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**Statement of Emily R. Florio  
President of the American Association of Law Libraries  
For the Hearing Record**

**“Copyright and the Internet in 2020: Reactions to the Copyright Office’s  
Report on the Efficacy of 17 U.S.C. § 512 After Two Decades”**

**Hearing before the U.S. House of Representatives Judiciary Committee**

**September 30, 2020**

Dear Chairman Nadler, Ranking Member Jordan, and Members of the Committee:

On behalf of the American Association of Law Libraries (AALL), a national organization representing 4,000 law librarians and legal information professionals, we would like to share AALL’s position on the U.S. Copyright Office’s Section 512 Report (May 2020). This statement supplements the comments AALL provided at the House Judiciary Committee’s section 512 listening session on libraries on August 11, 2020. I respectfully request that this statement be part of the hearing record.

AALL believes that section 512 is working well for law librarians, legal information professionals, and law library users. We also agree with the Copyright Office that several elements of section 512 are worthy of further examination by Congress. AALL advocates for the Committee to consider the impact of repeat infringer policies on libraries and library users, as well as fair use considerations under the notice-and-takedown system.

AALL concurs with the Copyright Office’s assessment that colleges and universities may require an alternative approach to repeat infringer policies that terminate user accounts. As the Copyright Office noted in its report, the internet access and network services provided by colleges and universities are used for many essential purposes. This includes academic work, as well as library and research services. Cutting off access to the internet for on-campus students will have significant consequences for a student’s academic and social life. This is especially true in circumstances where the college or university is the only practical broadband provider for students. For these reasons, repeat infringer policies for colleges and universities should be carefully considered.

AALL believes that repeat infringer policies may be problematic for those outside the college or university setting as well, including individuals using the internet at public libraries or public law libraries to conduct legal research or to participate in virtual judicial hearings. During the COVID-19 pandemic, public law libraries have partnered with public libraries to provide the public with access to civil legal resources. Not



allowing these users to have access to the internet will negatively impact their access to justice. Therefore, AALL supports broader efforts to clarify repeat infringer policies.

AALL welcomed the decision in *Lenz v. Universal Music Group Corp.*<sup>1</sup>, which asserted that when making a takedown request, a rightsholder must consider fair use before asserting the required good faith belief of infringement. The importance of considering fair use in the notice-and-takedown process is particularly apparent during the current pandemic. Law libraries rely on fair use in remote learning environments for activities such as embedding videos into educational materials. AALL encourages Congress to affirm the holding of *Lenz* to ensure that claimants consider fair use.

Finally, AALL agrees with the Copyright Office about the importance of educational initiatives as an effective non-statutory approach to mitigating section 512 limitations. Law libraries have produced many excellent research guides on copyright law to help their users understand their obligations under the law. These research guides contribute to a greater understanding of section 512. We strongly support the Copyright Office's proposal to produce educational materials to inform all participants in the section 512 system of their rights and responsibilities. We also appreciate the Copyright Office's plan to engage stakeholders in the development of those resources.

Thank you for the opportunity to provide AALL's views on the Copyright Office's section 512 report. We hope our comments assist the Committee in its consideration of the efficacy of section 512.

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<sup>1</sup> 815 F.3d 1145 (9th Cir. 2016)