



August 8, 2024

**Via E-Mail**

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

**Re: Summary of *ex parte* meeting regarding Docket No. 2023-3, Access to Electronic Works.**

Dear Ms. Wilson,

On August 5th, the News/Media Alliance (“N/MA”) met with representatives from the U.S. Copyright Office (the “Office”) and the Library of Congress to discuss the Office’s notice of proposed rulemaking relating to access to electronic works dated September 1, 2023.

Participants in the meeting on behalf of N/MA were Regan Smith, SVP & General Counsel, Charlotte McBirney, Senior Counsel & Director of Public Policy, Rhyia Bibby, Law Clerk, and Johannes Munter, J. Munter Consulting Ltd. Representatives from the Copyright Office were Suzanne Wilson, General Counsel and Associate Register of Copyrights, Brandy Karl, Assistant General Counsel, Laurie Ann Taylor, Attorney-Advisor, and Robert Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice. Representatives from the Library of Congress were Robin Dale, Deputy Librarian for Library Collections and Services Group, David Brunton, Director of Digital Services, Hannah Sommers, Associate Librarian for Researcher & Collections Services, Hope O’Keefe, Associate General Counsel, and Kristi Conkle, Collection Development Officer.

N/MA expressed appreciation for the Copyright Office’s recent finalization of the Group Registration of Updates to a News Website rulemaking and noted the importance of its members being able to efficiently register their copyrighted material, as a predicate to ever being considered for the Library’s collections.

Regarding the Access to Electronic Works rulemaking, N/MA thanked the Copyright Office and Library for convening the meeting and expressed interest in learning more regarding current access conditions and security measures, as well as any plans to expand access to materials that the Library receives via copyright registration deposits. News publishers have special

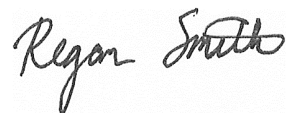


experience with the existing regulatory provision in 37 CFR 202.18, which currently allows the Library to provide electronic access to materials submitted under the group registration of newspapers option. To N/MA's knowledge, the current access restrictions and electronic deposit system for newspapers are working reasonably well. However, robust consultation would be required before expanding those conditions of access to newspaper deposits and extreme care taken to prevent encroachment on publishers' monetization of their copyrighted material. N/MA further noted that the proposed rulemaking would also affect other members, including magazine publishers, who currently submit electronic deposits that are not presently eligible for the Library to provide access to under section 202.18.

Representatives from the Library shared information regarding current conditions of access, as well as various security measures and protocols it employs. N/MA asked whether the Library had any plans of expanding access to copyrighted content, such as increasing the number of Stacks terminals or users, or allowing offsite access to copyrighted material. N/MA encouraged the Library or Copyright Office to further publicly document details around the access to electronic deposits, including onsite and offsite use of materials, and security practices, suggesting this would facilitate transparency and understanding among copyright owners regarding Library practices. N/MA further encouraged the Library to confirm in writing that it does not plan to further expand conditions of access to materials subject to 202.18.<sup>1</sup> N/MA noted that its members publish a wide range of historical and culturally important writings and share a high regard for the importance of historical records and archives.

N/MA appreciates the Copyright Office and the Library's consideration of the views discussed during the meeting and remains available to respond to any follow-up questions. We look forward to continued dialogue between its members and the Library.

Sincerely,



Regan Smith  
Senior Vice President & General Counsel  
**News/Media Alliance**

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<sup>1</sup> Our meeting also referenced a publicly available demonstration of Stacks, the Library's restricted online portal that houses non-public domain digital collection items ([stacks.loc.gov](https://stacks.loc.gov)) and updates the Library has made to the public description of its surplus books program. See <https://www.loc.gov/item/webcast-11256/> starting around 12:06 and <https://www.loc.gov/acq/surplus.html>.