A Symposium...

A New Copyright Law: What Are the Issues?

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Rather the major issues have been the almost inevitable result of attempting to define within the language of a single bill legal protection for both producer and consumer which applies not only to conventional printed and oral transmission of copyrighted material, but to various kinds of photocopying and dissemination of information through electronic means made possible by modern technology. To define "fair use" of copyrighted material in a single classroom involving face-to-face relationships of teacher and students is one thing; to define such use in an educational television classroom involving thousands of pupils and the possibility of recorded replays seems quite another. Achieving a reasonable consensus about such problems and finding a language to express this consensus in such a way as to apply to the variety of situations in which copyrighted materials are used (or someday may be used) have been the major tasks.

For Today and Tomorrow

Developments in technology not only compound the problem but raise concern lest

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legislation written today may seem unduly restrictive tomorrow. In a sense we face at the present moment a problem similar to that faced forty years ago when radio was new. Our legislators must prepare statutes to guide us not only for the conditions we face today but for those which we anticipate tomorrow. One case in point relates to the growing use of computerized storage of information for subsequent retrieval and dissemination. When copyrighted material is utilized in such programs, should restrictions govern its use at the moment of "input"? Or only during the "print-out" when the copyrighted material becomes widely disseminated? And how in our modern technology can fair and effective methods be developed to control the use of such dissemination systems without restricting free access to ideas?

Further complicating present concerns are the recent U.S. Supreme Court decisions suggesting that transmission cable television systems are users or relayers, rather than broadcasters of material, and hence are entitled to unrestrictive use of copyrighted broadcasts, much like individuals before television sets in their home. Are computer information banks thus also users which only relay material to others? To what extent do these new court decisions apply to other kinds of electronic transmission?

The nation's educators have an important stake in the clarification of these issues and in shaping the language yet to be written into law. Not only will they wish to ensure the necessary and legitimate fair use of copyrighted material for educational purposes in the classroom, but they share an important responsibility in assuring authors and publishers that investment in time, effort, and ideas will be afforded legitimate protection.

In a day in which modern technology makes increasingly possible widespread copying and easy electronic transmission of ideas, many authors and most publishers fear that unrestricted duplication may so undercut distribution of commercially-produced materials as to limit the investment which any publisher can make in educational materials. If this should happen, authors would seldom receive a reasonable return for their creative efforts, publishers would be forced to restrict their investment in any educational program, the quality of educational material would inevitably suffer, and our educational programs would be the inevitable losers.