office and they had not yet named Marybeth Peters. And so, those of us that served on that committee were there for a couple of years once a month or something like that. And I was in New York and people on the committee were from all over and you would recognize the names of that committee. Lots of people that have contributed to the field. And I was fairly, still fairly young in my career. And Marybeth was on the staff of the committee as one of the senior policy advisors. And there were whispers that she was going to be the Register. And I think everybody thought she should be the Register. But at that point I got to see her more and get to know her a little bit better. And so when she did become the Register, and I had stayed in touch with her, she was starting to fill out her office. And she had this way and I'm sure a lot of people will tell you this that have worked for her. She had this way of making government service seem like it was the absolute best possible thing anyone could ever do with their life. And that notwithstanding that you could, you know, work at a law firm or work in-house or have a tremendous career in New York or L.A., your life would not be complete if you didn't come and work at the Copyright Office. And so, she had this way or sort of never saying it quite that explicitly, but kind of saying it all the time. And so, she had this way of making people want to work for her and be part of her team and as she was filling out her office, um, I was fortunate enough to become of those policy

advisors early in her tenure. So, she became Register in 1994 and I think I joined the Office in 1995. As she was beginning to fill out the team and that of course is right as the WIPO treaties were starting to heat up, so it was an exciting time to be there but I also was starting my family at that time and my husband was still in New York and I was in D.C. and then we had an infant and had to sort of make some decisions and I had, after accepting this position, joining her team and wanting to be part of it. Couldn't really do it. It just wasn't working for my family and so you know, I was heartbroken, but I needed to leave and she made it so easy. And she, you know, and this is what mentors do, right? It's not about you. It's about who you're mentoring. And she said, "No, it's really clear to me. You need to go and go back to New York. And if that's clearly the right thing for you." And so, I did. And I went to. I went ended up working at the Guggenheim Museum for eight or nine years. And that was also a fabulous copyright environment. I had another child and she stayed in touch. And I'll just say she did this with everyone. It wasn't just my kids. She knew everyone. I felt like she knew everybody practicing copyright law in the country and maybe the world. I know, I'm, I know I'm exaggerating, but it it always felt like that. And she would say, "Oh, you should meet so and so. And "Oh, you're going to Switzerland. You should meet so and so. Oh, you're going to London. You should look up my best friend, so and so." And then she would tell you all about their kids and their family and their spouses and their career and who they had for law school and who taught them. And how she taught a seminar with him and it just, she always

wanted to network to become your network and so many of us have met through Marybeth's network. So anyway, she advised me to go ahead and do what was best. And then she also said, though, Theodora, "You'll be back if you believe in, I know, you believe in public service and I think that this is not the right time but don't roll it out. Really, you know, consider coming back at some point," which I did.

Theodora Fleurant: Marybeth Peters' impact by mentorship was also shaped by having mentors of her own and their influence on her career. Here's Register Perlmutter and Maria Pallante with further insight.

Register Shira Perlmutter: I think Marybeth would start by pointing to her own mother, but then on the professional front, I would single out Barbara Ringer as I mentioned, the first woman Register of Copyrights, who really broke that glass ceiling after having to sue to claim the very well-deserved position. Marybeth and Barbara worked together for many years, and Barbara was so proud to be able to select Marybeth as a successor. And Marybeth inherited a lot of very important attitudes and perspectives from Barbara: the international perspective, the commitment to a balanced approach to the copyright system, the concern for the less powerful. And I have to add really uncompromising standards of excellence in work product.

Maria Pallante: Marybeth had one really critical mentor, which was Barbara Ringer, that I'm aware of. I've heard her talk about other

people she worked with in the early days of the Copyright Office as a colleague, but in terms of a person who really believed in Marybeth, encouraged her to go to law school and convinced her that copyright was the particular subject that was right for her. It was Barbara Ringer. And she, Marybeth, had been married at a young age. She lived in Rhode Island. That's where she grew up. Um, the marriage didn't work out. Her father died when she was fairly young. Uh, her mother, uh, was injured in a car accident, a bus accident. So, she had a lot of adversity at a young age. And after all of that she, her mother was still in Rhode Island. But she needed a change, and she went to D.C. And again, I think for a lot of women in that era, and this would be the Sixties (60s), government was one of those options where you could get an intellectually interesting job and make decent money, and she needed a change and she went to D.C. And she got a job with the Library of Congress. And it didn't quite make sense for her. She had been a teacher, but met Barbara Ringer at a program for, you know, one of those like programs, orientation programs for new employees.

Theodora Fleurant: Right.

Maria Pallante: Barbara came and spoke about the Copyright Office and Marybeth's eyes lit up and she realized like, first of all, this was an extraordinary woman. She wanted to get to know her better. But secondly, she never knew being a lawyer could be so much fun and be so interesting. And she was hooked and she moved

into the Examining Division as a music lawyer. She had a music background. She played a couple of instruments and had wanted to be a musician at one point in her life. And then, from there, she went to law school at night at George Washington.

