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Open Source “America’s Operating System”

“It’s Not Just A Good Idea—It’s The Law!”

December 31, 2020

Robert J. Kasunic
Associate Register of Copyrights and Director of Registration Policy & Practice
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

via electronic mail

Dear Mr. Kasunic:

I hope this holiday season has given you a bit of time off and that you and your colleagues are well. I’m writing to you today after having viewed earlier this month a meeting of the Arkansas Code Revision Commission and a discussion that ensued between Commission staff and members and their work-for-hire vendor concerning the implications of the Georgia case on the status of the Arkansas Code Annotated. [Georgia et. al. v. Public.Resource.Org](#), 140 S.Ct. 1498 (2020).

For your convenience, I have made video and an unofficial transcript of the meeting available (<https://archive.org/details/ar.crc.2020.12.1.video> ; <https://archive.org/download/ar.crc.2020.12.1.video/items.e.and.f.html>) as well as the meeting Agenda and exhibits (<https://archive.org/details/ar.crc.2020.12.1.docs/Agenda>).

The conclusion of the vendor briefing was that the U.S. Supreme Court decision on Georgia was narrow and “that the application is limited to Georgia.” One of the Commissioners, the Hon. Bettina Brownstein, seemed puzzled by that conclusion and commented that “I read the opinion, and I cannot distinguish it ... I thought it sounded just like our situation.”

The response was that “At some point, the copyright office under the Library of Congress is going to come back to us they either are going to issue a certificate, or are they going to push back. How they react is anybody's guess ... From personal experience, typically the copyright office is running about a year behind on applications from the time that we file them until we actually get the certificate back. The other part, too, is there is a fair degree of inconsistency depending on who actually looks at the application. It will be some time.”

The practice of copyright assertions in legislative code by sovereign states is fairly widespread. I am attaching for your reference examples of prior registrations of edicts of government by the States of Arkansas, Colorado, Georgia, Mississippi, and Tennessee. I’m unable to determine which registrations are currently in progress, but I thought the prior registrations would be helpful for you.

The “government edicts” section of the Compendium is very clear on this question “as a matter of longstanding public policy the U.S. Copyright Office will not register a government edict.” [Compendium of U.S. Copyright Office Practices \(Third Edition\), § 316\(C\)\(2\)](#) The U.S. Supreme Court clearly and unambiguously reaffirmed that principle in regards to state legislative codes and judicial edicts, such as court rules.

I hope the U.S. Copyright Office will carefully examine, as you always do of course, the registration attempts by these States on what are clearly edicts of government, in particular those by the states of Arkansas, Colorado, Georgia, Mississippi, and Tennessee.

Thank you again for all your hard work, and I look forward to a time next year when I can once again travel to Washington, D.C. and visit one of my favorite institutions, the Library of Congress.

With best regards,

DocuSigned by:
Carl Malamud
E80A36AEC6462...

Carl Malamud, President
Public.Resource.Org, Inc.



cc: Ms. Regan A. Smith, General Counsel and Associate Register of Copyrights

Type of Work: Text

Registration Number / Date:
TX0008731635 / 2019-03-07

Application Title: Arkansas Code of 1987 Annotated Constitutions 2019
Replacement Volume.

Title: Arkansas Code of 1987 Annotated Constitutions 2019
Replacement Volume.

Description: Book, 947 p.

Copyright Claimant:
The State of Arkansas, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-01-28

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: Text,
compilation of preexisting text and government
documents, annotations, summaries, comments.

Pre-existing Material:
previously published edition.

Basis of Claim: Text, compilation of preexisting text and government
documents, annotations, summaries, comments.

Copyright Note: Regarding limitation of claim: Registration does not extend
to U.S. government works or government edicts that have
been issued by any state, local, or territorial
government, including legislative enactments, judicial
decisions, administrative rulings, public ordinances, or
similar types of official legal materials that have the
force of law. 17 USC 105; Compendium 313.6(C)(2).

