



**American Association of Law Libraries, American Library Association, Association of Research Libraries, Medical Library Association, Special Libraries Association**

## **Libraries Support H.R. 107, Digital Media Consumers' Rights Act**

H.R. 107, the Digital Media Consumers' Rights Act, is needed to restore a proper balance in copyright law between the rights of copyright users and the rights of copyright owners -- a balance that is essential to the future conduct of research and education in the digital age.

When Congress passed the Digital Millennium Copyright Act in 1998, it provided additional protections for copyright owners, but it omitted corresponding allowances for fair use and other exceptions. The DMCA's protections for digital products allow technological locks to trump other parts of the copyright law that allow for fair use and certain other uses of copyrighted works without asking permission from the copyright holder. H.R. 107 would:

- Make it possible for libraries to go around copy protection mechanisms in DVDs or CD-ROMs to make a copy for preservation or archiving. Libraries and archives must be able to make such preservation copies well into the future, as digital storage formats become obsolete. Preservation of knowledge is a core mission of libraries.
- Permit foreign language teachers to circumvent technological access controls so that digital works purchased abroad can be played on electronic devices purchased in this country.
- Enable a librarian to unlock a technological measure to make a copy for inter-library loan purposes.

None of these activities is currently allowed under the DMCA's Section 1201, which prohibits circumventing a technological lock placed on a copyrighted work to prevent access. Yet, each of the examples involves a copy paid for by a library and a use otherwise permitted by the Copyright Act. Our Nation's libraries spend hundreds of millions of dollars each year on all forms of digital information and thus rank as one of the largest single consumer groups of digital products. Amending the law would allow libraries to receive the full benefit of their (and in many cases, the public's) investment in copyrighted products.

The DMCA's rulemaking procedure allows the Librarian of Congress, every three years, to adopt exceptions to the anti-circumvention provision, but the statutory standards have been interpreted so as to ensure the denial of almost all the exemptions requested. Further, while the statutory scheme of the exemption process may permit exemptions for acts of circumvention, it does not permit exemptions for the manufacture and distribution of circumvention tools. Thus, even if you were to obtain an exemption, you would not be able to obtain a tool that allows you to use the exemption. The rulemaking procedure is impractical and ineffective.

The DMCA is broken and it needs to be fixed.

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**The American Association of Law Libraries (AALL)** is a nonprofit educational organization with over 5,000 members nationwide. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy.

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**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.

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**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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**The Medical Library Association (MLA)**, a nonprofit, educational organization, is a leading advocate for health sciences information professionals with more than 4,700 members worldwide. Through its programs and services, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public.

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**The Special Libraries Association (SLA)** is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 12,000 members in 83 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy and networking initiatives.

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