Theodora Fleurant: I'm very curious. What instruments did she play?

Maria Pallante: I knew you were going to ask that. I think it was, I think that her primary instrument was the oboe. I think that's right. But I was actually trying to figure that out because for some reason I thought about that question and I don't remember...But she had an aunt. This is a famous story that every copyright lawyer who knew her knows she had an aunt who taught at Julliard and her aunt said, "You're not good enough to be a musician. You need to figure something else out." But she ended up a music examiner, which I thought was great. And she loved music her whole life. I always say she loves copyright law, copyright lawyers, music, and dogs. Those were like her four loves. She would go to the Kennedy Center and I remember this when I came back to work for her towards the end of her tenure. She would go to the Kennedy Center by herself and listen to the orchestra at night just to decompress and to be in heaven. And to her, that was like the, just her time she would not give up for anything. I mean, her, and later in retirement. And when she was ill, she had an extensive CD collection that in her with her in her room and she would play that for her. All of her favorite classical music.

Theodora Fleurant: Marybeth Peters was revered by her peers, colleagues, and was well respected by many individuals in the political sphere. Here's Register Perlmutter, Maria Pallante, and Eric Schwartz discussing this.

Register Shira Perlmutter: Let's say the bottom line is that members of Congress knew that she had expertise and balance and good judgment and that she would always give it to them straight. It was obvious that her advice was apolitical and nonpartisan. So it was exactly what you would want from an independent civil servant. So because of all of that, they listened to her with respect and were respectful and were guided by her substantive analyses. So certainly not every Copyright Office recommendation made it into law. But many of them did, even some that took a number of years to get there. And I never saw anyone question Marybeth's legal reasoning, even if the results sometimes varied.

Maria Pallante: She was, and I'll back up a little bit and just say copyright law, generally speaking, has been bipartisan. You know, it's a federal scheme of protection. It's Congress's job to update it. And I saw that as well when I was Register. The parties work pretty well together. It's more about in copyright, as you know, in copyright, it's more about the give and take and the balance between protection and exceptions. So, she, she knew that because she knew the Copyright Act forward and backward and because of her style of never intimidating or never having sharp elbows, they trusted her. And so, she was in my estimation and from what

I saw, just a beloved witness during hearings and so I did see many members of Congress from both parties just treat her with great respect and genuinely just wanted to know what she thought they should do. And she was, she would laugh during hearings and loosen people up and they would laugh with her. And I think for me, I mean, a lot of people worked with her for a long time. I worked with her early on during the WIPO treaties when she was asked to run some round tables to sort of see where the copyright community was. And then later she was testifying on the Google Books settlement at that point; the one that was not approved by the court, the first one. And she was testifying on orphan works and I think I never saw any, anyone treat it with such not just respect but I would say delight, you know? Just every, she was, she put everybody in a good mood. She I wouldn't say that everything was sweetness and light at all times. I mean, she had a hard job being Register. You have a lot of demands on you. You have a lot of people with a lot of opinions kind of interacting with the Office. You have a job to do to administer the law. You have a lot of stakeholders. You're advising Congress. You're advising the executive branch on treaties and trade agreements. And then, you're running your own round tables because you're doing regulatory processes.

Theodora Fleurant: Right.

Maria Pallante: So, it's a big job and inevitably in an environment like that they're going to be people that disagree with you. And

she had that and she had every now and then some people with sharp elbows, you know, criticizing her and she handled it so beautifully though, you know, she never you know, got into arguments. She would just say, thank you for your opinion and kind of walk away. And I did see that even with a couple of members of Congress, I saw that.

Eric Schwartz: Well, I can't think of example where it wouldn't have come in handy if she had ever had any political enemies in her 45 years at the Office. She had none.

Theodora Fleurant: Wow.

Eric Schwartz: She had none. And across parties and the most parties and the most liberal Democrat and the most conservative Republican would just "Marybeth!" and get hugs, you know, and that is just rare, a rarity in this city. But it is also allows you to be successful for, it's not to say she gets everything she wanted, you know, far from it. The Copyright Office wasn't known as, you know, then or now as a political heavyweight necessarily as agencies go. It's small. It's a, in some ways, a subagency within the Library of Congress, but you know, for budget reasons, obviously, every year, you've got to go to the Hill. And well, first of all, you've got to be part of internal budget process within the Library of Congress, and then you have to go to the Hill and see, you know, your budget request, your technology requests, your staffing requests; any, anything else that you're seeking, and it requires bipartisanship because copyright law, for the most part,

Theodora Fleurant: Right.

Eric Schwartz: Has been very bipartisan. Look at the Music Modernization Act, the most recent major enactment in 2018 passed by voice vote. No opposition in the Senate, I don't believe. I think it was unanimous. I mean, where do you ever, they don't name post offices that easily in this town. And, you know, so it is bipartisan for the most part, but it also takes skill in being able to sell it to a bipartisan group to get it accomplished. And so, that's where I think her respect by both parties and her lack of political enemies made her hugely successful.

