

AALL ACTION ALERT
MAY 5, 2008

**CALLS NEEDED TO SENATE JUDICIARY COMMITTEE OPPOSING “DARK
ARCHIVE” PROVISION OF ORPHAN WORKS ACT**

BACKGROUND

The [Senate Judiciary Committee](#) plans to mark-up the Shawn Bentley Orphan Works Act of 2008 ([S. 2913](#)) on Thursday, May 8. AALL has long supported the need for orphan works legislation although we have raised a number of concerns with the bill. Our most pressing concern before Thursday’s mark-up is that we unequivocally oppose any effort to amend S. 2913 to include the “dark archive” provision of H.R. 5889 or other weakening amendments.

IMMEDIATE ACTION NEEDED

If your Senator is listed below as a member of the Judiciary Committee, please make a call immediately, through the Capitol Switchboard at 202-224-3121 or their district office. If your Senator is not listed below, please call the bill’s sponsors, Senators Patrick Leahy and Orrin Hatch.

After introducing yourself as a member of AALL, deliver the following message:

The Orphan Works Act is needed by libraries to limit remedies in copyright infringement cases involving orphan works. However, I strongly oppose the notice of use filing (the “dark archive”) provision in the House bill, H.R. 5889, because it would limit the usefulness of the legislation by significantly increasing the cost of compliance. I urge you to reject the inclusion of the “dark archive” provision of H.R. 5889 during Thursday’s mark-up of S. 2913.

Thanks,

Mary Alice Baish
Acting Washington Affair Office Representative

LIST OF SENATE JUDICIARY COMMITTEE MEMBERS

DEMOCRATS:

Patrick Leahy, Chair
D-VERMONT

Edward M. Kennedy
D-MASSACHUSETTS

Joseph R. Biden, Jr.
D-DELAWARE

Richard J. Durbin
D-ILLINOIS

Charles E. Schumer
D-NEW YORK

Herb Kohl
D-WISCONSIN

Dianne Feinstein
D-CALIFORNIA

Russell D. Feingold
D-WISCONSIN

Benjamin L. Cardin
D-MARYLAND

Sheldon Whitehouse
D-RHODE ISLAND

REPUBLICANS:

Arlen Specter, Ranking Member
R-PENNSYLVANIA

Orrin G. Hatch
R-UTAH

Jeff Sessions
R-ALABAMA

Charles E. Grassley
R-IOWA

Lindsey Graham
R-SOUTH CAROLINA

Jon Kyl
R-ARIZONA

John Cornyn
R-TEXAS

Sam Brownback
R-KANSAS

Tom Coburn
R-OKLAHOMA