

June 23, 1999

Gene N. Lebrun
President
National Conference of Commissioners on Uniform State Laws
P.O. Box 8250
909 St. Joseph Street, 9th Floor
Rapid City, SD 57709

Dear Mr. LeBrun:

The Digital Future Coalition consists of 42 organizations representing a diverse constituency of educators, scientists, computer and communications firms, consumer electronic manufacturers, archivists, consumers, and librarians. These constituencies have a fundamental stake in the digital revolution. In our view, the Uniform Computer Information Transactions Act (UCITA) threatens the fundamental framework for the protection of American consumers and upsets the important balance between the users and creators of digitally-based products.

UCITA unfairly empowers publishers to create a licensing regime for their products that places consumers and users at a severe disadvantage. It allows licensors to replace the public law of copyright with the private law of contract, thereby weakening fundamental privileges such as the first sale doctrine. Moreover, these licensing agreements will enable licensors to circumvent consumer protections either through self help or through choice of law and forum.

Therefore, we respectfully ask NCCUSL to direct the drafting committee to substantially revise UCITA. In the alternative, NCCUSL should promulgate UCITA not as a uniform law, but as a model code. If you have questions, please contact Skip Lockwood at 202-628-6048 or via e-mail at dfc@dfc.org. A list of DFC members is attached for your convenience.

Respectfully,

Skip Lockwood
Coordinator

cc: All NCCUSL Commissioners