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Public Works for a Better Government

March 3, 2015

Mr. Terry King, Operations Manager
The Authors Registry, Inc.
31 East 32nd Street, 7th Floor
New York, NY 10016

Your Notification: Certified Mail **7014 0510 0000 5297 2496**
Our Counter Notification: Certified Mail **9402 7118 9956 2462 6201 20**

Dear Mr. King:

I am in receipt of your letter of February 18, 2015, which is in regards to your April 30, 2012 notification that the Authors Registry has collected funds on my behalf for my book *Ingres: Tools for Building an Information Architecture* which came to you from the Authors' Licensing & Collecting Society (ALCS). Although you indicate that you have made "several attempts to contact" me, these are the only two communications I have received from you.

By this letter, I hereby inform and instruct the Authors Registry, Inc. that for all 8 books I have authored, all rights for these works have reverted to me and I have explicitly placed these works in the Public Domain. These works include:

- **Stacks : interoperability in today's computer networks**, Englewood Cliffs, N.J. : Prentice-Hall, c1992, ISBN 0134840801.
- **A world's fair for the global village**, Cambridge, Mass. : MIT Press, c1997, ISBN: 0262133385 .
- **Analyzing Novell networks**, New York : Van Nostrand Reinhold, c1990, ISBN: 0442003641.
- **Exploring the Internet : a technical travelogue**, Englewood Cliffs, N.J. : PTR Prentice Hall, c1993, ISBN: 0132968983.
- **Analyzing DECnet/OSI phase V**, New York : Van Nostrand Reinhold, c1991, ISBN 0442003757.
- **Analyzing Sun networks**, New York : Van Nostrand Reinhold, c1992, ISBN: 0442003668.
- **DEC networks and architectures**, New York, N.Y. : Intertext Publications (McGraw Hill), c1989, ISBN: 0070398224.
- **INGRES : tools for building an information architecture**, New York : Van Nostrand Reinhold, c1989, ISBN: 0442318006.

You are further notified and instructed as follows:

- Because these works are placed in the Public Domain, I do not wish for any party to collect funds on my behalf or to participate in the collection of funds on my behalf in respect to any of these works.
- The Authors Registry, Inc. is instructed to return any funds collected on my behalf for the book *Ingres: Tools for Building an Information Architecture* to the Authors' Licensing & Collecting Society (ALCS) and to inform them that this work is in the public domain and those funds were improperly collected.
- The Authors Registry, Inc. is instructed not to represent itself as my agent or to collect funds on my behalf for any of these works and to inform any parties who attempt to give the Authors Registry, Inc. any funds on my behalf that these works are in the public domain and that any such funds were improperly collected.

I realize that the Authors Registry, Inc. believes it is providing me a great service by collecting funds, but I strenuously object to this practice. My intent in placing my works in the public domain is to provide unfettered access to my books and it is morally if not legally wrong to impose conditions on the use of my works without my prior authorization. I insist that you cease and desist this practice.

When I received your notice, I was quite upset that the Authors Registry was participating in a scheme in which individuals were told they must pay money to use materials that I have explicitly placed in the public domain. At that time, I reacted with some passion on Twitter and used intemperate language, in particular in reference to Ms. Letty Cottin Pogrebin and to the one board member I know, Mr. James Gleick.

I wish to apologize to both of those individuals as I understand my angst would be more properly directed to the institution of the Authors Registry and I fully understand that both individuals serve without pay and as a public service. No matter how misguided I believe the institution is, I would never wish to criticize any individual who donates their time and effort to a cause they believe in.

My main concern with the Authors Registry is the fact that the organization takes it upon itself to act as my agent in direct contradiction to my actual wishes. However, I also have concerns about the transparency of the organization. The Authors Guild, Inc. (EID 13-2509231) is a 501(c)(6) nonprofit corporation, and the **2013 Form 990**, Schedule R, lists 3 related organizations:

- The Authors Guild Foundation (EID 23-7248599) is a 501(c)(3) nonprofit corporation.
- The Authors League of America (EID 13-0457650) is listed as a related corporation.
- The Authors Registry (EID 13-3842268) is listed as a related corporation.

While the State of New York lists the Authors Registry as a **Domestic Not for Profit Corporation**, the organization is **not listed by the IRS in Publication 78**, nor does the **Charities Bureau of New York** list the organization. As a not-for-profit corporation, the Authors Registry must of course only dispose of assets in an appropriate manner. However, because the Authors Registry has chosen not to register as a charity at the

state level or a nonprofit corporation in any form at the federal level, no financial reporting is provided by the organization.

It is clear that the organizations are all related. In particular, the Authors Guild received a \$100,000 management fee from the Authors Registry. It is unclear if this might be considered unrelated business income. It is also unclear how the Registry is organized, the size of the revenue stream, and the specific relationship to the Guild.

It is this lack of transparency, coupled with the unauthorized representation as my agent, that led to my strong reaction to your recent notice. I would hope that the Authors Guild will take steps to increase the transparency of your organizations as it will greatly increase the trust and goodwill you will engender as you conduct your activities. I would also hope that you will institute an "opt out" procedure for those of us that object strenuously to your collection of funds on our behalf.

