

United States Senate
Washington, DC 20510-0703

September 8, 1998

The Honorable Patrick J. Leahy
Ranking Minority Member, Senate Judiciary Committee
Room 152, Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Senator Leahy,

As you may know, I enthusiastically supported the Judiciary Committee bill, S. 2037, The Digital Millennium Copyright Act of 1998 [sic], which passed the Senate by 99-0. I believe that S. 2037 is a seminal piece of legislation because it appropriately and judiciously extends into the digital domain the balance between property holders and users of copyrighted products that is extant in the domain of physical media. I am grateful for your leadership on this and other important intellectual property issues.

I am concerned, however, about provisions that were added to the House companion bill that would amend current law with respect to informational databases. It is my belief that H.R.2652, The Collections of Information Antipiracy Act, if enacted into law, would inappropriately and injudiciously grant new monopoly property rights to a handful of publishers at the expense of legitimate users of compiled information including schools, libraries, research institutions, government agencies, and other publishers. In my view, the database provisions proposed by the House are anti-competitive and would impede the creation and dissemination of new knowledge.

I understand that interested outside parties that represent the two sides of this issue have been unable to agree upon a compromise position. I respectfully request that you carefully consider this issue in conference. I urge you to either excise this unwise database provision from the otherwise excellent WIPO treaty implementation legislation or further amend it along the lines suggested by the National Academy of Sciences and others to address antipiracy concerns without creating new monopoly rights for a privileged class of publishers.

Yours sincerely,

Joseph I. Lieberman

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