



**BEFORE THE
OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

**Request for Information;
Accelerating the
American Scientific Enterprise**

Docket No. OSTP-TECH-2025-0100S

The Copyright Alliance appreciates the opportunity to submit the following comments in response to the [request for information](#) (RFI) published by the Office of Science and Technology Policy (OSTP) in the Federal Register on November 26, 2025, requesting input on Federal policy updates that aim to accelerate the American scientific enterprise.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 2 million individual creators and over 15,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

The Copyright Alliance and its members support the advancement and acceleration of U.S. scientific discovery and technological progress.¹ In line with this, we submit these comments to

¹ The Copyright Alliance supports comments submitted by its member organizations, including the International Association of Scientific, Technical & Medical Publishers (STM), but limits its comments to copyright issues that may be implicated by policies aimed at accelerating scientific and technological progress.

urge that any new policies aimed at strengthening the U.S. science and technology ecosystem be consistent with and be developed alongside a respect for intellectual property (IP) rights, including the exclusive rights that incentivize the creation and dissemination of copyrighted works. Enshrined in Article I, Section 8, Clause 8 of the Constitution, strong IP rights create the foundational incentives that ensure the creation and distribution of copyrighted works, including those that make up the scientific and research publishing industries. Indeed, copyright protections drive private sector investment in research, encourage the creation of high-quality and high-integrity content through publishers, and guarantee that researchers and institutions, as well as the Federal government, can benefit from scientific and research works like peer-reviewed journal articles, textbooks, science journalism, databases, and software.

Strong IP laws also advance US short and long-term national security and economic interests by incentivizing the ongoing development of new and better innovations, aggressive scientific and technological research and the high-quality, trustworthy data and information needed to train high-powered AI. By ensuring that inventors, scientists, publishers and creators can control and protect their innovations and creations, IP laws encourage investments by individuals and by investors. The U.S. IP system encourages the sharing of new innovations and publications, but in a way that protects their value—often via licensing contracts. Voluntary licensing also creates a relationship between the two parties, which is critical to ensuring that AI systems are being trained on high-quality and reliable content.

In short, it is essential that any reforms adopted in the name of accelerating scientific progress and innovation recognize and preserve the existing copyright framework, including burgeoning voluntary licensing markets, that has enabled America's leadership in publishing and knowledge transfer. We submit these comments to ensure that any policies adopted by the Administration: (i) are developed and implemented with a respect for and in recognition of longstanding copyright laws and policies that make America the global leader in scientific discovery and technological progress, and (ii) do not disrupt the critical scientific and research publishing industries, the incentives upon which they are based, or the licensing markets that sustain them.

Established Copyright Laws are Rooted in the Constitution, Promote Scientific and Technological Progress, and Drive America’s Economic Growth and Job Creation

The successful strengthening and advancement of science and technology ecosystems within the United States is consistent with and dependent on a strong copyright system, enshrined in Article I, Section 8, Clause 8 of the Constitution. Known as the “IP Clause,” it grants Congress the power “to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”² IP laws, including copyright laws, are what enable authors to earn a living by creating and innovating, which is the key to securing American sustained economic competitiveness and global leadership in scientific discoveries and technological innovation. It is essential that any report or policies resulting from this RFI be consistent with the Constitutional guarantees that protect copyright owners and the publishing industries that drive the American scientific enterprise and the U.S. creative ecosystems.

The U.S. copyright industries have been one of the most significant contributors to the U.S. economy and to job creation for decades. A recent report notes that, in 2023, the core copyright industries contributed more than \$2 trillion to the U.S. gross domestic product (GDP) (accounting for 7.66% of the U.S. economy) and employed 11.6 million workers (or 5.43% of the workforce).³ In addition to growing at a rate more than three times that of the rest of the economy, the report notes that the core copyright industries:

- (1) make up an increasingly large percentage of value added to GDP;
- (2) create more and better paying jobs than other sectors of the U.S. economy;
- (3) grow faster than the rest of the U.S. economy;
- (4) contribute substantially to U.S. foreign sales and exports, outpacing many industry sectors;
- and (5) make significantly large contributions to what the [U.S.

² U.S. Const. art. 1, § 8, cl. 8.

