

**THE FEDERAL JUDICIAL CENTER**  
THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING  
ONE COLUMBUS CIRCLE, N.E.  
WASHINGTON, DC 20002-8003

JUDGE BARBARA J. ROTHSTEIN  
DIRECTOR

TEL.: 202-502-4160  
FAX: 202-502-4099  
Email: brothstein@fjc.gov

January 12, 2009

Mr. Carl Malamud  
Public.Resource.Org  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

Dear Mr. Malamud:

Thank you for your letter of December 9, 2008 and for your compliments on the Federal Judicial Center's publications.

You raised several questions regarding FJC video programs, the Federal Judicial Television Network (FJTN), and the Federal Judicial Center Foundation. I would like to respond to them in turn.

- (1) Regarding the video "An Introduction to the Patent System," a DVD of which you obtained from the American Intellectual Property Law Association, the FJC is not asserting a copyright on that program.
- (2) Regarding FJC videos at the National Technical Information Service (NTIS), the FJC has been sending videos to NTIS since 1992 as a way to make our programs available to the public for educational purposes. The NTIS was formerly part of the National Records and Archives Administration and is now part of the Department of Commerce, and its purpose is to make government-produced media materials available to the public. We last sent videos to NTIS in December 2007. We did not send them programs in 2008 while we converted to DVD. We are, however, resuming our transmission of videos to NTIS and will soon send them several 2008 productions, and we understand that NTIS is offering, or will soon offer, videos in DVD format. Other than notifying NTIS when some of our videos are outdated and no longer accurate (because of changes in law, for example), we have no involvement in how NTIS decides which of our programs to put in their catalog, and which they do not, and we have no influence at all on their pricing structure.
- (3) You ask if we "would have any objection if" you were to procure a satellite dish and "provide a mirror of the programming on the Internet." We would have an

objection. The reason is that making our programming available in this way would limit our access to programs produced by other entities and to speakers; some producers and some speakers agree to provide us their programs or their services (including copyrighted materials) on the basis that they will be for the internal use of the courts only.

- (4) Finally, regarding the Federal Judicial Center Foundation, the Foundation was created pursuant to an Act of Congress (Pub.L. 100-702, Title III, § 301(a), Nov. 19, 1988, 102 Stat 4647). As directed by statute, all monies accepted by the Foundation Board are deposited in a separate, non-interest bearing fund in the Treasury of the United States. The Foundation's governing statute imposes two reporting requirements: (1) Every October the Foundation Board must submit a report to the Committees on the Judiciary of the Senate and House that lists each gift, including amount and source, accepted by the Foundation Board during the past fiscal year, and (2) every year the Center must, in its annual report describing its overall activities, include a section about the Foundation, which describes the purposes for which gifts were used during the past year. (28 U.S.C. § 629 (e)). I am enclosing a copy of our 2007 annual report, which on page 13 describes the purposes for which gift funds were used that year. We are currently preparing our annual report for 2008. We are not aware of any other reporting requirements for the Foundation. Specifically, the IRS regulations, at 26 C.F.R. § 6033-2(g)(1)(vi), exempt organizations described in § 501(c)(1) of the Internal Revenue Code, i.e., organizations organized by Acts of Congress, from filing tax returns.

Thank you again for your inquiry and for your interest in the Center's work.

Sincerely,



Barbara J. Rothstein  
United States District Judge  
Director, Federal Judicial Center