

From: Carl Malamud carl@media.org
Subject: Re: Georgia lawsuit
Date: July 22, 2015 at 10:59 AM
To: Bill Donahue bill.donahue@law360.com

This is a subject I testified before Congress about in early 2014:

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

In the United States, it is a long-standing principle of our democracy that the law has no copyright because it is owned by the people. This principle applies to regulations, court opinions, and, of course, the law since ignorance of the law is not an excuse.

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").'

Let me know if you'd like to talk. I'm at 707-827-7290.

Carl

On Jul 22, 2015, at 10:54 AM, Bill Donahue <bill.donahue@law360.com> wrote:

Hi Carl,

I'm the copyrights reporter over at Law360, working on a story on the lawsuit filed by Georgia against Public.Resources over the publishing of the OCGA. Do you want to respond to or rebut the claims of copyright infringement?

Thanks,

Bill Donahue
Senior Reporter
Law360

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