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Dear Member of Congress,

We write today to discuss Copyright Office modernization, an important issue with serious implications for all Americans. We represent all parts of the “information ecosystem”—creators, innovators, users—and, consequently, are dedicated to safeguarding freedom of expression and the vibrant public domain from which it draws and to which it contributes.

Collectively, the members of Re:Create operate over 100,000 libraries visited by the public 1.5 billion times per year; fight censorship by repressive regimes globally; provide platforms that enable music and video content to reach a global audience; create new and interesting works of art, literature and video enjoyed by wide audiences; invest in new startups and entrepreneurs; and generate billions of dollars in revenue for the motion picture, recording, publishing and other content industries. While our individual organizations maintain diverse views of specific issues, we are united in our overarching respect for copyright and concern for its future.

In this digital age, we agree there is a clear need to upgrade and modernize the Copyright Office and view the upcoming appointment of a new Librarian of Congress for the first time in three decades as an opportunity for just such potentially transformative change. We believe that reforms both to improve the process of registering copyrights and to improve the transparency and accessibility of this information to the public are crucial. Additionally, while Re:Create members have diverse views as to the appropriate home for the Copyright Office, we are united in our belief that the case has not been made for transforming the Copyright Office into an independent agency.

In March 2015, the Government Accountability Office (GAO) issued two key reports outlining much-needed reforms: “[Copyright Office Needs to Develop Plans that Address Technical and Organizational Challenges](#)” and “[Strong Leadership Needed to Address Serious Information Technology Weaknesses](#).” Together, these reports include over 30 recommendations on how to improve and modernize the information technology (IT) infrastructure of the Copyright Office and the Library of Congress. Many of the GAO’s recommendations focus on the need for better IT leadership, specifically the need to establish a permanent Chief Information Officer (CIO) who can manage and modernize the Library’s IT infrastructure. We are pleased that the Library of

Congress recently appointed a CIO, and hope Congress will work with the CIO to rapidly implement all of the GAO's recommendations.

Aside from the use of information technology within the Copyright Office, a full discussion of Copyright Office modernization must also examine how the Office approaches the interaction of copyright and information technology more generally, along with the Office's ability to interface with and be responsive to the public. A thoroughly modern Copyright Office will be one able to carefully weigh the interests of rights-holders, the rapidly evolving creative market, and the greater public of information users and consumers (often creators themselves), with an eye toward finding the appropriate balance to foster more, rather than less, speech. For example, in the context of the Digital Millennium Copyright Act (DMCA) rulemaking, a more thorough and balanced assessment of the public's reliance on exemptions for cell phone unlocking or access to works for the blind and print-disabled could have altered the Office's ultimately countermanded recommendations to eliminate those exemptions. In the case of cell phone unlocking, a fuller consideration of the needs of the public during the rulemaking process may even have prevented the need for Congress to step in to protect consumers' ability to use the devices they own on the network of their choice.

Additionally, there are many groups claiming that there is consensus for making the Copyright Office an independent agency outside of the Library of Congress. However, there is no such consensus. The diverse undersigned groups all agree that the case has not been made for transforming the Copyright Office into an independent agency. Specifically, there has yet to be any explanation of how that would somehow resolve the information technology issues within the office, or enable the Office to be properly responsive to the public.

We thus strongly encourage Congress to work on targeted and immediately implementable solutions to the problems of the Copyright Office that the GAO and others have already identified: solutions that, in the long run, will streamline the Office, and further the goals of the Office and the Copyright Act itself.

Thank you for your time and attention to this important issue.

Sincerely,

Joshua Lamel
Executive Director