

MAR 10 2023

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS TO AMEND FEDERAL COPYRIGHT LAW
TO EXPLICITLY PROTECT CURRENT LENDING PRACTICES OF
NONPROFIT ONLINE LIBRARIES.

1 WHEREAS, an informed populace is vital to a functioning
2 democracy; and

3
4 WHEREAS, access to publications increases the collective
5 knowledge of the people; and

6
7 WHEREAS, traditional brick-and-mortar public libraries
8 facilitate collective knowledge by acquiring books and lending
9 those books to the public, free of charge; and

10
11 WHEREAS, nonprofit online libraries work on this same
12 principle in the virtual realm by acquiring and maintaining
13 numerous hardcopies of books, scanning digital versions of those
14 books, and lending those digital versions to the public, free of
15 charge; and

16
17 WHEREAS, nonprofit online libraries do not lend out the
18 hardcopies in their inventories; and

19
20 WHEREAS, the number of digital copies of a book that an
21 online library lends out at any given time never exceeds the
22 number of hardcopies of that book in the library's inventory;
23 and

24
25 WHEREAS, a number of major publishers claim that this
26 lending system is in violation of copyright law, and are seeking
27 relief in the case of Hachette Book Group, Inc. v. Internet
28 Archive, which is pending before the United States District
29 Court for the Southern District of New York; and

30



S.C.R. NO. 70

1 WHEREAS, an adverse outcome for the nonprofit library in
2 the foregoing case would have a devastating impact on its
3 patrons and stem the flow of knowledge; and
4

5 WHEREAS, the United States Congress has the power to amend
6 copyright law; now, therefore,
7

8 BE IT RESOLVED by the Senate of the Thirty-second
9 Legislature of the State of Hawaii, Regular Session of 2023, the
10 House of Representatives concurring, that the United States
11 Congress is urged to amend federal copyright law to explicitly
12 protect current lending practices of nonprofit online libraries;
13 and
14

15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Majority Leader of
17 the United States Senate, Speaker of the United States House of
18 Representatives, and members of Hawaii's congressional
19 delegation.
20
21
22

OFFERED BY: _____

