



January 20, 2004

The Honorable Jim Sensenbrenner, Jr.  
Committee on the Judiciary  
2332 Rayburn House Office Building  
Washington, DC 20515-4909

The Honorable W.J. "Billy" Tauzin  
Committee on Energy and Commerce  
2183 Rayburn House Office Building  
Washington, DC 20515-1803

Dear Chairmen Sensenbrenner and Tauzin:

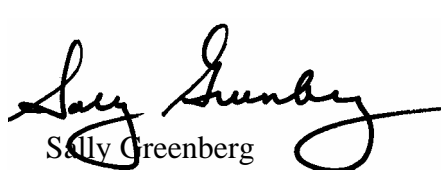
We wanted to share with you our concerns and objections to H.R. 3261, the "Database and Collections of Information Misappropriation Act," scheduled for mark-up by the House Judiciary Committee tomorrow, Jan. 21, 2004. This bill is an unwise and misguided attempt to extend the law into territory where the Supreme Court has said it should not tread: allowing copyright over facts. The broad coalition aligned against this bill, from consumer groups and librarians to the United States Chamber of Commerce and leading technology companies such as Google, and Yahoo! speaks loudly against this legislation.

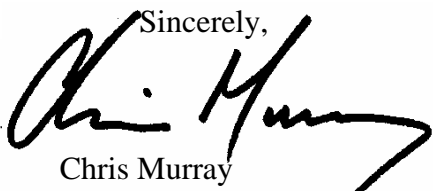
The companies lobbying for this bill have not offered a compelling case that existing federal and state laws, including federal copyright law, federal anti-hacking restrictions, and a variety of state contract and tort laws, are unable to provide database producers with adequate protection. They have failed to demonstrate a problem that would justify the fundamental and constitutionally questionable changes to our nation's information policy called for in H.R. 3261.


Consumers Union believes that information is vital to our democracy, and fundamental to our nation's advancement in knowledge, technology, and culture. We believe that legislation that treats facts like a proprietary product, such as H.R. 3261, will erode the ability of researchers and citizens to gather and share information, and would lead to a world where the use of facts is increasingly controlled by a small number of database giants.

America's founders believed that the best way to encourage people to build on each other's ideas and information was to allow authors and inventors a limited, exclusive right to those ideas and inventions. But the Supreme Court has already decided that, with few exceptions, collections of facts may not be copyrighted. Congress should not undermine the creative protections established by the Constitution and should reject legislation that would allow facts to be locked up under copyright.

Sincerely,

  
Sally Greenberg  
Senior Product Safety Counsel

  
Chris Murray  
Legislative Counsel

  
Kenneth DeGraff  
Technology  
Legislative Assistant