



## **LIBRARY COPYRIGHT ALLIANCE EXPRESSES CONCERNS WITH DIGITAL COPYRIGHT ACT DISCUSSION DRAFT**

The Library Copyright Alliance (“LCA”) has serious concerns with the discussion draft of the Digital Copyright Act of 2021 released today by Senator Thom Tillis, chairman of the Senate Judiciary Subcommittee on Intellectual Property. LCA consists of the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. These associations collectively represent over 100,000 libraries in the United States employing more than 300,000 librarians and other personnel.

The discussion draft proposes sweeping changes to the safe harbors for online service providers contained in the Section 512 of the Digital Millennium Copyright Act. These changes would threaten libraries’ ability to provide internet access to Americans in every community across the country. They would lead to increased filtering, which would limit free speech and fair use rights. They would result in less consumer privacy, and increased risk of the termination of consumers’ internet access.

To effect these changes, the discussion draft would relocate the Copyright Office from the Library of Congress to the Department of Commerce, and would vastly increase the Copyright Office’s regulatory authority. This could cause politicization of technical issues of copyright law, and could grant the executive branch unprecedented authority over Americans’ ability to express themselves over the internet.

While LCA welcomes the proposed amendments to the Section 1201 prohibitions on the circumvention of technological protection measures, they do not go nearly far enough. There should be no violation of Section 1201 without a nexus to infringement. Moreover, additional permanent exceptions are needed for library preservation efforts and providing services to people with disabilities.

Although the discussion draft is intended to update the Copyright Act to address challenges presented by digital technology, it does not reflect library priorities communicated to Chairman Tillis, including facilitating distance education and preempting contractual restrictions on libraries’ ability to provide services to their users.

LCA looks forward to working with Chairman Tillis and his staff on this legislation.

Please direct inquiries to LCA’s counsel, Jonathan Band, [jband@policybandwidth.com](mailto:jband@policybandwidth.com).

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