

## Digital copyright

New legislation clarifying intellectual property issues in the digital age was welcomed by the library community as Sen. John Ashcroft (R-MO) introduced S. 1146, the Digital Copyright Clarification and Technology Act of 1997, during the first week in September. Key features of S. 1146 include:

- libraries and nonprofit educational institutions should not be liable for copyright infringement based solely on the basis of their users' activities and that any changes to the law of liability in this area must recognize the unique nature and mission of libraries and schools;

- the Fair Use Doctrine (Section 107 of the Copyright Act) 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);

- 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;

- 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

- individuals who deliberately use a computer network to violate copyright should be subject to substantial civil (but not criminal) liability, and that punishing infringing conduct is a better way to deter illegal activity than banning the manufacture of valuable devices with multiple purposes, such as personal computers or the next generation of video recorders. (Librarians and educators must have access to such devices to take advantage of fair use or other privileges afforded them under the Copyright Act.)

Senator Ashcroft's sponsorship and his positive statement in the *Congressional Record* of September 3 (which included a statement from

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# Washington Hotline

**Lynne E. Bradley**

Sara Parker, Missouri's state librarian) will help assure that the copyright issues of the greatest importance to libraries and educational institutions receive the proper attention during the ratification and implementation process.

Academic librarians are asked to contact their senators as soon as possible to urge them to support the Digital Copyright Clarification and Technology Act, S.

1146. College and university librarians are also encouraged to urge their campus administrators, faculty, and other supporters to contact the senators as well. All supporters, especially from Missouri, are encouraged to send letters, e-mail or faxes to Senator John Ashcroft to thank him for his efforts with this legislation. His office fax number is (202) 228-6154.

In related activities, Robert Oakley, director of the Law Library at Georgetown University Law Center, testified on behalf of 18 major library and education organizations, including all of ALA, regarding online service provider liability. He characterized the hearing as a good dialogue between content providers and Internet service providers. For details about Oakley's testimony and the latest on S. 1146, contact Adam Eisgrau, legislative counsel in the ALA Washington Office, at (800) 941-8478 or (202) 628-8410; e-mail: ame@alawash.org.

## Student aid

Meanwhile, debate on details of student-aid policies and the high costs of postsecondary education continued as part of the overall discussion on reauthorization of the Higher Education Act. The U.S. Department of Education has made more proposals for changing federal student-aid programs. Three of the many changes proposed by the Clinton administration include: changing how a family's assets are considered in determining a student's need for assistance;

- expanding eligibility for students involved with distance learning; and

- targeting more Pell Grant monies to the neediest students during their second year in college to encourage them to stay in school. ■

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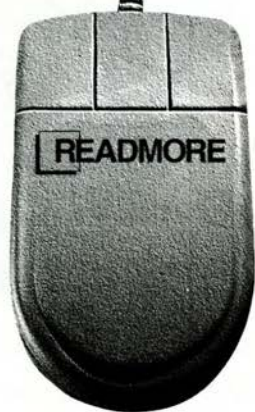
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