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Cindy P. Abramson  
Assistant General Counsel  
U.S. Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000

*By Electronic Submission*

**RE: Comments to Notice of Proposed Rulemaking for Mandatory Deposit of Electronic-Only Books**

Dear Ms. Abramson:

Authors Alliance appreciates the opportunity to offer comments in response to the United States Copyright Office's Notice of Proposed Rulemaking for Mandatory Deposit of Electronic-Only Books.<sup>1</sup> Authors Alliance is a nonprofit organization representing the interests of authors who want to take advantage of opportunities of the digital age to share their creations with readers, promote the ongoing progress of knowledge, and advance the public good.<sup>2</sup>

Many of Authors Alliance's 1,500 members are concerned that, absent comprehensive stewardship of the record of knowledge and creativity, many works—including digital works—will fall into oblivion. For this reason, Authors Alliance applauds the Office's decision not to exclude electronic-only books from deposit requirements entirely. However, we respectfully encourage the Office to consider its proposal to make mandatory deposit of electronic-only books dependent on an affirmative demand as just the first step in moving toward improving the Library of Congress' role in acquiring, preserving, and providing access to electronic-only works.

Mandatory deposit requirements are an essential part of the Library of Congress' ability to "[a]cquire, describe, make accessible, secure, and preserve a universal collection of knowledge in physical and electronic formats."<sup>3</sup> Indeed, the Library of Congress adds approximately 12,000 items to its collection daily, the majority of which are received through deposit as a part of the copyright registration process.<sup>4</sup> Deposit requirements have helped to make the Library of Congress the largest library in the world, with more than 167 million items.<sup>5</sup>

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<sup>1</sup> Mandatory Deposit of Electronic-Only Books, 83 Fed. Reg. 16269 (Apr. 16, 2018).

<sup>2</sup> For more information about Authors Alliance, see *About Us*, Authors Alliance, [www.authorsalliance.org/about](http://www.authorsalliance.org/about) (last visited July 16, 2018).

<sup>3</sup> See *Library of Congress Strategic Plan FY2016 through FY2020*, Libr. of Cong., 11, [https://loc.gov/portals/static/about/documents/library\\_congress\\_stratplan\\_2016-2020.pdf](https://loc.gov/portals/static/about/documents/library_congress_stratplan_2016-2020.pdf).

<sup>4</sup> *Fascinating Facts*, Library of Congress, <https://www.loc.gov/about/fascinating-facts/> (last visited July 16, 2018).

<sup>5</sup> See *id.*

Mandatory deposit requirements serve the long-term interests of authors by ensuring that their creative and intellectual legacies are preserved. These requirements also facilitate access to authors' works, improving chances that these works will be discovered and reach the audiences for which they were intended. While mandatory deposit requirements impose some burdens and costs associated with providing copies of the works on copyright owners, for many authors, the preservation and access benefits outweigh these costs. This is particularly true when electronic-only works can be deposited through an online upload.

Authors Alliance is sympathetic to the existing technical limitations of the Library of Congress that may hinder its present ability to collect all electronic-only books.<sup>6</sup> That said, the Library of Congress' technical infrastructure is likely to improve in time. Indeed, in its 2016-2020 strategic plan, the Library of Congress includes action items to “[c]ontinue to aggressively address the insufficient and inadequate storage capacity for the Library’s growing analog and digital collections,” and to “[e]xpand the Library’s repository services to support a diverse and growing digital collection program.”<sup>7</sup> In addition, the Library of Congress has stated that “expansion of the Library’s digital collecting program is seen as an essential part of the institution’s strategic goal” to acquire, preserve, and provide access to “a universal collection of knowledge and the record of America’s creativity.”<sup>8</sup>

Given the Library of Congress' attention to improving its technical infrastructure to support an expanded digital collection and the importance of its role preserving cultural heritage, Authors Alliance believes that revising Copyright Office regulations to make mandatory deposit of electronic-only books dependent on an affirmative demand by the Office is only the first step to fulfilling the promise of a Library of Congress that preserves and provides access to a rich, diverse, and enduring source of knowledge and creativity. As such, Authors Alliance encourages the Office to continue to work with Congress and the Library of Congress to ensure that the technical capacity of the Library of Congress is robust enough to support mandatory deposit of all electronic-only books, regardless of whether the Office has issued a demand for deposit.

We hope our comments will be helpful as the Office considers deposit requirements for electronic-only books.

Respectfully submitted,



Brianna Schofield  
*Executive Director, Authors Alliance*

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<sup>6</sup> Mandatory Deposit of Electronic-Only Books, 83 Fed. Reg. 16269 at 16271 (Apr. 16, 2018) (stating that the Library of Congress “does not have the desire or the means to collect all electronic-only books”).

<sup>7</sup> *Supra* note 3 at 15.

<sup>8</sup> *Collecting Digital Content at the Library of Congress*, Libr. of Cong., 1 (Feb. 2017), <https://www.loc.gov/acq/devpol/CollectingDigitalContent.pdf>.