



**RESOLUTION CONCERNING CONTRACTOR COPYRIGHT
AND USE ROYALTIES FOR THE ERIC DATABASE**

- WHEREAS,** Improvement of American education has been recognized as a national priority by the Congress and successive Administrations; and
- WHEREAS,** The Education Resources Information Center (ERIC) has for more than 25 years contributed through its database and publications to the improvement of educational knowledge and practice by systematic acquisition, indexing and dissemination of educational journal articles, research reports, conference proceedings, curriculum guides, and doctoral dissertations of importance to the educational community; and
- WHEREAS,** Federal appropriations are provided annually to the Department of Education's Office of Educational Research and Improvement (OERI) to fund ERIC operations; and
- WHEREAS,** American libraries are the principal points of access to ERIC information in print, online, CD-ROM, and microfiche formats for American educators and educational researchers; and
- WHEREAS,** Low-cost access of the ERIC database through libraries has been crucial to the success and effectiveness of the ERIC program; and
- WHEREAS,** Section 105 of the Copyright Act of 1976 specifically prohibits copyright protection for any work of the U.S. government; and
- WHEREAS,** OERI has agreed to permit a contractor to copyright the ERIC database; and
- WHEREAS,** Extension of copyright protection to the ERIC database to a contractor could reduce OERI control over future development and use of the database, provide an unfair competitive advantage for one vendor, reduce contractor accountability for the use of a resource created through the expenditure of public funds and establish a precedent for similar actions with other federal databases; and
- WHEREAS,** OERI is now considering a fee schedule which would permit its current contractor to collect royalty charges for use of the ERIC database by libraries, educators, and students; and
- WHEREAS,** Preservation of an equitable, low-cost pricing structure is critical to the future success of the ERIC system and the ability of American libraries to support widespread public access; now, therefore, be it

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- RESOLVED,** That the American Library Association urge the Department of Education to withdraw its permission to copyright the ERIC database, thereby keeping this taxpayer-funded database in the public domain; and, be it further
- RESOLVED,** That the American Library Association urge the Department of Education to utilize appropriated funds for needed enhancements to the ERIC database and to reject its contractor's proposal that royalty charges and user fees be imposed to fund improvements and generate additional revenues for the contractor for its services; and, be it further
- RESOLVED,** That the American Library Association urge Congress to prohibit copyrighting of the ERIC database and the imposition of royalty charges by any contractor; and, be it further
- RESOLVED,** That copies of this resolution be transmitted to the Secretary of Education, the Director of the Office of Educational Research and Improvement, the Director of the Office of Management and Budget, The Register of Copyrights, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Education Committees, and the appropriate subcommittees.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1992
(Council Document #20.9)