In a wild time for copyright law, the US Copyright Office has no leader

In the meantime, the Copyright Office is in the odd position of attempting to carry on as though it wasn't missing its head. Immediately after Perlmutter's dismissal, the Copyright Office paused issuing registration certificates "out of an abundance of caution," according to USCO spokesperson Lisa Berardi Marflak, who says the pause impacted around 20,000 registrations. It resumed activities on May 29 but is now sending out registration certificates with a blank spot where Perlmutter's signature would ordinarily be.

This unusual change has prompted discussion amongst copyright experts as to whether the registrations are now more vulnerable to legal challenges. The Copyright Office maintains that they are valid: "There is no requirement that the Register's signature must appear on registration certificates," says Berardi Marflak.

In a motion related to Perlmutter's lawsuit, though, she alleges that sending out the registrations without a signature opens them up to "challenges in litigation," something outside copyright experts have also pointed out. "It's true the law doesn't explicitly require a signature," IP lawyer Rachael Dickson says. "However, the law really explicitly says that it's the Register of Copyright determining whether the material submitted for the application is copyrightable subject matter."

Without anyone acting as Register, Dickson thinks it would be reasonable to argue that the statutory requirements are not

being met. “If you take them completely out of the equation, you have a really big problem,” she says. “Litigators who are trying to challenge a copyright registration’s validity will jump on this.”

Perlmutter’s lawyers have argued that leaving the Copyright Office without an active boss will cause dysfunction beyond the registration certificate issue, as the Register performs a variety of tasks, from advising Congress on copyright to recertifying organizations like the Mechanical Licensing Collective, the nonprofit in charge of administering royalties for streaming and download music in the United States. Since the MLC’s certification is up right now, Perlmutter would ordinarily be moving forward with recertifying the organization; as her lawsuit notes, right now, the recertification process is not moving forward.

https://arstechnica.com/tech-policy/2025/06/in-a-wild-time-for-copyright-law-the-us-copyright-office-has-no-leader/