

**Before the**  
**UNITED STATES COPYRIGHT OFFICE**  
**The Library of Congress**

**Group Registration of  
Updates to a News Website**

**Docket No. 2026–5**

**Submitted June 29, 2026**

**COMMENTS OF THE NEWS/MEDIA ALLIANCE IN  
RESPONSE TO NOTICE OF PROPOSED RULEMAKING**

The News/Media Alliance (“NMA”) welcomes the opportunity to submit these comments in response to the Notice of Proposed Rulemaking on Group Registration of Updates to a News Website, 91 Fed. Reg. 31,684 (May 28, 2026) (“NPRM”).

The News/Media Alliance is a nonprofit organization representing over 2,000 newspaper, magazine, and digital media publishers in the United States, ranging from the largest news and magazine publishers to hyperlocal newspapers, and from digital-only outlets to papers who have printed news for centuries. NMA membership accounts for nearly 90 percent of the daily newspaper circulation in the United States and over 500 individual magazine and digital-only brands. As trusted and respected providers of high journalism, NMA members’ content educates, informs, and entertains millions of Americans on a daily basis, covering natural disasters, conflict zones, school boards, townhalls, entertainment and the arts, and other matters of public interest to local, national, and international communities.

An efficient and accessible copyright registration system is a major priority for publishers of all sizes, and we commend the Office for introducing and strongly support this update to the rule on Group Registration of Updates to a News Website (GRNW). Our membership includes publishers who have decades if not centuries worth of experience in registering their mastheads as well as publishers who have only started or restarted doing so recently. Copyright registration provides rightsholders with significant benefits – including, crucially, access to the courts and statutory damages – that enable publishers’ continued investments in high-quality news and original content, a bedrock of American democracy. These benefits are of particular importance with the emergence of generative artificial intelligence and the resultant systemic, large-scale unauthorized copying and use of publisher content.

Against this background, NMA has for long worked with the Office to develop procedures and options for publishers to efficiently and easily register their content, starting with the amendments digitizing the Group Registration of Newspapers application in 2018 and, more recently, the adoption of the GRNW option in 2024. We acknowledge and commend the Office for the constructive discussions it has held with news publishers over the years and the significant changes it has adopted, particularly with the development and adoption of GRNW, which provided publishers with an opportunity to register their dynamic online content effectively for the first time.

***The Proposed Rule is a Welcome Improvement that Should be Swiftly Adopted***

GRNW is a substantial success story. As the NPRM notes, “many aspects of the group registration option have functioned as intended,”<sup>1</sup> and publishers have embraced the option with open arms. As of June 2026, the Office has registered more than 3,100 works under the GRNW option – each of these registrations represents a group of daily editions of news websites in a given month, including the individual constituent articles, photos, and other content owned by the publisher to which the registration extends – with registrants ranging from large national or global publications, such as *The New York Times*, *Vanity Fair* and *The Guardian* to smaller or segment-targeted publications such as the *Idaho Statesman*, *Rochester Democrat & Chronicle*, *Southwest Iowa Herald*, *MarketWatch*, *Mashable*, and the *New York Magazine*. While the range of successful registration applications represent a wide variety of publishers and publications, other news publishers have been deterred from filing or had their applications delayed or rejected due because a “news website” is defined as an outlet that “is designed to be a primary source of written information on current events, either local, national, or international in scope, that contains a broad range of news on *all subjects and activities and is not limited to any specific subject matter.*”<sup>2</sup>

While the Office has applied this definition leniently, the phrase has created confusion and difficulties for publishers regarding their websites’ eligibility for registration under the rule’s definition of “news website,” in addition to potentially adding administrative time for the Office to examine these claims. In the final rule adopting GRNW, the Office noted that the definition “is very broad and it is intended to make any newspaper eligible for a group registration,”<sup>3</sup> but that “if the definition proves too rigid or unworkable, the Office is willing to revisit this issue based on its experience in administering this rule.”<sup>4</sup> We strongly agree with the Office that the time to revisit the issue is now.

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<sup>1</sup> Group Registration of Updates to a News Website, 91 Fed. Reg. 31,684, 31,684 (May 28, 2026).

<sup>2</sup> Group Registration of Updates to a News Website, 89 Fed. Reg. 58,991, 58,999 (Jul. 22, 2024) (hereinafter “Final Rule”).

<sup>3</sup> *Id.* at 58994.