³ Robert Stoner & Jéssica Dutra, *Copyright Industries in the U.S. Economy: The 2024 Report*, INT’L INTELL. PROP. ALL. (Feb. 2025), <https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy>https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf[Report-2024_ONLINE_FINAL.pdf](https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf)

Bureau of Economic Analysis] defines as the digital economy, which does not even encompass the full scope of the copyright industries' digital activities.⁴

A significant part of the IP industries and contributor to the broader U.S. economy, as well as science and technology, is the U.S. publishing industry, which is sustained by long-established copyright protections.⁵ Copyright law is the backbone of the publishing ecosystem, ensuring the creation and dissemination of peer-reviewed journal articles, textbooks, databases, software, newspapers and magazines, and countless other literary works that are essential to the progress of science and the arts. Copyright enables sustainable business models for publishers and platforms through licensing, markets for which have become even more pronounced in the AI era. Indeed, the proliferation of licensing agreements between AI developers and copyright owners in recent months underscores the immense value copyrighted works provide and the vibrant ecosystem they power.⁶

The exclusive intellectual property rights afforded by copyright incentivize investment in the creation and dissemination of new expressive works and allow copyright owners to recoup that investment. The U.S. continues to be the world leader in IP, forming the foundation of America's vast cultural influence, leading role in scientific and medical advancements, and standing as the world's leading economy. Our IP industries support American dominance in scientific and technological innovation, and any policies that result from this RFI must take into account the effect any actions or policies may have on copyright industries' contributions to the economy and job creation.

⁴ *Id.* at 21.

⁵ The publishing industry is responsible for over \$30 billion of revenue annually in the U.S. alone. StatShot Annual Report, ASSOCIATION OF AMERICAN PUBLISHERS (Aug. 26, 2025); <https://publishers.org/data-and-statistics/industry-statistics/>.

⁶ *Bringing Law and Order to the AI Wild West*, Keith Kupferschmid, COPYRIGHT ALLIANCE (Dec. 16, 2025), <https://copyrightalliance.org/law-and-order-ai-wild-west/>.

Response to Questions (i), (ii), and (iii)

The best way to achieve public-private collaboration, knowledge transfer, and regional innovation is through clear IP frameworks that recognize established copyright protections and maintain incentives to create and disseminate copyrighted works.

Public-Private Collaboration

The copyright community, including publishers of scientific and medical journals, is eager to connect with the OSTP and other agencies as they develop new policies related to scientific advancement and the development and deployment of AI for use by the U.S. government and the private sector. Central to these policies must be an understanding that copyright protections encourage private sector investment in research and development by ensuring that creators and innovators can control and benefit from their works. Without these protections, nonprofit and private entities have reduced incentives to participate in early-stage research partnerships, to create and maintain high-quality content, or to invest resources in translating research into practical applications.

To sustain the viability of public-private partnerships, we recommend adopting a policy that ensures the full freedom of researchers to assert copyright and avoid mandatory (Federal purpose) licensing of their articles and other outputs. Such a policy would guarantee that private sector research has the greatest impact through the communication and dissemination of those results. True public-private partnerships to expand the reach of Federal investments would also be enabled by allowing researchers, in coordination with the private sector, to choose how best to apply copyright.

Technology Transfer

Effective technology transfer requires robust IP protections and enforcement. While technology transfer often involves patent law considerations, copyright protects the expression of ideas embodied in software, technical documentation, training materials, databases, scientific publications, and other creative works essential to the dissemination of research findings. Federal

policies must recognize that copyright in these works leads to successful commercialization, and that research institutions may retain copyright in works created regardless of Federal funding, enabling them to license works to commercial partners. Indeed, research articles and other copyrighted materials are often the product of significant publisher investment and are not simply created as a result of Federal funding. Procurement processes should allow Federal agencies and their private sector partners to negotiate appropriate copyright licenses that facilitate both innovation and commercialization. The Copyright Alliance emphasizes that any reforms to technology transfer policies must maintain strong copyright protections to ensure successful commercialization.

Technology transfer relies on institutions' ability to license copyrighted works to commercial partners, and Federal policies should preserve maximum flexibility for institutions to negotiate licenses that include software, data, documentation, and other copyrighted materials. Restrictions on licensing terms or requirements for royalty-free licenses are barriers to innovation as they undermine the financial incentives necessary to support technology transfer operations and undermine rightsholders' incentive and ability to take responsibility for those copyrighted works, which is key to the maintenance and integrity of the scientific record.

