

## **CNI Holds Fall Task Force Meeting**

*The Coalition for Networked Information's Fall Task Force meeting was held on October 26-27, 1997 in Minneapolis, Minnesota in conjunction with Educom '97. This report highlights the plenary speakers and key themes of the meeting.*

### **Intellectual Property, Policy, and Networked Information**

Pamela Samuelson, who holds joint appointments in the School of Law and the School of Information Management and Systems at the University of California, Berkeley and who was recently named a MacArthur Fellow, opened a plenary program on intellectual property, policy, and networked information. An active player in the Digital Futsed three sets of federal and international policy initiatives about which she feels there has been no significant group action other than from the rightsholders community. These three policy initiatives are: H.R. 2652, related to protection of databases; bills addressing the implementation of the 1996 World Intellectual Property Organization (W.I.P.O.) treaties; and the UCC 2(b) – provisions for a new model Uniform Commercial Code (UCC) to govern transactions in networked information.

Addressing the database protection bill, Samuelson described the commercial sector's fears that their monetary and intellectual investment in compiling databases will be subject to market-destructive appropriation on the network. They are also concerned that reciprocity provisions of a European Commission (EC) directive on databases will leave American products open to misappropriation unless strict new guidelines are written into U.S. law. These provisions state that Europe will not protect another country's database contents unless that country has database protections similar to those of the EC in place; this directive goes into effect in January, 1998. While Samuelson stated that all sectors want adequate incentives to be available to database developers, she feels that the current bill before Congress (H.R. 2652) is too protective of the interests of database compilers and may have many undesirable consequences. Instead, she advocated to maintain the balance of interests between producers of information and the user community provided for in current copyright law.

Samuelson went on to address legislation being developed to implement the W.I.P.O. treaties domestically, some versions of which include provisions on liability for service providers. These bills would make service providers, e.g., universities, responsible for the actions of users of their systems, e.g. students in universities. Samuelson pointed out that many administrators are concerned that, in order for institutions to be responsible for their users, they would have to violate their users' free speech and privacy rights by monitoring Internet transactions; additionally, the scale of monitoring required would be both impractical and chilling. Another difficulty for educational institutions are the penalties included in some bills for anti-circumvention of copyright protection technology. Such penalties that are included in some bills would be problematic for educational and research institutions because the penalties address the action rather than the action's intent. For example, there is no exception for institutions that need to make preservation copies of electronic information. In contrast, provisions of the Ashcroft bill, S.1146, one generally favored by the user community, punishes circumvention only when it infringes copyright.

The third policy initiative Samuelson chose to highlight was the Uniform Commercial Code

activity that will set the standards needed for states to develop legislation to regulate information transactions on the network. Provisions, in section 2(b) of the UCC proposal, are currently being drafted as a joint effort by two different groups: the American Law Institute, and the National Conference of Commissioners on Uniform State Laws. A committee is currently drafting a proposal for endorsement by each group, prior to transmission to the states as models for adoption. As drafted, the provisions would, among other things, validate shrink-wrap or online click licenses. Two key issues raised by the proposal are the extent to which users' rights granted under copyright can be abrogated by the new "mass market" licenses, and the extent to which shrink-wrap licenses might even be extended from software to books, CDs, or other information products.

These initiatives illustrate how fundamental policy decisions are being made in Washington right now. The issues are highly specialized and technical, but how they are resolved will have great significance for how information will be available in the networked environment. Samuelson called for rules that promote prosperity, balance, and open systems, and urged the attendees to get involved by ensuring that their views are included in the framing of information policy. She encouraged attendees to support the work of the Digital Futures Coalition, in which she has been active and which gives voice to the user community. In answer to her rhetorical question, "Why should we care?" she replied that, while we all have busy lives, we need to address these issues and promote rules of balance. She stated that, though we have gotten beyond the industrial policy of "What's good for General Motors is good for the country," we now need to get beyond the credo that "What's good for Hollywood is good for the U.S." In concluding, Samuelson also made a brief but intriguing mention of her work on appropriate frameworks for protecting information in the digital environment.

