

# **New Digital Copyright Ruling Poses New Barriers for Library Users and the American Public**

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Today, the Nation's leading library associations expressed serious disappointment over the ruling issued to implement the Digital Millennium Copyright Act (DMCA). The ruling, issued by the Librarian of Congress, based on the recommendation of the Copyright Office, will restrict access to information by the public.

The American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association -- representing well over 80,000 librarians and institutions throughout the United States -- have worked hard to ensure that the long-standing principle of "fair use" continues into the digital age.

Section 1201(a)(1) of the DMCA was drafted to permit exemptions from the prohibition on circumvention of technological protection measures for "persons who are users of a copyrighted work which is in a particular class of works, if such persons are, or are likely to be... adversely affected." The Copyright Office, in consultation with the Assistant Secretary for Commerce, were charged with reviewing and issuing the ruling.

Undertaking the rulemaking was a difficult task for the Library of Congress and the Copyright Office as the law is complex. Nevertheless, the Libraries believe that the record established over the last year, clearly supported the need for a broad exemption. Indeed, the National Telecommunications and Information Administration of the Department of Commerce, called for a broad exemption. The Assistant Secretary for Commerce, Gregory Rohde, noted that "information crucial to supporting scholarship, research, comment, criticism, new reporting, life long learning, and other related lawful uses of copyrighted information should never become available only to those with the ability to pay." He called for exemptions "grounded in the principle of fair use" that would allow the public to fully realize their access to lawfully acquired information.

In issuing the rulemaking, the Librarian of Congress noted several concerns and stated his intent to call upon Congress to reconsider selected aspects of the copyright legislation. In particular, he noted the "potential damage to scholarship" and possible harm to "American creativity" resulting from provisions in the statute.

It is anticipated that Congress will need to focus yet again on these extremely important issues that determine how the American public can access information and at what costs. The library community urges Congress to address these serious concerns early in the next session of Congress.

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The full recommendation of the Register of Copyrights and determination of the Librarian of Congress can be found at: <http://www.loc.gov/copyright/1201/anticirc.html>.

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