

From: Bill Donahue bill.donahue@law360.com
Subject: Re: Georgia lawsuit
Date: July 22, 2015 at 11:14 AM
To: Carl Malamud carl@media.org

Thanks Carl. I actually covered your testimony before Congress back in 2014.

Before you responded, I found your response letter from 2013 to the Georgia cease-and-desist, and one paragraph struck me as a great quote for the story. Does this work for you?

The Official Code of Georgia Annotated is a publication of the State and it is the definitive statement by the State of the law. Any lawyer would ignore this publication and any of its components at his or her peril. Any citizen wishing to read the Official Official Code of Georgia Annotated would have trouble distinguishing between the "statutory text itself" and those materials outside the box. No matter how you slice that cheese, it all looks the same. The Official Code of Georgia Annotated, every component of it, is the official law.

On Wed, Jul 22, 2015 at 1:59 PM, Carl Malamud <carl@media.org> wrote:

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:

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> Hi Carl,

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> 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?

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> Thanks,

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> Bill Donahue

> Senior Reporter

> Law360

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> Portfolio Media, Inc.

> Publisher of the Law360 Newswire

> 860 Broadway, 6th floor

> New York, New York 10003

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