

From: Carl Malamud carl@media.org
Subject: Re: Press enquiry - State of Georgia files copyright claim
Date: July 24, 2015 at 9:16 AM
To: David Brooke dbrooke@newtonmedia.co.uk

I have commented on the Georgia situation in my testimony before the U.S. Congress:

<https://public.resource.org/edicts/>

You will also find on the net all the letters back and forth between the State of Georgia and my nonprofit organization:

<https://law.resource.org/pub/us/code/ga/>

As copyright is asserted by the State of Georgia for the Official Code of Georgia Annotated and because it is the *only* official and definitive statement of the codified statutes of the state, we believe that the Code falls under longstanding public policy in the United States that the law has no copyright. This is the position taken by the U.S. Copyright Office in their Compendium of

This is the same position taken by the U.S. Copyright Office in the Compendium of U.S. Copyright Office Practices, Third Edition, § 313.6(C)(2):

As a matter of longstanding public policy, the U.S. Copyright Office will not register a government edict that has 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...See *Banks v. Manchester*, 128 U.S. 244, 253 (1888) (“there has always been a judicial consensus, from the time of the decision in the case of *Wheaton v. Peters*, 8 Pet. 591, that no copyright could under the statutes passed by Congress, be secured in the products of the labor done by judicial officers in the discharge of their judicial duties”); *Howell v. Miller*, 91 F. 129, 137 (6th Cir. 1898) (Harlan, J.) (“no one can obtain the exclusive right to publish the laws of a state in a book prepared by him”).

Please let me know if you'd like more or would like to talk.

Best regards,

Carl

On Jul 24, 2015, at 9:03 AM, David Brooke <dbrooke@newtonmedia.co.uk> wrote:

Hello,

My name is David Brooke and I am a reporter for World IP Review, a UK-based intellectual property magazine.

I am writing a report on the copyright claimed filed by the State of Georgia against Public Resource.org. Are you able to comment on the lawsuit for our story?

Kind regards,
David

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David Brooke
Reporter
World IP Review, Trademarks and Brands Online, Life Sciences IP Review
Newton Media Ltd.
Direct Tel: +44 203 301 8216

<http://www.worldipreview.com/> <http://www.trademarksandbrandsonline.com/>
<http://www.lifesciencesipreview.com/>

Please take part in WIPR Leaders, a new project from World IP Review, launching in 2015. Who are the best patent and trademark lawyers in your jurisdiction? Let us know here.

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