

From: Carl Malamud <carl@media.org>

To: "Hon. Ben Ysura" <sosinfo@sos.idaho.gov>, "Hon. Scott Bedke" <sbedke@house.idaho.gov>, "Hon. Brent Hill" <bhill@senate.idaho.gov>, "Andrew P. Doman" <apd@christdom.net>, "Jeremy P. Pisca" <jpisca@rischpisca.com>

Cc: Brad Frazer <bfrazer@hawleytroxell.com>, Tina Shull <tshull@hawleytroxell.com>, David Halperin <davidhalperindc@gmail.com>

Subject: Response to DMCA Notice of Purported Copyright Infringement

Date: July 15, 2013 at 12:28:29 PM PDT

Dear Secretary Ysura, Speaker Bedke, President Pro Tempore Hill, and the Idaho Code Commission:

Please find enclosed a response to the letter from your outside law firm. A copy of this letter is also being sent by USPS postal mail and for your convenience, you may find our letter online at the following location:

<https://law.resource.org/images/rfcs/id.gov.20130715.pdf>

I've cc'd Mr. Halperin who serves as Of Counsel to Public.Resource.Org, but as the letter states, I believe this matter should be discussed by the people of Idaho and their elected representatives before spending money on law firms. I would be pleased to come to Boise to discuss this matter.

With best regards,

Carl Malamud



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Public Works for a Better Government

July 15, 2013

Hon. Ben Ysura
Secretary of State
State of Idaho
PO Box 83720
Boise ID 83720-0080

Hon. Brent Hill
President Pro Tempore of the Senate
Idaho State Legislature
1010 South 2nd East
Rexburg, Idaho 83440

Hon. Scott Bedke
Speaker of the House
Idaho State Legislature
P.O. Box 89
Oakley, ID 83346

Idaho Code Commission
P.O. Box 388
Boise, ID 83701

Dear Secretary Ysura, President Pro Tempore Hill, Speaker Bedke, and Members of the Idaho Code Commission:

Public.Resource.Org is in receipt of the communication of July 12, 2013 from Mr. Bradley R. Frazer of Hawley Troxell Ennis & Hawley LLP concerning your notice under 17 U.S.C. § 512(c)(3), the Digital Millennium Copyright Act. Your notice claims copyright infringement for the publication of the Idaho Code without having secured from you first a "royalty-free copyright license ... to reproduce and display the native, underlying statutory code content." In addition, your letter claims additional rights, for which you apparently will not grant any license, for all text which falls outside of the red boxes you drew on the Idaho Code, constituting what you describe as "analyses, summaries and reference materials."

We respectfully decline to remove the Idaho Code and respectfully reject the distinction between "native" code and additional materials, as both are integral part and parcel of the only official Idaho Code, such material constituting the official laws of Idaho as published by the state.

Public.Resource.Org 1111 NORTH HOUGHTON, SHELTON, CALIFORNIA 95761 (707) 837-7277 FAX (707) 837-7277

Content-Transfer-Encoding: 7bit; Message-ID: D1CB5F88-DF6-4E59-BB0D-18C618E3A381@media.org; From: mailcore:Address:0x765720d0a0 Carl Malamud <carl@media.org>; To: [mailto:Address:0x765720d0a0 Hon. Ben Ysura <beninfo@sos.idaho.gov>; mailcore:Address:0x765720d0a0 Hon. Scott Bedke <bedke@house.idaho.gov>; mailcore:Address:0x765720d0a0 Hon. Brent Hill <bhill@senate.idaho.gov>; mailcore:Address:0x765720d0a0 Andrew P. Doman <apd@chisdom.net>; mailcore:Address:0x765720d0a0 Jeremy P. Pica <jpica@richpic.com>] Cc: [mailto:Address:0x765720d0a0 Brad Frazer <bradfr@hastingsross.com>; mailcore:Address:0x765720d0a0 Tina Shell <tshell@hastingsross.com>; mailcore:Address:0x765720d0a0 David Halpern <davidhalpern@gmail.com>] Subject: Response to DMCA Notice of Purported Copyright Infringement Content-Type: multipart/mixed; boundary="Apple-Mail_4F6E07F9-57D3-4467-A500-B80593386F5A" X-Susp-Server: smp.resource.org; Mime-Version: 1.0 (Mac OS X Mail 6.5 (1508)) X-Universally-Unique-Identifier: ae5fec83-11a-4d51-87d9-49882968dc>