

**Cyber-Copyright bills pending**

Current federal copyright law now strikes a balance between protecting the legitimate interest of information owners and affording public and educational access to copyrighted information. Last amended comprehensively in 1976, the Copyright Act is once again the subject of legislative debate as Congress wrestles with how to preserve that balance in the process of updating the law for a digital age. Librarians and educators have both a tremendous stake in the outcome of this Acyber-copyright@ debate and a great opportunity to help assure that it is resolved in a way that maximizes the benefits of the Internet for the millions of Americans we serve.

Two comprehensive bills are pending before Congress that would update copyright law in a way that preserves its essential balance. Sen. John Ashcroft's (R-Missouri) "Digital Copyright Clarification and Technology Education Act" (S. 1146) and Reps. Rich Boucher's (D-Virginia) and Tom Campbell's (R-California) "Digital Era Copyright Enhancement Act" (H.R. 3048) propose a broad range of changes to current copyright law that will be critical if libraries and educational institutions are to live up to their potential as the "on-ramps" to the Internet for patrons, scholars, students, and researchers everywhere.

Specifically, both the Ashcroft and Boucher/Campbell bills would amend the Copyright Act to make clear that: 1) the Fair Use Doctrine applies in the digital environment; libraries and archives may use digital technology to preserve endangered materials and may make three preservation copies (provided that only one is available for use at a given time); 2) educators engaged in distance or asynchronous learning may use computer networks to remotely distribute a broader range of materials directly related to a defined curriculum to students enrolled in their classes; 3) electronic copies of material incidentally or temporarily made in the process of using a computer network may not

serve as the sole basis for copyright infringement liability; and (3) individuals who deliberately use a computer network to violate copyright should be subject to substantial civil (but not criminal) liability, but that it should not be unlawful to manufacture valuable devices with multiple purposes (e.g., personal computers or the next generation of video recorders) even if some may employ those devices for illegal purposes. (Librarians and educators must have access to such devices to actually take advantage of fair use or other privileges afforded them under the Copyright Act.)

In addition to these shared provisions, the pending bills also contain unique clauses important to libraries and educational institutions. S. 1146, for example, would assure that libraries and nonprofit educational institutions will not be liable for copyright infringement based solely on their users' activities, while H.R. 3048 would make clear that the "first sale doctrine" (the part of the Copyright Act that libraries rely on to loan materials) applies to online information as well as printed matter.

ALA strongly backs, and is committed to passage of, both Senator Ashcroft's bill and the proposal by Reps. Boucher and Campbell (H.R. 3048). Neither bill, however, will be enacted without your senators' and representatives' support. Accordingly, ALA urges all ACRL members to contact their senators and representatives immediately to request that they cosponsor the Ashcroft and Boucher/Campbell bills, respectively. Please write, fax, e-mail, and call them today and encourage others in your library to do so.

Let Congress know that you care about updating copyright law for all Americans. Libraries' effectiveness and vitality in the 21st century depends on them . . . and on you. For information about contacting your senators and representatives and further background on this critical legislation, please consult the Web site of the Digital Future Coalition's at <http://www.dfc.org> or contact Adam Eisgrau, legislative counsel for ALA's Washington Office, at (202) 628-8410. ■

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