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June 2, 2014

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NYPL represents libraries at House Judiciary subcommittee copyright hearing

Today, Greg Cram, associate director of copyright and information policy at the New York Public Library (NYPL), testified on the importance of the first sale doctrine to libraries at "First Sale Under Title 17," a [field hearing](#) held by the U.S. House Judiciary Subcommittee on Courts, Intellectual Property and the Internet. The Library Copyright Alliance, which consists of the Association of College and Research Libraries, the American Library Association, and the Association of Research Libraries endorsed Cram's public support for the first sale doctrine.

In his [testimony](#), Greg Cram explained that without the first sale doctrine, libraries would not be able to lend books and other materials. Physical copies of copyrighted works represent the vast majority of collections in public libraries. Cram noted that there has been an increase in the lending and use of NYPL's library collections—which circulated 28 million items in 2012, a figure representing a 44% increase in circulation since 2008.

"All this library lending is enabled and protected by the first sale doctrine," Cram explained, adding that the first sale doctrine plays a critical role in advancing the dissemination of information to the public—a core library mission.

Cram also supported the Supreme Court's 2013 ruling in *Kirtsaeng v. John Wiley & Sons*, holding that the first sale doctrine applies to non-infringing copies regardless of the place of manufacture. Over 200 million books in U.S. libraries have foreign publishers and many of the books published by U.S. publishers are manufactured abroad. As a result, the *Kirtsaeng* decision was significant in allowing libraries to continue their existing purchasing and circulation practices without facing potential liability for infringement.

Finally, Cram noted that libraries and some publishers are working together to resolve issues that have arisen with respect to digital copies of copyrighted works, but "as progressively more content is licensed rather than sold, Congress needs to consider whether to prohibit the enforcement of contractual limitations on copyright exceptions in certain circumstances." Cram recommended that Congress monitor the evolving digital marketplace to ensure that new business practices do not hinder widespread access to works.