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The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
2309 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
2426 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

As a strong proponent of effective and consistent copyright protection, Oracle Corporation welcomes the House Judiciary Committee's policy proposal on copyright reform, and thanks the Committee for the opportunity to comment on its recommendations. Oracle offers an integrated array of applications, databases, servers, storage, and cloud technologies to empower modern business. Oracle provides a wide choice of software, systems, and cloud deployment models—including public, on-premises, and hybrid clouds—to ensure that technology flexes to the unique needs of a business. More than 420,000 customers across 145 countries have harnessed Oracle technology to accelerate their digital transformation.

As a stakeholder that is interested in the success of the Copyright Office, Oracle respectfully submits these comments in response to the House Judiciary Committee's Reform of the U.S. Copyright Office policy proposal (the "Proposal"). The Proposal is a practical solution to significant issues facing the copyright community arising from the Copyright Office's inadequate IT infrastructure, lack of budget authority, and limited autonomy in deciding matters directly affecting its own operations. Those issues were detailed in this Committee's February 26, 2015 hearing, "U.S. Copyright Office: Its Functions and Resources." The Copyright Office plays an essential role in the copyright system as a whole, which has helped make the United States the world leader in technological innovation. Indeed, Oracle invests over \$5 billion a year in research and development because it knows that the intellectual property that it develops will be protected by U.S. law. For all of the reasons set forth below, the Proposal is a sensible approach to ensuring the continued vitality of the copyright industries as well as American jobs and innovation.

First, the Proposal moves copyright policy in the right direction by equipping the Copyright Office to better serve the needs of its many stakeholders. The Copyright Office performs a unique function within the Federal government, interfacing directly with individual copyright owners on a daily basis. The Proposal would protect and enhance the Copyright Office's ability to perform this function by providing it much needed control over its own budget and technology needs. As was detailed in the Committee's February 26 hearing, lack of funding has left the Copyright Office severely understaffed, leading to significant delays in processing both copyright registrations and recordations, as well as impeding its ability to create new services to better serve 21st Century needs. The Copyright Office also is unable to roll over its funds from year to year, making it difficult to build an adequate reserve for capital projects.

Second, the Proposal would make the position of Register of Copyrights a Presidential appointment requiring the advice and consent of the Senate. This change is critical for two reasons. First, as noted in the Proposal, as a Presidential appointment, the Register will be held directly accountable for the Copyright Office's activities. In elevating the Register, it is important that this Committee maintain its historic relationship with the Copyright Office, ensuring a frank, independent and constructive exchange of information and advice. Second, this change will raise the profile of the Copyright Office within the U.S. government and abroad, reflecting the significant and expanding role that U.S. copyright plays in the American and global economies.

Third, the Proposal would create advisory committees for the Copyright Office, similar to those of the Patent and Trademark Office, consisting of stakeholders who frequently use the Office's services. Establishing such channels of communication is essential to ensuring the efficient functioning of the Copyright Office as it will enable those working directly with the Copyright Office to discuss needed changes on an ongoing and constructive basis.

Fourth, the Proposal anticipates the Copyright Office will move forward with its IT modernization plan. As a technology company, Oracle supports the modernization of the Copyright Office's information technology systems, particularly its ability to provide robust online registration and recordation services – in particular, programmatic, high speed, and high volume access. Furthermore, we support proposals that include enhancements to the copyright application form, improved online status information for pending applications, expanding electronic filing to include recordation of documents, and generating a unique URL for each registration.

Finally, the Proposal anticipates the creation of a copyright small claims system within the Copyright Office. Oracle recognizes that smaller rights-holders, including technology start-ups, could benefit from a more accessible forum for litigating infringement claims. Creating such a system within the Copyright Office is a sensible solution to this problem, particularly if the system includes adequate safeguards for copyright defendants, such as requiring both parties to opt-in and a ceiling on damages.

There is one provision in the Proposal that should be reconsidered. The Proposal suggests allowing Section 512(f) claims to be brought in the copyright small claims system. Oracle would recommend initially focusing the system on ordinary copyright infringement claims before including additional types of claims. This would allow the

Copyright Office to develop necessary internal procedures without burdening it with additional, unrelated claims.

In summary, the Proposal represents an admirable step in the Judiciary Committee's efforts to update the copyright system for the 21st century. Oracle looks forward to working with your Committee in the future to further develop this Proposal and improve the Copyright Office to meet the needs of its stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason M. Mahler", with a stylized flourish at the end.

Jason M. Mahler  
Vice President, Government Affairs