



The Association of
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Society Publishers

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The Copyright Office
Library of Congress
101 Independence Avenue S.E.
Washington D.C 20559-6000
U.S.A.

April 04 2014

Dear Sir or Madam,

Docket No. 2014-2 Study on the Right of Making Available

The Association of Learned and Professional Society Publishers (ALPSP) is the international membership trade body which works to support and represent not-for-profit organizations and institutions that publish scholarly and professional content around the world. Its membership also encompasses those that partner with and provide services to not-for-profit publishers. ALPSP's has over 320 institutional members in 39 countries, who collectively publish over half the world's total active journals as well books, databases and other products.

We are pleased to provide comments on the Study on the Right of Making Available.

We are supportive of the comments made by the International Association of Scientific, Technical and Medical Publishers (STM) and refer you to their submission.

In summary, it is the view of ALPSP that, in the US, the making available or communication to the public of a copyright-protected work in the US is complete once the work is uploaded and ready for download and/or once a copy is read by RAM whereupon the work becomes perceptible by the human eye on the screen of a computer or other electronic device. To the extent that US case law casts doubt on this broad scope, and, in particular, whether this right is implicated by keeping a work available for download via a web-site or web location (ftp server, cyber-locker etc) and requires proof of an actual download, it may be prudent for Congress to either re-state the law or make its understanding of the law known by way of a declaration or other pronouncement.

Yours faithfully,

Audrey McCulloch
Chief Executive
The Association of Learned and Professional Society Publishers (ALPSP)
On behalf of the ALPSP Copyright Sub-Committee and Members