

MAR 10 2023

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# SENATE 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

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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  
31 WHEREAS, an adverse outcome for the nonprofit library in  
32 the foregoing case would have a devastating impact on its  
33 patrons and stem the flow of knowledge; and  
34



# S.R. NO. 63

1 WHEREAS, the United States Congress has the power to amend  
2 copyright law; now, therefore,  
3

4 BE IT RESOLVED by the Senate of the Thirty-second  
5 Legislature of the State of Hawaii, Regular Session of 2023,  
6 that the United States Congress is urged to amend federal  
7 copyright law to explicitly protect current lending practices of  
8 nonprofit online libraries; and  
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10 BE IT FURTHER RESOLVED that certified copies of this  
11 Resolution be transmitted to the Majority Leader of the United  
12 States Senate, Speaker of the United States House of  
13 Representatives, and members of Hawaii's congressional  
14 delegation.  
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OFFERED BY: \_\_\_\_\_

