

## THE PRO-LIBRARY COPYRIGHT AGENDA December 2008

The Library Copyright Alliance (LCA) consists of five major library associations—the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association. These five associations collectively represent over 139,000 libraries in the United States employing 350,000 librarians and other personnel. By cooperating on copyright issues that have a significant effect on the services libraries provide to their users, LCA fosters global access to information for creative, research, and educational uses.

### **The Administration Should Conduct a Thorough Review of Domestic and International Copyright Policy.**

- For the past two decades, U.S. copyright policy has focused on increasing protection for the copyright industries. This has had the unintended effect of preventing libraries, educational institutions, and others from taking full advantage of the opportunities afforded by digital technology.

### **The Administration Should Formulate Copyright Policy in an Open and Transparent Manner.**

- Too often, U.S. copyright policy has been formulated with little or no consultation with stakeholders other than the copyright industries. All stakeholders, including libraries, educational institutions, consumer groups, and technology companies must be included in the copyright policy process.

### **The Administration Should Take Pro-Library Executive Branch Actions.**

- The Register of Copyrights must consult with the National Telecommunications and Information Administration in the triennial rulemaking for exemptions to 17 U.S.C. § 1201(a), a prohibition on the circumvention of access control technologies. NTIA should support LCA's request for an exemption for the creation of film clip compilations for classroom use.
- The FCC should not seek authority to issue a broadcast flag rule.

### **The Administration Should Support Pro-Library Legislation.**

- In the 110<sup>th</sup> Congress, the Senate passed S. 2913, which limited remedies for the use of orphan works. The Administration should support prompt enactment of this legislation in the 111<sup>th</sup> Congress.
- The Administration should support legislation to reform copyright statutory damages. The existing framework inhibits fair use by exposing users to ruinous damages that bear no relationship to possible or actual harm.
- The Administration should oppose any legislation that has the effect of undermining any of the existing exceptions in the Copyright Act.

### **The Administration Should Adopt Pro-Library Positions in Trade Negotiations.**

- The Administration should reassess the need for the Anti-Counterfeiting Trade Agreement (ACTA), its "plurilateral" approach, and its proposed scope.
- In the World Intellectual Property Organization, the U.S. should support treaties that provide exceptions for libraries and the visually impaired. The U.S. should also support the Development Agenda more vigorously. The U.S. should oppose continued negotiations on the broadcast treaty.
- The U.S. should include fair use provisions in free trade agreements.