Copyright Committee 2006-07

The 2006-07 Copyright Committee completed several projects this year and made progress on a few others.

The committee drafted detailed responses to questions posed by the Section 108 Study Group. Section 108 is the section of the Copyright Act (17 U.S.C. 108) that governs interlibrary loan, preservation, and other library functions. The committee’s positions were presented by Keith Ann Stiverson, on behalf of the Copyright Committee, at a Study Group meeting on March 16, 2007, in Chicago. These comments then formed the basis of our written submission, see: http://www.aallnet.org/aallwash/lt03162007b.html

The Copyright Committee’s participation in the Section 108 study process was important because its members have the legal knowledge to be able to comment on the issue, as well as the library experience to understand how interlibrary loan works in the real world. The comments responded to different parts of section 108 from the comments submitted last year by the 2005-06 Copyright Committee.

In May 2006, the Orphan Works Act of 2006 (H.R. 5439) was introduced. Orphan works are works protected by copyright where the creator/owner is impossible to find. Orphan works legislation provides a safety valve in copyright law that prevents such works from being locked up just because there is no way to get permission for a non-fair use of the work.

The committee followed the bill as it appeared on the fast track and was passed out of committee, but languished on the floor when it was rolled into the Copyright Modernization Act (H.R. 6052) right before the midterm elections. Earlier that session, Representative Lofgren introduced the competing Public Domain Enhancement Act (H.R. 2408), which proposed to deal with orphan works by creating a national registry system. An orphan-works bill has not yet been introduced in the 110th Congress.

In 2005, Congressman Rick Boucher introduced the Digital Media Consumers Rights Act of 2005 (H.R. 1201). The bill would defang the Digital Millennium Copyright Act and revitalize aspects of fair use. It did not pass out of committee and has not been reintroduced.

The committee proposed three excellent programs this year’s annual meeting: “Understanding Copyright Challenges in Licensing: What to Look for in Your Subscription Agreement,” “Access to Knowledge (A2K) in Developing Countries: New Ideas and Developments for Information Sharing,” and “Copyright Exemptions for Libraries in the Digital Age: Report of the Section 108 Study Group.” The licensing and Section 108 programs were approved for 2007 and the A2K program will be provided to next year’s committee for possible resubmission. In addition, the committee will be represented at CONELL and during the Exhibit Hall breaks during the 2007 Annual Meeting.
The two major AALL copyright policies, AALL Model Law Firm Copyright Policy and AALL Guidelines on the Fair Use of Copyrighted Works by Law Libraries were reviewed. Future copyright committees might want to expand them to address some of the issues raised in Principles for Licensing Electronic Resources.

The committee completed the requested Committee Action Plan and Report on the committee, its structure, and its relationships with other parts of AALL. Late in the year, it reintroduced the idea of each committee member tracking a particular area of the law. It came too late to be very useful this year, but ideally will help the 2007-08 Copyright Committee get up to speed quickly.

We had hoped to do more publishing, either in AALL Spectrum or with the new Washington Affairs Office e-publications. Unfortunately, that and the revision of the Web site did not get as far as we had hoped.

Overall, thanks to a great set of members, the committee had an excellent year.

Jonathan Franklin, Chair
2006-07