

September 10, 1998

Hon. Orrin G. Hatch, Chairman
United States Senate
Committee on the Judiciary
224 Dirksen Office Building
Washington, D.C. 20510

Re: Opposition to Database Protection Title of Digital Millennium Copyright Act

Dear Mr. Chairman:

The undersigned 38 corporations and organizations include many of the nation's leading consumers and producers of databases. As such, we have a vested interest in assuring both that collections of information are adequately protected under law, and that such protection not be so broad as to inhibit fair competition, innovation, economic development, research and education. Because the *Collections of Information Antipiracy Act* (H.R. 2652 and S. 2291) fails to strike such a balance, we strongly oppose it and its inclusion by the House in unrelated WIPO treaty legislation. Moreover, there is a concern that the inclusion of database protection legislation as Title V of the Digital Millennium Copyright Act could jeopardize its passage.

We especially appreciate your recent efforts to convene representatives of many affected industries and institutions to discuss whether (and, if so, to what degree) collections of information may require greater legal protection than that afforded by current state and federal law. On the basis of more than 35 hours of staff-moderated roundtable discussions, however, we regret to report that no consensus has been reached on this extremely complex and important issue. Indeed, the process has served to document how profound a change in present law proponents of H.R. 2652 and S. 2291 are seeking and how far apart the principal parties thus remain. In addition, the Department of Commerce and the Department of Justice have detailed their respective concerns regarding the adverse negative effects and potentially unconstitutional scope of the pending legislation.

Accordingly, Mr. Chairman, we respectfully urge you to: (1) eliminate H.R. 2652 (now Title V of your Digital Millennium Copyright Act), or any other form of new database protection, from unrelated legislation to implement the WIPO treaties considered in the remaining days of this Congress; (2) defer Judiciary Committee consideration of S. 2291 or any other database protection legislation until the 106th Congress; (3) request a General Accounting Office assessment of the potential economic impact of S. 2291; and (4) absent broad agreement among affected industries and institutions, schedule at least one Judiciary Committee hearing on this issue prior to marking up any database protection legislation that may be introduced next year.

Thank you again for your efforts to date, Mr. Chairman. We look forward to continuing to work productively with your staff -- and with database protection proponents -- to craft legislation next year that will both appropriately protect valuable collections of information, as well as foster competition and the public interest.

Sincerely,

Amdahl Corporation
American Association for the Advancement of Science
American Association of Law Libraries
American Association of Legal Publishers
American Committee for Interoperable Systems
American Historical Association

American Library Association
Art Libraries Society of North America
Association of American Geographers
Association of Research Libraries
AT&T
Ball Research, Inc.
Bell Atlantic
Bloomberg Financial Markets
Computer & Communications Industry Associations
Consortium for School Networking
Consortium of Social Science Associations
Consumer Project for Technology
Charles Schwab & Co., Inc.
Digital Future Coalition
Dun & Bradstreet
Electronic Frontier Foundation
Emerging Communications, Inc. HyperLaw, Inc.
Information Technology Association of America
International Society for Technology in Education
MCI
Medical Library Association
Modern Language Association
Music Library Association
National Association of Elementary School Principals
National Education Association
National Humanities Alliance
NetAction
Online Banking Association
Society of American Archivists
Special Libraries Association
Yahoo!, Inc.

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