

Professor Pam Samuelson's Letter re: Tyson/Sherry Report

Oct 23, 1997

Representative Howard Coble
Chairman, Subcommittee on Courts and Intellectual Property
U.S. House of Representatives
B351A Rayburn HOB
Washington DC 20515

Dear Representative Coble:

In introducing the bill now designated as H.R. 2652, the "Collections of Information Antipiracy Act," you referred to a recent report by Laura D'Andrea Tyson and Edward F. Sherry entitled "Statutory Protection for Databases: Economic and Public Policy Issues" as a basis for demonstrating the importance of legislative action. As you may know, I have studied at some length proposals for a sui generis form of legal protection for databases, culminating in the publication of an article entitled "Intellectual Property Rights In Data?" in the January 1997 issue of Vanderbilt Law Review. This letter will demonstrate that the Tyson-Sherry report does not provide a firm basis for an exclusive property rights form of legal protection for the contents of databases or for H.R. 2652. I would appreciate your including this letter in the published proceedings of the October 23 hearing on this bill.

This letter makes five points about the Tyson-Sherry report. First, the Tyson-Sherry report reflects a substantial misunderstanding of some basic principles of intellectual property law and policy. Second, it significantly understates the harm to competition that an exclusive property rights regime to protect the contents of databases would likely produce. Third, it is almost entirely devoid of empirical data in support of its proposal to grant exclusive property rights in database contents. Indeed, the few data the report cites demonstrate that database development (and presumably investment) is growing in the existing legal environment. Congress would be remiss in relying on abstract "economic logic" alone as a basis for action when there is such a vital and substantial database industry from which to draw real examples of market failures requiring Congressional attention assuming they exist. Congress had considerably stronger evidence of market failure the last time it enacted a "sui generis" form of intellectual property protection for an information age innovation (namely, semiconductor chip designs) in 1984. Fourth, this letter will assure you that the Tyson-Sherry report has rung a premature alarm about the need for Congressional action arising from the material reciprocity provision in the European Directive on the Legal Protection of Databases. Fifth, the Tyson-Sherry report does not meet the standard for sui generis intellectual property legislation articulated by former House Subcommittee Chair Robert Kastenmeier who shepherded the Semiconductor Chip Protection Act of 1984 through Congress.

I want to assure you that I support your efforts to make sure that the U.S. database industry is healthy and can continue to maintain its leading position in the world market for information products and services. I am encouraged to see that H.R. 2652 moves in the direction of a misappropriation approach to database protection. Unfortunately, I cannot support the bill in its present form because it still contains an unfortunate residue of an overprotective exclusive property rights approach. The bill, as it stands, would impede accomplishing the competitively healthy objectives that a true misappropriation bill would bring about. Further hearings need to be held on this legislation so that a consensus can form about what if any database protection legislation is needed at this time.

I. The Tyson-Sherry Report Misunderstands Intellectual Property Law and Policy

Dr. Tyson is certainly an accomplished economist who has substantial experience in the national policy arena, but I'm sure she'd be the first to admit that her principal area of expertise does not lie in the economics of intellectual property, let alone in intellectual property law and policy. It is, therefore, not surprising that the report she co-authored with Mr. Sherry does not reflect a sound understanding of U.S. intellectual property law and policy. This lack of understanding pervades the report and substantially undermines its conclusions about the kind of legal protection that would be desirable for databases.

The misunderstanding begins with the opening paragraph of the report. In referring to the "sweeping" decision of the U.S. Supreme Court in *Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340 (1991), the Tyson-Sherry report implies that "sweat of the brow" protection for databases was a longstanding and widely accepted norm that the U.S. Supreme Court rudely upset, and that ever since the Feist decision, database developers have been "in legal limbo" (p. 1). However, the "sweat of the brow" doctrine had been controversial in U.S. copyright law for decades. It had at most been adopted in only some, not all, Circuits, and even then, some Circuits had conflicting rulings on this point. Furthermore, as the Supreme Court rightly held in Feist, it is impossible to square the "sweat of the brow" argument for copyrighting data compilations with the plain language of the Copyright Act of 1976, or with over a hundred years of previous Supreme Court and other appellate court decisions. Well prior to the Feist decision, the U.S. Copyright Office had evidenced its doubts about the copyrightability of "sweat of the brow" compilations by deciding to issue registration certificates to them only under its "rule of doubt." In the 1980's the Office changed this policy and began requiring a creativity-based originality standard for registering copyright claims in data compilations. As if this was not enough, the law review literature prior to Feist was replete with commentary critical of "sweat of the brow" copyrights. In short, the aberration lay in the "sweat of the brow" cases, not in Feist. Database developers never had the fictional blanket of "sweat of the brow" copyright protection that the Tyson-Sherry report conjures up.

