

Washington copyright plate full, though not of legislative fare

Studies: Earlier this year, the Copyright Office announced studies of three aspects of copyright law and invited public input on each issue. ALA, in concert with library and/or other coalition partners, participated in each of them (see links to key filings at <http://www.ala.org/advocacy/advleg/federallegislation/copyright>), which were augmented by the Copyright Office with multi-stakeholder “roundtable” events on all three issues.

Roundtables: The first roundtables concerned the controversial “triennial rulemaking” proceeding through which exceptions to the law’s prohibition against “circumventing” a copyright protection mechanism or technology under Section 1201 of the Digital Millennium Copyright Act (DMCA) may be requested. A second set were held to elicit comment on the so-called “safe harbor” provisions of the DMCA, pursuant to which online service providers are granted immunity from liability for facilitating copyright infringement by their users if they agree to “take down” allegedly infringing material from their networks upon receipt of a statutorily dictated notice from a copyright owner. A third proceeding concerns the transferability of “embedded software,” which are increasingly incorporated in consumer goods and vehicles of every kind.

ALA and several of its partners in the Re>Create Coalition (including PLA Past-President Jan Sanders), as well as the group’s executive director, participated actively in the roundtables, urging the Copyright Office to make its processes, and the law, substantially more fair use- and consumer-friendly to facilitate scholarship, creativity, and national economic health.

Congress: In Congress, after holding more than two dozen hearings over two years, the full House Judiciary Committee is in the process of holding one last round of meetings with stakeholders. Committee Chairman Bob Goodlatte (R-VA6) recently told the U.S. Chamber of Commerce that he intends to move some “consensus” legislation, though it’s unclear to virtually all stakeholders what that might encompass. In the Senate, action is similarly stalled on possible ratification of the Marrakesh Treaty. Finally, neither chamber has yet to address modernization of the Copyright Office, or much more controversial proposals to remove it from the Library of Congress.

Courts: Finally, in mid-April the U.S. Supreme Court denied the Authors Guild’s appeal from the Second Circuit’s late-October decision holding the Google Books project and database to be lawful fair use of books digitized and stored en masse. Fair use also scored a victory in *Oracle America Inc. v. Google Inc.* in which a jury ruled that Apple’s specific uses of an Oracle “application programming interface” were fair use. Oracle sought \$9 billion in damages. *ZZ*

District Dispatch

Keep current with trending legislative issues and library policy news, take action for libraries, and learn more about the activities of ALA’s Washington Office through the District Dispatch blog.

Recent post topics include privacy and surveillance, telecommunications, digital literacy, government information, copyright, and more.

District Dispatch is freely available online at www.districtdispatch.org.

Emily Sheketoff is executive director of the ALA Washington Office, email: esheketoff@alawash.org