



March 28, 2017

Congressman Bob Goodlatte
Chairman, U.S. House of Representatives Judiciary Committee
2138 Rayburn House Office Bldg.
Washington, DC 20515

Honorable John Conyers, Jr.
Ranking Member, U.S. House of Representatives Judiciary Committee
2138 Rayburn House Office Bldg.
Washington, DC 20515

Response to HR-1695 and the Register of Copyrights

Dear Congressman Goodlatte and Congressman Conyers:

The Society of American Archivists (SAA) appreciates your effort to modernize the United States Copyright Office (USCO), as reflected in HR-1695, introduced on Thursday, March 23, 2017. However, we believe that removing the Register of Copyrights from direction by the Librarian of Congress would result in a diminishment of Congress' constitutionally-mandated authority regarding copyright. Therefore, we urge that the bill be delayed in order to provide the public adequate time to weigh in on this significant and highly damaging piece of legislation.

As Copyright Clearance Center attorney Roy Kaufman stated in a pointed article in *The Hill*, "our 21st century copyright needs are managed by a Copyright Office using 20th century systems and processes," (March 27, 2017). Although the Office staff does admirable work in recording and administering copyrights, the recordation task is hobbled by outdated technology, an unnecessarily complicated registration process, and, most importantly to archivists, a prohibitively complicated process for searching and otherwise gaining access to the records. Without effective management of and access to the data, the registration process fails to fulfill its promise to rights holders and to users.

The USCO's primary mission is to provide registration and renewal of copyrights, maintain a record of those acts, and provide the public with access to those records. These are the primary duties of the overwhelming majority of the more than 400 employees at the

Office: managing data and receiving, preserving, cataloging, and making accessible the huge volume of requests received each year. This is work that librarians are uniquely qualified to handle. The overlap between the work of the Office and its parent institution, the Library of Congress, is obvious and significant. With the Library of Congress now under the leadership of a highly skilled librarian, the Office is finally poised to take the steps needed to modernize in order to serve its primary and most essential function. No single step would be more important, either to copyright holders or to users of copyrighted material, than retaining the office within the Library of Congress.

However, HR-1695 will have the opposite effect. By separating the Register from the Library of Congress and making the Register a political appointee, the bill, if enacted, would create a strong incentive to politicize the Office, strongly discouraging the appointment of a Register with the competence needed to manage the Office and oversee the day-to-day operations. Previous Registers have sought increasingly to agglomerate legislative and judicial functions to the Office. This bill would exacerbate the problem. The Office would no longer have oversight from Congress, in whom Constitutional authority for maintaining the copyright balance is vested.

Furthermore, the bill's provisions for the terms and method of the Register's appointment do nothing to solve the fundamental problem that the Office caters to special interests rather than those of the American public. In fact, the 10-year term will only encourage the misuse of the Office as a stepping stone to lucrative positions on the other side of the revolving door. The previous two Registers both have left their positions for lobbying positions in the "creative content industry." What the Office, and the country, need in a Register is not one who is skilled at lobbying for legislation, but one who is skilled at running our copyright system.

We urge you to give this bill due time for consideration in the Judiciary Committee and the Subcommittee on Courts, Intellectual Property and the Internet in order to develop provisions which truly address the problems currently affecting the Copyright Office.

Sincerely,



Nancy Y. McGovern
President, 2016-2017
Society of American Archivists



March 28, 2017

Senator Chuck Grassley
Chairman, U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Bldg.
Washington, DC 20510

Senator Dianne Feinstein
Ranking Member, U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Bldg.
Washington, DC 20510

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