Nor have database developers been in legal limbo since Feist. The overwhelming majority of databases meet the minimum creativity standard mandated by Feist. See, e.g. *Key Publications, Inc. v. Chinatown Today Publishing Enterprises Inc.*, 945 F.2d 509 (2d. Cir. 1991) (copyrightability of yellow pages of a telephone directory upheld). The scope of copyright protection in data compilations may be thin, but it is not, as the Second Circuit Court of Appeals has observed, "anorexic." *Id.* at 514. In the aftermath of Feist, lawyers for database companies have reported that these firms were adjusting just fine to this decision. See, e.g., Paul T. Shiels and Robert Pechina, "What's All This Fuss About Feist? The Sky Is Not Falling on the Intellectual Property Rights of Online Database Proprietors," 17 *U. Dayton L. Rev.* 563 (Winter 1992). If the European Commission had had the good sense to drop the reciprocity provision from the final draft of its database directive, there would almost certainly be no call for database legislation just now because there is no "crisis" in database protection. (You should also understand that the idea for creating a new form of intellectual property protection in the contents of databases did not come from the database industry, but from bureaucrats within the European Commission.)

Database developers can also look to more than just copyright law to protect their interests. Contract, trademark, trade secrecy, and unfair competition law provide significant protection to database developers in the U.S.. Technical systems of protection are also coming into use in this industry. In addition, there are a variety of market factors protecting database developers against parasitical competition, including the ability to offer customers timely updates, reliable information, and other services that contribute to a firm's reputation for quality service.

It is worth pointing out also that unfair competition law has long been the principal international legal norm through which market-destructive appropriations of information have been regulated. The U.K. is virtually the only country in the world with a "sweat of the brow" copyright tradition. Unfair competition protection elsewhere in the world has protected data compilers along lines similar to the U.S. Supreme Court decision in *International New Service v. Associated Press*, 248 U.S. 215 (1918) (holding that INS's appropriation of "hot news" from early editions of AP newspapers was unfair and

threatened AP with market failure). The Tyson-Sherry report ignores these other means of protecting investments in database development.

While I could give a number of other examples of misunderstandings of intellectual property law and policy in the Tyson-Sherry report, I will limit myself to one last example of a fundamental misunderstanding of copyright law. The Tyson-Sherry report dismissed as unwarranted concerns that legislation modeled on the European directive would, in effect, create perpetual protection on account of extensions of the term of protection when further investments are made to databases. The Report likened the renewal provisions in database legislation to protection that copyright affords to derivative works of earlier copyrighted works. The Tyson-Sherry report suggests that a derivative work copyright protects all parts of the new work. This is not so. Section 103(b) of the Copyright Act of 1976 makes clear that when a derivative work is copyrighted, only newly added original expression in that work will be protected under the new copyright. Any "original expression" from a pre-existing work in which copyright has expired is in the public domain and can be freely copied, as can the facts or data from both versions. Because the European database directive has no similar limiting principle, there is reason to be concerned that E.U.-inspired database proposals would, in effect, bring about perpetual protection as long as the database developer continued to maintain the database. Even more troublesome in this regard is H.R. 2652 because it has no durational limitation at all.

II. The Tyson-Sherry Report Fails To Appreciate the Competitive Significance of the Public Domain.

The failure of the Tyson-Sherry report to understand copyright norms, such as section 103(b)'s limitation on the scope of derivative work copyrights, is indicative of a more general and serious problem with the report, namely, its blindness to the importance of the public domain as a source of new innovation and competition and the dangers of conferring on database developers a broad scope of exclusive rights to control uses of information.

The principal reason that information has historically not been protected by copyright law is that it is needed as building blocks for new works. Those who have been more deeply involved with intellectual property policy than Tyson or Sherry appreciate this very well. Since some of the most eloquent words ever written about intellectual property policy have been written about the competitive significance of the public domain, I will offer a few examples from this literature.

