Year	Month	UKL	Hits I otal	A
2013	4	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	-	2/26/1-
2013	4	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	1	7
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	.0	Cachartan
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	*-	
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf		
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	~	
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	•	
2013	4	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	~	
2013	9	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	2	
2013	9	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	F	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	~	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	2	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	-	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	2	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	-	
2013	9	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	-	
2013	7	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	e	
2013	7	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	~	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	2	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	9	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	T	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	5	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	2	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	2	
2013	ω	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	340	
2013	ω	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	56	
2013	8	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	241	
2013	Ø	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	951	
2013	00	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	58	
2013	ω	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	783	
2013	80	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	63	
2013	œ	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	71	
2013	0	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	425	
2013	0	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	81	
2013	б	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	354	
2013	0	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1047	

Year	Month	URL Hits	Total	
2013	0	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	52	
2013	6	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	1255	
2013	Ø	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	54	
2013	Ø	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	62	
2013	10	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	537	
2013	10	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	108	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	402	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1342	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	50	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	1846	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	54	
2013	10	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	76	
2013	11	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	591	
2013	\ \ \	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	83	
2013	11	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	426	
2013	11	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1397	
2013	<u>.</u>	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	47	
2013		https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	2082	
2013	~- ~	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	62	
2013	7	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	75	
2013	12	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	514	
2013	12	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	97	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	411	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1277	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	48	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	1813	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	50	
2013	12	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	71	
2014	Ţ	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	622	
2014	~~	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	81	
2014	~~	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	413	1
2014	~	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1622	
2014		https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	53	6110
2014	~ .	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010	2567	
2014	~	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	2566	
2014	~	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	60	

Year	Month	URL	Hits	Total
2014	-	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	68	
2014	2	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.15.1994.pdf	646	
2014	2	https://law.resource.org/pub/us/cfr/ibr/002/ashrae.fundamentals.1993.pdf	85	
2014	2	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2004.pdf	415	
2014	2	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.2007.pdf	1639	
2014	2	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.a.2004.pdf	43	
2014	2	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.ip.2010.pdf	2774	
2014	2	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.r.2007.pdf	47	
2014	0	https://law.resource.org/pub/us/code/ibr/ashrae.90.1.s.2007.pdf	54	33147

From: Carl Malamud Sent: Fri 10/18/2013 3:41 PM (GMT -7) To: Marshall Rose Cc: Bcc: Subject: Re: the tweet

thanks! I'm definitely winging it here, playing major league hardball. I'm probably going to break more windows than necessary. You saw his 20 minute interview I tweeted about? They're very serious about this. Single biggest threat he sees.

On Oct 18, 2013, at 3:39 PM, Marshall Rose <mrose17@gmail.com> wrote:

> understood.

>

> /mtr

>

> On Oct 18, 2013, at 15:23, Carl Malamud <carl@media.org> wrote:

>

>> There's a very long back and forth with, in particular, the NFPA, on how their models will change, what will they do, should they charge the government, etc, etc ... We did a bunch of hearings, I've posted video from many of those.

>>

>> Many people have said I should say what their answer is, and I think that's a strategic mistake. I can open up the possibilities, talk about the economics, but I can't tell them the way to do their business. That's a definite loss, I can't win that discussion. Our policy is very deliberately focused on "it doesn't matter, we have the right to speak it." It's an absolutist position, but it's the only way we can possibly win this fight ... the minute I walk down the slippery slope of "what exactly should we do" we loose sight the of the key proposition, which is the law isn't theirs to control.

>>

>> But, I hear you about it coming off harsh! :)

>>

>> The message is that government and the SDOs are truly going to have to deal with it at some point, and this time they'll need to factor in the basic fact that they can't own the law, since that would be unconstitutional. I can offer options, but I can't back off on the basic point.

>>

>> On Oct 18, 2013, at 3:15 PM, Marshall Rose <mrose17@gmail.com> wrote:

>>

>>> i was looking at "the way of life" tweet and trying to figure out a way to get the point across to them that the world changed.

>>>

>>> saying "deal with it" is kind of harsh. it's true, but still harsh.

>>>

>>> saying "time to evolve" is perhaps more constructive.

>>>

>>> take a look at this scene from "other people's money", in particular what devito's character says at 1:45m into it about buggy whips.

>>>

>>> http://www.youtube.com/watch?v=62kxPyNZF3Q

>>>

>>> his character is, of course, unsympathetic and ruthlessly capitalistic. nonetheless, there is a certain resonance with respect to the situation the SDOs find themselves in. in the print age, one could perhaps justify the infrastructure and overhead; however, that train doesn't run in the digital age.

>>>

EXHIBIT Ashley Scevyn, CSR No. 12019 Date Witness

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>>> manufacturers should fund the SDOs voluntarily because competent standards make for robust marketplaces. if the manufacturers aren't willing to do this, then one has to either question the utility of the standards or the efficacy of the SDOs.

