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July 6, 2020

Skagway Museum & Archives
P.O. Box 521
Skagway, AK 99840

Gentleman

This letter is submitted as a "Good Faith Notice" to make public two (2) Videos entitled: "Skagway - Gateway to the Klondike" and "Skagway at WAR." These two (2) Videos will shortly be posted on the Internet at several locations, one of which will be "www.youtube.com."

On or about June 3, 2020, the Staff of "Skagway Museum & Archives" was in receipt of a "Certified Mailed Letter" informing everyone that the Legislature for the State of Alaska has never enacted any Statute authorizing any Agency or Municipal Corporation of the State of Alaska to "Copyright" any Public Funded created Videos. As such, I have disputed the legitimacy of the Copyright Notice which appears on the two (2) Videos in question.

Several Questions were presented in the past letter of which were to be Answered within thirty (30) days of the receipt of the letter. No letter of response was presented nor received from the Staff of the "Skagway Museum & Archives" which silence is an admission that the two (2) Videos in question are not protected from use of the general public via the "Copyright Laws" of "The United States of America."

This letter of June 3, 2020 was forwarded to "Capitol Community Broadcasting" of Juneau, Alaska, and in PDF Format, was forwarded to the e-mail accounts of the Office of the Alaska Attorney General, the Alaska State Legislature, and to the Assembly for the City of Skaqway. All those who may have an interest of the Copyrighting of the two (2) Videos in question have not made any comments nor any objections to the letter.

Upon the receipt of the June 3, 2020 letter by the members of the "Alaska State Legislature," a Member submitted a proposed "Bill" of "HB 193: An Act adding a second verse to the official state song," wherein "Representative Story" incorporated a "Copyright Statement" (which now appears in the amended version of Alaska Statute "AS 44.09.040"):

House Bill 193, Sec. 2. AS 44.09.040 is amended by adding a new subsection to read:

(b) A copy of "Alaska's Flag" produced for public use must have the following attribution and notice: "copyright University of Alaska Foundation, nonprofit use permitted, all other rights reserved." [Emphasis added].

It appears that this is the only "Section" of the "Alaska Statutes" that a "Copyright Notice" makes an appearance.

Here I must remind everyone that the authority for a "Copyright Notice" to appear in the "Alaska Statutes" on behalf of the "University of Alaska Foundation" is:

Alaska Statute, Sec. 45.45.590 (2)

“ "copyright owner" means the owner of a copyright of a musical work if the copyright is recognized and enforceable under 17 U.S.C.; "copyright owner" does not include the owner of a copyright in all or part of a motion picture or an audiovisual work; ..." [Emphasis added].

Alaska Statute, Sec. 45.45.590 (3)

“ "musical work" means a nondramatic musical or similar work; ..." ” [Emphasis added].

As the use of public funds were used to publish the “Alaska Flag Song,” the “Alaska State Legislature” was obligated to include the statement “nonprofit use permitted” in the “Statute” of the “Alaska Flag Song.”

The only place found within the “Alaska Statutes” which the “Alaska State Legislature” has authorized any “Agency,” “Department,” or “Municipal Government” the authority to issue forth “Copyright Statements” is in the copyrighting of “Computer Software”:

AS 29.71.060 - Copyrights in computer software.

“A **municipality** may hold the **copyright** for **software** created by the municipality or developed by a contractor for the municipality, and may enforce its rights to protect the copyright.” [*Emphasis added*].

AS 44.99.400 - Software copyrights.

“A **state agency** may hold the **copyright** for **software** created by the agency or developed by a private contractor for an agency, and may enforce its rights to protect the copyright. In this section, “**state agency**” means a department, institution, board ...” [*Emphasis added*].

I have taken the liberty to alter the “Copyright” statements which appeared on the “Skagway - Gateway to the Klondike” (and “Skagway at WAR”) Videos to read:

Skagway
GATEWAY TO THE KLONDIKE

Copyright 1995
Capitol Community Broadcasting
and
City of Skagway, Alaska

Nonprofit use permitted, all other rights reserved.

even though this statement may not have any lawful effect.

Sincerely Yours

Gordon Warren Epperly

Gordon Warren Epperly

cc: Capitol Community Broadcasting
360 Egan Drive
Juneau, Alaska 99801-1748

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