

## **Part IV**

### **Introduction**

Today, the Internet offers methods of collaboration, attribution, distribution and production that were impossible under the technological limitations of earlier times. The success of the free software / open source movement (see attachments A and B) is an example of what can happen when these new methods are allowed to flourish. However, current public perceptions of copyright are a barrier to the rise of open source methods in areas outside software. QuestionCopyright.org's mission is to help to remove this barrier, by disseminating information about copyright's effects on both the public and on artists (see attachments C, D, and E), and by offering artists and other information producers practical alternatives to copyright restrictions (see attachments F, G, and H).

QuestionCopyright.org will conduct its activities primarily in the United States. However, its representatives may engage in public speaking, educational exchanges, and research collaborations outside the United States.

### **Context**

Copyright reform is now undergoing a renaissance, driven partly by the growth of the Internet and partly by the reaction of the copyright industry to that growth, a reaction which has resulted in unprecedentedly strong copyright restrictions being enforced by both technical and legislative means (see attachment I and J). In response, various organizations (e.g., Creative Commons, the Electronic Frontier Foundation, et al) have taken the approach of attempting to restore "balance" to the debate, arguing that there is a natural tension between the needs of information creators and the needs of the public, that copyright should seek to find the best balance between these competing needs, and that the problem is mainly that current policies have swung too far against the needs of the public.

While valuable, these efforts leave significant issues unaddressed and useful options unexplored. The reform efforts are greatly hampered by certain widespread public beliefs (as shown in attachment K):

- that copyright originated with writers and artists demanding control over their work (it is actually descended from a sixteenth-century English censorship law, was designed primarily to regulate the capital-intensive printing industry, and

- supports the centralized manufacture and distribution of copies much more than it supports original creation);
- that creators depend on copyright to earn a living (some do, but most do not earn their living from copyright royalties);
  - that copyright is the best means to protect attribution — that it's about crediting as much as copying (plagiarism is actually a separate offense, and the Internet, in addition to providing a zero-cost distribution mechanism, has proven very effective at preventing plagiarism — see attachment L).

QuestionCopyright.org attempts to fill this gap by disseminating information about the historical origins and present-day effects of copyright; by exploring — through research, analysis, and advocacy — the possibilities of a world in which people are free to share information with one another; and by demonstrating concretely how the Internet demands new ways of understanding of the dynamics of information distribution. Our goal is to give artists and the public tools for questioning the fundamental assumption that copyright is necessary (or even helpful) for creative production, and to offer a framework for analyzing both copyright and other systems of distribution in terms of their appropriateness for particular technological circumstances. Copyright is frequently debated as a moral issue rather than a policy issue; QuestionCopyright.org returns it the realm of policy, so that it may be compared impartially with other possible systems, without interference from prejudicial assumptions about the relationship between copyright and creativity.

### **Specific Activities**

The activities and allocations below are approximate, and may change over time as needed to fulfill our mission:

#### **Research, Analysis, and Publication (50%):**

QuestionCopyright.org's most important activity is the gathering of data about modes of distribution and creativity, and making that data available in useable form to the right audiences. For example, in projects such as our Ghost Works Survey (see attachment M) we intend to gather data from artists and present it back to both artists and the public, to demonstrate patterns that individual observers may not be able see.

#### **Policy Advocacy (15%):**

ADDENDUM TO FORM 1023  
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EIN 26-1798415

QuestionCopyright.org is not a lobbying group and does not attempt to influence legislators. Instead, our strategy is to inform the public. To that end, we put out policy proposals not with the expectation that they will become law, but so they can dislodge prejudices and give people other perspectives. One effect of considering a copyright reform proposal is that, whether one agrees with the proposal or not, one becomes more likely to see copyright as susceptible to reform at all, because thinking about the pros and cons of a particular proposal requires, first, that copyright be in the realm of policy rather than rights. See attachment N for an example.

**Educational Presentations (15%):**

QuestionCopyright.org sends representatives to speak at conferences and other events (see attachments O and P), and arranges presentations by outside speakers (see attachment Q). This estimate includes both time spent physically attending the events and time spent preparing.

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**Current Events Commentary(10%):**

Certain external events require prompt responses, e.g., an article that results in a letter to the editor, a prominent news item or web post that needs a quick reaction, etc. This has happened frequently enough (see attachments R and S) that we can estimate roughly how much time it will occupy overall.

**Technical and Administrative Overhead (5%):**

Web site maintenance, finances, legal matters, and other organizational concerns.

**Fundraising (5%):**

This includes raising funds from the general public and from granting organizations.