ISBN: 978-1-5221-5290-3

Names: Matthew Bender & Company, Inc.
State of Arkansas

Type of Work: Text

Registration Number / Date:
TX0008810266 / 2019-10-11

Application Title: Arkansas Code of 1987 Annotated 2019 Court Rules (2 vols.)

Title: Arkansas Code of 1987 Annotated 2019 Court Rules (2 vols.)

Description: Book, 2v.

Copyright Claimant:
The State of Arkansas, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-09-23

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

ISBN: 978-1-5221-7143-0

Names: Matthew Bender & Company, Inc.
State of Arkansas

Type of Work: Text

Registration Number / Date:
TX0007944431 / 2014-11-24

Application Title: Colorado Revised Statutes 2014 Edition w/DVD; 2014 Index;
2014 Court Rules.

Title: Colorado Revised Statutes 2014 Edition w/DVD; 2014 Index;
2014 Court Rules.

Description: Book.

Copyright Claimant:
The Committee on Legal Services for the State of Colorado,
Transfer: By written agreement.

Date of Creation: 2014

Date of Publication:
2014-08-29

Nation of First Publication:
United States

Authorship on Application:
The State of Colorado, employer for hire; Domicile: United
States; Citizenship: United States. Authorship: text,
editing.

Pre-existing Material:
text.

Basis of Claim: editing.

Names: State of Colorado
Committee on Legal Services for the State of Colorado

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Type of Work: Text

Registration Number / Date:
TX0008864782 / 2020-01-15

Application Title: Official Code of Georgia Annotated 2020 Advance Annotation
Service Pamphlet Number 2 December 2019.

Title: Official Code of Georgia Annotated 2020 Advance Annotation
Service Pamphlet Number 2 December 2019.

Description: Electronic file (eService)

Copyright Claimant:
State of Georgia, Transfer: By written agreement.

Date of Creation: 2020

Date of Publication:
2020-01-08

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

Copyright Note: C.O. correspondence.

ISBN: 978-0-327-11075-0

Names: Matthew Bender & Company, Inc.
State of Georgia

Type of Work: Text

Registration Number / Date:
TX0008783770 / 2019-08-15

Application Title: Official Code of Georgia Annotated 2019 Cumulative
Supplements; 2019 Replacement Volumes 3, 14, 18, 23, 23A
and 27, 2019 Index Volumes 43, 44 and 45.

Title: Official Code of Georgia Annotated 2019 Cumulative
Supplements; 2019 Replacement Volumes 3, 14, 18, 23, 23A
and 27, 2019 Index Volumes 43, 44 and 45.

Description: Book, 9 v.

Copyright Claimant:
State of Georgia.

Date of Creation: 2019

Date of Publication:
2019-07-27

Nation of First Publication:
United States

Authorship on Application:
State of Georgia, employer for hire; Domicile: United
States; Citizenship: United States. Authorship: Text,
selection and arrangement of preexisting text and
government documents, summaries, annotations.

Pre-existing Material:
Preexisting text and government documents.

Basis of Claim: Text, selection and arrangement of preexisting text and
government documents, summaries, annotations, index.

Copyright Note: C.O. correspondence.
Basis for Registration: Unit of Publication

ISBN: 978-0-327-11074-3

Names: State of Georgia

Type of Work: Text

Registration Number / Date:
TX0008742242 / 2019-02-12

Application Title: Georgia Appeals Reports Volume 345.

Title: Georgia Appeals Reports Volume 345.

Description: Book, 1007 p.

Copyright Claimant:
State of Georgia.

Date of Creation: 2019

Date of Publication:
2019-01-18

Nation of First Publication:
United States

Authorship on Application:
State of Georgia, employer for hire; Domicile: United States; Citizenship: United States. Authorship: Text, compilation of preexisting text and government documents, annotations, summaries, analysis.

Pre-existing Material:
Preexisting text, government documents.

