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# Copyright Law Needs Overhaul; No Rule Of Thumb Seems Safe

"Good lesson," the teacher thought, congratulating himself for having had the foresight last semester to file for future use the pictures he had photo-duplicated from several copyrighted texts and magazines.

Excellent though this lesson may have been, the creative

for sight this teacher showed in searching for the right pictures to illustrate his lesson and in copying and filing them for future use could result in his being charged with copyright infringement.

Whether or not this happens depends to a large extent on how successful Congress is in coping with the complex but highly important task of revising present copyright law.

AS IT STANDS now, teachers are unsure when a given use of copyrighted material in the course of teaching is legitimate. Widespread disagreement exists not only between publishers and educators, but between attorneys as well.

No rule of thumb seems safe; each copyright challenge must be decided by the courts on the merits of the specific case.

With the task of revising the antiquated 1909 copyright statute for years, and it may be that the 91st Congress will approve a revised law. Meanwhile, American educators are torn between an impulse to applaud the long-overdue effort and a gnawing fear that the revision may turn out to be heavily weighted on the side of the author-publisher as against the teacher or student user.

The problem is basically one of achieving a balance between the rights of those who write for profit and the rights of educators to use certain copyrighted materials in teaching. Or, as one noted educator put it, "the right of every man to share in the accumulated knowledge of the human race."

It is a problem made more acute by 20th century technology, combined with new con-

cepts of learning and teaching.

AS AMERICAN education moves more and more toward individualized learning and independent study activities, it becomes more involved in the use of modern technological devices such as teaching machines and instructional television.

These permit a student to make his own generalizations without assistance from the teacher at every step of the way.

This healthy trend in the new technologies may be severely curtailed, educators fear, by an increased emphasis on protecting authors and publishers more than teachers who use these technologies for non-profit purposes.

Publishers argue that the recent breakthroughs in machine reproduction of materials and in

broadcasting techniques make policing of the use of copyrighted materials an impossibility without stronger legislative safeguards.

EDUCATORS, ON the other hand, are convinced that the "safeguards" proposed would virtually eliminate the use of the new educational technology in the schools in the years ahead.

If, for example, a student wishes to see or hear a video or audio tape in a library carrel, and he activates the system which starts the performance, he will have committed a copyright infringement under the proposed "safeguards."

Just to complicate matters, if the teacher pushes the button, the use of the copyrighted material under these same "safeguards" would be per-

missible without clearance or payment of royalties.

According to one educator, Harold E. Wigren, of the National Education Association, this is an illogical inconsistency similar to that which permits a scholar to copy material laboriously with a pen or pencil, but not with a photocopy machine.

HOWEVER, DR. Wigren emphasizes that the problem runs deeper than any question of illogical inconsistencies.

"If materials have to be cleared and royalties paid every time a student uses a given material in a learning carrel or brings in the material to the classroom electronically, or views it via closed-circuit television, such use of materials will decline eventually to a halt," he declared.

No teacher has time to keep records on such a system, argues Wigren, nor does the school system itself have a procedural set-up to keep track of such uses daily. Even if there were time and staff to handle such an administrative undertaking, continued the educator, the cost to the schools of paying royalties on every item a teacher or pupil uses during a day would be "staggering."

The central or "quasi" issue in the copyright situation, according to Dr. Wigren, is the public interest.

"When Congress gives a monopoly to authors and publishers -- and copyright is a form of monopoly -- what limitations should be placed on this monopoly for the protection of children in schools?" he said.

IF PUBLIC interest is the central issue, the concept of "fair use" is probably the knottiest. "Fair use" is a doctrine under present copyright law that permits a limited amount of copying under certain circumstances without infringement of copyright.

"The line between fair use and infringement in present law is unclear and not easily defined," according to the Register of Copyrights.

Indeed, the scope and limits are so obscure that the issue of fair use has been called "the most troublesome in the whole law of copyrighting." As a result, the Register of Copyrights advises teachers to take the safe course by getting permission from the copyright holder first.

When this is impractical, he says, "use of copyrighted material should be avoided unless it seems clear that the doctrine of fair use would apply to the situation. If there is any doubt, it is advisable to consult an attorney."

The real loser is the mass of confusion that clouds present and much of the proposed copyright legislation is the student. This is so, in the view of many educators, because it is the conscientious, creative teacher who is probably most intimidated by the law's uncertainties.

Because he tends to use a greater variety of materials than the other teachers, the creative teacher makes himself more vulnerable to the commission of a copyright infringement.

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A new lawn grass, developed at Michigan State University, is now widely available throughout the state.

The new variety, Wintergreen, is a superior red fescue grass that is tailored to Michigan growing conditions according to Drs. James Beard and Fred Elliott, the MSU crop scientists who developed it.

Beard and Elliott say that compared to Pennlawn red fescue, Wintergreen has twice the density and produces a very thick turf for lawns, parks, cemeteries, roadides and industrial grounds.

Also, Wintergreen is much darker green, has superior uniformity and stays greener during the winter, and can be grown under shady conditions. Best of all, it produces good turf with a minimum of fertilizing and watering.

According to the scientists, the adaptation of Wintergreen to areas outside Michigan is not known. Wintergreen is designed specifically for use under the moderate climate and light soil conditions of the Wolverine State.

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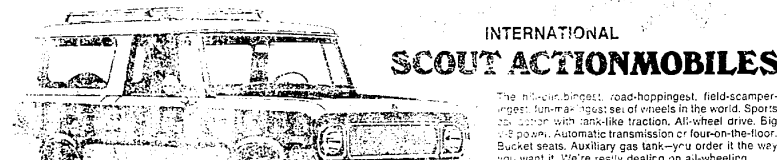
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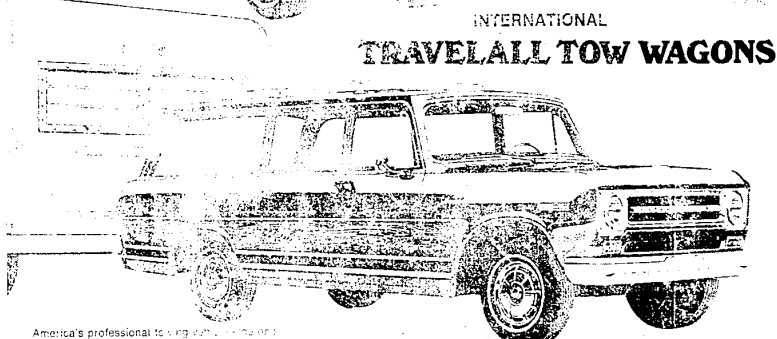
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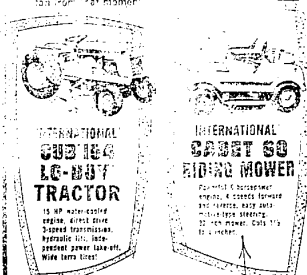
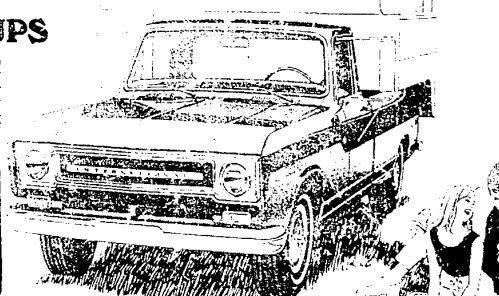
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