From the Supreme Court's opinion in *Feist*: "[O]nly the compiler's [original] selection and arrangement may be protected; the raw facts may be copied at will. This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art." *Feist* at 349.

From Circuit Court Judge Alex Kozinsky: "Overprotecting intellectual property is as harmful as underprotecting it. Creativity is impossible without a rich public domain. Nothing today, likely nothing since we tamed fire, is genuinely new: Culture, like science and technology, grows by accretion, each new creator building on the works of those who came before. Overprotection stifles the very creative forces it's supposed to nurture." *Vanna White v. Samsung Electronics America, Inc.*, 989 F.2d 1512, 1512 (9th Cir. 1993) (Kozinski, J., dissenting)

From the Restatement of Unfair Competition: "[T]he recognition of exclusive rights in intangible trade values can impede access to valuable information and restrain competition. Unlike appropriations of physical assets, the appropriation of information or other intangible asset does not ordinarily deprive the originator of simultaneous use. The recognition of exclusive rights may thus deny to the public the full benefit of valuable ideas and innovations by limiting their distribution and exploitation. In addition, the principle of unjust enrichment does not demand restitution of every gain derived from the benefit of others." *Id.* at sec. 38, com. b.

From lawyer-economist, Wendy J. Gordon: "New creators inevitably and usefully build on predecessors. In her invention of techniques, discoveries, ideas, or themes, the new creator speaks out

of a history, and the very value of her contribution will depend upon her advancing upon what has come before.⁸⁵ Thus, if perpetual property existed in all intangibles, many creators would have to choose between using someone else's property without permission, or forgoing creation of their own. Because of transaction costs, the possibility of transferring rights through the market would not help substantially. For new creators to flourish, they must be able to draw on an array of prior creations that are not privately owned." Wendy J. Gordon, *A Property Right in Self-Expression: Equality and Individualism in the Natural Law of Intellectual Property*, 102 *Yale L.J.* 1533, 1556-57 (1993).

In several other writings, Professor Gordon recommended a refined misappropriation, rather than an exclusive property rights, approach to protecting information goods from "malcompetitive copying" in order to ensure that follow-on creation is not unduly inhibited. See Wendy J. Gordon, *On Owning Information: Intellectual Property and the Restitutionary Impulse*, 78 *Va. L. Rev.* 149 (1992). She has also pointed out that often appropriations of information will not be competitively harmful, especially when the costs of copying by a second-comer approximate those of the first provider. See Wendy J. Gordon, *Asymmetric Market Failure and Prisoner's Dilemma in Intellectual Property*, 17 *U. Dayton L. Rev.* 853 (1992).

The only way that the Tyson-Sherry report contemplates that follow-on products and services making use of data from databases will or should occur is via licensing from the database provider. The report optimistically asserts that "[t]here is no reason to think that granting a database developer statutory protection for its databases will discourage the development of complementary 'value added products.'" (p. 37) There are, however, some reasons to question this. First, the report fails to consider the transaction costs of license negotiations which will often be substantial. Second, although the report perceives no reason why a database provider would want to discourage follow-on products, it is obvious that some database firms will deny licenses to some follow-on providers in order to protect markets for its own follow-on products and services.

Many examples from the copyright caselaw could be cited to illustrate this, but one of the clearest is *Feist*. Rural denied Feist's request to license its white pages listings because Rural wanted to protect its monopoly in the market for yellow pages advertising. Yet the public was benefited by Feist's entrepreneurship in developing an area-wide directory for northwest Kansas, and Feist's own substantial investments in making this new product obviated concerns about market-destructive consequences. The Supreme Court in *Feist* recognized that data appropriations might sometimes need to be regulated by unfair competition law, but was clear that, in general, follow-on products and services relying on information from pre-existing works was in the public interest. Licensing is thus not the only legitimate way to bring about follow-on products and services. And indeed, one might argue that licensing is somewhat more likely to occur when database providers realize that a potential licensee may have another choice besides a license to obtain the information.

Apart from follow-on products and services, it is readily apparent that the ability to engage in fair appropriations of data from pre-existing compilations is one source of competition in markets that would otherwise be monopolized. Some current database markets would not be competitive if not for a second-comer that began by copying public domain information from a sole-source provider. It is well known, for example, that LEXIS/NEXIS entered the market for supplying judicial decisions online by re-keying decisions directly from West's Reporters. Most users of legal information would acknowledge that competition between these data providers has benefited consumers of legal information by spurring each to constantly upgrade the scope and the value-added components of its products.

