

From: Richard B. Fischer <rbf@UDel.Edu>
To: disted@loc.gov <disted@loc.gov>
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Subject: Copyright Hearing

March 3, 1999

Ms. Sayuri Rajapakse, Attorney-Advisor
Office of Policy and International Affairs
U.S. Copyright Office, Copyright GC/I&R
P.O. Box 70400, Southwest Station
Washington, DC 20024

Dear Ms. Rajapakse:

During the question-and-answer period of my panel before representatives from the U.S. Copyright Office in Washington, DC on January 26, Ms. Perlmutter asked, "Just to clarify, I think I heard from at least a couple of witnesses a view that the fair use provisions in the current copyright law combined with fair use guidelines could be sufficient to deal with the new issues raised by digital distance education." As non-lawyer practitioners, we understood this question to ask if we were in fact suggesting no significant changes to the major fair use provisions of the copyright code--hence our answers in the affirmative. However, upon review of the written transcript, it may appear to some that we do not support an appropriate digital distance education exemption to section 110(2) of the copyright code.

For the official record of the Copyright Office's proceedings and to clarify the possible misunderstanding of our answers to the above question, my institution does support a broadening of the exemption in section 110(2) to include digital and new media applications. As the balance of our testimony demonstrated, this updating of the Copyright Code is appropriate and without reasonable risk.

Once again, thank you for the opportunity to share our views with you concerning the promotion of digital distance education.

Respectfully,

Richard Fischer, Ed.D.
Associate Provost
Continuing and Distance Education
302-831-2795
rbf@udel.edu