

1995

Ms. Elena A. Cappella  
The American Law Institute  
4025 Chestnut Street  
Philadelphia, Pa. 19104-3099

Dear Ms. Cappella:

Your letter of May 2 gave 270 days notice of the termination our license to distribute the UCC comments (both the official comments accompanying each title and those of the Permanent Editorial Board) at the Legal Information Institute Web Site. We have complied, as a visit to: <http://www.law.cornell.edu/ucc/ucc.table.html> should confirm. Because of all the cross-references within the code itself and between the comments and the code, this HTML version of the UCC was extremely laborious to create and provided a unique research tool. I regret the board's decision and hope that it will at some point in the future see its way to allow us to restore the comments, which I have archived off-line. The usage figures which are provided below indicate that the UCC is one of the more important research collections at our site.

Your letter asked that we continue to display the copyright notice you stipulated in 1993 in connection with the remaining code provisions. We have left it in place but would like clarification of the point. Does the Board, in fact, claim copyright in the "black-letter statutory text"? I had thought from our earlier discussions that its claim was limited to the comments (which have not been placed in the public domain by state legislatures).

As your letter did not address the "disk" version of the UCC also covered by our license I have assumed its contents need not be shrunk as well. To strip this version of the comments would make it of little interest to law students and teachers. We continue to sell it in modest volume, in most cases in fact via the Net, and while the royalties are not large I trust this controlled, fee-generating release does not raise the same concern as free and unrestricted distribution via the Web. Ms. Majeroni tells me she recently sent a royalty statement detailing our sales.

The UCC pages at our site generated the following "hit" totals in recent months: during the first week in Sept. (13,716), first week in Oct. (13,242), first week in Nov. (12,431) and first week in Jan. (13,338). To place these figures in context I should note that our total hits per week on all LII servers were for most of this period around 1.5 million and that our most heavily used resource, the U.S. Code, accounted for over 333,000 in a typical week. Other items with usage comparable to the UCC are our hypertext version of the U.S. Constitution and our collection of decisions of the New York Court of Appeals.

Ours Web site no longer stands alone but it continues to be the most heavily used non-profit, educational law site in the U.S. If the Board should ever decide again to allow full dissemination over the Net, we would very much like to be at least one of the instruments.

Sincerely,

Peter W. Martin  
Co-Director, LII & Jane M.G. Foster Professor of Law