

VRA Press Release

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Visual Resources Association Votes Not to Endorse Proposed CONFU Guidelines for Digital Image Archives

New York, N.Y. -- February 16, 1997 -- At its meeting on February 12, the executive board of the Visual Resources Association (VRA) voted not to endorse the Conference on Fair Use (CONFU) Proposed Guidelines for Digital Image Archives. The VRA has participated in the CONFU process since the conference was convened by the National Information Infrastructure (NII) Task Force in 1994.

After much deliberation, the VRA Ad Hoc Committee on Intellectual Property Rights, co-chaired by Virginia M.G. Hall and Kathe Albrecht, recommended that the VRA not endorse the proposed guidelines. These guidelines were developed to address the difficulty of applying existing Fair Use provisions of the copyright law to imaging technologies which did not exist when the law was last revised in 1976. The recent growth of digital technologies and the resulting proliferation of digital information resources have created an entirely new species of information transfer and storage -- the digital image. Technologies surrounding digital imagery are in a state of rapid evolution, and their many uses are still experimental. The VRA feels that the proposed guidelines will only serve to limit full development of digital image resources for education, and would seriously impede creative innovation which is essential to the educational process.

It is important to note that the decision not to endorse does not signify a failure of the process of examining in detail the competing needs of interested parties, such as copyright holders and educators. Rather, VRA objects to specific provisions expressed in the guidelines and to the exclusion of necessary protections for educators. VRA maintains that the proposed guidelines do not equitably balance among concerned parties the benefits and burdens of allowing Fair Use and of determining what constitutes Fair Use. VRA feels that the guidelines place a greater burden upon educators who have no financial motive in digitizing images than upon parties with commercial and copyright interests. Neither does the VRA feel that the past two years have been work in vain. The VRA views the entire procedure as an ongoing process, one which has yet to provide adequate benefits and protections for scholars and educators who increasingly depend upon digital technology for applications which have long been held to be Fair Use under existing law.

The VRA will prepare a formal report to Peter Fowler, CONFU Chair, before the final CONFU meeting scheduled for May 1997. In the meantime the VRA Ad Hoc Committee will review the drafts of the Proposed CONFU Guidelines for Distance Learning and for Educational Multimedia, and make recommendations regarding these guidelines to its executive board and the VRA membership.