



POSITION PAPER

U.S. Copyright Office Modernization: Deposit Security

The paramount concern with regard to electronic deposit copies is security. Alongside permitting electronic deposit copies, and especially before any effort by the Copyright Office to mandate electronic deposit copies, the Library of Congress and the Copyright Office must:

- *fully adopt and implement an impenetrable commercially secure system* to prevent cyberattacks that might result in unauthorized access to deposit copies and/or alteration of those copies or the associated registration data;
- have a clear and effective process in place so that, in the event of a breach or cyberattack, they can take immediate steps to stop it and prevent any harm and immediately notify any rightsholders that may be affected;
- adopt a security system that protects works at the point of uploading and ingestion into the Office's online system.

Additional Concerns

Transition Period: During the transition stage while the deposit system switches to an electronic deposit copy system and until rightsholders groups have had an opportunity to review and approve these security measures, rightsholders should be permitted to choose whether to submit a physical or electronic deposit copy.

Donation of Deposit Copies: The Library routinely donates or gives away physical deposit copies that it does not need for its collections. Electronic copies must not be donated or given away by the Library. Such a practice would carry significant risk, especially if the copies are not protected by technical measures of any sort and could be easily reproduced and redistributed.

Copies: The Library and Copyright Office must not be permitted to make copies of electronic deposits that are submitted as part of the registration application system.