

From: Carl Malamud <carl@media.org>
To: "Annemarie (abridy@uidaho.edu) Bridy" <abridy@uidaho.edu>, Ilana Rubel <IRubel@fenwick.com>
Subject: Letter to Idaho, Introduction
Date: July 26, 2014 at 12:39:11 PM PDT

Hi -

I wanted to introduce the two of you.

Annemarie is a distinguished IP professor at the University of Idaho, has been very helpful in giving me advice as I put my foot in my mouth with regards to Idaho.

Ilana is an IP lawyer at Fenwick & West and is a member of the Idaho Legislature and has likewise also been very helpful!

One suggestion I've heard is that perhaps some students could survey the state of the law when it comes to assertions of control over the law and then perhaps report (testify?) before the legislature and/or the Code Commission on the issue. This might be a nice opportunity for students to do some research and perhaps even see their work turned into law.

In any case, I thought you two should know each other and I thought you'd be interested in the letter I sent to outgoing SOS Ysursa asking if I might be able to meet with him or the code commission.

I'm also attaching a letter we've sent to the copyright office on the question of registrations which was done by Joe Gratz of Durie and Tangrie. You should also know that I recently brought our Idaho code collection up-to-date with the 2014 supplements:

<http://archive.org/search.php?query=collection%3Agovlaw%20AND%20subject%3Aidaho.gov&sort=title>

Best regards and hope you're both well!

Carl



PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation

Public Works for a Better Government

July 26, 2014

Honorable Ben Ysursa
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080

Dear Secretary Ysursa:

I would like to thank you for the **prompt and thorough response** by Deputy Secretary of State Miren E. Artiach to my Idaho Public Records Act request for documents concerning our posting of the Official Idaho Code on the internet. As I've studied the materials, I am struck on the one hand by how much time you and the Idaho Code Commission have spent discussing the issue and on the other hand how little time anybody has spent discussing the issue with me. I am writing to you with two suggestions.

First, I'd like to reiterate my offer to come to Boise and discuss this issue directly with you or other members of the Idaho Code Commission. I understand we disagree on some important points, but I believe we are both sincere in our desire to make the laws available to citizens and I would hope that we could at least discuss the issues.

Second, I believe the State of Idaho has taken an extreme position on control over statutes, one not found in other states. I believe that if you look around and examine the federal court opinions about access to legal materials and survey how other states have dealt with the issue, you will come to the same conclusion.

My suggestion is that you ask some Idaho citizens to look at this issue. I know the University of Idaho Law School has an intellectual property class in January and asking the students to report to you on the status of restrictions over access to legal codes would be a great experience for the students and I believe it would be instructive for you as well.

I'm enclosing for your information **testimony I gave in January** before the House Judiciary Committee on the subject of edicts of government. As you'll see, I discussed the Idaho situation in my testimony.

Thank you for your consideration of my requests.

Sincerely yours,



Digitally signed by Carl Malamud
DN: cn=Carl Malamud,
o=Public.Resource.Org,
ou, email=carl@prmo.org,
c=US
Yield signature on 12/22/14
8730

Carl Malamud

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PRO-001011

Joseph C. Gratz
415-362-8666 (main)
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June 3, 2014

VIA EMAIL AND U.S. MAIL

Rob Kasunic
Associate Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000
rkas@loc.gov

Re: Registrations for Edicts of Government of the State of Idaho

Dear Rob,

I represent Public.Resource.Org, a nonprofit organization which makes primary legal materials widely available to the public without charge. Some of those primary legal materials are state statutes. We understand that it is the policy of the Copyright Office to refuse registration of such edicts of government, as set forth in the *Compendium of Copyright Office Practices II* ("Compendium II"):

206.01 Edicts of government.

Edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local as well as to those of foreign governments.

* * *

617.02 Government works: edicts of government.

An application we question if the claim appears to extend to any edict of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar legal documents, whether Federal, State, local, or foreign, since such materials are not copyrightable for reasons of public policy. See also section 206.01 of CHAPTER 200: COPYRIGHTABLE MATTER- IN GENERAL.

Example:

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San Francisco, California 94115
Tel: 415-362-8666. Fax: 415-362-8666
www.durietangri.com

<mailto:MessageHeader:0760027690 Message-ID: 1A8D2766-F2A3-41A1-A149-4A1E6045FC8@media.org From: mailcore:Address:07600276a360 Carl Malamud <carl@media.org> To: [mailto:Address:07600276aa0 Anemarie <bridy@uidaho.edu> Bridy <bridy@uidaho.edu> mailcore:Address:07600276a480 Ilana Rubel <Rubel@ferwick.com>] Subject: Letter to Idaho, Introduction Content-Type: multipart/mixed; boundary="Apple-Mail_853155CD-40EE-4D49-B816-69C96599D5C" X-Smp-Server: smtp.resource.org Cart Mime-Version: 1.0 (Mac OS X Mail 6.6 (1510)) X-Universally-Unique-Identifier: 079A401-3613-4791-8413-0839586460c >