



October 18, 2005

The Honorable Lamar Smith, Chairman
House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property
Rayburn House Office Building, Room B-356
Washington, D.C., 20515-6219

Re: WIPO Broadcast Treaty

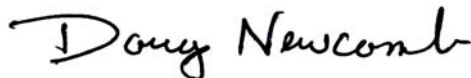
Dear Chairman Smith:

For several years, the Patent and Trademark Office and the Copyright Office have been participating in discussions at the World Intellectual Property Organization concerning a proposed Treaty on the Protection of Broadcasting Organizations. The WIPO General Assembly recently decided to attempt to convene a diplomatic conference to finalize the Broadcast Treaty in late 2006 or early 2007. We write to request that you hold hearings concerning the negotiating position of the U.S. government with respect to the Broadcast Treaty.

The 1961 Rome Convention provides broadcasting organizations with the exclusive right to prohibit the rebroadcasting, the fixation, or the reproduction of their broadcasts for a 20 year period. The proposed Broadcast Treaty would extend the term to 50 years. Given that the United States never joined the Rome Convention, and U.S. broadcasters have not suffered as a result, we fail to see any justification for the United States to participate in the negotiation of a treaty that would provide 50 years of protection to broadcasters. We urge that your subcommittee hold hearings to evaluate whether a new treaty is necessary, what changes to U.S. law would be needed to implement such a treaty, and what are the likely adverse consequences from implementing legislation.

Congressional oversight of U.S. government position in the Broadcast Treaty is essential to prevent Congress from being presented a fait accompli by the U.S. delegation. Balanced hearings at the earliest possible date are a critical form of such oversight.

Respectfully,



Douglas W. Newcomb
Director, Public Policy, Special Libraries Association

On behalf of the Library Copyright Alliance: the American Association of Law Libraries, American Library Association, Association of Research Libraries, Medical Library Association, and the Special Libraries Association (contact information for each association is attached).

CC: The Honorable Howard Berman, Ranking Member



American Association of Law Libraries

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Contact: Mary Alice Baish (202-662-9200)



The American Library Association (ALA) is a nonprofit educational organization of over 65,000 librarians, library trustees, and other friends of libraries dedicated to improving library services and promoting the public interest in a free and open information society. <http://www.ala.org/>

Contact: Miriam Nisbet (202-628-8410)



Association of Research Libraries

The Association of Research Libraries (ARL) is a nonprofit organization of 123 research libraries in North America. ARL's members include university libraries, public libraries, government and national libraries. Its mission is to shape and influence forces affecting the future of research libraries in the process of scholarly communication. ARL programs and services promote equitable access to and effective uses of recorded knowledge in support of teaching, research, scholarship and community service.

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Contact: Prue Adler (202-296-2296)



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Contact: Carla Funk (312-419-9094 x.14)



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<http://www.sla.org/>

Contact: Doug Newcomb (703-647-4923)