<sup>4</sup> *Id.*

The NPRM rightly proposes removing this excess clause to confirm registration eligibility for the many publisher websites that exhibit hallmarks of news websites, such as adhering to the standards of journalistic integrity, regular content updates, and public accessibility, but whose scope of coverage may or may not meet the subject matter required by the rule. News properties, especially digital-native outlets, are often segmented in response to user demand and how online news is discovered, accessed, and consumed by readers. With the fragmentation of reader-interests, subject-matter focused publications make information easier to find and more appealing to many. Specialized outlets often cover their topics and related issues from various angles with, for example, a video gaming website covering game reviews, business developments, product announcements, related popular culture, and investigative journalism into the gaming industry as a whole. Similarly, a business-oriented publication may cover travel, leisure, or real estate, and a sports website may include investigative reporting on issues ranging from doping to sexual harassment, in addition to athletic coverage and equipment reviews. All share the hallmarks of news publishers.

In practical terms, the existing definition has created uncertainty, causing some NMA members to avoid applying and risking a rejection based on their editorial coverage.<sup>5</sup> Some also expressed concerns that this part of the rule is being applied inconsistently, with some specialized properties being registered successfully, while others have been rejected. NMA believes that the better approach is to eliminate subject-matter based distinctions or the appearance of an examiner making judgments about a news website based on its editorial choices, which raise serious First Amendment risks.<sup>6</sup> Under the Copyright Act, specialized or niche compilations of articles on particular topics or interests are “none the less a subject of copyright,”<sup>7</sup> and the proposed update respects the diversity of journalistic practices, the dynamic nature, and operational realities of modern news media. The revised definition also maintains the process- and structural-based considerations underlying GRNW option (*e.g.*, deposit considerations for large, dynamically updated websites). Overall, the revised definition is a welcome change that will increase access to the registration system and reduce confusion by applicants, to the benefit of publishers, the Copyright Office and Library, and ultimately the overall public.

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<sup>5</sup> NMA is aware of scores of frequently updated news websites that fall into this category and currently do not register any of their indisputably copyrightable subject matter. In addition, the high fees associated with requesting reconsideration of denials are an additional deterrence factor.

<sup>6</sup> See *Vidal v. Elster*, 144 S. Ct. 1507, 1514 (2024). Content-based law must be narrowly tailored to serve compelling state interests, *Reed v. Town of Gilbert, Ariz.*, 576 US 155 (2015), and even under the lower standard of intermediate scrutiny, regulations must be sufficiently tailored to serve an important governmental interest, *Turner Broad. Sys., Inc. v. FCC*, 512 US 622 (1994).

<sup>7</sup> *Bleistein v. Donaldson Lithographing Co.*, 188 US 239, 251 (1903).

## ***The Updated Definition Should Have Immediate Effect, and Apply to All Applications in the Pipeline***

The proposed update should be adopted swiftly, and with immediate effect. This broader conception of the rule was supported by all commenters who weighed in on the question in the original GRNW rulemaking,<sup>8</sup> and it is common for the Office to make refinements or adjustments to new registration options soon after promulgation.<sup>9</sup> The Administrative Procedures Act permits rules to become effective immediately when they “relieve[] a restriction” (here, the subject matter eligibility restriction), as well as for reasons of “good cause,” such as when delay would be “impracticable, unnecessary, or contrary to the public interest.”<sup>10</sup> Comments received during the GRNW rulemaking urging the Office to refrain from including this phrase, as well as subsequent stakeholder engagements documenting copyrightable publications that are ineligible to make timely registration due to the eligibility limitation, also demonstrate the “urgency of the conditions [the rule is] designed to correct.”<sup>11</sup> And as the Office is well aware, the benefits of registration are timebound, with harsh penalties for registrants of published works who miss the three-month window under section 412. The

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<sup>8</sup> See Final Rule at 58933 (“...multiple commenters urged the Office to expand the rule’s definition of “news website” by removing the condition that the website must contain news on all subjects and activities.”); ABA–IPL, Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 2 (Feb. 20, 2024); Am. Intell. Prop. L. Ass’n (“AIPLA”), Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 1 (Feb. 20, 2024) (“We encourage the Office to reconsider [the definition of ‘news website’] and clarify the final clause—‘not limited to any specific subject matter’—which could be construed as excluding news websites with an industry-specific focus (e.g., wired.com), and thus unnecessarily limiting access to this group registration option.”); Copyright All., Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 4 (Feb. 20, 2024) (“We urge deletion of the phrase ‘. . . on all subjects and activities and is not limited to any specific subject matter’ in the proposed rule....”); Harvard Bus. Publ’g (“HBP”), Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 9-13 (Feb. 20, 2024); John Murphy, Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 9-13 (Feb. 20, 2024); Nat’l Ass’n of Broad. (“NAB”), Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 3 (Feb. 20, 2024); NWU, NPPA, & NASW, Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 12-13 (Feb. 20, 2024); News/Media Alliance, Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 8 (Feb. 20, 2024); The Authors Guild, Comment Letter on Proposed Rule Regarding Group Registration of Updates to a News Website, at 2 (Feb. 20, 2024); see also Letter from Ass’n of Am. Publishers et al to Suzanne Wilson, Gen. Counsel and Assoc. Register of Copyrights (Apr. 4, 2024).