Theodora Fleurant: There are many key highlights of former Register Peters' career, but her visionary style of leadership influenced the way she'd lead the Copyright Office on approaching the Internet Age and including the passing of the Digital Millennium Copyright, the DMCA. Here's Register Perlmutter, Maria Pallante, Eric Schwartz, and David Carson discussing this important piece of legislation.

Register Shira Perlmutter: It was a very intense and very exciting time to be working in the Copyright Office. The changes that were happening were not only major, but also rapid. And emotions were running very high, as you might expect, given all of the perceived risks and uncertainty involved. The level of unauthorized uses of copyrighted works in the online environment was just exploding, and it wasn't clear how it could ever be curbed. So, copyright

owners were looking for new enforcement mechanisms. At the same time, online service providers were concerned that they would be held responsible and serve as the deep pockets for all infringement on the Internet. And individual consumers were exploring all of these new capabilities to access and share works without going through traditional publishers. So, everyone had an opinion about how, and even whether, copyright could survive on the Internet. And that feeling of imminent crisis that perhaps the sky was about to fall and the whole world was changing in many ways was very similar to what we're experiencing today with generative AI technologies. In the midst of all of this controversy, the government had to find some solutions and update the law to address the new issues that were arising. So, there was a real sense of urgency. We couldn't wait until it was too late to put appropriate rules in place. The administration issued a report recommending amendments to the Copyright Act. Congress held hearings and drafted legislation and the World Intellectual Property Organization, W-I-P-O, convened negotiations to develop a new international framework to deal with the digital environment. So the office, the Copyright Office, was engaged, deeply engaged, in all of these fronts. So, as you can imagine, things were quite hectic. And fortunately, at the end of the day, the, these efforts were successful. And within just a couple of years, the WIPO Internet treaties were concluded and the DMCA was enacted. And both of them have endured for a quarter century, really laying the groundwork for the development of a thriving online marketplace, even though it's not surprising that they may now be showing their age in some

respects. And there have been discussions about various amendments.

Maria Pallante: Yes, the whole of her registership was, is that a word, registership? It was about technology. So, she came in right before the WIPO Treaties were negotiated. She was named in 1994. Treaties were finalized in 1996. The DMCA was 1998. So, I was only there for one year in the Office at that time and, but watched her role. And her role, her office was involved in with the administration to negotiate treaties. And then once they were finalized, Congress had to implement them, and she was beginning that process of preparing Congress for the changes that would be needed or not needed. You know, a lot of the WIPO Treaties. The U.S. already was in compliance with, and then there were some things that needed to be, be updated, like which was done through the DMCA. So, she was remarkable because when you have a person like Marybeth, that has such a mastery of the law, and technically, right, she knew everything about the Copyright Act and therefore knew what would have to change or not change. But she also, and I think this is really important and maybe why so many people admired and trusted her. She believed in the principles that were at play. So, she knew what the balance was all about. She knew what the public's role was. She knew the criticality of exceptions and limitations. She also knew that authors were different than all copyright owners and that they needed special support. She believed in that. She believed that exclusive licensees or corporations couldn't necessarily speak for authors, even though they were

partners, or they were, you know, they had acquired those rights and they were, therefore copyright owners themselves. She worried about authors and believed in their contributions to society. And so I think a lot of what she has admitted for and will be for a long time is just her commitment to elevating authors, and making sure that they had a voice. And agencies speak for the public through their expertise, whatever the agency's expertise is. And I think, in Marybeth's view, it was important for the Copyright Office to provide some extra support for authors, because they, you know, authors are not organized as well, and there's so many different kinds of authorship. And, I think that was especially true during the technological changes that were at play. She was worried that they would end up not being able to make a living or having their rights weakened.

Eric Schwartz: Chaos—you know. What you have is a combination of, you know, technology and good actors, and not-so-good actors taking advantage of a technology which completely revolutionizes, you know, the music industry, the film industry, the videogame industry, the book publishing industries, all of the software industries, all of the dominant copyright industries what used to be referred to as, you know, the copyright versus the technology war, technology industry wars. I mean, the line's so blurred over time that it was hard to know who's a technologist and who's a rights holder and creator. But you look at what happened in the music industry, you lose what, fifty (50) to sixty (60) percent of revenue and jobs over a 15-year period? In the, you know, film

industry completely reimagines itself and is still doing that in terms of a streaming service and theatrical exhibition and a box office and windows for exhibition and all of that changing. You know, all of the industries undergoing significant change, which results in lost jobs, lost revenue, and then, you know, things start to recoup some and are redeveloping, but in different ways and with completely new actors as well. And through it all, the Office has to maintain some equanimity in terms of taking its positions, always supportive of creators and producers, but also cognizant of this significant impact on users, right? I mean that's the constitutional mandate as it were, you know, the progress of science. But I think that the Office had to have positions that were understanding of the various parties. Not necessarily the bad actors, right? You have to. Enforcement against those, but against the new actors and the development of new technologies. And it also meant that the office had to undertake its own complete revision and reengineering, which Marybeth was very much part of. I mean, the first thing that happened in the very early nineties was Barbara's suggestions for the so-called ACCORD report, you know, a future office in which we used to jokingly say, "It's all about the database, stupid." But that's what we are, paraphrasing the Clinton administration on the economy. But that's what we were, right? The Copyright Office at the end of the day is a database of information. And the idea that it could be an electronic database where information could be reliable, created by a government, open to the public for free, amendable, both on registration and recordation. This was Barbara's vision of it all was important and

