

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Subject: audio recordings and fair use
Date: Tuesday, March 23, 2010 10:02:22 PM

Dear Ms. Espinel:

I write as a historian of music; I am deeply concerned with how intellectual property enforcement affects historical research, preservation of sound recordings, and teaching.

The current U.S. copyright law is unique in the world in punishing those who seek to preserve historical sound recordings and extending copyright for many years beyond its usefulness. It is best if rights-holders are compensated for the use of current and recent music, but it is an impediment to historical study if copyright extends more than 75 years after a recording is made, which is now the case. I am strongly in favor of the recommendations set forth by ARSC at this web site: <http://www.recordingcopyright.org/what.html> . I believe these recommendations are fair and allow everyone involved in the use and sale of music to continue their work appropriately.

The laws regarding digital media are also not in harmony with academic fair use: anyone who wants to play selected clips from a film in class or at a scholarly conference cannot legally copy just these brief clips, even if the use is entirely academic. This is of no benefit to rights-holders, but infringes on the fair use of recordings for academic purposes. The problem is even worse for online courses: although the Department of Education has expressed interest in encouraging universities offer courses online as a way of increasing access to education, it is extraordinarily difficult to offer students samples of films to study without breaking the law by decoding copy-protected DVDs to get clips from them.

I ask that you take into account the educational, scholarly, and historical uses of sound and video recordings as you evaluate these imperfect U.S. copyright laws.

Sincerely yours,
Danielle Fosler-Lussier