



January 31, 2017

VIA EMAIL

Carla Hayden
Librarian of Congress

RE: Comments in Response to Library of Congress Survey

Dear Ms. Hayden,

The Electronic Frontier Foundation (EFF) submits these comments in response to the Library of Congress's survey concerning the selection of a new Register of Copyrights. EFF is a non-profit, donor-supported organization that promotes civil liberties in the digital world. Founded in 1990, EFF advocates for balanced copyright policy that promotes access to information, freedom of expression, and innovation.

1. What are the knowledge, skills, and abilities you believe are the most important for the Register of Copyrights?

The Register of Copyrights should, first and foremost, be an effective and creative administrator with the skills to oversee the Copyright Office's statutory functions and services. He or she should have management experience in government or other large organizations. The Register should demonstrate an ability to seek out diverse information sources and points of view, and to render independent and objective advice. As copyright law now impacts the lives of everyone in the United States through its impact on information technology, the Register should have demonstrated familiarity and experience with the concerns of both copyright holders and users of copyrighted works.

2. What should be the top three priorities for the Register of Copyrights?

- i. Modernize the Copyright Office's infrastructure to reduce registration delays and make registration data available to the public through an online database.
- ii. Provide thorough and unbiased reports to Congress upon request. When analyzing potential changes to copyright law, the Register should consider the impact of such changes on both copyright holders and users of copyrighted works.
- iii. When participating in international policymaking or advising other government bodies (such as the U.S. Trade Representative) in that field, promote the adoption of copyright laws that promote access to information and freedom of speech, and discourage the use of copyright for censorship.

3. Are there other factors that should be considered?

The Register should commit to working closely with other offices within the Library of Congress to promote public access to copyright registration data and to grow the Library's collection. As the Register must render impartial and objective advice to Congress, any candidate with a background in lobbying Congress or other policymakers would not be an appropriate choice. Nor should the Librarian appoint a Register whose background suggests a close connection with any single group of constituents, such as professional artists.

The Register plays a role in regulating the design and use of technologies ranging from phones to medical devices to automobiles, through Section 1201 of the Digital Millennium Copyright Act. The new Register should commit to removing barriers to research, repair, modification, and resale of these devices while leaving non-copyright regulatory questions to the expert agencies, or to the free market.

Because the Register plays a significant role in the triennial rulemaking under Section 1201, the Register should be familiar with the traditional contours of copyright law and with modern participatory culture, including remix, fan works, and tinkering with software.

We applaud the Librarian for seeking input from the public on the selection of the next Register, and we look forward to working with the Library and the Copyright Office to continue building a copyright system that promotes progress.

Respectfully submitted,

/s/ Mitchell L. Stoltz
Mitchell L. Stoltz
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Electronic Frontier Foundation