While the Tyson-Sherry report asserts that database markets are highly competitive and discounts as anecdotal assertions by a National Research Council study that database markets are often monopolized, the report offers nothing but a few anecdotes of competition to support its counter-contention. This is surely an empirical issue on which some independent analysis would be possible. Perhaps your Committee should ask the Justice Department's Antitrust Division for some input on this matter.

III. There Is Too Little Empirical Evidence of a Crisis in the Database Industry To Support

Legislation At This Time, and "Economic Logic" Alone Doesn't Provide Adequate Policy Guidance.

The last time the U.S. Congress created a new form of intellectual property law to protect an information technology industry, it did so only after industry representatives presented highly persuasive empirical evidence of market failures that could be solved by legislative action. There was, moreover, strong industry consensus in support of this legislation. Enactment of the semiconductor chip law may not be the sole or even a principal reason for the strong revival of the U.S. semiconductor chip industry since 1984, but it is fair to say that the anti-piracy norm it established was a contributing cause to the stunning success of this industry in recent years.

The database industry is another highly successful U.S. industry. This success has occurred, as noted above, in a legal environment in which exclusive rights in information have not existed. The general rule of "if it ain't broke, don't fix it" would seem to apply here. It is striking how little empirical evidence has been offered thus far by proponents of database legislation of actual or threatened market failures that require legislative action. Moreover, the information industry does not agree either on the extent of any problem or on a solution, assuming a problem exists. This contrasts with the empirical evidence and industry consensus the last time Congress was asked to pass an industry-specific sui generis law to protect subject matter that traditional principles of intellectual property law would have otherwise consigned to the domain of free appropriability.

Dr. Tyson and Mr. Sherry do not, of course, purport to have done empirical research on database market failures. But economic logic alone is not an adequate basis for new legislation, and there is very little empirical data upon which the report relies. One of the few empirical statements in the Tyson-Sherry report is a citation to a chart depicting the growth of databases listed in The Directory of Online Databases which they interpret as suggesting that the growth rate of the database industry overall had slowed since the Supreme Court's Feist decision. This is too frail a reed on which to hang a new form of intellectual property protection for database contents. After all, the number of databases being developed still went up by a substantial amount. Second, it is possible that some new databases, such as the multitude that have sprung up on the Internet in recent years, did not list themselves in that particular directory. Furthermore, as Section I pointed out, Copyright Office registration policies and many (if not most) court rulings had required creativity-based standards for data compilations well before Feist. Thus, the Feist decision was not the turning point the Tyson-Sherry report suggests.

The overall lack of empirical evidence weakens the persuasiveness of the recommendations made in the Tyson-Sherry report. This suggests to us is that more empirical analysis of competition in the database industry, as well as more economic modeling by disinterested parties, would be incredibly valuable for policy makers before database legislation is finalized. Without such data, especially in the face of substantial controversy about what if any legal protection an industry might need, policymaking will become a dart-throwing experience. The information industry is too important to the nation's future to take such chances.

IV. The Threat of Reciprocity Does Not Require Moving Forward With Legislation.

At first glance, the material reciprocity clause of the European database directive might seem to threaten the interests of U.S. database developers by denying them the benefits of the European sui generis right in database contents if the U.S. does not adopt an equivalent law by January 1998. The Tyson-Sherry report suggests this as a reason for moving forward with enactment of U.S. database legislation.

There are several reasons why the reciprocity threat is more imagined than real. For one thing, U.S. database companies will continue to be able to rely on copyright, contract, and unfair competition law to protect their databases from market-destructive appropriations in member states of the E.U. For another, the idea that European companies are lying in wait for January 1998 in hopes of sucking all of the valuable data out of U.S. databases unless the U.S. has adopted an equivalent database law by then is utterly fantastic. It beggars the imagination to think that a European court would find such conduct, even

if it occurred, to be acceptable. And in the unlikely event a court found such conduct tolerable, the U.S. could challenge lack of enforcement before the World Trade Organization (WTO) as an outrageous nontariff barrier to trade in violation of the national treatment clause of the Paris Convention for the Protection of Industrial Property, as incorporated by reference in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) annexed to the WTO Agreement and under Article 20d of GATT 1994. See, e.g., Charles R. McManis, Taking TRIPS on the Information Superhighway: International Intellectual Property Protection and Emerging Computer Technology, 41 Villanova L. Rev. 207, 253-62 (1996).