<sup>9</sup> See, e.g. Group Registration of Newspapers, 84 Fed. Reg. 3,698 (Feb. 13, 2019) (adjusting “group registration option for newspaper issues” three months after issuing to remove a three-month deadline for submitting this type of claim); Secure Tests, 82 Fed. Reg. 52,224 (Nov. 13, 2017) (adding additional procedures for group registration of secure tests); Music Modernization Act Notices of License, Notices of Nonblanket Activity, Data Collection and Delivery Efforts, and Reports of Usage and Payment, 85 Fed. Reg. 84,243 (Dec. 28, 2020) (adjusting specific provision related to reporting ‘pass-through’ licenses in connection with a larger section 115 rulemaking).

<sup>10</sup> 5 U.S.C. 553(d)(1) (3), (b)(B).

<sup>11</sup> H.R. Rep. No. 79–1980, at 260 (1946). See 5 U.S.C. 553(d) (30-day notice not required where agency finds good cause).

Office has previously exercised its regulatory flexibility to adopt rules immediately,<sup>12</sup> and should do the same here to adopt a simple change to improve access to the registration system with significant upsides and minimal downsides. Overall, the proposed update would best promote administrative efficiency, and any delay would be unnecessary or contrary to the public interest.<sup>13</sup>

NMA encourages the Office to specify that, once adopted, applications acted on after the rule's effective date will apply the new definition, regardless of when the application was first filed, since uniform administration would promote efficiency and would not prejudice members of the public or stakeholders vis-à-vis the government. Doing so would minimize any cloud or need to appeal negative decisions that would have been approved under the updated rule, following its adoption. Failing to apply the rule immediately to pending applications, meanwhile, would increase pendency and complexity for both the Office and the applicants.

### ***NMA Welcomes Continued Dialogue and Refinement of the GRNW Option***

NMA strongly urges the Copyright Office to adopt this update as proposed, expeditiously, and with immediate effect – it is significant step forward and an appropriate response to stakeholder feedback.<sup>14</sup> Looking ahead to subsequent refinements, NMA also stands by the other suggestions made in our initial GRNW rulemaking comments.<sup>15</sup> To continue to make the registration of news content more format-agnostic, the Office should consider including publisher-owned or operated mobile applications in the definition of eligible “news website.” The Office should also revisit the author and claimant requirements, requiring the collective work to be a work made for hire, as well as its statements regarding the availability of statutory damages and the “independent economic value” test. Finally, NMA notes our recently filed comments in response to the alternative fee structures study, and particularly our request that the Office develop an efficient way for publishers to register individual online works in bulk. Such an option would allow publishers to register material first-published on a third-party app or website, avoid any questions around eligibility for statutory damages or attorneys’ fees for individual works, and provide another path to provide deposits – potentially significantly increasing participation in the copyright system. We also reiterate the importance of continued modernization of the Office’s registration systems, including technical solutions and user

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<sup>12</sup> See, e.g., Filing of Schedules by Rights Owners and Contact Information by Transmitting Entities Relating to Pre1972 Sound Recordings, 83 Fed. Reg. 52,150 (Oct. 16, 2018); Technical Amendments Regarding Electronic Submissions to the Copyright Office, 85 Fed. Reg. 19,666 (Apr. 8, 2020).

<sup>13</sup> 5 U.S.C. 553(b)(B).

<sup>14</sup> In removing the content-based limitation from the definition of a “news website,” the proposed update does not amend any other part of the regulation.

<sup>15</sup> See News/Media Alliance, Comment on Proposed Rule Regarding Group Registration of Updates to a News Website, at 9-13 (Feb. 20, 2024).

experience improvements that tie neatly into publishers' production processes. We look forward to continuing discussions with the Office on these issues.

### **Conclusion**

The GRNW rule was a major step in providing publishers with a meaningful and realistic way to register their website content. Publishers have by and large embraced the new option with open arms, with many registering their content for the first time or reviving past practices. The last two years have demonstrated the virtue of updating the current definition of a "news website" to attract and process registrations by publishers focused on servicing readers interested in specific subject-areas. The proposed update would remedy this concern and make the GRNW option more widely available to numerous publishers. We applaud the Office for listening to stakeholder feedback and for introducing this proposed rule. We urge you to adopt it as soon as possible and with immediate effect, and stand ready to answer any questions you may have.