

**AALL ACTION ALERT**  
**MAY 5, 2008**

**CALLS NEEDED TO HOUSE JUDICIARY SUBCOMMITTEE OPPOSING  
“DARK ARCHIVE” PROVISION OF ORPHAN WORKS ACT**

**BACKGROUND**

The House Judiciary Committee’s [Subcommittee on Courts, the Internet and Intellectual Property](#) plans to mark-up the Orphan Works Act of 2008 ([H.R. 5889](#)) on Wednesday, May 7. AALL has long supported the need for orphan works legislation. However, we cannot support H.R. 5889 in its current form and have raised a number of concerns with the bill. Our most pressing concern before Wednesday’s mark-up is that we unequivocally oppose the “dark archive” provision of H.R. 5889.

**IMMEDIATE ACTION NEEDED**

If your Representative is listed below as a member of the Subcommittee on Courts, the Internet and Intellectual Property, please make a call immediately, through the U.S. Capitol Switchboard at 202-224-3121 or their district office. If your representative is not listed below, please make a call to any of the bill’s sponsors: Representatives Howard Berman, Howard Coble, Lamar Smith or John Conyers.

After introducing yourself as a member of AALL, deliver the following message:

The Orphan Works Act is needed by libraries to limit remedies in copyright infringement cases involving orphan works. However, I strongly oppose the notice of use filing (the “dark archive”) provision in H.R. 5889, because it would limit the usefulness of the legislation by significantly increasing the cost of compliance. I urge you to reject the “dark archive” provision during Wednesday’s subcommittee mark-up.

Thanks,

Mary Alice Baish  
Acting Washington Affair Office Representative

**LIST OF MEMBERS OF THE HOUSE JUDICIARY’S SUBCOMMITTEE ON  
COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY**

***DEMOCRATS***

Hon. Berman  
Chairman  
California, 28th

Hon. Conyers Jr.

Michigan, 14th

Hon. Boucher  
Virginia, 9th

Hon. Wexler  
Florida, 19<sup>th</sup>  
Hon. Watt  
North Carolina, 12th

Hon. Jackson Lee  
Texas, 18th

Hon. Cohen  
Tennessee, 9th

Hon. Johnson  
Georgia, 4th

Hon. Sherman  
California, 27

Hon. Weiner  
New York, 9th

Hon. Schiff  
California, 29th

Hon. Lofgren  
California, 16th

Hon. Sutton  
Ohio, 13<sup>th</sup>

***REPUBLICANS***

Hon. Coble  
Ranking Member  
North Carolina, 6th

Hon. Feeney  
Florida, 24th

Hon. Sensenbrenner Jr.  
Wisconsin, 5th

Hon. Smith  
Texas, 21st

Hon. Gallegly  
California, 24th

Hon. Goodlatte  
Virginia, 6th

Hon. Cannon  
Utah, 3rd

Hon. Chabot  
Ohio, 1st

Hon. Keller  
Florida, 8th

Hon. Issa  
California, 49th

Hon. Pence  
Indiana, 6th