

A Letter from the Database Data Coalition

December 18, 2000

Honorable {INSERT CONGRESSPERSON'S NAME}
U.S. House of Representatives

Dear Representative {CONGRESSPERSON'S NAME}:

Early in the 107th Congress, you may be asked to cosponsor legislation that would provide additional legal protection for databases. Given how controversial prior legislative efforts have been, we thought you might appreciate some background information that would put the forthcoming debate in perspective.

Since sustaining an adverse decision in the Supreme Court a decade ago, content owners have sought overly broad protection for databases. In the *Feist* case, the Supreme Court ruled that the White Pages portion of a telephone book was not subject to copyright protection because it constituted nothing more than a listing of facts--names, addresses, and phone numbers. In the Supreme Court's view, no matter how much sweat had been used to produce them, the White Pages did not reflect sufficiently original selection and arrangement of information to merit copyright protection. At the same time, however, the Court made clear that because the originality threshold is extremely low, most databases would likely receive copyright protection against wholesale copying.

After the European Union agreed to provide additional protection for databases, database owners turned to the U.S. Congress for help. However, after weighing the alleged need for new legislation, the 104th, 105th, and 106th Congresses decided against adopting any legislation. Notwithstanding increasingly strident claims that continued inaction by Congress will lead to all sorts of devastating consequences for database producers, life goes on: the Internet continues to grow, electronic commerce continues to flourish, database owners continue to protect their intellectual property in court, and databases continue to be profitably developed and sold throughout the world.

We hope the enclosed chronology helps put the debate in perspective. If you are asked to cosponsor a new database bill in the 107th Congress, we urge you not to do so without giving us an opportunity to brief your staff on the need for any legislation and alternative formulations of legislation that would have the support of the academic, high-tech, library, and scientific communities.

Thank you for your consideration.

Sincerely,
Mike Blevins
Coordinator
Database Data Coalition



[ARL Home](#) © Association of Research Libraries, Washington, DC

Page Design by [Mark Young](#)

Maintained by [ARL Web Administrator](#)

Last Modified: January 4, 2001