

Intellectual property and the NII

On September 2, ALA submitted comments on *Intellectual Property and the National Information Infrastructure*, the preliminary draft report of the Working Group on Intellectual Property Rights of the White House Information Infrastructure Task Force. The Working Group, chaired by Bruce Lehman, assistant secretary of commerce and

commissioner of patents and trademarks, issued its report in July for public comment.

The report recommended changes in copyright law to extend owners' exclusive rights to include electronic transmission. The cumulative effect would be a considerable expansion of owners' rights and a narrowing of certain limitations on those rights. ALA's comments, coordinated by the Committee on Legislation's Ad Hoc Subcommittee on Copyright, made three key points:

- A balanced policy framework is essential for the National Information Infrastructure (NII); it must balance protection of intellectual property rights holders' interests with the presumption in favor of free dissemination of ideas embedded in the First Amendment and the intellectual property clause of the Constitution.

- No expansion of copyright holders' rights to include electronic transmission should be enacted without corresponding limitations on those rights in areas such as fair use, classroom use, and library use.

- ALA urged the Working Group to recommend enactment of a new National Commission on New Technological Uses (CONTU) of copyrighted works. The complexity of the copyright problems raised by the NII technology surpasses those of the photocopying and early computer technologies that led to the creation by Congress of CONTU in 1974. A new CONTU could conduct studies, compile data, and better justify its recommendations both to assure public access to material disseminated via the NII and to respect the rights of owners of copyrighted works.

Edward J. Valauskas, chair of ALA's Copyright Subcommittee, testified at a September

Washington Hotline

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14 hearing in Chicago, the first of a series scheduled on the draft report. ALA was also asked by the Patent and Trademark Office to participate in an invitational conference on educational and library fair use in the NII context, as called for in the draft report.

NII applications report

ALA commented in August on the report from the White House Information Infra-

structure Task Force Committee on Applications and Technology, entitled *Putting Information Infrastructure to Work*. The committee, chaired by Arati Prabhakar, director of the Commerce Department's National Institute of Standards and Technology, issued its report in May for public comment. The report described seven key application areas, including libraries, life-long learning, and government services.

The ALA comments were coordinated by the Committee on Legislation's Ad Hoc Subcommittee on Telecommunications, chaired by Elaine Albright. Although commending the committee for clearly identifying and highlighting the library role, ALA made three major recommendations:

- That the report include a broader vision of what the library role is today. Language was recommended describing how libraries use the new media to educate, involve, and empower their diverse constituents.

- That the report broaden its view of the library contribution to NII goals. ALA supported the report's acknowledgment of the library's equity role, but also noted library contributions as including organization and evaluation of information, training and education of the public, aid to business for economic development, support for health care and education, etc.

- That the federal government initiate a baseline study of the current state of equity of access to information to help shape federal investments and programs for addressing potential problems with equity of access. ■

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