



Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, CA 95814

June 14, 2016

Dear Chair Jackson:

The Wikimedia Foundation is writing to oppose AB 2880. We believe that works by the California state and local government should belong to the public and should not be removed from the public domain. This matter is much too important to be rushed to a decision.

The Wikimedia Foundation is a nonprofit organization, headquartered in San Francisco, CA. We host and support Wikipedia, the world-famous free online encyclopedia that anyone can edit. In addition, we host other websites that allow people to share and create free educational content. These projects are built through the collaborative efforts of thousands of volunteers. Wikipedia now includes over 36 million articles in over 280 languages, and the Wikimedia sites draw over 430 million visitors each month. Many articles on Wikipedia are illustrated with media in the public domain, including maps, documents, and photos created by the state or local government in California. Countless articles may draw on government works to help present public facts, explain important civic concepts, and facilitate knowledge and understanding of government operations.

AB 2880 is not in the public interest because it will hinder public access to information and privatize work that the public has paid for through its taxes. Although the bill attempts to minimize interference with the right to access public records, adding copyright restrictions will significantly increase the barrier between the government and the public. The bill puts the burden on each department or agency that wishes to maintain even the status quo's level of transparency. Adding new copyright restrictions makes it more difficult for projects like Wikipedia to help people learn about their government.

The fundamental purpose of federal copyright law is not suited for state ownership. The goal of copyright is to incentivize the creation of new works. Works created by the government are already funded by taxpayers—they do not require additional incentive. AB 2880 would allow California agencies and departments to put a double burden on taxpayers by charging them a license fee for material that taxpayers have already paid for. The bill introduces numerous other inconsistencies with federal copyright law, including confusingly vague provisions on fair use and statutory damages.



Given the significant impact of AB 2880, the bill deserves deeper analysis and broad debate. It appears to be an attempt to solve a specific case where the federal government had improperly contracted to allow a private party to control trademark rights in public property. We believe the bill will not solve that case, and will only further complicate how the state holds intellectual property. In fact, this bill may make the problem even worse by increasing the potential for private control and abuse of public property.

We urge the Senate Judiciary Committee to reject the bill as it is written, and we look forward to working with you to ensure the public continues to have access to information and materials that the state government has created.

Sincerely,

Wikimedia Foundation