



August 2, 2024

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, the U.S. Copyright Office, and the Library of Congress on the NPRM relating to Access to Electronic Works

Dear Ms. Wilson,

This letter summarizes the July 30, 2024 *ex parte* meeting (“July 30 Meeting”) that occurred in-person at the U.S. Copyright Office and via Zoom videoconference between the Copyright Alliance, representatives of the U.S. Copyright Office (“Copyright Office”), and representatives of the Library of Congress (“Library”) regarding the [Notice of Proposed Rulemaking](#) (“NPRM”) regarding Access to Electronic Works [Docket No. 2023-3] dated September 1, 2023.

Representatives participating in the July 30 Meeting on behalf of the Copyright Alliance were Keith Kupferschmid, CEO, and Rachel Kim, VP, Legal Policy and Copyright Counsel. Representatives participating in the meeting on behalf of the Copyright Office were Suzanne Wilson, General Counsel and Associate Register of Copyrights, Brandy Karl, Assistant General Counsel, Laurie Ann Taylor, Attorney Advisor, Robert Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, and Erik Bertin, Deputy Director of Registration Policy and Practice. Representatives participating in the meeting on behalf of the Library of Congress were Robin Dale, Deputy Librarian for Library Collections and Services, Hannah Sommers, Associate Librarian for Researcher & Collections Services, David Brunton, Director of Digital Services, and Hope O’Keefe, Associate General Counsel.

The Copyright Alliance began by thanking the attendees, especially those representing the Library, for joining the meeting and expressed hope that this meeting would be the beginning of a dialogue with the Library that has not existed previously. The Copyright Alliance then summarily restated its position that statutory and/or regulatory changes would be necessary to effectuate an expansion of access to electronic deposits of copyrighted works received by the USCO and selected by the Library through Section 408 of the Copyright Act, but agreed to table those issues for a separate, future meeting.

The Copyright Alliance expressed its general support of the Copyright Office and Library's transitions to an electronic preferred system, and urged continued engagement, transparent policies, and meaningful mechanisms for copyright owner stakeholder to provide feedback as necessary elements of this transition. The Copyright Alliance noted that it and its members are ready and available to assist the Copyright Office and the Library on any technical issues and discussions where electronic deposit copies are involved.

Additionally, the Copyright Alliance stressed that its members are concerned about the proposed rule in the broader context of legal challenges to copyright owners as digital and physical copies of copyrighted works are treated differently under the Copyright Act. The Copyright Alliance explained that, in the future, there will no doubt be pressure on the Library to expand access to its collections beyond access presently allowed through the Stacks terminals, and since that includes access to electronic deposits, it is important to codify the processes, parameters, and scope of what is and is not allowable with these deposits now—during this transition—so that everyone involved understand the rules of the road and there is no ambiguity in the future.

The meeting concluded with the Copyright Alliance reiterating that it and its members remain ready and available to engage in further conversations with the Copyright Office and Library and to consider any necessary changes to the statute, regulations, and rules concerning the expansion of access to electronic deposit copies by the Library.

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