

**From:** Fakler, Paul M.  
**Sent:** Monday, February 06, 2017 5:07 PM  
**To:** Jenkins, Marylee <[Marylee.Jenkins@arentfox.com](mailto:Marylee.Jenkins@arentfox.com)>  
**Subject:** Copyright Office

Hi Marylee.

There has been a considerable push, started by former Register of Copyrights Maria Pallante and much of the entertainment industry, to move the Copyright Office out from under the Library of Congress and make the Office its own, standalone, agency with the Register as a presidential nominee. Due to heavy lobbying from the big entertainment companies and artists, this proposal is now gaining traction in Congress, with the House Judiciary Committee discussing this as one of only a handful of issues the Committee is prepared to address through legislation.

As a long-time copyright practitioner, I don't believe this makes any sense. Such a move will only create further inefficiencies and potential policy conflicts. Copyright policy should not be set in a vacuum, but should be part of an overall intellectual property portfolio. One of the issues proponents use to justify this move is the horrible state of the Office's technological infrastructure. The Copyright Office's systems are truly awful. But setting them up as an independent agency and then building the infrastructure from the ground up is would be insanely inefficient and wasteful. It seems to me that the best move, on all fronts, would be to move the Copyright Office into the PTO to make one overall agency to deal with intellectual property. As you know, this is the way it is done in most countries. This would allow the country's intellectual property operations and policies to be harmonized and make more efficient use of the required infrastructure.

I could go on for some time on this topic (as you know I can go on . . .), but wanted to put this issue on your radar as chair of PPAC.

Best,  
Paul

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