

**Society of American Archivists
Council Conference Call
February 6, 2017
2:00 – 3:30 pm EST**

**Consent Agenda: Ratify Executive Committee Interim Actions
(Prepared by Executive Committee Member Rachel Vagts)**

BACKGROUND

Current parliamentary policy agrees on validating board decisions made remotely, and ratifying the Council's online and conference-call decisions via the Consent Agenda does not conflict with any existing SAA policy.

DISCUSSION

Given the Executive Committee's use of an e-mail discussion list to function as a group and make decisions remotely, approving interim Executive Committee actions via the Consent Agenda contributes to streamlining the group's work and improves access to the interim decisions of SAA's elected decision makers.

RECOMMENDATION

THAT the following interim actions taken by the Executive Committee between December 7, 2016, and January 26, 2017, be ratified:

- Agreed to join with the Council of State Archivists, the National Association of Government Archives and Records Administrators, and the Regional Archival Associations Consortium to submit "[Recommendations on Federal Archives and Records Management Issues](#)" to the Trump presidential transition team. (December 7, 2016)
- Voted "no" to the NISO Ballot N920.NWIP. Description and Presentation of Rights Information in Digital Collections, based on the research and recommendation of SAA's Intellectual Property Working Group. (December 29, 2016)
- Approved a response, drafted by SAA's Intellectual Property Working Group, to the Librarian of Congress's solicitation regarding the qualities she should consider as she selects the next Register of Copyrights. (See Appendix) (January 26, 2017)

Response to Librarian of Congress’s Call for Recommendations for Selecting the Next Register of Copyrights (Prepared by SAA’s Intellectual Property Working Group)

1. [447 words]

In detailing the knowledge, skills, and abilities we believe to be the most important for the Register, the Society of American Archivists (SAA) takes as its starting point the Copyright Office’s mission statement: “To **administer** the Nation’s copyright laws **for the advancement of the public good**; to **offer services and support to authors and users** of creative works; and to **provide expert and impartial assistance** to Congress, the courts, and executive branch agencies on questions of copyright law and policy.”¹ The statement may be divided into three essential roles the Office plays.

Administration and recordation

A Register must be able to manage a large workforce and update the Office’s registration and renewal of copyrights recordation processes.

The Copyright Office currently fails to fulfill its promise to rights holders and to users because of outmoded access technologies. Legacy copyright registrations and renewals should be easily searchable in a publicly available free database. An individual with administrative ability and vision, who will prioritize technological improvements in this most critical area, is a must.

Advising the government

An essential qualification for a Register, in addition to having the necessary knowledge of copyright itself, is a long history of public service, and a background, whether in writing or in practice, that shows breadth and balance in copyright experience.

The Register is by statute the nation’s most important expert on copyright matters because it is from the Register’s office that Congress takes much of its leads with respect to copyright laws. Because Congress relies heavily on the Register for wisdom gained from a deep and subtle understanding of the principles of copyright, the Register must have a commanding knowledge of the law of copyright, the workings of markets that rely on its laws, the impact of copyright on those markets, and a broad understanding of stakeholders, big and small, and their needs and viewpoints. The Register must also be capable of earning the respect and trust of a broad swath of stakeholders in order to forge agreements that result in improvements in the law.

Administering the law

A Register should understand and respect the appropriate limitations of the Copyright Office and the role of the Register.

¹ As found on the Copyright Office website, www.copyright.gov

SAA is particularly concerned about recent efforts to expand the role of the Copyright Office to encompass enforcement and adjudication through the establishment of a copyright Small Claims Court. This is a worrisome overreach. Enforcement and adjudication of copyright are the exclusive jurisdiction of the Executive and Judicial branches, respectively, and the Copyright Office is not, and cannot be, equipped to handle these roles in a way that respects the careful balances established by Congress.