

# Copyright and Fair Use in Digital Environments: Challenges For the Educational Community

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Recent developments in national and international arenas of public policy debate prompt ARL to devote this newsletter to the single topic of copyright. Our goal is to promote the development of consensus within the educational community (defined broadly to include educational authors, rightsholders, and users) around the kind of practices in digital environments that are understood to represent responsible applications of copyright, especially fair use and other educational and library provisions in the law.

This issue begins with a report on the May 19th meeting of the Conference on Fair Use (CONFU), a forum established in 1994 by the Clinton Administration to write guidelines that would protect intellectual property in the development of the National Information Infrastructure. The article presents an overview of the CONFU initiative and a summary of the concerns registered by the research library community with the drafters of the guidelines that emerged during this multi-year process. This report is followed by a candid assessment of the dynamics of the recent CONFU meeting and a call to the educational community to re-group and develop its own sense of fair use in educational settings.

Responding to this renewed sense of urgency for the entire educational community to affirm fair use through practice is a report about a pledge made to encourage and facilitate such efforts a pledge made by ARL and, as of this writing, a growing number of library and educational organizations. Illustrating the kind of activity that is encouraged throughout the educational community are articles about two developments. First is a summary of how Northwestern University successfully addressed copyright and fair use in their electronic reserve services. This is followed by a report and reprint of the *Basic Principles for Managing Intellectual Property in the Digital Environment*, a document developed by representatives of the educational community that demonstrates that it is possible to strike a balance between the needs of rightsholders and the public good.

Bringing the reader back full circle to the public policy arena are the concluding articles that describe the status of international treaty deliberations at the World Intellectual Property Organization and the expected next steps on the U.S. and Canadian legislative fronts.

We hope that this special issue of ARL's newsletter will call attention to the critical need and the opportunities for the educational community to engage directly in the development and testing of copyright policies and practices for digital environments. Within our own community lie the best prospects for identifying the balance between the interests of users and publishers that is appropriate for teaching and research.

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