



January 31, 2017

The Wikimedia Foundation appreciates the opportunity to provide input on the Librarian of Congress's search for the next Register of Copyrights. We are a non-profit and charitable organization that operates a [family of websites](#), including [Wikipedia](#), the internet's largest and most popular general reference work, and [Wikimedia Commons](#), a database of millions of freely usable media files. The direction of the Copyright Office is important to the many Wikimedia sites that rely on the contributions of users who choose to freely license their contributions for public use and benefit.

Below we have outlined the top priorities we feel the next Register should have in leading the Copyright Office.

I. Engaging with and understanding all stakeholders

It is important for the Register to be aware of and understand the full scope of the copyright landscape, including who the stakeholders are and will be. The Register should engage with stakeholders on all levels and strive to ensure the makeup of the Copyright Office reflects a diversity of experiences with copyright. In crafting copyright policy, it is as important to consider the perspectives of independent creators and the general public as those of legacy rightsholders and large online platforms.

In furtherance of this goal, the Register should be committed to providing a variety of avenues, especially less formal ones, for engaging with stakeholders. The current process of notice and comment is an effective method for gaining detailed responses to specific questions. However, it can only touch on a limited number of topics, it does not allow for efficient back-and-forth communication, and it is limited in the audiences it will reach.

The Copyright Office can improve the responsiveness and accessibility of its communications by putting existing channels, such as its [blog](#) and [Twitter account](#), to better use, as well as by experimenting with new social media and communication tools. For example, the White House's consultation on the [Federal Open Source Policy](#) on Github showed both the policymakers' understanding of modern software technology and a willingness to meet technologists in the online spaces where they already are. The Copyright Office should be prepared to take a similar approach to working with the next generation of creators on the internet. The next Register should have the expertise to lead the Copyright Office in revitalizing communication on existing channels, as well as the drive to seek new opportunities to engage stakeholders left behind by formal notice-and-comment processes.

Imagine a world in which every single human being can freely share in the sum of all knowledge.

II. Focusing on copyright as a public benefit

The Register should understand that copyright exists to benefit the public and that it is the Copyright Office's responsibility to represent the public interest. The ultimate goal of copyright is to expand the public domain. It first encourages the creation of new works with economic incentives for creators in the form of monopolies over the reproduction and distribution of their works. It then allows those monopolies to expire, so all of society can share and build on those works without limitation.

As the forum for many discussions about copyright law, the Copyright Office often finds itself in the middle of heated debates. The Register must stay grounded in the fundamental questions of copyright when evaluating the current state of and proposed changes to the copyright system. Are people creating and able to create new works? Are people able to access, build upon, and remix existing works? Would a proposed change to copyright law increase or decrease the number and variety of new works being created? How would it burden or enable free expression? It is the Register's responsibility to ensure that the Copyright Office bases its analysis and proposals on the answers to these questions.

III. Keeping up with technological advances and new uses of current technology

It is no small feat to keep track of the rapid changes in both technology and the way people use that technology, and the Register should be committed to implementing procedures to stay informed. Doing so is crucial for the Register to be equipped to decide which policy studies the Copyright Office should undertake and where the copyright law is lagging behind technological advancements.

Further, the Register should understand that technological innovations are just as likely to create new avenues for creativity and legal uses of copyrighted work as they are to create opportunities for infringement. A Register who embraces this perspective will be better able to account for the needs of all communities that are affected by copyright law.

IV. Creating and improving educational resources

As technology makes it ever easier for people to create and share works, it is all the more important for there to be accessible and reliable sources of information about copyright. Currently, many of the more prominent resources that independent content creators and individual users can look to in order to understand their rights and protections under copyright law are created by online platforms. For example, the [YouTube Copyright Center](#) educates visitors about copyright issues that users may encounter when creating content for YouTube. While resources like this can be helpful and informative, they are necessarily focused on the type of content hosted on a specific platform and that platform's particular concerns.

The Copyright Office is well-positioned to offer stakeholders, particularly those who are unfamiliar with the intricacies of copyright law, with guidance on the topics and issues that they are most

likely to encounter in the current technological and cultural environment. As a representative of the public interest, the Copyright Office should be able to create neutral and comprehensive resources for the public to rely on. Existing features of the Copyright Office's website, such as the [Fair Use Index](#) and [Frequently Asked Questions](#), are a step in the right direction and should be regularly updated to reflect concerns of modern copyright stakeholders. The next Register of Copyrights should be committed to redoubling such efforts and improving their accessibility for stakeholders of all levels of sophistication.

Thank you again for requesting public input as part of the search for the next Register of Copyrights. We look forward to the Librarian of Congress's decision and to the Register's leadership of the Copyright Office.

Sincerely,
Wikimedia Foundation