>>>

>>> just a thought.

>>>

>>> /mtr

>>>

>>> ps: i think the captions in your photos were a hoot.

>>> >>>

>>>

>>>

>>

>

>

ļ



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Terms of Use (31 Dec 2014)

1	UNITED STATES DISTRIC	T COURT
2	FOR THE DISTRICT OF C	COLUMBIA
3		
4	AMERICAN SOCIETY FOR)
5	TESTING AND MATERIALS,)
6	d/b/a ASTM INTERNATIONAL;)
)
7	NATIONAL FIRE PROTECTION)
8	ASSOCIATION, INC.; and)
)
9	AMERICAN SOCIETY OF)
10	HEATING, REFRIGERATION AND)
11	AIR CONDITIONING ENGINEERS,)
12	Plaintiffs and)
13	Counter-Defendants,)
14	vs.) Civil Action No.
15	<pre>PUBLIC.RESOURCE.ORG,INC.,</pre>) 1:13-cv-01215-TSC
16	Defendant and) VOLUME: I
17	Counter-Plaintiff.)
18	Videotaped 30(b)(6) Depo	sition of
19	NATIONAL FIRE PROTECTION	ASSOCIATION,
20	INC., BY BRUCE MULLEN, t	aken at
	42 Chauncy Street, Bosto	on, Massachusetts,
21	commencing at 9:59 a.m.,	Tuesday,
22	March 31, 2015, before J	eanette N.
23	Maracas, RPR, Notary Pub	olic.
24	JOB No. 2038640	
25	PAGES 1 - 234	

Page 1

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1		what the seminar is about.	07:01:57
2	Q.	How did the overall revenues to NFPA on its	07:01:58
3		training programs compare to the overall	07:02:01
4		revenues on its publications department?	07:02:05
5	A.	Training revenues are, in total this is	07:02:11
6		open registration on site approximately in	07:02:18
7		this last year, we're approximately	07:02:22
8		\$8 million, and publication sales would be in	07:02:24
9		the order of 50 to 60 million, so about	07:02:30
10		12 percent, 15 percent of as a percentage	07:02:39
11		of overall revenues, training revenues are in	07:02:46
12		the order of 10 percent of total revenues, 10	07:02:49
13		to 12.	07:02:52
14	Q.	What options do you see for NFPA if the Court	07:02:54
15		rules that NFPA lacks copyright to enforce	07:02:58
16		against Public.Resource?	07:03:05
17		MR. REHN: Object to the form,	07:03:09
18		vague.	07:03:11
19	Q.	And by that, I mean what business options, I	07:03:20
20		don't mean what legal options.	07:03:23
21		MR. REHN: I will maintain my	07:03:24
22		objection to form.	07:03:26
23	A.	The this is a hypothetical, but the volume	07:03:28
24		of revenue from standards and codes and our	07:03:42
25		handbook and our related handbook	07:03:48
		Pag	je 224

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1		material, I mean, that is 60 to 70 percent of	07:03:49
2		our overall revenue, so it would have if	07:03:55
3		we were unable to generate that revenue, it	07:04:04
4		would obviously have a substantial impact on	07:04:07
5		the organization.	07:04:10
6	Q.	Well, that wasn't my question. My question	07:04:10
7		is, what options what business options	07:04:12
8		would NFPA have if the Court determined that	07:04:13
9		NFPA lacked copyright in its codes and	07:04:16
10		standards? That question does not include	07:04:20
11		losing copyrighted handbooks.	07:04:22
12		MR. REHN: Object to the form,	07:04:24
13		argumentative, hypothetical, asked and	07:04:27
14		answered.	07:04:30
15	A.	Well, regarding to business options, this is	07:04:38
16		something that the since my entire career	07:04:45
17		with the NFPA, NFPA has been looking for	07:04:54
18		other ways of generating revenue other than	07:04:54
19		or in addition to the sale of codes and	07:04:56
20		standards. And in my tenure at NFPA, we	07:04:59
21		haven't discovered any potential source of	07:05:05
22		revenue that could replace that revenue.	07:05:10
23		So in terms of business options,	07:05:14
24		there would I mean, one business option	07:05:25
25		would be a radical reduction in staff to get	07:05:26
		Pag	re 225

