

December 20, 2024

Via email to Brandy Karl bkarl@copyright.gov

Suzanne Wilson
General Counsel
U.S. Copyright Office
101 Independence Ave. SE
Washington, DC 20559

Re: Summary of December 13, 2024, *Ex Parte* Meeting Regarding Docket 2023-3

Dear Ms. Wilson:

This letter summarizes the December 13, 2024, *ex parte* meeting that occurred between representatives of the Association of American Publishers (AAP), Recording Industry Association of America (RIAA), and U.S. Copyright Office in connection with the Rulemaking on Access to Electronic Works (2023-3).

The following individuals attended the meeting:

- Terry Hart, General Counsel, AAP
- Susan Chertkof, SVP, Legal and Regulatory Affairs, RIAA

From the U.S. Copyright Office:

- Suzy Wilson, General Counsel and Associate Register of Copyrights
- Brandy Karl, Assistant General Counsel
- Laurie Ann Taylor, Attorney Advisor
- Rob Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice
- Erik Bertin, Deputy Director of Registration Policy and Practice

During the meeting, AAP and RIAA reiterated their view that express statutory authorization for any acts arising from use of and access to electronic deposits that implicate copyright owners rights was necessary. They raised concerns about the Office relying on fair use for the uses contemplated by the rulemaking, as had been suggested in another party's summary letter.¹ AAP and RIAA also discussed security concerns in light of the recently reported breach of Library of Congress email communications with Congressional offices by an adversary.²

¹ Authors Alliance and Library Copyright Alliance letter to US Copyright Office (August 27, 2024), <https://www.copyright.gov/rulemaking/edeposit-access/ex-parte-communications/Authors-Alliance-LCA-Ex-Parte-Meeting-Summary-Aug-27-2024.pdf>.

² <https://apnews.com/article/library-of-congress-email-breach-20ee9a6c45ec8bef1899f7e753163e4f>.

Sincerely,

Terry Hart
Susan Chertkof