



December 22, 2023

*Via email*

Suzanne Wilson  
General Counsel and Associate Register of Copyrights  
Library of Congress  
U.S. Copyright Office  
101 Independence Avenue S.E.  
Washington, DC 20559-6000

Re: Summary of *ex parte* meeting between the Copyright Alliance and U.S. Copyright Office on the NPRM relating to Access to Electronic Works

Dear Ms. Wilson,

This letter summarizes the December 19, 2023 *ex parte* meeting (“December 19 Meeting”) that occurred via Microsoft Teams videoconference starting at noon ET between the Copyright Alliance, Motion Picture Association, and representatives of the U.S. Copyright Office’s (“Copyright Office”) on the [Notice of Proposed Rulemaking](#) (“NPRM”) relating to Access to Electronic Works [Docket No. 2023-3] dated September 1, 2023.

Representatives participating in the December 19 Meeting on behalf of Copyright Alliance were Keith Kupferschmid, CEO, and Rachel Kim, Copyright Counsel. They were accompanied by Terrica Carrington, Senior Counsel & Director, Law, Policy & International, of the Motion Picture Association, who participated in the first 30 minutes of the meeting. Representatives participating in the meeting on behalf of the Copyright Office were Suzanne Wilson, General Counsel and Associate Register of Copyrights, Robert Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, Erik Bertin, Deputy Director of Registration Policy and Practice, and David Welkowitz, Attorney-Advisor. The objective of the meeting was for the participants to discuss the NPRM, the Copyright Alliance’s written comments on the NPRM, and to ask and answers questions related to issues presented by the NPRM.

The Copyright Alliance began by asking about the timeline, context, and reason for publishing the NPRM. In this regard, the Copyright Alliance raised concerns about the prioritization of this proposed rule over other pending and long-awaited modernization and registration updates, such as dynamic web registrations, registration options for small business entities, and group registrations for 2-D works, and stressed the importance of the Copyright Office implementing, as soon as possible, these long-awaited updates.

The Copyright Alliance then asked about how copies were transferred from the Copyright Office to the Library, and what the Library does and does not do with those copies. The Copyright Alliance reiterated its primary concerns, as voiced in its filed comments, about the handling of electronic deposit copies once they are in the Library's collections and the lack of opportunities for copyright owner input and transparency over such processes and practices. In this regard, the Copyright Alliance urged that Library policies and practices affecting electronic deposits of copyrighted works require heightened transparency and stakeholder engagement and reiterated the main request from its comments regarding the necessity of binding written commitments from the Library related to the treatment of electronic deposit copies. The Copyright Alliance added that Library management, practices, and policies will change over time, and non-binding commitments lack the force to ensure that copyright owners' concerns will be heard and adequately addressed over these electronic deposit issues.

The meeting then closed with the Copyright Alliance reiterating its support for the Copyright Office's modernization efforts to its registration practices and systems and urging increased transparency and copyright owner engagement on these efforts where they affect the security and rights over copyright-protected works.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Kupferschmid', with a long horizontal flourish extending to the right.

Keith Kupferschmid  
CEO  
Copyright Alliance  
1331 F Street, NW, Suite 950  
Washington, D.C., 20004