we, Barbara, Marybeth, and I went around to industries. I remember to academia and spoke to all these places and said, this is the future of what the office should be. And then, Marybeth takes over in August of [19]94 and has to basically reengineer the office, which she does. The organizational structure, the work structure of all several hundred I think it was 500 at one point. It's now somewhere in the 400 employees at the Copyright Office. So, you know, you have to tell all these folks that they have new tasks, new roles, and new technologies to get them there. It took time. The idea for an electronic registration system, I always tell people, was on my desk when I left the Office in September of [19]94 and it was implemented for the first time in July of [20]07. So, you know, little gap there. Yeah. That was electronic recordation system has only come to fruition, what, in the last year or so. So, right, so it's a little bit of time there. But it's there or getting there or getting there and certainly significantly improved, but and they had some hiccups along the way, some technological hiccups, but and they had some hiccups along the way, some of the things, you know, Copyright Office, had to rely on some of the systems of the Library of Congress for a variety of reasons. Right, the Library has always used the registration system for library cataloging purposes. So, there was all of that intertwined with what they were trying to do for the broader copyright community. And Marybeth, of course, is the one, you know, steering the Office through all of that. And again, you know, a different type of leader, one screaming and yelling and people, you know, leaving the office would have had a different

result. And that was not Marybeth. And I think a lot of people sort of look and that included the Hill. We're spending money to make these changes, you know, where are they? And, you know, she was accomplishing as best she could and as quickly as she could.

David Carson: Wow, that was tough. It was, I mean, we were all people who knew copyright law and policy very well, but we were not technology experts. And we had to deal with those issues. And we were muddling through it like everyone else was. Marybeth actually probably was better equipped than many of us because she had spent a fair amount of time prior to becoming registered dealing with software copyright issues. And a lot of the issues that yeah, we had to deal with in the Age of the Internet. We're sort of related to software copyright. So, she was probably better equipped to deal with it than some of us, and she is certainly able to speak with authority on it. She was very much involved with the WIPO 1996 diplomatic conference, which led to what we call the WIPO Internet Treaties. It's the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty and with their implementation here. So, she, this is before my time, spent quite a bit of time working on those issues. I got here, just as the DMCA was about to be enacted. So, we were dealing with that as well. You know, this was a case where you had to talk to all the stakeholders. So, we had people coming at us from all sides and we had folks in Congress coming to us for our advice as well. It was also a time, and I would say from after the DMCA in 1998 up until the Music Modernization Act in 2018, where, well, if you

look at the number of bills impacting copyright that were enacted in Congress, there's a fair number of them, none of them would be considered major legislation. And the reason for that was that you basically had legislative gridlock. I mean talk about legislative gridlock in Congress. That's no surprise, but on copyright matters, you had gridlock because you had two blocks of interest groups. You had copyright owner groups, picture studios, record companies, publishers, and so on, who had quite a bit of influence on the Hill. But you also had the tech companies, which had increasing, about increasing amounts of influence on the Hill. And each of them had enough power to make sure that legislation that was really bad for them wouldn't get enacted. They didn't have enough power to overcome the other side. So they were sort of a stalemate. So, you didn't a whole lot of major legislation enacted for really that 20 year period. So there were hearings every year and Marybeth was a regularly featured witness at those hearings. She was a favorite witness, I think, of both committees. So, she was before them all the time. And we do a lot of the groundwork in helping her prepare her testimony and so on. And we'd be reaching out to all the stakeholders and getting their input. But, there wasn't major progress, I would say, on these issues. During her tenure, through no fault of hers, I mean, she was doing her best to make it, make recommendations and so on, but just because Congress just in a position to do anything because of these major interest groups that were sort of at loggerheads.

Jose Landivar: Register Peters is credited with being largely responsible for the development of the first electronic registration system and once described it as being her legacy. Here is Register Perlmutter and Maria Pallante discussing the transition of the registration system from paper to digital, as well as more recent advancements made by the U.S. Copyright Office that Register Peters would likely have been in support of.

Register Shira Perlmutter: I am absolutely sure Marybeth would be delighted by the work the office is doing these days and I wish I had the opportunity to talk to her about it now. I would single out two particular items. First, is our IT Modernization Initiative, which builds on that initial digital registration system that she spearheaded and takes it to the next level. Marybeth would be really excited to see the Enterprise Copyright System, or ECS, that we're developing which, when it's finished, will make all of our services, not just registration, but all of our services, digital, interconnected, flexible, and really user friendly that she in a way that past systems have not been. Second, I know she would be excited about the creation of the first-ever Copyright Small Claims Tribunal in the United States. We launched the Copyright Claims Board, or CCB, last June, to hear cases claiming damages of up to \$30,000 and the CCB is now making justice available to people who in the past couldn't afford to litigate their copyright claims in federal court. This would have meant so much to Marybeth who cared tremendously about helping individuals without extensive resources or expertise.