In addition to being in violation of numerous international agreements, the reciprocity clause of the European database directive has been a substantial political blunder in the international intellectual property policy arena, as witnessed by the embarrassing failure of the E.U.-inspired initiative at the WIPO diplomatic conference held in Geneva in December 1996. Having learned its lesson from having made a similar mistake when enacting the Semiconductor Chip Protection Act of 1984, the U.S. has more recently taken the high ground in international discussions by being steadfast in promoting national treatment (granting the works of foreign nationals as much legal protection as a nation accords to its own nationals) as the appropriate norm in national intellectual property laws and in international agreements. Rather than feeling coerced to comply with an unreasonable European reciprocity provision, the U.S. should challenge reciprocity-based norms and insist that when nations wish to establish new international intellectual property norms, they should use the good offices of WIPO and the TRIPS Council to build consensus for those norms.

Thus, the reciprocity provision of the European database directive is not a reason for rush on domestic database legislation. The U.S. should approach database legislation in a measured and balanced way incorporating our historical preference for the free exchange of ideas and information while recognizing a need to correct market inefficiencies where they can be shown to exist.

V. H.R. 2652 Is Not a True Misappropriation Statute.

You are to be congratulated for heeding concerns about taking an exclusive property rights approach to protecting database contents. Although H.R. 2652 is more based on misappropriation principles than the European database directive or last year's H.R. 3531, its main provision nevertheless still resembles the central exclusive property rights provision of H.R. 3531 which Professor Reichman and I criticized in our Vanderbilt Law Review article. H.R. 2652 is, of course, more misappropriation-based than H.R. 3531 in that it would only regulate commercial uses of data from databases. However, the extraction right is not limited in the same way. Because it will often be hard for someone to use database information, whether for commercial or noncommercial purposes, without some extraction of that information from the database, the bill's seeming intent to limit control over uses may be thwarted. Also in need of considerable refinement is the provision about the implications of the new misappropriation protection and computer programs.

Another respect in which H.R. 2652 is more misappropriation-based than H.R. 3531 lies in its inclusion of a provision to carve out some special status for scientific and educational uses of database contents. This bill also suggests that news reporting and verification can be legitimate purposes for some appropriations of data from databases. But in the subsections setting forth these proposed exceptions or limitations, the availability of the privilege seems to depend on a showing of no harm to actual or potential markets. What one hand gives, therefore, the other arguably takes away. Also worrisome is the implication that these are the only classes of information appropriation that would be privileged. What if the police or courts needed to extract or use the information? What if a hospital needed to use the information for purposes of saving someone's life? Will the database law be a new basis for resisting government regulations for disclosure or use of data for health, safety, and other police power purposes? Will chemical companies find in the database law new ploys to avoid turning over data in tort litigation about their responsibility for damages from pollution?

Even the provision indicating that taking individual items of data from a database would not violate the

law may offer users less protection than you may intend. Your bill does not seem to contemplate regulation of contractual overrides to user rights. Because of this, a sole-source database provider could insist that users must pay for every use or extraction of even individual items of data. It is not irrational for a database developer to consider that allowing a user to find the one right pearl of information in a vast ocean of data in its database is a qualitatively substantial use of the database for which the user should pay.

This is not to say that the effect on actual or potential markets should not be weighed in judging whether a misappropriation has occurred. But it is to say that making every misappropriation decision hinge on whether there is an effect on an actual or potential market is too narrow a focus for a true misappropriation law. Professor Reichman and I proposed a set of factors that might be considered by a true misappropriation legal regime in our Vanderbilt article. Criteria useful for determining whether an extraction was unfair might include consideration of: (1) the quantum of data appropriated by the user; (2) the nature of the data appropriated; (3) the purpose for which the user appropriated the data; (4) the degree of investment initially required to bring that data into being; (5) the degree of dependence or independence of the user's own development effort and the substantiality of the user's own investments in such development efforts; (6) the degree of similarity between the contents of the database and a product developed by the user (even if only privately consumed); (7) the proximity or remoteness of the markets in which the database owner and the user are operating; and (8) how quickly the user is able to come into the market with his product as compared with the development time required to develop the database. Professor Gordon's proposed tort of "malcompetitive copying" is similar in its multi-factored approach.

