



KEY ISSUE: COPYRIGHT

OBJECTIVE: Assure that all federal policy and legislation on copyright matters fully reflects the Founders' explicit goal in constitutionally granting Congress the power to award "limited" copyright protection: to "Promote the Progress of Science and useful Arts."

PERSPECTIVE: Libraries support and value copyright, spending more than \$4 billion on copyrighted materials each year. Both philosophically and physically, libraries and librarians exist to support copyright by effectuating the Framers' intent that the works incentivized by copyright (or otherwise created) become available to the public so that they, in turn, might foster further creativity and "Progress." Copyright is no less the foundation of libraries. Library lending is lawful because it is codified at Sections 108 and 109(a) of the Copyright Act. Fair Use, codified in Section 107, enables uncountable creative uses of copyrighted material. Section 110 fosters 21st century education, and Section 121 allows libraries to meet the needs of millions of Americans with print disabilities.

PRIORITIES: ALA urges Members of the 115th Congress to . . .

- ◆ *SUPPORT* the fastest possible **ratification of the "Marrakesh Treaty"** to provide accessible published works to more than 4 million blind and other "print disabled" people in the U.S. alone (and many more around the world), and adoption of implementing legislation and legislative history negotiated by all major stakeholders under the auspices of the Senate Judiciary and Foreign Relations Committees;
- ◆ *PRIORITIZE* and fully fund efforts to **modernize the Copyright Office's technological infrastructure** and **maintain the Office within the Library of Congress**;
- ◆ *REFORM* the **rulemaking process overseen by the U.S. Copyright Office per Section 1201** of the Digital Millennium Copyright Act (DMCA), and correct deficiencies in exceptions to that law, as proposed by the *Breaking Down Barriers to Innovation Act of 2015* (S. 990/H.R. 1883);
- ◆ *PASS* legislation, like the ***You Own Devices Act*** in the 114th Congress (H.R. 862), to foster the social and commercial evolution of the "Internet of Things" by codifying the right of the owner of a device containing "essential software" intrinsic to its function to transfer both the device and the software;
- ◆ *REJECT* all efforts to weaken or more restrictively define the **Fair Use Doctrine** (17 USC §107), which has been a hugely successful engine of the nation's intellectual life and economy for decades, or to alter the **First Sale Doctrine** (17 USC §109(a)), which legalizes all library lending; and
- ◆ *OPPOSE* any measure addressing the matter of "**orphan works**," which marketplace developments and library practice have now made "a solution in search of problem."

ALA positions on specific legislation are available at www.ala.org/ogr