Maria Pallante: So, the electronic system was really important to her and getting the funding for it and getting the support from the Library of Congress because the Copyright Office doesn't have its own IT. It's part of a bigger agency. And I think just um, advocating for that system and getting it and moving from paper to electronic was a big deal. It was the first phase. And so, you know, at that time in government, it, I mean, it was what, 2007. And I think that's just about when I came back to the Office. It had been planned maybe before that for a few years. But it was, I think it was common in government. It was really about at that point, taking a paper system and kind of replicating it electronically. And once it was finished, she knew that was a first phase and that there was a more nimble version to come. And she was very encouraging and interested when I was Register of what those additional phases would be. And one of, one of the things that didn't get finished, and still isn't finished that she was particularly interested in was the recordation system separate from the registration system. So, I don't know if that's what you mean by the question, but that's made some progress over the years. And so, in an ideal world, she wanted to have the ability for people to register, then you could also easily check where work had been licensed and in what ways and who were the subsequent downstream copyright owners and was could you also easily figure out the term of copyright and when it was expiring and had it been left to somebody in a will, or, you know, through an assignment or bequest. And I think having that whole system kind of interrelate,

which is a much, you know, a much more sophisticated version of an electronic office was what she was really supportive of. And in the government, especially these kinds of changes take years because you're dealing with old paper records and then you're trying to integrate a new system. You don't want to just have a line of demarcation, like from this period forward, everything's electronic and everything backwards isn't. So, she, I think would be proud of the way that the registration system has kept moving and become more of its own thing. And I know, the office today is looking at issues such as does everything have to be submitted in physical form. And if isn't, do we even need to have full deposit copies or can there be identifying material? There are lots of different questions and that's the great thing about the Copyright Office, is that, when people work at the Copyright Office, they realize that administering the law is the key to understanding the most fascinating copyright questions of all. Someone's registered for a joint authorship. Is this a joint authorship? What are the elements of joint authorship? You know, and you see it in real life and you know, somebody's filed for termination. Have they, are they terminating properly within the statute? Why are they terminating? Are they actually going to use the copyright again? And then, in terms of litigation, of course, the Office works with the DOJ and the Solicitor General, especially on Supreme Court cases. And so, I think for Marybeth there wasn't one element of the Copyright Office that she loved. I think she loved all of it. Just all of that fascinating intellectualism that comes with administering the law.

Jose Landivar: One of Register Peters' key accomplishments was establishing the Office of Policy and International Affairs within the Copyright Office, to support it in advising on domestic and international policy and engaging in discussions on international trade. Here are Register Perlmutter and Maria Pallante discussing Marybeth Peters' perspectives on international copyright law and policy and her contributions to the field.

Register Shira Perlmutter: This was very important to Marybeth. She was a true believer in a global copyright community. She carried on Barbara Ringer's legacy of connection to and caring about creativity everywhere in the world and an understanding, a recognition of the importance of a copyright framework that respected and accommodated differences. Marybeth also spent time as did I, working at WIPO and she never lost her contacts with the friends and colleagues that she had met there. When she became Register, she traveled almost indefatigably. I was amazed by how much time she spent abroad connecting with copyright officials and countries of all sizes. And as I learned, when I started traveling abroad myself, everyone knew Marybeth. She also welcomed international visitors to the Copyright Office including through the International Copyright Institute, co-sponsored with WIPO, which we continue to host. And she placed tremendous importance on the Office's role in bringing people together to share information and to share perspectives and in helping define compromise

approaches that could be widely adopted in countries of all sizes and all legal systems.

Maria Pallante: Marybeth Peters was, if there was such a thing as the copyright ambassador of the United States, that's who she was. She, and I'm sure other people will tell you this, but I, at the end of her career, when I returned to the Office, I returned to the Office about four years before she retired. And I was her, first her deputy general counsel, and then I was her Associate Register for Policy and International Affairs. And so, she was already sort of beginning to take her last trips. So, she, you know, would take a last trip to Brussels or she would take a last trip to WIPO and I would go with her and others would go with her as well. But when you see her, when you saw her in an international context like that, it was like being around a rock star. I mean, just all kinds of people would just navigate to her, but this is the international version of what we had already seen domestically. And so, there would be people just from every continent coming up to her, making a beeline for her or, and I know that, you know, a lot of people will say this too, but her laugh was so indelible and so distinct and so joyous and loud that you would hear her laugh and you would see all of these people turn their heads and say "Marybeth is here!" And you'd be in this formal environment of the World Intellectual Property Organization and she would be, you know, just so glad to see her best friend from, you know, I don't know, Kenya, and it was like that with her. And so she was, she just loved copyright law and she loved every aspect of it. And I

