



**Committee on House Administration**

**Hearing on Improving Customer Service for the Copyright  
Community**

Statement for the Record of the Software and Information  
Industry Association,

submitted by

Christopher A. Mohr, Vice President for Intellectual Property  
and General Counsel

December 8, 2015

The Software & Information Industry Association (SIIA) submits these comments for the record in response to the December 2, 2015 hearing held by this committee on December 2, 2015. SIIA is the principal trade association of the software and information industries and represents over 800 technology companies that develop and market software and digital content for business, education, consumers, the Internet, and entertainment.<sup>1</sup> SIIA's members range from start-up firms to some of the largest and most recognizable corporations in the world. They are leading providers of, among other things: software publishing, graphics, and photo editing tools; corporate database and data processing software; financial trading and investing services, news, and commodities exchanges; online legal information and legal research tools; education software and online education services; open source software; and many other products and services in the digital software and content industries. Software is a \$425 billion industry that directly employs 2.5 million U.S. workers and supports millions of other jobs by driving American productivity.<sup>2</sup>

SIIA's software and information members heavily rely on the copyright law to protect the creation and dissemination of innovative software and information products and services. They also use the copyright law as potential licensees interested in licensing the works of others and researchers interested in copyright registration and recordation data. The copyright law is therefore critical to their success and prosperity and the short and long-term success of the U.S. economy and creation of jobs. Our members are the Copyright Office's customers.

SIIA's members have a vital interest in a healthy Copyright Office, and published a white paper on modernization issues

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<sup>1</sup> A list of the more than 800 SIIA member companies may be found at: <http://www.sii.net/About/SIIA-Member-Companies>.

<sup>2</sup> Software & Information Industry Association, *The U.S. Software Industry: An Engine for Economic Growth and Employment*, Prepared for SIIA by Robert J. Shapiro, 2014 at [http://www.sii.net/index.php?option=com\\_docman&task=doc\\_download&gid=5446&Itemid=318](http://www.sii.net/index.php?option=com_docman&task=doc_download&gid=5446&Itemid=318)

earlier this year.<sup>3</sup> In that white paper, as well as in testimony before another House Committee,<sup>4</sup> SIIA identified a number of serious concerns with the Office's IT infrastructure and security, staffing and budget, and urged immediate legislative action to modernize the Office. At that time, we took no position on whether the Office should ultimately be made fully independent of the Library.

The Library's good faith efforts to improve notwithstanding, the reality is that *none* of GAO's thirty-one recommendations have been fully implemented, and it will be years before all of them are. Our members have seen service outages, year-plus wait times to record transfers, insistence on outmoded and commercially impractical deposit formats, and delays in registration of their rights. Without gainsaying the good faith of the Library's current efforts to rectify nearly two decades of problems, we agree with the Register's suggestion that a continuation of the existing relationship between the Library and the Copyright Office would only serve to ratify a policy that the last eighteen years has shown to be a failure. Even more importantly, the testimony revealed a conflict of interest in missions between the two institutions: one that no amount of IT budget is likely to fix. In an increasingly digital world, the Library's interests as a repository and disseminator of copyrighted works, and those of the Copyright Office in facilitating an efficient copyright marketplace simply do not align and are likely to become increasingly divergent.

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<sup>3</sup> Software and Information Industry Association, The Most Important and Immediate Copyright Reform for Congress: Modernizing the U.S. Copyright Office (Feb. 26, 2015), at <http://www.sii.net/Portals/0/pdf/SIIA%20Copyright%20Office%20Modernization%20Paper.pdf>.

<sup>4</sup> Statement of SIIA before the H. Comm. on the Judiciary, at <http://www.sii.net/Portals/0/pdf/Policy/Intellectual%20Property/SIIATestimonyHearingonCopyrightOfficeFunctionsandResources.pdf>.

While we applaud the Committee's desire to ensure that the Library endures as one of if not the most prominent research institution in the world, we are becoming increasingly concerned about its ability to house the Copyright Office productively.

Thank you for the opportunity to express our views.

Respectfully submitted,

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Association

December 8, 2015