



A GUIDE TO UNDERSTANDING AND ACTION

by **Mary Alice Baish**

only two states that have enacted *UCITA*—it was not a fair fight. The library community has been portrayed as **against** electronic commerce and the new digital economy and **for** the piracy of software and digital resources. These distortions are very difficult to respond to with legislators. The Maryland law became effective on October 1 and, pending the outcome of an impact study, Virginia's *UCITA* will become effective July 1, 2001. The good news is that *UCITA* was tabled this year in six other states; the bad news is that it may be introduced in as many 20 states early next year.

It is so essential to our advocacy efforts to educate members and help them develop a state legislative strategy that AALL, ALA, ARL, MLA, and SLA are cosponsoring the satellite teleconference "*UCITA: A Guide to Understanding and Action*" on December 13, 1–4 p.m. EST. This is a not-to-be missed opportunity to learn the background and major issues surrounding *UCITA*, its implications for your library, and what you can do. All librarians should be able to articulate the anti-library, anti-consumer provisions of *UCITA* and join together in a strategic effort to kill or amend *UCITA* in their states.

Four distinguished panelists who have been active in their states in promoting our concerns about *UCITA* will share their knowledge, expertise, and experiences with you during the teleconference: **Sarah Wiant** (Director of the Law Library and Professor of Law, Washington and Lee University), **James Neal** (Dean of University Libraries, Johns Hopkins University), **Rodney Petersen** (Director, Policy and Planning, Office of Information Technology at the University of Maryland), and **Cathy Wojewodzki** (Librarian, Reference Department, University of Delaware Library, and former member of the Delaware legislature).

The program is divided into three sections: first, What is *UCITA*? and Why Do We Care?; second, Working on *UCITA* in a State Context and How Do We Organize in a State Context?; and third, Framing the Key Issues. Individual panelists will present each topic, followed by a full panel discussion and audience participation through a Q&A period.

Questions may be phoned or faxed in. We will post several key resources at the Web site for pre-conference reading. Each participant will also receive a packet with additional reading materials, talking points, and an advocacy checklist. During the post-teleconference discussion at each site, participants will work together to develop an action plan for their states.

The goals of the teleconference are two-fold. First, to arm you with **what you need to know** about *UCITA* because—even if it does not come to your state this year—its choice of law and choice of forum provisions will affect you and your library. And second, to energize you to action about **what you need to do** about *UCITA* in case it is introduced in your own state. Our panelists will share their own state experiences with you; they'll have plenty of tips and lessons learned; and they'll help you frame effectively the key issues of concern to the library community.

To register for a site license, see the Online Registration Form, along with specific information about becoming a host site (<http://www.arl.org/ucita.html>).

To check to see if there's a host site near you, the same Web site has a box labeled "View List of Sites Accepting Guests." New host sites will be added continuously as site registrations come in.

I encourage you to explore with your institution the possibility of hosting or co-hosting this important learning and advocacy opportunity with neighboring institutions, consortia, or perhaps even your Chapter. As members of the law library community, you will be counted on for your knowledge of copyright and contract law if and when *UCITA* comes to your state. This is a great opportunity for AALL and its Chapters to demonstrate leadership in the *UCITA* state legislative process. This teleconference will give you the tools and resources you need to help develop a successful state strategy to counter the efforts of *UCITA* proponents. Please join our anti-*UCITA* campaign by participating in this valuable session!

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The Uniform Computer Information Transactions Act (*UCITA*) could well do an end run around any success AALL might have had in maintaining a balance in copyright law between information users and the content community in the digital age, shifting the balance dramatically in favor of software developers and online publishers at the expense of consumers, libraries, and educational institutions.

UCITA moves the battleground to the state level, where it threatens to replace federal law of copyright with the private law of contract and, as currently drafted, is bad public policy. Despite its legitimate goal of providing a new legal framework for computer transactions, software, and information, *UCITA* is a piece of legislation that should never have been adopted by the National Conference of Commissioners on Uniform State Laws.

What makes *UCITA* so dangerous is that the debate is being played out at the state level, where legislators have little or no knowledge of federal copyright law and are under great pressure to join the electronic commerce bandwagon. Proponents are expending huge amounts of money to hire prominent lobbyists in state capitols to push hard for the enactment of *UCITA*. During the legislative processes in Virginia and Maryland—the