

From: "Bridy, Annemarie (abridy@uidaho.edu)" <abridy@uidaho.edu>
To: Carl Malamud <carl@media.org>
Subject: Idaho
Date: May 13, 2014 at 1:42:04 PM PDT

That would be great!

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]
Sent: Tuesday, May 13, 2014 1:08 PM
To: Bridy, Annemarie (abridy@uidaho.edu)
Subject: Re: Idaho

Ilanna is a Fenwick and West lawyer who has lived in Idaho for quite a while. She's a litigator, but has done a lot of IP work as well.

She was recently appointed to the legislature to fill an empty seat. Before that, I was hoping she'd be my lawyer (Fenwick has done lots of stuff for me), but when she got appointed, she obviously couldn't represent me on something that might impact the state. She's really sharp, very nice.

<http://www.fenwick.com/professionals/pages/ilanarubel.aspx>
<http://idahodems.org/news/idaho-dems-welcome-newest-lawmaker-rep-ilana-rubel/>

January sounds like the right time to do this since you're in Boise and you have an IP class.

A couple substantive notes:

1. You noticed that Brad was fired or otherwise let go from his code commission position?
2. Idaho is still asserting copyright over their statutes as well as the annotations. Here's their site:

<http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>

3. As to what it means to "clear up copyright," I think that's the exercise the students would have to go through. I'd be happy to come to Boise and make the case that the annotations are indeed the law in this case because they are part of the "only official" code that is produced under the direct supervision of the code commission. To me (and to Joe Gratz and other lawyers I'm working with on this issue), that turns it into an edict

of government. That's especially true since that's the "only" official code and because the annotations are not just simply case summaries prepared by independent Lexis lawyers, they include essential history and comments from the code commission. But, at the end of the day, it would be up to the students to decide at first and then up to them to convince the legislature they are right.

4. Are they prepared for this? Probably not! But, you'd have at least one member of the legislature willing to work with you to help convince them. :)

Great to meet you as well! Would it be ok if I make an intro to you and Illana so you know each other?

On May 13, 2014, at 12:58 PM, "Bridy, Annemarie (abridy@uidaho.edu)" <abridy@uidaho.edu> wrote:

Hi Carl,

It's good to hear that things on this front are moving in a more positive direction. I don't know Ilanna Rubel. Who is she? I'll be teaching Copyrights in January (spring term), and I think it would be a great collaborative project. Alternatively, I could corral some students who have already taken Copyrights to do it as a guided research project. Thanks for thinking of this as a learning opportunity for my students. I'll actually be physically teaching in Boise starting in January, which will make my students more proximate to the legislature than they would be up here in Moscow. Do you know of similar legislation from other jurisdictions that have decided to relinquish copyright claims in their codes? The million dollar question, I guess, is what it means "to clear up the copyright status of the Idaho Code." Is Idaho still insisting that it owns copyright in the annotations? Also, are they prepared for a repeal of the current code section that asserts copyright? I have great respect for Brad Frazer as a lawyer, but I don't think he gave the Code Commission good legal advice on this issue-- at least not as that advice was described in the documents produced in response to your open records request. Those were some very revealing documents.

It was nice to meet you in person, btw, at the conference at Berkeley.

All the best,

Annemarie

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