think internationally, her personality was just so, open and friendly. That those gifts really worked well and she was synonymous with the U.S., the United States when it came to copyright law. That's how people, when they thought of the U.S. and copyright law, they thought of the Copyright Office, and they thought of her. She had taken a year, and before she was Register and worked at W-I-P-O, she had worked in Geneva for about a year as a consultant and got to see it on the ground. And so, as Register, you're administering the U.S. Act. At WIPO, they're administering Berne and now the WIPO treaties and also patent treaties. And so, you just begin to see it on different levels. And I think that she imported that knowledge and I think took, know, I'm just thinking about this for the first time, but I think she took that, that weight very seriously, that the U.S. would be watched and needed to have the highest of standards when it came to our own law and our own processes, testimony reports and we haven't talked about reports, but a lot of the reports that she did had international elements to them. So, whether it was first sale or following the WIPO treaties or the public performance right, and how the U.S. law was actually deficient, relative to other countries. She wouldn't, she knew that. She had just a mastery of international as well as U.S. law. And she created the position of Associate Register for Policy and International Affairs. And Shira Perlmutter was the first person to be in that role. I was a policy advisor at that same time. That was back in the early days of Marybeth's tenure. And then later I was her, you know, her Associate Register for Policy and International Affairs.

And other people who you've mentioned and who you'll be talking to served in that role. And again, just kind of thinking about this for the first time, she would often say you, if you're going to be a senior person in the U.S. government at the Copyright Office, you have to know international law. It's not enough to know all of our litigation and all of our, all of the chapters of the U.S. Copyright Act. You have to understand the role of the Office on the international arena. And so, she would kind of encourage people to go into international and to go into the international department. And she was right. I mean, it totally enriches your practice and your expertise as a U.S. Copyright lawyer to understand the international framework and how other countries implement treaties, which is sometimes differently than we do it, you know. We don't have a top down approach in the U.S. where we say, "what does the treaty say? Okay, that's the supra law." We incorporated and implement treaties into our own law and maybe not exactly as they were adopted as treaties, but in compliance. But other countries do use the treaties almost effectively as their laws. And that's important to know. But to your question, she loved international law. She was famous internationally. Beloved, you know, really an international thinker and I think really encouraged the people she mentored to, to do those periods of service as in the international department that she had created.

Jose Landivar: We asked our guests to share some of their most treasured memories of Marybeth Peters. Here are Eric Schwartz and David Carson.

Eric Schwartz: Anyone who worked with her will first say the laugh, the cackle that you would hear. You know, anywhere in the Office, we were in the same suite as policy planning advisors in the Register's suite. So, multiple times a day, because she was just a joyful person. The other thing that you had to love about Marybeth is that no one loved to tell Marybeth stories, more than Marybeth, and including the most embarrassing stories she loved to tell about herself and then would get the biggest laugh out of them. I was recently listening to an oral history that Marybeth did for the Library of Congress some years ago, about a decade ago. And I had heard the story before, but she was just laughing at her, this hilarious story of her being on a formal visit on behalf of the librarian of Congress to visit the Library of Brazil. And this is an official delegate to go meet. And while, the morning before she's supposed to have this important meeting, she was being led around by someone from the Embassy, I believe. And they were on their way to have breakfast. And Marybeth was dressed for these government meetings and she stepped fully clothed into the pool at the hotel, with her briefcase floating on the surface of the pool.

Theodora Fleurant: Wow (laughs).

Eric Schwartz: And she's telling this story now, 15, like anyone else would. Nobody is ever to know this happened sort of thing to that one person or I'll kill you even if you do live in San Pablo. But no, Marybeth comes back and tells everyone this story, and how, you know, her passport's still soaking wet the next day when

she has to travel. And the customs agent says, "What happened?" And she says "Don't ask." And the customs agent just says to her, "Just go. You've had a tough day." You know? And that was one of the sort of things that she just loved to do. So, and she had, and we had, she I had all sorts of adventures and misadventures, and the two of us sitting and telling those stories. And then Barbara, when she was retiring, we went and visited her, in the nursing home and we sat around for a day telling these stories and just laughing, with, the fourth person was David Albee, who had worked with Barbara for a long time. Just the four of us laughing about all of our misadventures in the Office, as anyone would do in a place. But, you know, Marybeth is the one telling. And remember the time, I, and you know, those are not, that's not a typical way an individual, especially one who's the head of an agency, will talk about themselves. Uh, forget the formalities, it's just the lack of, of being, embarrassed by it. But in fact, it's amusing. It's funny. And it got a laugh out of everyone who would be around her, which made her a joy to work with. I know David Carson has said that every day he worked with her was a joy. He was General Counsel when she was Register. And, I know that's the case because as long as I got to work with her and as long as I got to know her, we always had, you know, you could have a very serious conversation about very serious subject matters, whether case, regulatory, developments in the world of copyright, and you could also have, a lot of laughs being around her.

