

**NOVEMBER 16, 2005**

**SCHAKOWSKY: DIGITAL COPYRIGHT LAW SHOULD BALANCE RIGHTS OF ARTISTS AND CONSUMERS**

WASHINGTON, DC - U.S. Representative Jan Schakowsky, ranking member on the Subcommittee on Commerce, Trade, and Consumer Protection, today called for a balanced digital copyright policy that protects the intellectual property of artists, without putting unnecessary or unrealistic restrictions on consumers. Representative Schakowsky delivered her remarks before a hearing of the Subcommittee on Commerce, Trade, and Consumer Protection on "fair use" and updating the Digital Millennium Copyright Act.

Representative Schakowsky's opening statement is below:

Technological innovations have once again, opened the door of our Subcommittee to legislative arenas that could not have been imagined just a few short years ago. The Internet, digitization of information, and e-commerce have necessitated the updating of laws that have been rendered ineffective, or become too stifling, because of technological advances. Today's hearing focuses our attention on how the availability of copyrighted materials in digital formats affects artists, consumers, researchers, librarians, and a host of industries.

Because of the unpredictability of where technology developments will take us tomorrow, we have to be careful when proposing to update laws. As we have seen in the past, and as we will hear about what has happened with the Digital Millennium Copyright Act, or DMCA, closing loopholes could end up shutting doors to a range of innocent bystanders.

With the passage of the DMCA in 1998, (before I came to Congress), my colleagues made a significant attempt to contend with the new challenges that digital capabilities introduced to copyright law. The DMCA was meant to stop copyright infringement on new digital mediums. Unfortunately, by trying to predict where the ever-evasive nature of technology would take us, the DMCA was drafted with such broad strokes that it swept away the Fair Use provisions of the copyright law and has been abused by those who want to squelch competition in areas wholly unrelated to copyright. For example, manufacturers of garage door openers and toner cartridges have used the DMCA to try to prevent their competitors from developing alternative and cheaper models. Remember, they are not infringing on copyrights or violating any patents.

Make no mistake about it: copyrights need to be protected and artists need to be compensated for their work. However, when a law pits artists against consumers, when millions of fans are called criminals, when companies can use the DMCA to prevent new products from coming to

the market, when libraries may have to limit or charge for services they traditionally have provided for free, then the law needs to be fixed.

I believe that Mr. Boucher's and Chairman Barton's bill, H.R. 1201, the Digital Media Consumer Rights Act, has opened the door to meaningful discussions about the overreaching applications of the DMCA - even with the new questions and concerns it raises. I have met with artists' groups, consumer groups, and technology developers and believe that we can work together to craft a remedy to the DMCA that would protect artists' copyrights, consumer rights, competition, and technological innovation.

This is an exciting time. We are at a technological crossroads that is changing how we think about commerce, art distribution, and traditional consumer protections. It is our responsibility as lawmakers to make sure that all voices are heard in this debate. I am glad we are here today with so many people who are affected by the DMCA and its effect on fair use. I look forward to your testimony.