Assuming that there is a need for some new statutory protection of databases, you are right to work toward a misappropriation, rather than an exclusive property rights, approach. This would be far more consistent with existing intellectual property norms than the exclusive property rights approach for which the Tyson-Sherry report argues.

VI. H.R. 2562 and the Tyson-Sherry Report Fail To Satisfy The Kastenmeier-Remington Test for Enactment of Sui Generis Legislation.

Several other factors bear on whether proposals for new forms of intellectual property protection should be adopted by Congress. Reflecting upon decades of experience with proposals for new intellectual property legislation and their experience shepherding the Semiconductor Chip Protection Act of 1984 through Congress, former Representative Robert W. Kastenmeier and his former Chief Counsel Michael J. Remington recognized that enacting a new industry-specific sui generis intellectual property law might be seen by other industry groups as a precedent for creating new intellectual property rights for their industries. Kastenmeier and Remington thought that any legislation to create new intellectual property rights should pass a stringent test.

In their article "The Semiconductor Chip Protection Act of 1984: A Swamp or Firm Ground?", 70 Minn. Law Rev. 417, 439-42 (1985), Robert W. Kastenmeier and Michael J. Remington set forth a four-part test to demonstrate that the public would benefit from the proposed congressional action.

First, a proponent of new protection must show that it will fit harmoniously within the existing legal framework and will not be incompatible with the fundamental aspects of current law, such as the limited term of protection.

Second, the new interest must meet a high level of definitional clarity, both in terms of what it is and what it is not.

Third, the proponent of a new intellectual property right should present a candid analysis of the costs and benefits of the proposed legislation including identification of the groups that will bear the burden (i.e., the losers in the plan).

Fourth, an advocate of a new property right should demonstrate how the new level of protection will enrich or enhance the public domain. As Section II of this letter and as Kastenmeier and Remington observed, enrichment of the public domain "is an integral part of the social bargain inherent in intellectual property law." Id. at 459.

This four-part test was met by proponents of the semiconductor legislation. Proponents of the database legislation have not done the same. Particularly ominous is the failure to show a compatibility with existing legal regimes and how database legislation will enrich the public domain.

VII. Conclusion

The great success of the U.S. database industry, both domestically and abroad, has arisen in a legal climate that has allowed a wide variety of fair appropriations of information not only for scientific, research, and educational purposes, but also for commercial purposes. Many firms in the information industry today draw upon information from other sources, and much of this is done without licenses. To ensure the continued success of all segments of this vital industry, the Committee should actively seek out comments on database legislation from a wide variety of American companies and industry associations, as well as scientific, educational, and research organizations, that would be affected by it, rather than relying principally on assertions of need from British and Canadian publishing giants, Reed Elsevier, Inc. and Thomson Corp., who paid for the Tyson-Sherry report, and their allies.

I'm pleased to hear that there will be further hearings on this important legislative initiative. This will provide opportunities for other considered voices to weigh in on the matter. If your staff did not find many businesses with reservations about the kind of legislation the Tyson-Sherry report proposes, keep in mind that H.R. 2652 has been so recently introduced that few affected parties knew about it or the October 23 hearing, let alone having had time to prepare submissions. Many strong reservations about database protection proposals were expressed last year when the Clinton Administration belatedly opened for public comment the proposed international treaty for a new form of legal protection for the contents of databases. Only six organizations expressed support for this database treaty (two of which were Reed Elsevier and Thomson). Hundreds opposed or expressed concern about this treaty. The U.S. Copyright Office discovered considerable opposition to it when the Office recently prepared a report on database protection issues.

Congress should make sure that a substantial consensus exists before enacting any new database protection legislation. Consensus should exist not just about the need for new legislation, but also about the contours of the new protection and on the relationship of this new law with existing legal rules. It is far more important to get such legislation right than to act in haste based on incomplete information. The future of the information economy and the continued success of the U.S. database industry is at stake

If I can be of further assistance, please don't hesitate to call upon me.

Sincerely,

Pamela Samuelson
Professor of Law

[Return to Copyright and Intellectual Property](#)
[Return to ARL Letters/Testimony/Statements](#)



[ARL Home](#)

© Association of Research Libraries, Washington, DC

Web Design by [Mindy Michels](#)

Maintained by [ARL Web Administrator](#)

Last Modified: April 30, 1998