

Educational Community Renews Efforts to Explore Fair Use in the Digital Environment

A number of national organizations representing educators, scholars, librarians, and institutions that support learning and research have pledged to undertake a renewed effort to explore the appropriate parameters of fair use of copyrighted materials in the digital environment. The pledge comes in the aftermath of the May 19, 1997 meeting of the Conference on Fair Use (CONFU), at which no agreement was reached on proposals for fair use guidelines. The goal of the educational organizations in this effort is to encourage the development, use, and sharing of fair use policies and practices that provide for the special needs and concerns of education and scholarship, while also providing as much clarity as possible about the boundaries of fair use as experience and good faith permit.

Individually and collectively the organizations have agreed:

- to share experiences concerning the application of new technology in library and educational environments, fair uses made of copyrighted works, proprietors' responses to requests for permission to use copyrighted materials, and sources of helpful information regarding fair use and other privileges under copyright law;
- to participate actively in organized efforts to capture and disseminate such information;
- to assist in the development of "User Community Principles" and educator- and librarian-generated "Best Practices" concerning fair use, distance learning, and other activities supported by current copyright law;
- to work to extend the application of fair use into the digital networked environments in libraries and educational institutions by relying on it responsibly to lawfully make creative use of information;
- to resist relying on any proposed code of conduct which may substantially or artificially constrain the full and robust application of fair use; and
- to encourage member institutions to reject any licensing agreement clause that implicitly or explicitly limits or abrogates fair use or any other legally conveyed user privilege.

The organizations agreeing to this renewed effort, as of early June, include: five library associations (ARL, ALA, AALL, SLA, and MLA); four university presidential associations (AAU, ACE, AASCU, and NASULGC); and five organizations representing scholarly, educational, and cultural organizations (ACLS, NHA, NEA, NINCH, and NSBA). The number of participating organizations is expected to grow during the coming months.

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