

Jane Ginsburg, ALAI Welcoming remarks 6/14/01

On behalf of ALAI-USA, I am very happy to welcome over 250 delegates from 32 countries to Columbia Law School. This is a grand moment for ALAI-USA, to host the first ALAI Congress in the United States. U.S. authors were among the founding members of ALAI, as President Victor Nabhan has detailed. It took the U.S. as a country a little longer than most to join ALAI's signal achievement, the Berne Convention, but the U.S. branch of ALAI shares the international association's commitment to the promotion of protection of authors and their creations around the world.

Today, however, we perceive a paradox emerging in our shrinking, and increasingly digital, world of works of authorship. Copyright law and associated doctrines appear to be becoming ever more protective (and prolix), but it does not necessarily follow that copyright laws are enjoying greater popular respect. Nor does it follow that these legislative innovations redound to the benefit of authors (as opposed to copyright owners). This paradox prompts the choice of this Congress' theme: "Adjuncts and Alternatives to Copyright," legal regimes that supplement, yet perhaps also may come to rival, copyright. One of these regimes, trademark law, has manifested increasing overlap with copyright. This Congress marks the first time that an ALAI international meeting will have taken up the topic of trademarks and their implications for works of authorship and expression of ideas. We will address this topic on the 3d day of this 3-day Congress.

The complementary, or perhaps competing, legal regime that we will **first** address is the legal protection of technological measures, especially in the context of online digital communication of works of authorship. This topic is particularly fraught with controversy and overstatement. Not to say, paranoia – a term that both proponents and opponents of technological measures have used to characterize the other's attitude. Putting the two outlooks together, one gets the image of piggy copyright-owner producers striving to frustrate rapaciously self-serving

users. Note that authors are curiously absent from this scenario, as they too often seem to be from the popular debate.

ALAI members as a group profess passionate concern for authors' rights, and most perceive both threats and promises for authors in the digital communication of their works. But not all ALAI members would agree that legal protection of technological measures is a desirable approach for authors. Some may disagree over the principle of reinforcing technological measures with legal protection. Others believe this new protection is crucial, but may find themselves in dispute as to the merits of the particular national regimes enacted. In the next 2 days we will endeavor to survey the field of legal protection for technological protections of copyrighted works, and to explore its implications, both good and bad, for authors.

I hope that you will be stimulated, even provoked, by the work that we shall undertake together in the course of the next 3 days. Thank you.