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Cimaglio, Mary - Initial Comment

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General Comment

As internet usage becomes more widespread, the spread of information is going to become harder to control. This can be beneficial, as it allows for a population to be more informed of the world around them (and make educated decisions based on a variety of information), but it also can be harmful to the ownership of ideas. In regards to how the U.S. Copyright Office should handle the situation, this comment is in response to question #5 in the solicitation of information.

It is my belief that the introduction of requirements similar to the European Union in Article 15 of the CDSM which grant “journalistic publications” a two-year exclusive right for certain content would be appropriate for the United States. While publishers may feel that the Article 15 was not protective enough, it fulfils a reasonable compromise between protecting content creators while also allowing the spread of information. There is a fine line between copyright and exclusive access to information and if the U.S. Copyright Office is not careful, they may result in harming individuals.

The benefit of Article 15 is the two year time limit for exclusive rights of content while also allowing some provisions for smaller companies and individuals. By allowing non-commercial uses, hyperlinking, use in academic periodicals and short extracts, those individuals attempting to use the information for a generally good purpose will still be permitted to do so, while the publishers will be able to be the sole owners of their content for commercial purposes. If these caveats were not included, it would not only become a logistical burden for the U.S. Copyright Office to enforce, but would also create an unnecessary hardship on those who would benefit the most from the information.

Regarding the two year time limit, this is an appropriate amount of time considering how fluid and fast public interest can be in stories and information. Publishers will not lose any value due to the short timeframe as the publications will likely lose commercial value by that time frame. The value in allowing reproduction at that point will allow for other publications to produce content without fear of fringing on the copyright of another publication. If a publication is given exclusive rights over set ideas or phrases, it

will become difficult in the long term to determine if the new creator purposefully infringed on a copyright, or if the recreation of content was accidental.

While the final decision will likely not be easy, in the end, the U.S. Copyright Office should prioritize the spread of information and not overly protect publishers. While the publishers will argue this will limit content creation, the internet has allowed for any person with an idea to create stories and this will only continue. If legislation, like Article 15, can be created to provide some commercial benefit, it should be utilized, but it is also important that legislation does not get out of hand.