August 18, 2016

Maria A. Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Avenue S.E.
Washington, DC 20559-6000

Re: Mandatory Deposit of Electronic Books and Sound Recordings Available Only Online
(Docket No. 2016-3)

Dear Ms. Pallante:

The UCLA Library welcomes the opportunity to provide brief comments regarding preservation and access to online-only ebooks and sound recordings by the Library of Congress, a matter of great importance to us.

As you may know, UCLA is one of the nation’s leading public research universities and takes very seriously its responsibility to serve the people of California, the U.S., and the world through its mission of education, research, and service. Integral to that mission is the UCLA Library’s role in collecting, organizing, and preserving recorded knowledge and the cultural record to make it accessible to and usable by current and future generations of students, scholars, and researchers.

Mandatory deposit in physical form ensures that a copy of all published works is preserved and accessible to the public. This has been part of copyright law since the Statute of Anne Copyright Act of 1709, and the Library of Congress has long required that two copies of print items be provided.

In 2010 the U.S. Copyright Office and the Library of Congress adopted an interim rule covering electronic deposit of online-only serials. The UCLA Library supports expanding this interim rule to include online-only ebooks and sound recordings. The compliance procedures should anticipate and allow for changes in information-delivery technology. We also support further future expansion of the rule to encompass other at-risk, online-only documentation including photographs, videos, film, and social media.

Online-only Knowledge Vulnerable to Disappearance
As more and more published knowledge and cultural heritage materials are born digitally and exist only online, the preservation and access challenge grows. As one example, a 2012 study by Michael Nelson and Hany M. Salah Eldeen found that for 27% of major world events during 2009-12 (including Tahrir Square, turmoil in Syria, swine flu pandemic of 2009), relevant resources disappeared from the live web and public web archives within two and half years. Without mandatory deposit requirements and a robust and distributed digital preservation environment, we risk the disappearance of vital documentation because the content will simply cease to exist.
Libraries ONLY Institution with Mission to Preserve
Throughout recorded history libraries have played a unique role as the only institutions with a fundamental mission to organize and preserve the historical and cultural record for present and future generations to access and use. The Library of Congress has many years of experience effectively preserving and stewarding the nation’s history and cultural heritage – as more knowledge is born digitally and available only online, mandatory deposit rules should be expanded accordingly to continue to fulfill the LOC mission and to effectively utilize its extensive experience and expertise in the public interest.

Formats for eDeposit Determined by Library of Congress
The expanded interim rule should empower the Library of Congress to determine the specifications for deposit. These specifications should include provenance and rights metadata, including information on copyright, as well as other information that LOC requires in order to fulfill its fundamental mission.

In closing, let me reiterate the UCLA Library’s enthusiastic endorsement of expanding the interim rule to include online-only ebooks and sound recordings and encouraging its future expansion in order to effectively preserve the historical and cultural record for present and future generations.

Thank you for the opportunity to provide these comments.

Sincerely,

Virginia Steel
UCLA University Librarian