



EMBARGOED MEDIA ADVISORY
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Library Copyright Alliance Applauds Introduction of the Barriers to Innovation Act

The Library Copyright Alliance (LCA) applauds the introduction of the Barriers to Innovation Act of 2015 in the U.S. Senate and U.S. House of Representatives on April 16, 2015, by Senator Ron Wyden (D-OR) and U.S. Representative Jared Polis (D-CO). The bill would address serious problems with the rulemaking process under the Digital Millennium Copyright Act (DMCA). It also would correct deficiencies in several of the existing exceptions to the DMCA.

Under current law, the Digital Millennium Copyright Act (DMCA) could be understood as prohibiting the circumvention of technological protection measures or “digital locks” for non-infringing purposes. Some manufacturers have used digital locks to prevent legitimate competition and other lawful uses. Broad application of the DMCA makes it unlawful for competitors to open these locks even when there is no possibility of copyright infringement.

While the Library of Congress conducts a rulemaking process to allow certain limitations and exceptions to the anti-circumvention provisions, libraries and other users must repeat this time-consuming and costly process every three years. The Library has issued some favorable rules for library uses, but they are limited in scope, difficult to win, and automatically sunset after three years.

The Barriers to Innovation Act would correct some of the problems with the rulemaking process. It provides that previously granted exemptions would automatically be renewed, unless changed circumstances justify retraction of the exemption. This would provide greater certainty to libraries, educators and disabled individuals who rely on the exemptions, and would eliminate the burden of reapplying every three years.

The Act also establishes an important presumption in favor of exemptions for disabled individuals, while providing that proponents of exemptions do not bear the burden of proof.

In addition, the Act clarifies the existing exceptions for reverse engineering for the purpose of interoperability, encryption research, protection of personally identifiable information, and security testing.

LCA also supports the Unlocking Technology Act of 2015, H.R. 1587, which seeks to limit the negative impact of the DMCA on lawful activities. These two bills indicate a growing awareness in Congress of the pressing need to overhaul the DMCA.

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries—that collectively represent over 100,000 libraries in the

United States, employing over 350,000 librarians and other personnel. An estimated 200 million Americans use these libraries more than two billion times each year.

About the American Library Association

The American Library Association is the oldest and largest library association in the world, with approximately 55,000 members in academic, public, school, government, and special libraries. The mission of the American Library Association is to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.