

## ARSC Submits Comments to Copyright Office and Testifies in Support of Bringing Pre-1972 Recordings Under Federal Law

In 2011, ARSC submitted two sets of comments to the U.S. Copyright Office in response to a federal study on bringing pre-1972 sound recordings under federal law and creating a public domain for the oldest recordings. The first set of comments, filed on January 28, 2011, outlined ARSC support for the move and the many benefits it would bring to the public.

↳ **Read January 28, 2011 ARSC comment here.** [\[pdf\]](#)

On April 12, in response to a request for follow-up comments, ARSC filed a lengthy reply comment addressing issues raised by the Recording Industry Association of America (RIAA), which opposed the move. ARSC's reply comment included a thorough examination of the legal issues raised by the RIAA, prepared by an intellectual property attorney retained by ARSC and the Historical Recording Coalition for Access and Preservation (HRCAP). This examination shows that none of the legal issues raised by the RIAA would in fact present an insurmountable barrier to federalization of pre-1972 recordings. Data documenting why federalization would be beneficial were also presented, in contrast to the broad generalities offered by many other commentators.

↳ **Read ARSC April 12, 2011 follow-up comment here.** [\[pdf\]](#)

Both of the ARSC filings have been endorsed by the Historical Recording Coalition ([www.recordingcopyright.org](http://www.recordingcopyright.org)), which consists of ARSC, the Music Library Association (which also submitted separate comments), the Society for American Music and the Popular Culture Association. In all, 59 comments and 17 reply comments were submitted by various corporations, associations and individuals; all are publicly available on the Copyright Office web site at [www.copyright.gov/docs/sound](http://www.copyright.gov/docs/sound).

The next step in the Copyright Office investigation was a roundtable discussion held in Washington on June 2 and 3, 2011, at which ARSC and numerous others testified.

↳ **Read transcript at** [www.copyright.gov/docs/sound](http://www.copyright.gov/docs/sound).

In December 2011 the Copyright Office issued its report to Congress, recommending that that pre-1972 recordings should be brought under federal law, as well as laying out means by which that could be done. While the details of implementation may require further discussion, ARSC applauds this finding as being in the public interest and urges Congress to act on it.