

STATE OF TENNESSEE

Office of the Attorney General



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Mr. Gautam Hans
Assistant Clinical Professor of Law
Stanton Foundation First Amendment Clinic
Vanderbilt University Law School
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Dear Professor Hans:

I write in regards to the letter you, Mr. Hoyt, Ms. Karabinus, and Ms. Sheffield wrote on behalf of Public.Resource.Org, Inc. to Ms. Paige Seals on April 14, 2021. In your letter, you asked, among other things, for the Tennessee Code Commission to revise the Tennessee Code Annotated to “clarify that the TCA is in the public domain” based on the U.S. Supreme Court’s decision in *Georgia v. Public.Resource.Org, Inc.*, which held Georgia’s annotations to its official code to be not copyrightable.

Respectfully, the State disagrees with the premise that the *Georgia* case had the effect of a wholesale invalidation of Tennessee’s copyright in the Tennessee Code Annotated and the various components thereof. Indeed, the Tennessee Code Annotated and the process for creating it is significantly distinguishable from the publication and process at issue in the *Georgia* case. Accordingly, the State of Tennessee retains its copyright rights in the Tennessee Code Annotated and will continue to claim copyright moving forward.

As to your comments concerning the website containing the free, publicly available version of the Tennessee Code, I suggest contacting Lexis regarding those details, as that company develops and is responsible for its website. I appreciate the work of the Stanton Foundation First Amendment Clinic and Vanderbilt Law School, and I wish the students and professors the best in the coming school year.

Sincerely,

A handwritten signature in blue ink that reads "James P. Urban".

James P. Urban
Deputy Attorney General