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by Anne Klinefelter

Copyright and other information policy programs were important components in the 92nd Annual Meeting and Conference. The conference theme, "At the Crossroads," accurately describes the state of copyright-related law and practice, and many programs reviewed the status of developments in intellectual property law. The Washington, D.C., setting allowed several programs to focus on legislative activities. This column provides a map of copyright-related programs, some of which are reviewed more fully elsewhere in this issue of *AALL Spectrum*. Readers looking for more detail may wish to order tapes of the programs.

A pre-conference workshop, "Law Librarians Meet the 106th Congress," took advantage of the D.C. setting and drew together dozens of law librarians to review a short list of information policy issues to be considered by Congress. Librarians met in the morning to receive briefings on topics including database legislation, copyright amendments for distance education, and access to public domain government information such as legislative codes and court decisions. Experts explained that lobbying was a First Amendment right to assert proudly and offered advice on how best to gain influence with one's senators and representative. In the afternoon, law librarians set out to meet with members of Congress and returned tired but excited by contacts made and doors opened.

Two programs dealt with copyright and electronic reserves. In "Electronic Reserves: At the Crossroads of Document Access and Technology," **Lolly Gasaway** (the University of North Carolina at Chapel Hill Law Library), advised how to draft guidelines for copyright compliance

of electronic reserves. **Clare Dougherty** (Northwestern University Library) explained the processes that Northwestern had developed for structuring its rather large electronic reserves system. The winning paper in the student category of the AALL/Matthew Bender Call for Papers Award also covered copyright and electronic reserves. **Steve Melamut** (now Reference Librarian at the University of North Carolina at Chapel Hill), presented a summary of his winning paper, and **Lolly Gasaway** offered comments following his presentation. Both programs offered practical tips and legal analysis for those structuring electronic reserves.

Plenary Session 2: "Digital Information at the Crossroads: Debating 'Access' vs. 'Pay-Per-View'" offered sophisticated debate on topics related to access to copyrighted and non-copyrighted information. **Allan Adler** (Vice President for legal and governmental affairs for the Association of American Publishers), **Hon. Rick Boucher** (D-VA), and **Professor Peter Jaszi** (Washington College of Law, American University) discussed the importance of the need to balance widespread access to information with the need to preserve the incentive for creators to continue creating new and improved works. The panelists focused much of the debate on the effects of H.R. 354, a bill that would create new protection for databases beyond the limits of copyright.



Pilar Vergara

*Hyperlaw's Alan Sugarman discussed database protection and the public domain during Program F-6, the "Hot Topic."*

"Shared Efforts: Library Associations and Consumer Groups Working Together to Affect the Law" presented **Sally Wiant** (Washington & Lee University School of Law Library) and three representatives of groups with which AALL recently collaborated. **Peter Jaszi** spoke about the Digital Future Coalition, a broadly based group of representatives from the library community and other information consumers who had worked to influence such developments at the *Digital Millennium Copyright Act*. **Arnold Lutzker** spoke of his work as the attorney representing The Shared Legal Capability, the group of five major library associations that provided and supported AALL's request to file a joint amicus brief in the recent West Publishing copyright

litigation. **Daniel O'Mahoney**, who was Chair of the Inter-Association Working Group on Government Information Policy, reviewed the successes and setbacks of that library association collaboration, focusing on last year's legislative efforts to bring the federal depository library program into the digital age.

"Information Policy at the Crossroads: The Challenge of Globalization" explained how international legal developments have been affecting United States law, including domestic copyright law. **Julie E. Cohen** (Georgetown University Law Center) and **Mark Rotenberg** (the Electronic Privacy Information Center) joined moderator **Sam Trosow** (the University of California School of Law Library, Berkeley) for this program. The speakers included information about the influence of the WIPO Copyright Treaty and the European Union Database and Data Protection Directives.

The Hot Topic, "Access to Court Opinions Post *West v. HyperLaw*: Is Database Protection the Answer?" focused on database protection in the wake of the recent Second Circuit decision denying some of West Publishing's claims to copyright in its reporter series. **Alan Sugarman** (President and CEO of Hyperlaw) and **Dan Duncan** (Vice-President for governmental affairs of the Software and Information Industry

Association) debated the role of database protection as it pertains to official public documents. Alan Sugarman advocated a public domain for official public documents and suggested—even for other types of databases—bills like H.R. 354 grossly overprotect databases in both length of term and comprehensiveness of protection. He suggested that database providers would continue to produce and improve databases only if the incentives to do so existed, and that without H.R. 354, such economic stimulus would be absent. He went on to suggest that H.R. 354 met the needs of the database producers better than the competing bill, H.R. 1858. **Bob Oakley** (AALL's

continued on page 25

Washington Affairs Representative) explained that AALL favored H.R. 1858 over H.R. 354, especially if AALL's amendment encouraging access to government information were included in H.R. 1858.

The AALL Government Relations Committee's Legislative and Regulatory Update covered the activities of the AALL Washington Affairs Office, including several copyright-related

issues. Guest speaker **Jonathan Band** (the attorney at Morrison & Foerster who worked with the Digital Future Coalition) provided a cogent summary of the drafting of the UCC Article 2-B and its successor *UCITA*, draft uniform state legislation for licensing of digital information.

The two-part program called "AALL's Universal Citation Guide on Trial: The Drafters Defend Their Case for the

Adoption of New Standards" was also of interest to those following the intellectual property aspects of this issue. A full review of most of these programs is included elsewhere in this *AALL Spectrum* issue.

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