

The Authors Guild, Inc.

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June 8, 2016

Dear Representatives:

We greatly appreciate the increased funding provided to the U.S. Copyright Office in the most recent appropriations bill. As expressed in our letter of April 14, 2016, the copyright owner and user communities urgently need a modernized copyright office. We write now to express concern, however, about the directives to the U.S. Copyright Office contained in the House of Representatives Appropriations Committee's 2017 Legislative Branch Subcommittee Appropriations Report, and specifically that the Copyright Office "utilize the new hosting facility [to be shared with the Library of Congress] as the primary data center for infrastructure support."

Shared services, to the extent they will result in cost savings and avoid redundancies, are, of course, favored. Our understanding, however, is that the Library's new IT plan is so wholly different from that which would serve the needs of the U.S. copyright system that inefficiencies will be incurred rather than alleviated, especially through shared services with the Library's planned new data center. A nimble copyright system should not be tied to a data center.

The Copyright Office's five-year IT plan, *Provisional Information Technology IT Plan* (the "IT Plan"), was designed to bring the Copyright Office, at last, into the 21st century. We believe that the concerns noted in the Report that the Copyright Office did not work collaboratively with the Library's CIO are incorrect. The Copyright Office's report was prepared over the course of several years with a great deal of public input, including from the copyright community and user groups, and pursuant to Congressional hearings, strategic planning, and no less than three rounds of public comment by the entire spectrum of U.S. copyright stakeholders. After a September 18, 2014 House Judiciary Committee hearing on Copyright Office oversight and a subsequent round of public comments, then a February 26, 2015 House Judiciary Committee hearing on the functions and resources of the Copyright Office and another round of comments, the Copyright Office issued a report on December 1, 2015 setting forth the overall strategic plan, followed by

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the IT Plan on February 26, 2016, which was followed by another round of public comments. The IT Plan was prepared responsibly and transparently, with full input of the public.

It is our understanding that most of the strategic thinking for the Copyright Office's IT Plan occurred before the Library's CIO commenced work at the Library, and that the Library created a plan for a new data center knowing that the Copyright Office already had a technology plan that in no way used a data center. Rather, key to the Copyright Office's IT Plan's design is its embrace of state of the art technology that "leverages flexible cloud technologies, while minimizing the need for an unwieldy and capital-intensive data center."

By contrast, the Appropriations Committee's directives will entrench the Copyright Office in the 20th century. The "shared services" the Committee Report contemplates are precisely the type of "unwieldy and capital intensive data center" that an efficient and tech-savvy Copyright Office must avoid at all costs if it is to continue serve its increasingly sophisticated clients, who contribute trillions to the U.S. economy.

We are fearful that after years of careful planning, the Copyright Office will be delayed or thwarted from building the nimble IT system that the Office needs to serve the copyright community, and, what's worse, the creative class will have to pay for this data center it is charged with serving. Of particular concern to the nation's creators will be the fact that this "data center" will be partially funded by an increase in Copyright Office fees. This is of acute concern to individual authors, who may not be able to afford increased fees, which will inevitably result in a reduced number of registrations by individuals—a result that is contrary to the interests of the public in encouraging registration to support the production of more copyright records, as well as the interests of creators in having their works protected.

For the sake of those creators, the industries they have built into cultural and economic forces around the world, and their ability to compete in an increasingly sophisticated international creative marketplace, we respectfully request that you reconsider the directive that the Copyright Office now must scrap years of work and create a new plan to use a data center that the copyright community does not need or want.

We thank you sincerely for your attention to the needs of the U.S. copyright owners and users.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary E. J.", with a long, sweeping horizontal line extending to the right.

Mary Rasenberger
Executive Director
The Authors Guild