**Attachments**

- A) [en.wikipedia.org/wiki/Free\\_software](http://en.wikipedia.org/wiki/Free_software)
- B) [en.wikipedia.org/wiki/Open\\_Source](http://en.wikipedia.org/wiki/Open_Source)
- C) [QuestionCopyright.org/teaching\\_music\\_under\\_copyright](http://QuestionCopyright.org/teaching_music_under_copyright)
- D) [QuestionCopyright.org/ghost\\_works](http://QuestionCopyright.org/ghost_works)
- E) [QuestionCopyright.org/bob\\_ostertag\\_speaks](http://QuestionCopyright.org/bob_ostertag_speaks)
- F) [QuestionCopyright.org/author\\_approved\\_mark](http://QuestionCopyright.org/author_approved_mark)
- G) [en.wikipedia.org/wiki/Threshold\\_pledge](http://en.wikipedia.org/wiki/Threshold_pledge)
- H) [QuestionCopyright.org/promise](http://QuestionCopyright.org/promise)
- I) [QuestionCopyright.org/berkeley\\_drm\\_2007](http://QuestionCopyright.org/berkeley_drm_2007)
- J) [en.wikipedia.org/wiki/DMCA](http://en.wikipedia.org/wiki/DMCA) (Digital Millenium Copyright Act)
- K) [QuestionCopyright.org/public\\_perception\\_of\\_copyright](http://QuestionCopyright.org/public_perception_of_copyright)
- L) [QuestionCopyright.org/filessharing\\_defeats\\_plagiarism](http://QuestionCopyright.org/filessharing_defeats_plagiarism)
- M) [QuestionCopyright.org/projects](http://QuestionCopyright.org/projects)
- N) [QuestionCopyright.org/balanced\\_buyout](http://QuestionCopyright.org/balanced_buyout)
- O) [oss2007.dti.unimi.it/index.php?id=keyNote.htm](http://oss2007.dti.unimi.it/index.php?id=keyNote.htm)
- P) [QuestionCopyright.org/rencontres\\_2007](http://QuestionCopyright.org/rencontres_2007)
- Q) [QuestionCopyright.org/rick\\_falkvinge\\_visit\\_2007](http://QuestionCopyright.org/rick_falkvinge_visit_2007)
- R) [QuestionCopyright.org/great\\_ideas\\_live\\_forever](http://QuestionCopyright.org/great_ideas_live_forever)
- S) [QuestionCopyright.org/copyright\\_and\\_open\\_source](http://QuestionCopyright.org/copyright_and_open_source)

ADDENDUM TO FORM 1023  
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EIN 26-1798415

**Part V, Question 1a**

Brewster Kahle	Director	c/o Internet Archive 116 Sheridan Ave. The Presidio of San Francisco San Francisco, CA 94129	None.
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**Part V, Question 2a**

James Jacobs and ShinJoung Yeo are married to each other.

**Part V, Question 3a**

QuestionCopyright.org is directed by the following Board of Directors.

**Karl Fogel, Director, President, Secretary** is an open source developer, author, and copyright reform activist. After working on CVS and writing "Open Source Development With CVS" (Coriolis, 1999), he went to CollabNet, Inc as a founding developer in the Subversion project. Based on his experiences there, he wrote "Producing Open Source Software: How to Run a Successful Free Software Project" (O'Reilly, 2005). After a brief stint as an Open Source Specialist at Google in 2006, he decided to work full-time on copyright reform and founded QuestionCopyright.org. He writes and speaks regularly on copyright, open source, and the application of open source principles to areas outside software.

Fogel works an average of 20 hours per week on QuestionCopyright.org matters. As President, he chairs the meetings of the board of directors and has responsibility and oversight for the organization's day-to-day activities.

**Jeff Ubois, Director and Treasurer**, is director of archival solutions at Intelligent Television, a producer of educational video materials funded by the Hewlett Foundation. He is also an advisor to Preserving Digital Public Television based at WNET in New York. Earlier, he was staff research associate at the School of Information Management and Systems at the University of California, Berkeley, where he developed approaches to measure the accessibility of archival holdings. For the Internet Archive, he has helped to develop policies for handling violent images, maintaining archival integrity, and managing usage data. He writes about issues in television archiving and digital video at <http://www.archival.tv>. His articles have appeared in First Monday, the Journal of Digital Information, Release 1.0, ComputerWorld, and the publications of Ferris Research, a San Francisco-based consultancy specializing in collaboration software.

ADDENDUM TO FORM 1023  
QUESTIONCOPYRIGHT.ORG  
EIN 26-1798415

Ubois works an average of .5 hours per week on QuestionCopyright.org matters. As Treasurer, he ensures that the financial books and records of the organization are accurate and up to date. He is responsible for the organization's tax filings.

