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Date: Friday, March 05, 1999 1:21 PM

REPLY COMMENTS MADE PURSUANT TO
DECEMBER 23, 1998 FEDERAL REGISTER NOTICE
CONCERNING U.S. COPYRIGHT OFFICE STUDY ON DIGITAL DISTANCE
EDUCATION EXEMPTION

February 21, 1999

Sayuri Rajapakse, Attorney-Advisor
Office of Policy and International Affairs
U.S. Copyright Office, Copyright GC/I&R
P.O. Box 70400, Southwest Station
Washington, DC 20024

Dear Ms. Rajapakse:

During the question and answer period of our panel before representatives from the U.S. Copyright Office, Ms. Perlmutter asked, "Just to clarify, I think I heard from at least a couple of witnesses a view that the fair use provisions in the current copyright law combined with fair use guidelines could be sufficient to deal with the new issues raised by digital distance education. "As non-lawyer practitioners, we understood this question to ask if we were in fact suggesting no significant changes to the major fair use provisions of the copyright code--hence our answers in the affirmative. However, upon review of the written transcript it may appear to some that we do not support an appropriate digital distance education exemption to section 110(2) of the copyright code.

For the official record of the Copyright Office's proceedings and to clarify the possible misunderstanding of our answers to the above question, we do support a broadening of the exemption in section 110(2) to include digital and new media applications. As the balance of our testimony demonstrated, this updating of the Copyright Code is appropriate and without reasonable risk.

As the Copyright Office drafts legislative proposals toward this goal based on the record of information gathered in its study of digital distance education, our institutional and association counsels are happy to provide more specific recommendations.

Once again, thank you for the opportunity to share our views with you concerning the promotion of digital distance education.

Please let me know your reactions to this proposed amendment/correction.

Respectfully,

Kathleen M. Burke Kim Kelley
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