

The Patterson Award: Honoring leadership in copyright

Each year ALA's Office for Information Technology Policy (OITP) presents the Patterson Award to individuals or groups who have made significant and consistent contributions to the pursuit of balanced copyright principles while working in an area of information policy, law, libraries, or library education.

The origin of the honor goes back to the ALA Annual Conference in 2002, when OITP decided to recognize legal scholar L. Ray Patterson by establishing an award in his name—the “L. Ray Patterson Copyright Award: In support of users’ rights.”

Patterson advised U.S. Rep. Bob Kastenmaier during the drafting of the Copyright Law of 1976. Kastenmaier said that Patterson's contributions to American copyright law were profound and that he brought “fairness, balance and understanding the copyright law.” Twenty years later, many of Patterson's ideas were thought to be radical. Patterson merely argued that the copyright law's purpose was to advance learning to benefit the public. He maintained that the law, due to private interests, was becoming too one-sided, favoring rights holders over the public interest. He urged librarians to fight for fair use and challenge the scholarly journal publishers.


Then as now, Patterson's reasoning is the copyright policy position of ALA. His 1991 book *The Nature of Copyright: A Law of Users' Rights* (written with Stanley W. Lindberg) has come to be the definitive work on the constitutional underpinnings of copyright and the critical importance of the public domain.

Fast forward to October 2017, when the Patterson awardee is Jonathan Band, copyright attorney at policybandwidth. For more

than 20 years he has represented libraries and technology associations on copyright legislation and policy before Congress, the Executive Branch, the Judicial Branch, and internationally. He has written public comments, letters, testimony, and countless statements supporting balanced and fair copyright on behalf of the Library Copyright Alliance (LCA), libraries, and library users. ALA President James Neal, also a copyright policy expert, had this to say when he presented the award at a reception in Washington, D.C.:

Jonathan Band has guided the library community over two decades through the challenges of the copyright legal and legislative battles. His deep understanding of our community and the needs of our users, in combination with his remarkable knowledge and supportive style, has raised our understanding of copyright and our commitment to balanced interpretations and applications of the law.

The praise is well-earned. Band has been the counsel behind countless LCA positions and victories. He has penned over a dozen legal briefs on behalf of LCA, including the influential *Kirstaeng v. Wiley*, where the Supreme Court ruled that first sale doctrine applied to books purchased abroad. Band represented libraries throughout the *Authors Guild v. Google* and *Authors Guild v. HathiTrust* cases, whose rulings advanced the concept of transformative fair use. Band also has represented U.S. libraries at the World Intellectual Property Organization in support of the first international copyright exception—the Marrakesh Treaty—that would allow the making of accessible copies for the print-disabled and shared across borders.

Band's career has been dedicated to balanced copyright principles, and his direct connection to libraries makes this year's Patterson Award all the more appropriate. 

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