Basis of Claim: Text, compilation of preexisting text and government documents, annotations, summaries.

Copyright Note: C.O. correspondence.

ISBN: 978-1-5221-4424-3

Names: State of Georgia

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Type of Work: Text

Registration Number / Date:
TX0008829170 / 2019-10-29

Application Title: Colorado Revised Statutes Pertaining To Criminal Law 2019
with Rules of Criminal Procedure and Rules of Evidence.

Title: Colorado Revised Statutes Pertaining To Criminal Law 2019
with Rules of Criminal Procedure and Rules of Evidence.

Description: Book, 2317 p.

Copyright Claimant:
Matthew Bender & Company, Inc., Transfer: By written
agreement.
The Committee of Legal Services for the State of Colorado,
Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-09-28

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

ISBN: 000-630-015-180-0

Names: Matthew Bender & Company, Inc.
Committee of Legal Services for the State of Colorado

Type of Work: Text

Registration Number / Date:
TX0008809285 / 2019-10-25

Application Title: Mississippi Code 1972 Annotated 2019 Court Rules.

Title: Mississippi Code 1972 Annotated 2019 Court Rules.

Description: Book, 2404 p.

Copyright Claimant:
Matthew Bender & Company, Inc., Transfer: By written agreement.
The State of Mississippi, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-10-21

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

ISBN: 978-1-5221-7614-5

Names: Matthew Bender & Company, Inc.
State of Mississippi

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Type of Work: Text

Registration Number / Date:
TX0008807861 / 2019-10-21

Application Title: Mississippi Code 1972 Annotated 2019 Cumulative Supplement
Set; 2019 Replacement Volumes 2, 3, 3A, 4, and 10.

Title: Mississippi Code 1972 Annotated 2019 Cumulative Supplement
Set; 2019 Replacement Volumes 2, 3, 3A, 4, and 10.

Description: Book, 40 v.

Copyright Claimant:
State of Mississippi, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-09-11

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

Copyright Note: Regarding limitation of claim: Registration does not extend
to U.S. government works or government edicts that have
been issued by any state, local, or territorial
government, including legislative enactments, judicial
decisions, administrative rulings, public ordinances, or
similar types of official legal materials that have the
force of law. 17 USC 105; Compendium 313.6(C)(2).

ISBN: 978-0-327-09628-3

Names: Matthew Bender & Company, Inc.
State of Mississippi

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Type of Work: Text

Registration Number / Date:
TX0008824538 / 2019-09-16

Application Title: Tennessee Code Annotated 2019 Supplement Set; 2019 Revised
Volumes 3B, 7C, 8D, 10C, 12B; 2019 Index Volumes 14, 15,
and 16.

Title: Tennessee Code Annotated 2019 Supplement Set; 2019 Revised
Volumes 3B, 7C, 8D, 10C, 12B; 2019 Index Volumes 14, 15,
and 16.

Description: Book.

Copyright Claimant:
State of Tennessee, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-09-05

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

ISBN: 978-0-672-84085-2

Names: Matthew Bender & Company, Inc.
State of Tennessee

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Type of Work: Text

Registration Number / Date:
TX0008764871 / 2019-07-02

Application Title: Tennessee Code Annotated Court Rules 2019 Edition (vols. 1
& 2)

Title: Tennessee Code Annotated Court Rules 2019 Edition (vols. 1
& 2)

Description: Book, 2 v.

Copyright Claimant:
State of Tennessee, Transfer: By written agreement.

Date of Creation: 2019

Date of Publication:
2019-06-14

Nation of First Publication:
United States

Authorship on Application:
Matthew Bender & Company, Inc., employer for hire;
Citizenship: United States. Authorship: new and revised
text of annotations, summaries, comments.

Pre-existing Material:
previously published edition, text of government works and
government edicts.

Basis of Claim: new and revised text of annotations, summaries, comments.

ISBN: 978-1-5221-7617-6

Names: Matthew Bender & Company, Inc.
State of Tennessee

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