



07/21/2023

Library of Congress
101 Independence Ave., S.E.
Washington, D.C. 20540-4730

Attn: Ms. Helena Zinkham
Chief, Prints & Photographs Division

RE: The Paul Rudolph Archive at the Library of Congress

Dear Ms. Zinkham:

I write you on behalf of the Paul Rudolph Institute for Modern Architecture ("PRIMA"), the Estate of Paul Rudolph and Ernst Wagner, Paul Rudolph's Executor and residuary beneficiary.

In 2020, the Paul Rudolph Foundation brought an action against PRIMA (formerly the Paul Rudolph Heritage Foundation) and Mr. Ernst Wagner in the U.S. District Court for the Southern District of New York, captioned *The Paul Rudolph Foundation, Inc. v. Paul Rudolph Heritage Foundation et. al*, Case No. 1:20-cv-08180-CM (S.D.N.Y.) (the "Lawsuit"). I write to inform you that the parties have agreed to settle the Lawsuit.

Part of the Lawsuit involved the ownership and copyright status of works authored by Paul Rudolph or his architectural office (collectively "Paul Rudolph Works"). This - by definition - included both works at the Library of Congress (the "Paul Rudolph Collection") and those works outside of the Paul Rudolph Collection.

The Court ruled that the Paul Rudolph Works in the Paul Rudolph Collection at the Library of Congress are in the public domain. *The Paul Rudolph Foundation, Inc. v. Paul Rudolph Heritage Foundation et. al*, 2022 WL 4109723, at *8 (S.D.N.Y. Sep. 8, 2022). We agree and support the Court's determination.

The Court also acknowledged that since the Library of Congress did not select the entirety of the Paul Rudolph Works for the Paul Rudolph Collection, the materials not in the Library's Paul Rudolph Collection may not be in the public domain and Mr. Wagner may hold intellectual property rights to this material as the residuary beneficiary of Mr. Rudolph's estate. See *id.* at *7, n.4.

We therefore respectfully request the Library of Congress amend its Rights and Restrictions Information for the Collection to state that the Estate of Paul M. Rudolph and the Paul Rudolph Institute for Modern Architecture acknowledge and agree that there are no copyright restrictions on Paul Rudolph Works in the Library's Paul Rudolph Collection.

Thank you on behalf of Ernst Wagner and PRIMA.

Sincerely,

Kelvin Dickinson
President