## **VIA ELECTRONIC TRANSMISSION**

May 3, 2021

Ms. Shira Perlmutter Register of Copyrights United States Copyright Office Washington, D.C. 20559-6000

## Dear Register Perlmutter:

We write you today to ask for a study of protections for publishers under copyright law. As you know, last year the Senate Judiciary Committee Subcommittee on Intellectual Property held a year-long series of hearings on reforms to digital copyright law. The purpose of these hearings was to consider what reforms are needed to ensure the growth of creative industries without undermining incentives for digital platforms and technologies.

During the course of these hearings, witnesses expressed support for the Copyright Office to conduct a study on "ancillary copyright" protection for publishers. This issue stems from ongoing developments in foreign copyright law which require platform aggregators to pay publishers for excerpts of content they provide for others to view. As some have called for similar protections to be included in U.S. law, we believe it would be valuable to have the Copyright Office's expertise and clear guidance on this issue. This is especially true when considering the differences between domestic and foreign copyright law.

To assist us as we consider what legislative reforms, if any, should be taken in this area of copyright law, we request that your office conduct a study on this issue. This study should assess the viability of adding specific protections to U.S. copyright law similar to those now being implemented in Europe. Additionally, such a study should analyze what the appropriate scope of such a right should be and how that would coincide with existing rights such as those of underlying writers or visual artists as well as any existing rights held by publishers. Finally, the report should include a discussion of relevant exceptions such as "fair use" or "quotation" exceptions, and any international treaty implications.

We ask that you provide this report by no later than May 3, 2022. Thank you for your prompt attention to this matter. We look forward to your reply, and to working with you on this important issue.

Sincerely,

Thom Tillis

**United States Senator** 

Patrick Leahy United States Senator

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Amy Klobuchar

John Cornyn United States Senator

Mazie K. Hirono **United States Senator** 

Mezi K. Diano

Christopher A. Coons **United States Senator United States Senator**