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1		expenses down to a to stop the a	07:05:31
2		deficit would be one business option. It's	07:05:38
3		not a sustainable option to replace that	07:05:40
4		revenue source.	07:05:44
5		VIDEOGRAPHER: There are ten minutes	07:05:48
б		remaining on the record.	07:05:49
7		MR. BRIDGES: Thank you.	07:05:50
8	Q.	What alternatives has NFPA considered as	07:05:51
9		sources of revenue if it were to lose	07:06:01
10		copyright let me change the question.	07:06:04
11		Is the same thing true if NFPA loses	07:06:11
12		copyright only in the codes incorporated by	07:06:15
13		reference?	07:06:17
14		MR. REHN: Object to the form,	07:06:18
15		hypothetical.	07:06:20
16	A.	I wouldn't be able to answer that question	07:06:34
17		without having some idea of what that revenue	07:06:36
18		impact would be on those individual documents	07:06:39
19		in terms of the magnitude of that.	07:06:42
20	Q.	Do you have an idea of what the revenue	07:06:46
21		impact would be on those individual	07:06:48
22		documents?	07:06:50
23	A.	No. I wouldn't even be able to give you a	07:06:51
24		range. I just I don't know.	07:06:57
25	Q.	Do you have any idea how strike that.	07:07:01
		Pag	re 226

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1		Do you have any idea whether NFPA	07:07:10
2		would need to change its business model if a	07:07:13
3		Court rules that the defendant's activities	07:07:18
4		in this case are fair use and not an	07:07:22
5		infringement of the NFPA codes and standards	07:07:24
6		that are incorporated by reference?	07:07:28
7		MR. REHN: Object to the form, calls	07:07:30
8		for a legal opinion, hypothetical, calls for	07:07:32
9		speculation.	07:07:35
10	A.	Just go back to the status quo, the existing	07:07:43
11		case is NFPA generates revenue around the	07:07:54
12		codes and standards that it develops, so if	07:07:59
13		we lost copyright to all or a portion of	07:08:02
14		those standards or there was no requirement	07:08:06
15		for people to purchase those codes and	07:08:10
16		standards from us, ultimately, the entire	07:08:13
17		code development system would unravel. And	07:08:18
18		then all our training which is about the	07:08:20
19		codes and standards, because we develop the	07:08:22
20		codes and standards, we wouldn't have the	07:08:24
21		money to develop the codes and standards. So	07:08:26
22		it would be a sort of slow unraveling	07:08:30
23		process.	07:08:33
24	Q.	My question is a different one. Would NFPA	07:08:38
25		need to change its business model in that	07:08:48
		Pag	je 227

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1		eventuality?	07:08:52
2		MR. REHN: Object to the form,	07:08:55
3		hypothetical, argumentative.	07:08:56
4	А.	NFPA's business model would cease to exist.	07:09:06
5		And I'm not sure whether there is a	07:09:11
6		logical thing is to change the business	07:09:17
7		model, but I don't think there is that	07:09:19
8		business model out there for us to change to.	07:09:24
9		Our existing business model would cease to	07:09:26
10		exist.	07:09:32
11	Q.	Have you given any thought to other sources	07:09:32
12		of revenue to NFPA to replace any loss of	07:09:34
13		revenue arising from a Court determining that	07:09:40
14		codes and standards incorporated by reference	07:09:47
15		are in the public domain?	07:09:50
16	A.	There's been an ongoing initiative at NFPA	07:09:57
17		for many years now to develop electronic	07:10:00
18		tools and services that are solution based,	07:10:03
19		so where it delivers a solution to an	07:10:09
20		individual so without makes life easy for	07:10:15
21		them. They don't have to read the code to	07:10:19
22		understand or to work in their sort of work	07:10:22
23		flow, whether it's a design or inspection and	07:10:25
24		we could that is something we have been	07:10:29
25		working on for many years. It has not	07:10:35

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1		generated substantial revenues, but that's	07:10:37
2		something we continue to work on, but it	07:10:39
3		is it in no way would ever replace the	07:10:45
4		kind of revenue loss that we would	07:10:47
5		anticipate.	07:10:50
6	Q.	What innovative tools and services has NFPA	07:10:52
7		developed in the past decade to gain more	07:10:58
8		revenue?	07:11:04
9		MR. REHN: Object to the form.	07:11:06
10	A.	We have current electronic digital products	07:11:14
11		that are under development at the moment that	07:11:19
12		enable inspectors to customize routine	07:11:24
13		problems that they have and build their own	07:11:33
14		customized work flows. That's a pilot test	07:11:39
15		at the moment. We don't have we haven't	07:11:43
16		developed anything substantial in that area.	07:11:45
17	Q.	How long has NFPA been working on that?	07:11:53
18	A.	On this particular development, NFPA started	07:11:56
19		working on it in late 2013 this particular	07:12:04
20		product, late 2013, early 2014.	07:12:13
21	Q.	After this litigation began?	07:12:16
22	A.	I think so. That's my recollection. I think	07:12:18
23		so.	07:12:25
24	Q.	What effect on NFPA's revenues did the free	07:12:29
25		access to read-only documents cause?	07:12:37
		Pag	re 229