David Carson: I wish I could tell you one of the stories that she would tell, that anyone who spent much time with her would hear her tell, but I couldn't begin to do it because the way she told it was just so hilarious. She had a story about being trapped in an office building in Saudi Arabia in the 1980s, when there was only one female minister in the entire government and she was in this building and needed to use the restroom. And the only women's restroom in the entire building was in this minister's office because the minister was a woman. And so they let her up there. And somehow she locked into the bathroom, and to hear her tell it, and she could tell it in a hilarious fashion that, I mean, she'd be yelping throughout it, and the whole audience would just be, pounding on the walls, pounding on the doors, uh, figured she was going to have to spend the night in there and finally someone came and rescued her. It doesn't sound very funny when I tell it, but hilarious. She had another story when she was in Rio de Janeiro, about to give a speech, got all dressed up, went to the hotel rooftop where she was having brunch before going off to this conference, where she was going to speak. Walking out onto the rooftop, seeing Sugarloaf Mountain in Rio de Janeiro, off in the distance and just sort of being mesmerized by it and walking toward it, not realizing that between her and the edge of the roof was the swimming pool, which she immediately fell into. And then there's a long story about how someone took her and took her into their home and quickly dried it, et cetera, et cetera. I mean, again, not so funny when I tell it. Hilarious when she tells it. So, she was a great storyteller, and usually when she told those

stories, as I said, she was the butt of the joke. Um, brighten up a room in ways that I couldn't begin to hope to. After she retired from the Copyright Office, her dearest companion was her dog, Maggie, which was a Bedlington Terrier that she went with her good friend Kate Spelman to pick up in Wales. Just about any time I'd go over to visit her over the last decade or so, well, A, she'd have Maggie there with her, which was wonderful and B, you know, she'd pull out her pictures of her trip to Wales with, with Kate when they picked up Maggie, and the dog's a little puppy, Maggie. And particularly, during the COVID years when she was living in an assisted living facility when she couldn't have any visitors for a year, which was incredibly difficult for her and for us. At least she had Maggie which probably kept her going. Yeah, sorry, I'm just getting a little choked up thinking about her.

Theodora Fleurant: Register Peters was a brilliant copyright expert, but she connected with so many people. One of her beloved recognized qualities was her infectious laugh. Here's Register Perlmutter, Richard Dannay, and Maria Pallante on Register Peters' laugh.

Register Shira Perlmutter: It was very distinctive and you could hear it in a crowd or in a big group at a meeting and you immediately knew Marybeth was in the room. I think the best way I would describe it is that it was a, just an uninhibited shriek of joy. And it was definitely a trademark.

Audio from Marybeth Peters: Well, they didn't ask me first. They didn't ask me first (laughs).

Richard Dannay: Oh, absolutely. It was at the level of a trademark. Believe me. It was a distinctive laugh. You didn't have to be within sight of Marybeth. You could have been at the opposite side of a large room filled with people. But when you heard that laugh, the first name that came to your mind was Marybeth. I mean, I wish I could imitate it for you. I can't. I don't think it is capable of being. It's certainly not capable of being duplicated and I don't even think imitated. But it was you know, it was a distinctive laugh but again, it was more than just a laugh and more than just something that signaled her presence. It was a little bit of, I don't want to overuse the word, but her humanity. Her notion of being really just one of the people in the room. She wasn't standing above anybody else. She wasn't distant. She wasn't superior. She was just a friend, a colleague. And that she could laugh like that, in her distinctive way, I think just made everybody at ease. And I know I always felt because I attended every single annual meeting for about 40 in person for about 47 straight years. So, I was there every time Marybeth was there. And I remember, I would be sitting in some meeting room or the dining room not really able to see her. She was at a table at the other end of the room. And I would hear that hear that laugh. And I would say to myself, "Marybeth is here, and we have just started the meeting." That's the like, you know the opening bell on Wall Street. Marybeth's laugh was the opening of any meeting. But I

think, you know, while it was such a distinctive laugh, did, I think reflect so well on, on who she was as a person. A colleague. A friend, a mentor to everybody. And she never stopped helping anyone. She always had time for everybody to avail themselves of her knowledge, her experience, her judgment, her sensitivities in this matter, whether you are a first-year colleague or, you know, a 50-year colleague she was there for you. So, that left me is, you know, I guess borrowing from the trademark world, her trademark.

Maria Pallante: It was quite unforgettable and it was up until the very end of her life. I mean, I remember she was suffering. She was ill. I would go to see her and she wasn't able to be really verbal, but, you know, I would say, "Oh, you look so pretty today," and she'd always have a book in her hand and classical music on and she would just laugh. She'd do that laugh. It would just, even though she wasn't speaking a lot, she was still laughing. And of course all her caregivers loved that too, right? I mean, who doesn't love somebody that's smiling and laughing all the time? Just really put people at ease.