This is particularly critical as AI systems are trained on vast amounts of data, and Federal policies must ensure that such training respects copyright and includes appropriate licensing mechanisms. For AI models to be trustworthy and beneficial, they must be trained on high-quality, high-integrity content, and on maintained Versions of Record (that include corrections and updates as needed). If the input is not reliable, then the outputs cannot be trusted. This can have grave consequences, for example, if used for drug dosages or medical interventions.

Regional Innovation Ecosystems

Regional innovation ecosystems increasingly depend on digital content, educational materials, software applications, and data resources, and Federal policies must ensure that creators, publishers, educational content developers, and software developers can participate in regional networks while maintaining copyright protections in their works. Federal policies should recognize

that copyright protection enables publishers and educational material creators to develop sustainable business models, particularly in underserved regions. While supporting access to educational resources, policies must not undermine the copyright interests of publishers and educational companies that serve regional markets. Federal programs supporting regional ecosystems should also recognize the importance of copyright protection for local journalism, technical publications, and community media, ensuring these entities can sustain operations and continue serving their regions.

Regional innovation ecosystems flourish when all participants, including individual creators, nonprofits, private sector businesses, and large research institutions can rely on predictable copyright frameworks that protect their contributions and enable them to capture value from their creative and innovative work. Federal policies supporting regional ecosystems must recognize copyright as an essential tool for inclusive economic development that benefits all community members.

Response to Question (iv)

Strengthening the role played by small and medium-sized businesses as both drivers of innovation and as early adopters of emerging technologies is best achieved by ensuring respect for established copyright laws and the protections they guarantee are not undermined. The scholarly publishing ecosystem, which plays an essential role in research dissemination, knowledge sharing, and innovation, includes many small and medium-sized nonprofit enterprises and businesses that rely heavily upon copyright protections to commercialize their works and fund future projects.

Small and medium-sized publishers often operate with reduced staffing and limited budgets while serving highly specialized audiences. They also provide critical services including peer-review coordination, editing, metadata creation, digital preservation, indexing, and platform maintenance. These valuable services require significant investments, which would not be possible without our country's strong and effective copyright laws. Copyright protection provides the legal foundation that enables these businesses to recover their costs and sustain operations; all of which is necessary to research integrity writ large.

Copyright protection and enforcement incentivizes publishers to license content to libraries, institutions, and aggregators, creating revenue streams that support their ongoing and future operations. Without copyright protection, these organizations cannot commercialize their works or prevent unauthorized reproduction and distribution of content they have invested resources to develop and disseminate. Federal policies must recognize that copyright protection is not a benefit flowing primarily to large corporations but rather a lifeline for small and medium-sized publishers that lack the resources and market power to sustain operations without legal protection for their investments.

Further, policies that weaken copyright protections in the name of access may inadvertently harm small and medium-sized businesses that are most essential to serving diverse research communities and driving innovation in scholarly works. The Copyright Alliance urges that any policies adopted to strengthen small and medium-sized business participation in the scientific enterprise include explicit protections for copyright as the legal and economic foundation upon which these businesses depend.

Response to Question (viii)

The Federal government can best leverage and prepare for advances in AI systems that may transform scientific research by recognizing and promoting licensing markets for AI training and the well-established copyright laws that enable them. While provisions in the copyright law, such as the fair use defense, are fact dependent, typically licensing will be required for use of copyrighted works by AI developers in their training datasets. It is critical that policies aimed at leveraging advances in AI and scientific research ensure that the training and deployment of AI models do not undermine markets for scientific publications and educational materials.

Importantly, licensing supports investments in and the creation of high-quality, validated copyrighted materials, which improve the outputs of AI systems involved in science, as well as improve and maintain scientific rigor and research integrity. Relatedly, AI models should train only on the licensed Version of Record, as the authoritative peer-reviewed version of scientific output to

ensure that AI systems are trained on the highest quality and most trustworthy material. Organizations that have managed copyright and research integrity, including many Copyright Alliance members, are ideal partners for infrastructure and workforce development, and they should be consulted as policies are developed.

To ensure that IP rights are respected when developing AI models is to require transparency surrounding training data sources and licensing status. Disclosure requirements can confirm that AI systems were developed legally, help identify potential biases or errors in training data, and allow copyright owners to identify unauthorized uses of their works. Transparency also supports scientific reproducibility and validation.

