MLA and AAHSLD testimony on *Intellectual Property and the National Information Infrastructure*

It is a privilege to present comments on the Working Group’s report, *Intellectual Property and the National Information Infrastructure*. The Medical Library Association (MLA) and the Association of Academic Health Sciences Library Directors (AAHSLD) have endorsed the testimonies of the American Library Association and the Association of Research Libraries, which were presented at the Chicago and Los Angeles hearings. My comments represent the views of MLA and AAHSLD and address the role of librarians and the National Information Infrastructure (NII) in support of our nation’s health care.

MLA is a professional organization of more than 5,000 individuals and institutions in the health sciences information field. MLA members serve society by developing new health information delivery systems, fostering educational and research programs for health sciences information professionals, and encouraging an enhanced public awareness of health care issues. Through its programs and publications, MLA encourages the professional development of its membership, whose foremost concern is dissemination of information for those in research, education, and patient care.

AAHSLD is composed of the library directors of 142 accredited U.S. and Canadian medical schools belonging to the Association of American Medical Colleges. AAHSLD’s goals are to promote excellence in academic health sciences libraries and to ensure that the next generation of health practitioners is trained in information-seeking skills that enhance the quality of health care delivery.

Together, MLA and AAHSLD address congressional legislation and federal regulations concerning national information policy and health sciences libraries and librarians.

These two health sciences library associations agree on the following:

**Balance.** The rights of users and the rights of creators of information must be balanced in the NII. The use of information is a basic right guaranteed by the United States Constitution and furthers the purpose of copyright to “promote the progress of science and the useful arts.”

**Access.** Access to information in the NII will be diminished unless the policy maintains the rights of the public presently established in the areas of fair use, classroom use, and library use. The draft report suggests that copyright owners will have unlimited protection for their property in a digital environment and that the public can attain access to it only at a specific price. Access to information and knowledge is essential for the health professional in the practice of medicine and is equally important to individual citizens seeking information concerning their own health.

**Commission on New Technological Uses of Copyrighted Works (CONTU).** MLA and AAHSLD join other library organizations in requesting that a second CONTU be established. The present copyright law is technology neutral and, therefore, may be applied to intellectual content whatever the format or container of information. A new commission would benefit all concerned by preparing guidelines for library and fair use of electronic transfer and distribution of information, just as the first commission successfully did for borrowing materials from other libraries, making copies for classroom use, and other uses of printed information.

The purpose of the copyright law is to maintain the balance between the rights of users and the rights of creators. Both protection of creators’ rights and limitations on those rights to support the free flow of information to the public are essential in an electronic environment.

I have been a practicing librarian in a health sciences academic library for thirty years and have had the opportunity to see how physicians, nurses, researchers, and students use information and literature. Existing knowledge is the very foundation on which research is developed, on which young people learn, and on which patients receive treatment.

Research on availability and use of health information in hospital libraries provides evidence that use of that information contributes to higher-quality care of patients, to reduction in the number of laboratory tests, and to shortened hospital stays. One study conducted in fifteen hospitals in the Rochester, New York, area showed that 98% of physicians agreed that having current information led to better clinical decisions [1]. Surely this is an example of the value of information to health professionals and to the patients they serve. Continued availability of information...
must be maintained for the benefit of the citizens of this country.

Fair use and specific library reproduction and distribution rights must be retained in the NII. President Clinton's administration indicates that libraries and educational institutions will play a major role in assisting the public in the use of resources available via the NII. My understanding is that the administration's goal is to connect every school and library to the NII by the turn of the century, thus ensuring that students and citizens can tap the NII for job and health information, for access to the world's great libraries, and for democratic participation.

This access will not be possible if the rights of citizens are limited because the format in which information is contained has changed. The copyright law allows fair use of the intellectual content of materials, and that must not change because the container is electronic rather than print. It is essential that researchers, students, health professionals, and the general public be able to use the online equivalent of their current opportunities to browse through copyrighted works and to exercise their fair-use rights in making individual copies of quotations, brief extracts, or journal articles for personal or scholarly purposes.

How information is transmitted and the form in which it is contained cannot be a basis for restricting the free flow of information. MLA and AAHSLD are opposed to any reduction in the rights of users to access and utilize the intellectual content of resources, whatever the format.

Librarians have a long tradition of upholding the principles of copyright. As a practitioner, I considered it part of my job, as do my colleagues, to inform our faculty and students of their rights under fair use and to encourage them to use these rights to the fullest. I also clearly and specifically identified their responsibilities in the use of intellectual property. Librarians take seriously their obligations in working with information, knowledge, and literature and its transfer and dissemination. That will not change because technologies bring new modes and formats.

The copyright law is complex. Rapidly changing and developing technologies raise questions and concerns. MLA and AAHSLD join the other library associations in the call for a second CONTU to address those issues and concerns and to prepare specific guidelines, following the pattern of the first commission. This would provide the opportunity for representatives of all constituencies—libraries, publishers, creators, and the public—to discuss and develop recommendations on the implications of new technologies and applications to intellectual property issues.

In closing, I emphasize that we are just at the beginning of a powerful means of enriching the lives of our citizens through the expansion of information access and delivery via the NII. We recognize how valuable this can be in the realm of health information. Therefore, we must not allow the wonders of technology to limit the rights of users to benefit from the potential that is the NII.

MLA and AAHSLD appreciate and thank you for the opportunity to comment on the draft report. We stand ready to work with others in the library and scholarly communities to develop a policy for the information infrastructure that will strengthen the constitutional purpose of copyright and benefit all our citizens.

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