Theodora Fleurant: Register Peters was a renowned scholar, expert, and leader at the U.S. Copyright Office. Her legacy left a mark, and so here are a few parting words describing how Register Peters would want to be remembered. Here's Maria Pallante, Eric Schwartz, and David Carson.

Maria Pallante: I think her legacy is twofold. I think she was an exceptional copyright lawyer, public copyright lawyer and leader who, whose contributions to the jurisprudence are going to be quoted for a really long time to come. But I think she was uniquely a copyright ambassador for the field for generations of lawyers.

Eric Schwartz: Well, back to something I said earlier, she said that the way she would want to be remembered, I asked her this just in a personal conversation, and I think I included it in the tribute that I wrote in the Journal of the Copyright Society, the year she retired. So, a little over a decade ago. She said that the way she wanted to be remembered was that she had been a good leader in the Office and a good friend to people in the Office and someone that, a good manager to people in the Office. And so, every, her sense of accomplishment was looking inward. Not just at herself, but at the place she worked for 45 years, the Copyright Office. Did I do right by the Office? Did I improve the Office? And did people in the Office feel good about being in the Office and doing a good job there? And that is about the highest compliment one could say about Marybeth, because it's not about her personal accomplishments, but it's about an agency and its successes and her wanting to be successful, there and being so devoted the agency that she wanted it be successful, not necessarily herself to be successful.

David Carson: But she was known to the copyright community the world as just sort of one of the leading American voices on

copyright law. So she knew it all. But that's not the most important thing about her. The most important thing about Marybeth was her personal qualities. I never met anyone like her. I've never met anyone who, I think I can say without reservation, you couldn't meet Marybeth without falling in love with her. She was just a wonderful person. Outgoing, funny. Not a telling joke kind of funny, but someone who nevertheless, less had fun, enjoyed what she was doing, wasn't afraid to tell jokes about, about herself. And told many wonderful funny stories about herself where she was sort of the butt of the joke. Had an inimitable laugh, which I'm sure probably everyone you've spoken to has talked about. If you were working in the Register suite, which is a relatively large suite, with quite a few offices in it, you would hear her laugh punctuate your day several times a day. And, she was just a joy to be around, and everyone I've met her would say the same thing about her. I've always said that working for Marybeth, A, didn't feel like you were working for her. It felt like you were working with her. And secondly, it didn't feel like work. It felt like fun. Everyday was fun. I looked forward to coming into the Office everyday because I was going to spend some time with Marybeth. And It was just a joy to do.

OUTRO

Audio from Copyright Clearance Center

Announcer/Interviewer: Why would Congress, why would government want to be involved in promoting science and art?

Audio from Marybeth Peters: Well, they certainly should be. Uh, involved in promoting knowledge and also useful arts in a country that is just now being formed. Um, and they learned from England, um, uh, about the importance of copyright, the first Copyright Act 1710, um, in the United Kingdom, and we sort of copied that. But, what the four founders of this country recognized that, in order to have a great country, you really have to incentivize people who are talented: people who are creative. And the whole purpose of being creative or in the patent system with the useful arts, is for the benefit of society. So, it wasn't really they looked at other systems. You know, the church used to basically, you know commission pieces. They looked at how people earned their livings in the creative arts and they decided that this is the way to go: empower Congress for the benefit of the people of the United States.

Jose Landivar: This video was recorded shortly after Marybeth Peters entered into retirement. And just prior to Marybeth's retirement, former President Clinton wrote the following about Marybeth's service, as the Register of Copyrights:

"With your tenure in this role, coinciding with the rise of the Internet and the advent of the Information Age, you have truly forged a path into a vast new frontier. Your efforts to shape intellectual property policy during this incredibly dynamic and challenging era have not only upheld the American principle of ownership of one's work but have also helped to lay the legal groundwork upon which the future of communications,

the arts, and information technology will be built. You can take pride knowing that the contributions you made throughout your 45 years of service to our nation will continue to have great influence for decades to come. Your example is an inspiring one, and I thank you for a job well done.

Sincerely,

Bill Clinton"

Theodora Fleurant: A wise person once said that everyone to whom much is given of him, much will be required. And from him to whom they entrusted much, they will demand more. Marybeth Peters embodied this statement and more. Her contributions to copyright law, leadership, and humanity, towards her colleagues and adversaries alike, distinguished her from the many copyright experts of her time. Her character and demeanor differentiated her teaching and mentoring style. Our current generation of copyright lawyers rests upon her shoulders, which only provides an extraordinary reflection of her talent and gifts to present such complicated and necessary work in our culture. And so, we'd like to thank Register Perlmutter, Maria Pallante, Richard Dannay...

Jose Landivar: Eric Schwartz, and David Carson. Audio recordings used with permission from the Copyright Clearance Center.

Intro/Outro Voiceover

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And don't miss **Building Belonging**: a podcast that embraces authentic conversations about DEIB solutions by amplifying the most marginalized voices in the legal industry and exploring spaces others dare not.

This podcast was produced by Theodora Fleurant and Jose Landivar and edited by Eli Cohen.