Advancements in transforming scientific research through AI can only be fully realized if AI development proceeds on a foundation of respect for IP rights, fair compensation for copyright owners, and transparent, accountable use of training data. Ultimately, licensing and transparency requirements for AI training are not obstacles to innovation but rather essential measures that will ensure sustainable, ethical, and legally sound AI development.

Response to Question (ix)

As noted above, IP rights and the licensing markets they facilitate are key to the advancement of the U.S. scientific enterprise. Copyright is a proven driver of scientific research, and policies should capitalize on the role copyright plays in advancing scientific and technological innovation. Any proposed policies that would undermine the U.S. scientific ecosystem by expanding exceptions to copyright laws or broadening the application of fair use principles beyond their time-tested and court-established boundaries should be rejected. Finally, it is critical that any automatic government licenses not be applied to works created without commission or specific request—such works remain must the exclusive property of the rightsholder.

On the other hand, the use of pirated copyrighted works is truly a barrier to the advancement of the U.S. scientific enterprise. This includes the recent actions by some AI developers to use pirated copies of scientific, medical and educational materials which they obtained from unauthorized (or

illegal) websites. The existence of massive online repositories of pirated copyrighted materials, sometimes called “shadow libraries,” is extremely harmful to copyright owners. As has already been proven in high-profile copyright infringement cases (and alleged in many others), some AI companies have downloaded millions upon millions of pirated copyrighted works directly from these online repositories.⁷ Courts have recognized this practice as clearly infringing, regardless of any subsequent arguments about AI training, and it is essential that any policies being considered make clear that copyright piracy is not tolerated under any circumstances.

Response to Question (xii)

Maintaining strong copyright laws is crucial to ensuring that all Americans benefit from access to quality information, including critical health, medical and scientific news and innovations, whether based on federal and private sector funded research. That means confirming that privately produced and published articles that discuss research funded in whole or in part by a government grant must maintain copyright protection. It is essential that any U.S. policies distinguish between the research that is funded by the government, and downstream products, such as the raw data or peer-reviewed articles that discuss that research but that are funded and published entirely by the nonprofit or private sector.

Publishers currently invest substantially in broadening access to federally funded research through open access policies and business models, accessibility improvements aligned with the Americans with Disabilities Act, and public engagement via article promotion, journalist outreach, non-traditional media partnerships, and lay summaries. We urge the OSTP to support publishers' ongoing investments in advancing American science and its impact by (i) acknowledging that diverse business models—including subscription, transformative, and innovative approaches—are necessary to sustain high-quality publishing across various disciplines and institutions, while avoiding rigid mandates that may inadvertently reduce equity or impose unfunded requirements,

⁷ See *Bartz v. Anthropic PBC*, 3:24-cv-05417, (N.D. Cal.), *Kadrey v. Meta Platforms, Inc.*, 3:23-cv-03417, (N.D. Cal.), *In Re: OpenAI, Inc. Copyright Infringement Litigation*, 1:25-md-03143, (S.D.N.Y.), *Hendrix v. Apple Inc*, 4:25-cv-07558, (N.D. Cal.).

and (ii) providing greater flexibility in grant regulations governing research dissemination to leverage existing channels for reaching American audiences.

Copyright Office and Library of Congress Deposits

The Copyright Alliance would also like to address an issue concerning potential Federal use of deposit copies submitted to and retained by the Copyright Office and Library of Congress (as required for registration purposes). It is essential that all deposit copies submitted to the Copyright Office or Library of Congress under sections 407 or 408 of Title 17 retain the full copyright protections afforded to them and that government agencies do not use the Library's or Copyright Office deposits beyond what is presently allowed under the law.

Conclusion

The Copyright Alliance recommends that any policies considered as part of efforts to accelerate the American scientific enterprise recognize that copyright protections are fundamental to the success of public-private research collaborations, technology transfer initiatives, and regional innovation ecosystems. Copyright incentivizes private investment, enables sustainable business models for research dissemination, protects the interests of human creators and innovators, and ensures that the benefits of scientific progress are broadly shared while maintaining the economic incentives necessary for continued innovation. Thus, any policies should acknowledge existing copyright laws, respect and support the flourishing free market for licensing, and require transparency for AI developers.

We welcome the opportunity to provide further input and stand ready to work with the OSTP to develop policies that advance scientific progress while respecting the IP rights that make such progress possible.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'KK', with a long horizontal flourish extending to the right.

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