



March 12, 2008

The Honorable Howard L. Berman
Chairman
Committee on the Judiciary,
Subcommittee on Courts, the Internet, and Intellectual Property
U.S. House of Representatives
2221 Rayburn H.O.B.
Washington, DC 20515

The Honorable Howard Coble
Ranking Member
Committee on the Judiciary,
Subcommittee on Courts, the Internet, and Intellectual Property
U.S. House of Representatives
2468 Rayburn H.O.B.
Washington, DC 20515

Re: Orphan Works Hearing

Dear Chairman Berman and Ranking Member Coble:

The Library Copyright Alliance (LCA) consists of five major library associations: the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association. These five associations collectively represent over 139,000 libraries in the United States employing 350,000 librarians and other personnel. These five associations participate in the LCA to address copyright issues that have a significant effect on the information services libraries provide to their users. The LCA's mission is to foster global access to information for creative, research, and educational uses.

We write to express our gratitude to the Subcommittee for holding a hearing on orphan works – the LCA's top legislative priority. We wish to associate ourselves with Karen Coe's testimony on behalf of the United States Holocaust Memorial Museum. Museums, libraries and archives, as institutions that collectively preserve our cultural heritage, strongly support adoption of meaningful relief for the use of orphan works.

The special collections in our libraries, museums, state and local historical societies, and archives include significant amounts of orphan works: works whose owners are difficult or impossible to locate.

These repositories with orphan works are not being made publicly available for fear of copyright owners coming forward and demanding unknown amounts of compensation. Despite extensive and costly searches to locate orphan work owners, without a legislative solution, the risk remains too high for our institutions to make these works publicly available.

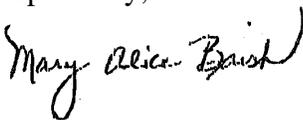
Resolving the orphan works problem presents significant new educational opportunities because these works will be publicly accessible and available to students, scholars, and the public. Access to these resources supports and inspires new scholarship by making the works of previous generations more accessible and useful to current users.

During the 109th Congress, this Subcommittee recognized that the availability of statutory damages inhibited a wide range of socially beneficial uses of orphan works. Accordingly, this Subcommittee favorably reported the Orphan Works Act of 2006 (H.R. 5439), which would have eliminated the remedy of statutory damages if the user performed a reasonably diligent search for the owner prior to the use.

We are pleased that the Subcommittee has begun its process for considering this issue in this Congress. Prior to the introduction of H.R. 5439 in the 109th Congress, LCA participated in negotiations with interested parties during which significant concessions were made to address all legitimate concerns with the possible negative affects of the legislation. Because of the extensive deliberations of this issue in the 109th Congress, we hope that legislation moves quickly in this Congress, and that the protections the legislation is intended to provide users of orphan works are not diluted.

Thank you for your continued leadership on the orphan works problem. We look forward to working with subcommittee members and their staffs so that orphan works legislation can be enacted this Congress.

Respectfully,



Mary Alice Baish
Acting Washington Affairs Representative, American Association of Law Libraries

On behalf of the Library Copyright Alliance: the American Association of Law Libraries, American Library Association, Association of Research Libraries, Medical Library Association, and the Special Libraries Association (contact information for each association is attached).

cc: Members of the Subcommittee on Courts, the Internet, and Intellectual Property

Library Copyright Alliance

www.LibraryCopyrightAlliance.org



American Association of Law Libraries
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

The American Association of Law Libraries (AALL) is a nonprofit educational organization with over 5,000 members nationwide. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy. <http://www.aall.org/>
Contact: Mary Alice Baish (202-662-9200)



The American Library Association (ALA) is a nonprofit educational organization of over 65,000 librarians, library trustees, and other friends of libraries dedicated to improving library services and promoting the public interest in a free and open information society. <http://www.ala.org/>
Contact: Lynne Bradley (202-628-8410)



Association
of Research
Libraries

The Association of Research Libraries (ARL) is a nonprofit organization of 123 research libraries in North America. ARL's members include university libraries, public libraries, government and national libraries. ARL influences the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve. ARL pursues this mission by advancing the goals of its member research libraries, providing leadership in public and information policy to the scholarly and higher education communities, fostering the exchange of ideas and expertise, and shaping a future environment that leverages its interests with those of allied organizations. <http://www.arl.org/>
Contact: Prudence S. Adler (202-296-2296)



The Medical Library Association (MLA), a nonprofit, educational organization, is a leading advocate for health sciences information professionals with more than 4,700 members worldwide. Through its programs and services, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public. <http://www.mlanet.org/>
Contact: Carla Funk (312-419-9094 x.14)



The Special Libraries Association (SLA) is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 12,000 members in 80 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy and networking initiatives. <http://www.sla.org/>
Contact: Doug Newcomb (703-647-4923)