### **Trends in Information and Communications Technology**

Robert Spinrad, Vice President for Technology Strategy at Xerox Corporation, described a two-part strategic planning process at Xerox, in which top executives spend a significant amount of time establishing their "view of the world" and then decide what the company should do in that environment. They examine economic and geopolitical trends, technologies, products and services, customers, delivery channels, and competitors, and analyze a series of assumptions as a framework for the discussions among top management.

Spinrad reviewed some of the assumptions that Xerox has made in the recent past in several areas, such as those related to networks and communication, including: the network becomes the computer; the Web will support a document-based marketplace; and that organizations will work in fundamentally different ways, both with one another and internally.

He then described how the executives at Xerox analyzed the impact of those changes: information services would evolve into an information "bazaar"; physical security/privacy control would give way to networked authorization, authentication, accounting, and privacy tools; and static text and images would be replaced by active, multimedia hypertext (a particularly significant development for a "document" company).

While many of these assumptions were familiar to CNI attendees, Spinrad also highlighted some imminent developments in networking that have received considerably less attention. In

particular, he discussed the emergence of low-earth-orbit (LEO) and hybrid LEO/geosynchronous satellite constellations under development by organizations like Motorola/Iridium, Loral, and Teledesic. These promise to create a high level of truly global interconnectivity while bypassing much of the current telecommunications infrastructure in developing nations. This will, in his view, have significant economic and geopolitical consequences.

In the area of document services, some of the assumptions that Xerox is making are:

- large repositories of network-linked hypertext documents will be used in and among many enterprises;
- network-based services for document summarization, translation, notarization, format conversion, and the like will be developed; and
- hypertext documents will be supported by sophisticated visualization tools for searching complex information spaces.

Spinrad proposed that early in the next century software agents – knowbots, intelligent filters, and expert systems – will handle many information and document management tasks. He characterized this as a “sleeper” – this is where all the big money and big development is going. The systems being developed all work interactively with the user. For instance, much work at the Xerox PARC research facility is on intelligent agents, and one of the products now being marketed by a PARC spin-off company enables the user to look at a set of documents and reports and understand the contextual space of the whole body of information by enabling the user to see clusters of documents, and without reading a title, get a sense of the information space.

Spinrad also touched on Xerox’s projections on hardware in the future. He stated that, by the turn of the century, individuals will be able to carry around in a very small device everything they have ever read or written in their life. This storage will be the user’s personal “life file” and the rest of computing services will be a commodity on the Web. Color flat panel displays, ranging from palm-sized to wall-sized, will support most collaborative information-centric activities. Early in the next century, electronic paper “displays” (thin, flexible sheets with dynamically alterable images) will become commercially available, and the ability to make these displays compact and with high-resolution, approaching that of print on paper, is imminent in the next decade.

### **CNI’s Program**

Clifford Lynch, Executive Director, CNI, outlined his plans for the Coalition during a plenary session and then invited feedback on the program from the Task Force representatives. The three CNI program themes are:

- developing networked information content;
- transforming organizations, professions, and individuals; and

- building technology, standards, and infrastructure.

In addition to ongoing CNI programs, Lynch described some new initiatives, including projects to define technology approaches, standards, best practices, and policy and business issues for the authentication and authorization of networked information users. CNI will work closely with the Internet2 applications group and Educom's National Learning Infrastructure Initiative (NLII) to ensure that the requirements of digital information resources are well-represented in those efforts. A copy of the full program is available on CNI's website at <http://www.cni.org>.

Lynch emphasized that CNI will continue the roles for which it has been valued by the community. CNI will be an incubator of ideas, a venue for bringing parties together, a forum for discussion, and a disseminator of ideas and information about the latest networked information technologies.

### **Project Briefings**

Project briefings included several groups of sessions which are closely connected to CNI's programmatic themes, as well as many updates on important projects. Materials from many of the project briefing sessions are included on the CNI website at <http://www.cni.org>.

### **Spring 1998 Meeting**

The Spring Meeting of the Task Force will be held in conjunction with Net '98 on April 14-15, 1998, at the Crystal Gateway Marriott in Arlington, Virginia.

– Joan Lippincott, Associate Executive Director, CNI

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