**Bob Ostertag, Director.** Composer, performer, historian, instrument builder, journalist, activist, kayak instructor Bob Ostertag's work cannot easily be summarized or pigeon-holed. He has published 21 CDs of music, two movies, two DVDs, and two books. His writings on contemporary politics have been published on every continent and in many languages. Electronic instruments of his own design are at the cutting edge of both music and video performance technology. He has performed at music, film, and multi-media festivals around the globe. His radically diverse collaborators include the Kronos Quartet, avant gardier John Zorn, heavy metal star Mike Patton, jazz great Anthony Braxton, dyke punk rocker Lynn Breedlove, drag diva Justin Bond, Quebecois film maker Pierre Hébert, and others. He is rumored to have connections to the shadowy media guerrilla group The Yes Men. In March 2006 Ostertag made all of his recordings to which he owns the rights available as free digital downloads under a Creative Commons license, and in October 2007 he released his new album w00t online for free distribution. He is currently Professor of Technocultural Studies and Music at the University of California at Davis.

Ostertag works an average of .5 hours per week on QuestionCopyright.org matters.

**ShinJoung Yeo** is Coordinator for Reference and Outreach Services in the Stanford University Library, and also serves as Bibliographer for Communication in the Social Sciences Resource Group. She is also a founding member of Radical Reference, a collective of volunteer library workers who use their professional skills to answer information needs from the general public, independent journalists, and activists. She was named 2005 Library Journal Mover & Shaker with her husband James Jacobs. She holds both a bachelors (1999) and masters (2002) degree in Journalism and Communications from the University of Oregon. She previously worked as a reference librarian at the University of California at San Diego and the San Diego Community College District Libraries, and as a news reporter for Korean-American Television in Los Angeles. In September of 2007 she and James Jacobs took the Internet Archive's Bookmobile on a tour of Northern California, bringing a demonstration of print-on-demand services to communities that do not have easy access to a wide variety of printed materials.

Yeo works an average of .5 hours per week on QuestionCopyright.org matters.

ADDENDUM TO FORM 1023  
QUESTIONCOPYRIGHT.ORG  
EIN 26-1798415

**James Jacobs** is International Documents Librarian at Stanford University Library. Before coming to Stanford, he was state, local and international government information librarian at UC San Diego. He received his MSLIS from the University of Illinois at Urbana Champaign in 2002, and is a member of Beta Phi Mu. He is very active in the library community, concentrating on issues that affect society at large, such as fair use, open access to scholarly research, and permanent access to government information. Jacobs is a member of the Government Documents Roundtable (GODORT) of the American Library Association. He is former chair of GODORT's Government Information Technology Committee (GITCO) and has served on the State and Local Documents Taskforce (SLDTF) and the Publications Committee. He was named 2005 Library Journal Mover & Shaker with his wife Shinjoung Yeo, for their continuing work as founders of Radical Reference. He has also been involved in the Urbana-Champaign Independent Media Center, and co-founded Free Government Information.

Jacobs works an average of .5 hours per week on QuestionCopyright.org matters.

**Brewster Kahle** is an Internet entrepreneur, activist, philanthropist and digital librarian/archivist. Kahle graduated from MIT in 1982 with a degree in computer engineering, having studied artificial intelligence with Marvin Minsky and W. Daniel Hillis. He was an early member of the Thinking Machines team, where he invented the Wide Area Information Server (WAIS) system; he later started WAIS, Inc., the nonprofit Internet Archive, and Alexa Internet. In 2005, Kahle was elected a fellow of the American Academy of Arts and Sciences. He is a Director of the Internet Archive, a member of the Board of Directors of the Electronic Frontier Foundation, and one of the initiators of the Open Content Alliance. He and his wife also created the Kahle/Austin Foundation, which has supported the Internet Archive, Public Knowledge, and Creative Commons, among others. Kahle's stated mission is "Universal Access to all Knowledge".

Kahle works an average of .5 hours per week on QuestionCopyright.org matters.

#### **Part VIII, Question 4a**

The QuestionCopyright.org's fundraising activities include individual requests made to the board's personal contacts as well as e-mail solicitations, and are carried out by volunteers. A donation link appears on QuestionCopyright.org's website for any member of the public to donate money.

ADDENDUM TO FORM 1023  
QUESTIONCOPYRIGHT.ORG  
EIN 26-1798415

The items checked represent kinds of fundraising activities the organization expects to undertake. As the QuestionCopyright.org establishes itself and its program, it will probably broaden the range of its fundraising activities and funding sources.

**Part VIII, Questions 10 and 11**

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