



Editor's Corner

Postal Service and Film Cases: According to a report from Kenton Pattie, Vice President of NAVA, the U.S. Postal Service has agreed to begin machining small film cases instead of processing them by hand. This should speed up service and result in more predictable delivery times. The Postal Service requests that the following assistance be given:

- make sure that the plastic cases are locked before putting them in the mail.
- affix a permanent label under the moveable label on all cases.

Bilingual Film: Consuelo: ? Quienes Somos? Who Are We? is the bilingual story of a young child who speaks only Spanish and is the first of her family to attend a school where only English is taught. The film is in color, 20 minutes, and has English subtitles when Spanish is spoken and Spanish subtitles when English is spoken. For further information contact Bilingual Educational Services Inc., P.O. Box 669, 1607 Hope Street, South Pasadena, CA 91030.

Center for Curriculum Development Materials will now be available through Heinle and Heinle Enterprises, 29 Lexington Road, Concord, Mass 01742, (617) 369-7525. A catalog will be supplied to anyone writing on a school letterhead.

Communicating in Spanish for Medical Personnel by Julia J. Taberg, Marion Webb and Beatrice V. Mueller has just been published by Little, Brown and Co. (Medical Division., 34 Beacon Street, Boston, Mass 02106). The learning package consists of a textbook and two cassettes.

Don Quijote on Cassettes A complete set of recordings of **Don Quijote de la Mancha** on 48 cassettes is available from R. G. Lopez - Yerba Avenue de los Maristas 2, Salamanca, Spain. The cost is \$196.00 (add \$20.00 for Air Mail).

BEWARE OF COPYRIGHTS!

Educational Program Procedures File Major Copyright Suit

Time-Life Films, Inc., Learning Corp. of America, and the Encyclopedia Britannica Educational Corp., have filed a copyright lawsuit against an Erie County, New York school district, which may provide a definitive ruling concerning the **limits to be placed on off-the-air videotaping of films for use in schools.**

The defendant, the Board of Cooperative Educational Services (BOCES) has for some years been taping programs when aired on television, and then using the tapes in some or all of the district's 21 schools.

The complaint filed by the producers of the educational films charges that BOCES has issued to its schools a 200-page catalog listing its off-the-air copied programs. The plaintiffs are **asking for damages** not less than \$250 for each infringement on such programs as Encyclopedia Britannica's "**Lady Or the Tiger,**" and "**Walter Kerr On Theater,**" Time-Life's "**Ultimate Risk,**" and "**Ultimate Machine**"; and Learning Corp.'s "**Opera with Henry Butler.**"

BOCES contends that their practices fall under the copyright laws "fair-use" section, since they were **not charging for the materials,** or using them for gain, and were in fact, using the tapes only for face-to-face education.

Although the plaintiffs have asked for damages, what they are really seeking is a precedential ruling which they view as a necessity to stop ". . . a threat to our entire business and commercial future."

Legal counsel for EB conceded that without the educators, the companies would not have a market for their product. They are pursuing the lawsuit because they want to find a **middle ground** where they can be fairly compensated for their programs, and the educators can have the type of access they want and need.

Although the suit was filed during 1977 before the new copyright law went into effect on January 1st, the producers believe that the situation is a **violation of both the old and the new law,** and does not fall under the 'fair use' clause in any case.

The Disney-Universal/Sony court test and the BOCES decision should help **clarify some of the hazy sections** of the copyright law. Hopefully what will emerge from the courts are decisions which will protect the producers and their investments in programming, as well as allowing reasonable usages of their product by schools, universities, and other non-profit organizations.

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What is 'Fair Use'?

As in all areas of law, definitions are often based on individual opinions and a case first tried and tested in one area may not receive the same judgement if it were tried elsewhere. So is the case with 'Fair Use', but here is a summary of the general opinion.

'Fair use' is a doctrine created by a number of copyright suit opinions and officially recognized under the new copyright law. The new law adds a provision to the statute specifically recognizing the principle of 'fair use' as a limitation on the exclusive right of copyright owners, and indicates factors to be considered in determining whether particular uses fall within this category. Under the law, people other than those holding the copyright may make copies for the purpose of comment, critique, teaching, news reports and for purposes of research. However, this does not allow for multi-copies of everything. There are limitations such as the availability of the materials in their copyrighted form or whether the whole work is being copied or only a small section, such as a single poem from an anthology. In many cases, copies are allowed, but payment must be made to the copyright owner.

Also included in the new copyright bill but under different sections are provisions for libraries to make single copies of all materials and protection by copyright of unpublished materials.

It was once believed that schools and education were exempt from copyright infringement, but no more. If you are doing a lot of off-the-air taping or copying, consult with your institution's lawyers before continuing, or study the copyright law. The copyright office has copies of the law as well as the present interpretations available by writing: Copyright Office; Library of Congress; Washington, DC 20559.

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