

VRA Open Letter to Peter Fowler

May 7, 1997
Peter N. Fowler,
Attorney-Advisor
Office of Legislative and International Affairs
U.S. Patent and Trademark Office
Box 4, Washington, DC 20231

Dear Mr. Fowler:

Upon the recommendation of the Visual Resources Association's Ad Hoc Committee on Intellectual Property Rights, the executive board of the VRA has voted not to endorse the Conference on Fair Use (CONFU) Proposed Guidelines for Educational Multimedia nor the Guidelines for Distance Learning. In March the Visual Resources Association issued a statement of non-endorsement in regard to the CONFU Proposed Guidelines for Digital Images. It is our belief that to produce guidelines concerning electronic media at this time would be premature. Further discussion among rights holders, content providers and users of copyrighted materials is needed before a consensus regarding these guidelines is possible.

One major concern with the proposed Multimedia Guidelines is the strict limitations on the number of images that may be used for teaching purposes. The Distance Learning Guidelines cover only a very narrow area of use, and avoid any reference to asynchronous delivery over computer networks. All three of these proposals require users to seek permissions for the use of materials which were previously considered to be fair use. One of the factors in the VRA decision not to endorse these guidelines is that the overlap of the three sets of guidelines is not very clear and could further restrict our use of networked information.

Despite the fact that the process did not yield workable guidelines, we feel that CONFU has been successful in advancing the dialog between content providers and users. Indeed, CONFU has been a vital educational experience for all those concerned with emerging issues of copyright in the digital arena. Enclosed is the letter of recommendation received by the VRA executive board from the IPR committee acting on behalf of the entire VRA membership.

Thank you.

Sincerely,

Joseph Romano
President
Visual Resources Association