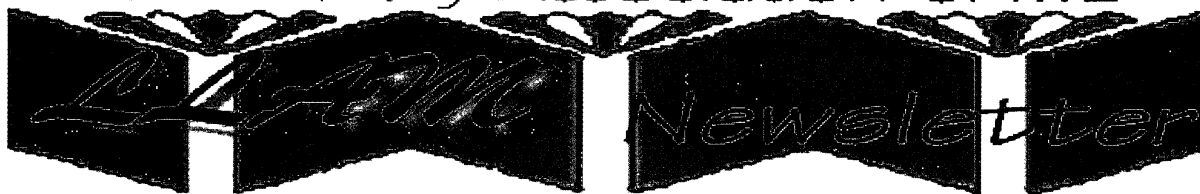


Law Library Association of MD



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UCITA UPDATE

by
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As most of you know by now, Maryland enacted the Uniform Computer Information Transactions Act (UCITA) this past legislative session; it will become law on October 1, 2000. UCITA is a draft model law developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) that originally intended to be a revision to the Uniform Commercial Code (UCC) (a body of law adopted in almost all of the states and territories of the United States to ensure consistent rules governing law from state-to-state). UCITA extends the UCC to regulate transactions involving intangible goods (such as computer software, online databases and other information products in digital form), which are not sold per se, but are based on "licenses" or licensing agreements that govern the "use" of the product.

UCITA was opposed by the American Law Institute, the Federal Trade Commission, the Attorneys General of 24 states (including Maryland), consumer groups, software customers, the entertainment industry and the education and library community. These groups were concerned about UCITA's shift in emphasis toward licensing of information and away from the sale of copies, as had traditionally been the case. Licensing enables a vendor of computer information to wield much more control of subsequent use of the product, control that has the potential to constrain the use of information for important public purposes, such as democratic speech, education, scientific research, and cultural exchange.

Another objectionable provision of UCITA was the notorious electronic self-help provision that allowed vendors to remotely disable software they sell to users if the vendor deemed the user had violated any of the licensing provisions. Of particular concern to libraries and the educational community was the transfer restriction provision of section 21-503, which has the potential chilling effect on the fair use and the first sale doctrine.

At the urging of the Consumer Protection Division of the Attorney General's office and 4CITE (<http://www.4cite.org/>), an anti-UCITA coalition to which AALL and LLAM belonged, the General Assembly did make some cosmetic changes on UCITA, but the act is far from perfect. This has been noticed (belatedly) by the Governor's Information Technology Board, which has recently reconvened the UCITA Committee Workgroup to measure the impact of UCITA on small businesses, software publishing vendors, Maryland retailers and libraries and universities. Over the next several months this workgroup will be collecting data before presenting recommendations to the full Technology Board. As a member of the workgroup, I will be collecting data from libraries once we have decided what information to collect. You may want to get a head start by looking over some of your licensing agreements and making notes of any egregious provisions. With your help we may be able to convince the legislature to make an amendment to allay our copyright concerns.

**PRESIDENT'S
PAGE**

Ginger J. Gerton
*Ober, Kaler, Grimes
& Shriver Library*

Late summer to early fall is always a time of transition. Students return to school, summer associates have departed, new fall associates are arriving, people are coming back from vacation and getting ready to gear back up. I hope that this upcoming year can be the start of a season of transition for our own organization as well. One of the goals this year is to continue to assess our ever-changing membership needs. The library profession has been in constant transition. We are not the "book dusters" we once were. Our staffs must be well educated in computer, research and service skills. Our roles as librarians and library staff have changed. We must constantly be assessing new approaches to gathering and delivering information services to our patrons. As a group we will be working on a strategic plan for LLAM. I have outlined below excerpts from the draft version of the LLAM Strategic Plan. The plan is available in full-text on the LLAM web page at <http://www.aallnet.org/chapter/llam/plan.htm>.

Vision:

Our vision is for LLAM to play a leading role in the development of law librarians and law librarians. Our diverse membership has the skills and experience to evolve in a constantly changing legal environment.

Membership Needs:

• *Administrative Goals*

- Clarify relationship with AALL
- Strengthen financial status
- Prepare Chapter Operating Manual to define specific functions of the committees and their relationship to the board
- Review of by-laws

Professional Goals

- Ensure effective ongoing communication among members, the Board and committees

- Advance the cause of law libraries/librarianship as professionals whose members are central to their institutions
- Promote involvement with professional associations in the library and legal communities
- Provide opportunities for ongoing education, skill development and professional development among members
- Promote role of librarians as legal research experts and trainers
- Develop and promote use of core competencies for law libraries
- Participate in ensuring access to electronic legal and government records
- Participate in advocacy process and develop support for government relations activity to increase awareness of legislative issues
- Work in conjunction with CRIV to encourage fair business practices in the legal publishing industry
- Preserve access to historical materials

Social Networking Goals:

- Provide a variety of topical meetings for all levels of membership in a variety of locations
- Facilitate interactions with other chapters and local library organizations
- Provide opportunities for all members to meet and express mutual concerns

As members of our library community, please take the time to review the document and make any suggestions. What are your goals for the library you work in? What are your professional goals for the upcoming year? Do you want to brush up existing skills or learn new skills; do you want to publish an article in your area of expertise; do you want more opportunities to network? Please send any comments or additions to gigerton@ober.com or to any member of the LLAM board.

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