With best regards,



Digitally signed by Carl
Malamud
DN: cn=Carl Malamud,
o=Public.Resource.Org,
ou,
email=carl@media.org,
c=US
Date: 2015.03.03
07:22:18 -08'00'

Carl Malamud
Public.Resource.Org



TERRY KING, *Operations Manager*

18 February 2015

Carl Malamud
Po Box 361
Bodega, CA 94922

Dear Carl Malamud,

Over the past year or more, the Authors Registry has made several attempts to contact you concerning secondary royalties for your works (or works to which you hold the rights) originally collected by the Authors' Licensing & Collecting Society (ALCS) in London. During this time we have not received from you the paperwork necessary for us to collect and distribute your payment.

We are sending you this final courtesy letter to inform you that we will no longer be contacting you regarding these royalties. Although you may have indicated in the past that you intend to register with us, since you have not yet done so, we can only presume that you have now chosen not to claim these royalties. If this is incorrect, please complete and return the two enclosed forms within the next two weeks.

If you do not respond to this letter by the date below your royalties will be automatically redistributed as per ALCS policy and future royalties will be returned to the original source or reallocated to a 'top-up' account for yearly distribution. You will not be able to reclaim these royalties. ALCS will also exclude your works from all the collective licences that they administer to ensure that no further fees are collected.

We sincerely hope that you will register with us and collect the royalties due to you. However, if we do not hear from you by March 20, 2015, your royalties will be redistributed.

Sincerely,

Terry (Terence) King

THE AUTHORS REGISTRY, INC.

31 EAST 32nd STREET, 7th FLOOR • NEW YORK, NY 10016 • (212) 563-6920 • FAX (212) 564-5363

staff@authorsregistry.org • www.authorsregistry.org



Authors Registry Non-Exclusive Collection Authorization

I have been informed that the Authors Registry is a not-for-profit organization whose mission is to collect and disburse payments to U.S.-resident authors and rightsholders of copyright works. These payments may come from organizations, foreign and domestic, whose mandates include the collection of royalties and fees for the use of such works within their legal systems.

Examples of such organizations would include the Authors' Licensing & Collecting Society (ALCS), the authors' rights organization associated with the Copyright Licensing Agency of the U.K., and organizations with the authority to collect and disburse fees for Public Library Lending Right. Royalty payments from publishers are not within the mandate of the Authors Registry.

I authorize the Authors Registry to collect, on my behalf, payments generated for the use of copyright works to which I am a rightsholder, from organizations such as those described above, for the purpose of disbursing such payments to me or my successors. I understand that the Authors Registry retains a 7.5% commission for its work in such collections and disbursements.

I understand that I may withdraw this authority at any time by giving the Authors Registry 90 days' written notice. Otherwise, the Authors Registry will be authorized to collect and disburse payments as described above through the end of the current calendar year; after this date, this authorization will automatically renew for successive one-year terms until I withdraw it.

Signature: _____

Representing (if not self): _____

Name (printed): _____ Date: _____

PAGE 1 OF 2
Please complete reverse side

Confidential Contact Information for Communications with The Authors Registry

Street Address: _____

City: _____ State: _____ Zip: _____

Country: _____ Postal Code: _____

Telephone: _____ E-mail: _____

The Authors Registry occasionally receives inquiries from parties wishing to contact Registry members for professional purposes. These may include permissions requests or other inquiries. Below we ask you to advise us how you wish us to respond to such inquiries.

Public Contact Information in case of Inquiries

Please check one of the choices below:

I do not authorize the Authors Registry to provide my contact information to inquirers.

I authorize the Authors Registry to provide my contact information, as shown above, to inquirers.

I authorize the Authors Registry to provide the alternate contact information shown below to inquirers.

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____


Country: _____ Postal Code: _____

Telephone: _____ E-mail: _____

Please return completed form to:

The Authors Registry
31 East 32nd Street, 7th Floor
New York, NY 10016
Fax: 212-564-5363

Email: staff@authorsregistry.org

From: Stephanie Forman Sforman@authorsguild.org 
Subject: Royalties for Ingres: Tools for Building an Information Architecture
Date: April 30, 2012 at 10:35 AM
To: carl@media.org

SF

Hello Mr. Malamud,

I am contacting you on behalf of the Authors Registry (www.authorsregistry.org). They have received payment of foreign royalties owed to you as the author of *Ingres: Tools for Building an Information Architecture*. This payment comes to us from the Authors' Licensing & Collecting Society (ALCS, www.alcs.co.uk) in London, an organization which collects fees for photocopying and other uses across the U.K.. We act as payment agent for the ALCS in the USA.

Attached please find the two forms we will need you to complete and return to us so that we can forward payment. One is a W-9 form, which we are required to retain by the IRS, since we must report all payments we make to them. The other is our Collection Authorization form, which authorizes us to retain our standard 5% commission from this payment. You may return the forms via email, post them to the address in the signature below, or fax them to 212-564-8363.

Feel free to call me at the Authors Guild with any questions. We are open 9:30am - 5:30pm (EST) Monday through Friday.

Sincerely,
Stephanie Forman

The Authors Guild
31 East 32nd St., 7th Floor
New York, NY 10016
212-563-5904; FAX: 212-564-8363
E-mail: sforman@authorsguild.org



fw9.pdf

