

January 31, 2017

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
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:

We at the UCLA Library read with great interest the proposal on “Reform of the U.S. Copyright Office,” issued by the committee on December 8, 2016.

We applaud you for crafting such a model proposal, written in clear language that a non-lawyer can easily understand and just one page in length. We also very much appreciate that you have invited input on the proposal from stakeholders, which has been a hallmark of the preceding stages of the committee’s review of U.S. copyright laws.

Your goal of ensuring that the Copyright Office keeps pace in the digital age is one we share. However, we would welcome some clarification on aspects of your proposal and raise the following concerns in advance of that.

Copyright Office Structure

Regarding the Office’s structure, we sincerely hope you view its future as remaining within the Library of Congress. That position enables it to fully serve the legislative and executive branches with “independent and timely advice,” as it does now and has done since its founding, while leveraging the broader Library’s technological, functional, and administrative capabilities to improve its operations, broaden its services, and anticipate changing needs. Please bear in mind

that, per the Copyright Office's own website¹, providing "technical assistance" to Congress is merely one of its five functions. Its current location enables it to also serve the many other audiences in need of its services, resources, and expertise.

The Library collects materials in every conceivable format by every type of creator from nearly every country around the world; it thus remains constantly current with changes in the marketplace for creators, producers, and consumers of recorded information. The challenges the Library faces on a daily basis to preserve and provide access to this rich and varied material inform and support the Office's work and keep it abreast of emerging trends and needs.

By the same token, the Office enhances the Library's work, not only building Library collections through the deposit provision of copyright registration, but also advising on rights and licensing issues related to Library holdings. These invaluable services enable the Library to make its collections accessible to the American public to the broadest extent allowed by the law for teaching, learning, invention, engagement, and enjoyment.

Administering the registration of copyrighted works is a central responsibility of the Copyright Office, and the existing registration system clearly needs to be entirely revamped to support the needs of content creators, content users, and the general public. Librarian of Congress Carla Hayden has stated repeatedly that modernizing the Library's information technology is among her top priorities, and she and her staff set to work on it immediately. Her record managing similar efforts in the past provides reassurance that improvements will begin to appear soon, including in the Copyright Office. Moving the Office out of the Library would only delay those improvements; it would also waste federal funds by requiring the duplication of similar processes and expertise across the two newly separated entities.

Standing Advisory Committees

We found your proposal to create standing advisory committees an interesting one. Although other federal agencies may use such committees to facilitate "knowledge transfer from the private sector," in this case such committees would also facilitate equally essential knowledge transfer from the educational sphere and civic advocacy organizations to the Copyright Office. We welcome further discussion and expansion of this element.

In conclusion, I would like to emphasize the stake that libraries have in how the copyright system is administered. We see the tremendous benefits to society produced by creators who make use of copyrighted materials and want to support that. We are creators ourselves and want to protect our own rights in our creations. We offer guidance every day to people who want to use materials in our collections, whether in straightforward cases like a quotation from a recently published book or more challenging situations such as a photograph whose creator or owner is long lost to history.

We pride ourselves on the depth and rigor of our knowledge of copyright because we see daily the benefit it offers and the impact it has. Research that grows out of copyrighted material drives economic growth, saves lives, and eases suffering; engagement with copyrighted material

¹ "Providing technical assistance to the Congress and to executive branch agencies." U.S. Copyright Office, <https://www.copyright.gov/circs/circ1a.html> (accessed January 26, 2017)

produces art in all media that captures and expresses the human condition. Students learn, businesses thrive, and our society advances because of the role of libraries.

Please respect our knowledge, experience, and judgment, and take our concerns to heart. Thank you for inviting our input; we look forward to continuing to engage with you and your staff on important issues regarding U.S. Copyright Law.

Sincerely,

A handwritten signature in black ink that reads "Virginia Steel". The signature is written in a cursive, flowing style.

Virginia Steel
UCLA Norman and Armena Powell University Librarian

cc: Dianne Feinstein, Senator, U.S. Senate
Kamala Harris, Senator, U.S. Senate
Darrell Issa, Member, U.S. House of Representatives Committee on the Judiciary
Zoe Lofgren, Member, U.S. House of Representatives Committee on the Judiciary
Judy Chu, Member, U.S. House of Representatives Committee on the Judiciary
Karen Bass, Member, U.S. House of Representatives Committee on the Judiciary
Eric Swalwell, Member, U.S. House of Representatives Committee on the Judiciary
Ted Lieu, Member, U.S. House of Representatives Committee on the Judiciary
Carla D. Hayden, Nominee, Librarian of Congress