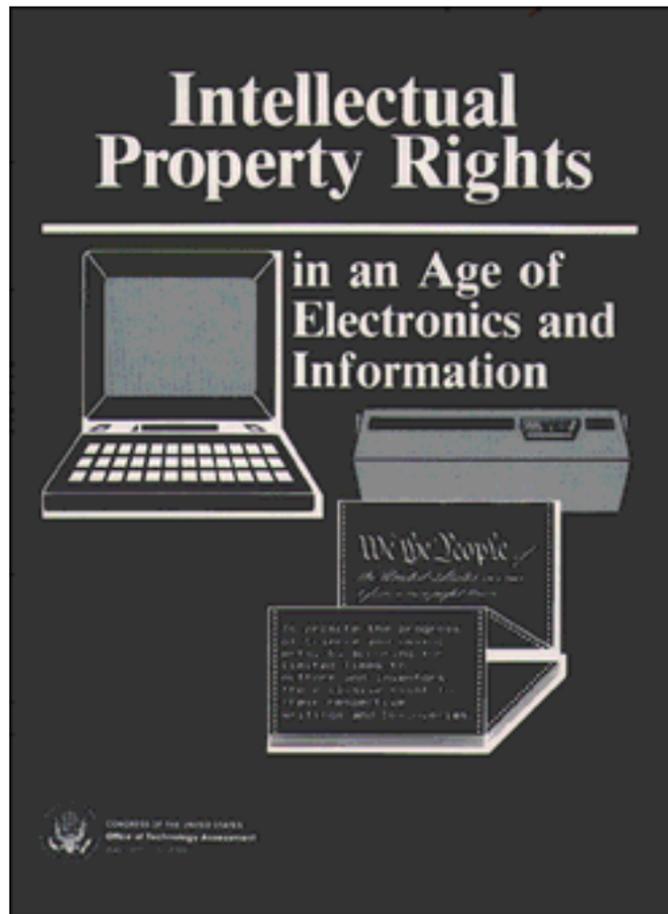


*Intellectual Property Rights in an Age of
Electronics and Information*

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Foreword

This report examines the impact of recent and anticipated advances in communication and information technologies on the intellectual property system. It focuses primarily on the Federal copyright system, and on the continuing effectiveness of copyright law as a policy tool in the light of technologies such as audio- and videorecorders, computer programs, electronic databases, and telecommunications networks. To obtain a comprehensive view, the study examined the intellectual property system from a number of perspectives: the constitutional basis of intellectual property policy; the system's goals, laws, and economics; the creative environment; problems of enforcement; the international context; and the Federal role in administering intellectual property rights.

OTA found that technological developments are affecting all aspects of the intellectual property system. Moreover, because we are only beginning to move into the era of electronic information, the full impact of new technologies will not become fully apparent for some time. Fundamental changes are occurring in information technologies that will antiquate many of the policy mechanisms now in force, and bring new intellectual property problems requiring new solutions. Thus, even if Congress acts now in response to current problems, it will need to be prepared to act again within the next decade.

The report was requested by Senator Charles McC Mathias, Jr., Chairman of the Senate Judiciary Committee, Subcommittee on Patents, Copyrights and Trademarks; and by Congressman Peter W. Rodino, Jr., Chairman of the House Judiciary Committee, Congressman Robert W. Kastenmeier, Chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Congressman Hamilton Fish, and Congressman Carlos Moorhead.

In preparing this report, OTA has drawn on working papers developed by OTA staff and contractors, the comments of participants at seven OTA workshops held to discuss issues, the results of two public opinion surveys conducted by Yankelovich, Skelly & White, and conversations between OTA staff and over 130 interested individuals. Drafts of the report were reviewed by the OTA advisory panel, officials from the Copyright Office, the Patent and Trademark Office, the Library of Congress, the Department of Commerce, the Department of State, the Office of the U.S. Trade Representative, and a broad range of individuals from law firms, public interest groups, trade associations, private industry, and academia.

OTA appreciates the participation of the advisory panelists, workshop participants, Federal agency officials, and interested citizens, without whose help this report would not have been possible. The report itself, however, is the sole responsibility of OTA, not of those who ably advised and assisted us in its preparation.



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The Advisory Panel provided advice and constructive criticism throughout this project. The panel does not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

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