



PUBLIC.RESOURCE.ORG ~ *A Nonprofit Corporation*

Public Works for a Better Government

February 26, 2016

Mr. Michael Zuckerman
Harvard Law Review Association
Gannett House
1511 Massachusetts Avenue
Cambridge, MA 02138

Dear Michael:

It was a pleasure speaking with you again Monday! I am glad we've been able to talk through the issues. As you know, I value my relationship with the Harvard Law School and admire the institution greatly, so I'd love for us to figure out a win-win solution where we can all focus on the task at hand: communicating the law more effectively.

As we discussed, it appears that you have two sets of comments that you or your colleagues feel strongly about. The first is the dressing issue: the BabyBlue Clues are on a blue background, the syntax variables are colored blue. This is easy to fix, and I've changed the HTML from our current Royal Blue to the color Indigo. As you may know from your reading of Indian history, the Indigo revolts were a key factor in the road to independence. If you have time to read the 1860 play *Nil Durpan*, I'd highly recommend it, particularly the appendix in the second edition which details the trial of the Rev. Long for publishing the book in English.

The second issue, which seems by far to be the one that you and your colleagues care most about, is the use of the word "Blue" in our title (and then subsequently in the Clues). Professor Sprigman and I feel very strongly that there is absolutely no risk of confusion over the use of the word "Blue" (without the word "book"). In addition, we very clear on the title page, the manifest, in the foreword, and in the introduction that this was a different thing than the Bluebook. Law students and lawyers are a sophisticated audience and there is absolutely no risk of confusion. To us, this is not a trademark issue, it is a business issue for the Harvard Law Review Association. But, we also understand how important it is to keep the Association independent and student-run and why you are concerned about your revenue stream.

I'd like to offer an alternative. In a spirit of compromise, we would be willing to change the name to "The Indigobook" and place a subtitle on the title page indicating that this is "An Open Implementation of the Bluebook's Uniform System of Citation." If you'd like, we can indicate your trademark symbol on the word

“Bluebook.” And, we’re happy to keep the current “Not Affiliated With or Authorized” language on the cover or replace it with other mutually acceptable language. In addition, we would change “Baby Blue’s Clue” to “Indigo Inkling.”

Again, I’d like to stress we would do so as a sign of good faith not because of any legal issues, but I would have two requests for you. First, as you know, I am unable to name the students who worked so hard on this document for a year because we are uncertain about the prospect of litigation, and that really bothers me. They did great work and should get credit. It would be nice if there would be an express signal that litigation isn’t going to happen.

So far, this sounds like each side compromised. But, I don’t want this to be about a stand-off and compromises. I’d much rather that this is about bringing the global community together, at Harvard, to think about the future of citation, along the lines of the First Global Citation Congress that I proposed to you on February 15.

A simple statement that focused on the announcement of the First Global Citation Congress, with you, me, and Professor Sprigman all working to make that a reality would be a nice message. The fact that we would change the name and that the HLRA is (of course) not going to sue are footnotes, but the focus is about a community working together.

Do these three elements sound like something on which we might find agreement? I do think such an announcement would be powerful, and it would allow us all to begin thinking about what we all care about, the future of citation.

With best regards,



Digitally signed by Carl
Malamud
DN: cn=Carl Malamud,
o=Public.Resource.Org,
ou, email=carl@media.org,
c=US
Date: 2016.02.26 08:34:55
-08'00'

Carl Malamud

cc: Professor Christopher Jon Sprigman, New York University