

"Do 'Facts' Belong To Everyone? Some Think Not"

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Congress is considering legislation that will give an exclusive monopoly for private ownership of facts. The bill is called the "Collections of Information Anti piracy Act" (H.R. 354) and it is specifically intended to provide legal ownership of collections of facts.

If the legislation passes, the published prices on the New York Stock Exchange or last night's basketball scores in the NBA will become private property. No kidding!

The bill is opposed by nearly every scientific and educational organization as well as by many business interests including online stock traders, Internet companies and the U.S. Chamber of Commerce. Nonetheless, H.R. 354 has been so heavily lobbied by proponents that it stands a good chance of passing unless the American people weigh in on the issue.

If Congress were considering legislation that gave a few businesses exclusive ownership of our national parks, the American public would raise hell. The public's right to use published factual knowledge is every bit as much a national resource as our parks. Like the national parks, the "public domain" of factual information is essential to scientific discovery and to the general health of our society.

Factual information, once published, has never been privately owned in this country. It belongs to everyone. The problem is that most of us have never really thought about the value of public access to facts. We take for granted that such information will always be there when we need it.

How could anyone own a collection of facts? The combined power of computers and the Internet has made it possible to compile huge databases and then to charge everyone for gaining access to the information. The combination of new legislation with the technology will, in effect, allow database owners to control how factual information is used, who uses it and at what cost.

Like so many other things involving technology, there's a tendency to assume that if it can be done, it should be done.

We sometimes forget how much we rely upon access to facts for both personal and business activities such as buying or selling a house, conducting consumer research, compiling a family genealogy, making investment decisions using stock quotations and more.

Factual databases are everywhere. They include sports statistics, real estate listings, TV broadcast schedules and the white pages of the telephone book. For supporters of H.R. 354, such as the New

York Stock Exchange, the opportunity to charge every time someone makes use of such a database represents an enormous financial windfall.

Vast amounts of factual information are now freely available in American society. In many cases the public has already paid for the data before it is compiled and packaged in a database.

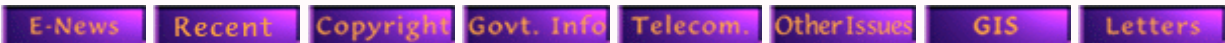
Most scientific research is funded by taxpayers. Sports fans have already paid for sports statistics by buying tickets and building stadiums. Yet Congress is willing to give a few database controllers the legal power to own factual knowledge when the effect of such monopolies will be an enormous tax on the public.

To counter complaints, proponents say that the bill allows use of "individual items of information." However, the language of the bill is so restrictive that if you use a handful of statistics -- for example, taking a listing of six houses from a real estate database -- you are treading in dangerous waters. Any "substantial" use of facts without the consent of the database owner can result in huge legal liability.

Everyone benefits from freedom of access to factual data, but the issue is of critical importance to scientists who depend on using a wide variety of data sources to advance knowledge. In fact, the advancement of science depends directly on the availability and use of data compiled by other scientists.

The free flow of information gives dynamism to the American economy. It powers rapid innovation and the transfer of useful knowledge within our society. It is one of the most important competitive advantages that a free society has over one that seeks to control knowledge.

One of the great accomplishments of the 20th century is that the American people have decided that they want to protect the environmental commons of our nation. Now we must decide if we are ready to stand up and fight for the public domain of knowledge that rightly belongs to all of us.



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