

**Before the
Copyright Office
Library of Congress**

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In the Matter of Group Registration : Docket No. RM 2017-16
of Newspapers :
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Comments of The News Media Alliance

The News Media Alliance (“Alliance”) hereby submits its comments in response to the Copyright Office’s Notice of Proposed Rulemaking (“NPRM”) concerning the group registration of newspapers. *See* Group Registration of Newspapers, 82 Fed. Reg. 51,369 (Nov. 6, 2017) (to be codified at 37 C.F.R. pts. 201 & 202).

The Alliance is a nonprofit organization that represents the interests of more than 2,000 newspapers in the United States and around the world, including daily, weekly, community-based, and nationally focused newspapers. The Alliance diligently advocates for newspapers before the Federal government on issues that affect today’s news media organizations, including protecting newspapers’ intellectual property interests by providing input to the Copyright Office on registration practices concerning newspapers, newspaper websites, and other works available only or partially online.

As part of its advocacy efforts with respect to digital preservation of newspapers, the Alliance has worked with the Library of Congress on pilot projects in 2012 and 2016 to explore deposit scenarios for ePrint and newspaper website content, particularly in the form of Portable Document Format (“PDF”). *See* LIBRARY OF CONGRESS, LIBRARY OF CONGRESS AND NEWS MEDIA ALLIANCE TECHNICAL PILOT PROJECT: REPORT ON EPRINTS 2, https://www.newsmediaalliance.org/wp-content/uploads/2017/11/LC_NMA_ePrint-Report_2017-3-8-1.pdf (last visited Nov. 29, 2017). The resulting 2017 report on the most recent pilot project concluded that the PDF files created by newspaper publishers were useable by the Library of Congress for archival purposes and that consequently, such PDF files could be viable alternatives to microfilm for newspaper deposits. *See id.* at 10-11.

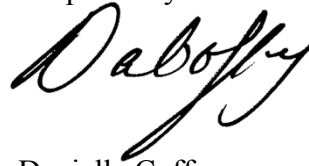
Thus, the Alliance applauds the Copyright Office for its recent proposal to permit broader group registration for newspapers and to require submission of deposits in PDF format rather than on microfilm. In particular, the Alliance supports the following practices proposed by the Copyright Office:

- The digital deposits for group registration for newspapers filed with the Copyright Office will fulfill the mandatory deposit requirements, and such deposits will be sent from the Copyright Office to the Library of Congress where applicable for use in the Library of Congress's collections.
- Not only are daily newspapers eligible under the proposed rule for group registration, but weekly newspapers would also be eligible.
- Any newspaper is eligible for group registration, not just those that the Library of Congress has selected to be received and retained in its collections. *See US Newspapers Currently Received*, LIBRARY OF CONGRESS, http://www.loc.gov/rr/news/ncr_list.php (last visited Nov. 29, 2017).
- The Copyright Office will require registration deposits to be in PDF format rather than in the form of microfilm, but will allow applicants to submit microfilm in addition to digital files on a voluntary basis until December 31, 2019.
- The Copyright Office will use the eCO system with respect to these group registrations rather than requiring paper applications, and will accordingly receive electronic payment of fees for such group registrations.
- Each newspaper issue within the month spanning the group registration must be submitted as a separate PDF file, or combined into one PDF file pursuant to file size limitations. The month of filings and payment would be permitted to be made in one monthly submission.
- If an applicant is unable to comply with the application requirements, such as where an applicant cannot compress its PDF files to comply with the data limitation of 500 megabytes, it may request special relief from the deposit requirements.

More clarification on the process by which online registration is executed would greatly aid Alliance members in effectively registering their newspapers and allowing the Library of Congress to include those newspapers in its collections. Timing is also critical, and we seek clarity on when the new process will commence. Consequently, the Alliance looks forward to the Copyright Office's response to the above questions.

For the foregoing reasons and as set forth above, the Alliance strongly supports the Copyright Office's proposal to broaden the eligibility and formatting requirements for group registration of newspapers and to permit the submission of deposits in digital form rather than on microfilm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daboffy", written in a cursive style.

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