

## Position Statement on the CONFU Guidelines for Digital Images

Position Statement on the CONFU  
Guidelines for Digital Images  
November 22, 1996

The Visual Resources Association has participated in the Conference on Fair Use since the conference was convened by the National Information Infrastructure (NII) Task Force. Sandra Walker, VRA Past President, issued a statement at the public hearings held on September 22, 1994 at the Library of Congress. Since 1994, the VRA has been represented at all of the meetings of the Digital Images Working Group. Our representatives, Kathe Albrecht and Macie Hall, have worked very hard to educate the working group participants regarding the needs and methods of our members.

The VRA constituency is made up primarily of visual resources professionals employed in non-profit educational institutions. In many ways, the proposed guidelines represent an unprecedented attempt to deal with the complexities of copyright and fair use within the context of our profession. The VRA remains hopeful that in time such guidelines can be endorsed. However, the executive board of the VRA believes that to make a decision regarding the endorsement of these particular guidelines at this time would be premature.

Many of our members have expressed compelling reasons for not endorsing these guidelines. Some of these reasons deal with particulars that are perhaps negotiable. But what is most disturbing is that the CONFU Guidelines for Digital Images place the burden of clearing the rights to images entirely on the users. The methods described for clearing these rights are not just inconvenient, but completely unworkable. Our profession, for the most part, is charged with providing educators with surrogate images. Although it is our practice to document the sources for all the images we use, copyright claims to surrogate images often extend beyond such documentation, and so are ultimately beyond our control. There is nothing resembling a "copyright clearance center" for images. Also, none of the other guidelines presume to place a deadline on usage of materials or instruct the librarian (or visual resources professional) as to the procedures to be followed to obtain permissions.

These guidelines could be very useful if the process for clearing the rights to surrogate images did not place such strains on the staffs and working budgets of visual resources curators. Unless visual librarians can digitize their collections under fair use without complicated and cumbersome restrictions, many digitization projects will more than likely be abandoned. One of the major purposes of these guidelines was to enable educators to use digital images in the classroom. It would indeed be a shame if the outcome of such guidelines had the opposite effect.

Joseph Romano  
President  
Visual Resources Association