Bill threatens photocopy use

By Thomas Mayer

Professors photocopy articles for their students, and scholars rely on the same process for access to rare and expensive journals. But all this and more may be ended by new copyright legislation now pending in Congress.

The issue is "fair use"—what can be copied, and how many times, by librarians and educators. Most textbook and journal publishers want royalties for every duplication of copyrighted material, but librarians and educators have warned that such royalties and the additional cost of a system to collect them would make photocopying prohibitively expensive.

Severe restriction of photocopying would disrupt the present free flow of information in education, industry, and research, and would "probably be the least handicap that could possibly happen," according to Peter Cozzens, deputy director MIT's Microprint Laboratory (MicroLab).

The law holds implications specifically for MIT's enormous duplicating services, which cost the Institute some $75,000 last year while churning out 28 million copies. Most students don't know how much of this output is duplication of copyrighted material, although Special Assistant to the Provost Louis Menard guesses that most faculty copying involves copyrighted materials since "most faculty are indifferent to the copyright problem."

On the other hand, General Counsel for Patents and Copyrights Arthur A. Smith Jr. thinks that there is "very little unauthorized copying at MIT," and said that the Institute at present is not "concerned with the problem" because anything could happen after the Senate-approved bill while it is in the House of Representatives. While MIT is "aware that there could be some problem," Smith feels that the present copying within the Institute should fall within the "fair use" doctrine.

Smith noted, however, that despite attempts to clarify "fair use," the bill's wording on the issue is unclear, and the absence of precedents makes it more difficult to predict the effect of the proposed law.

The relevant section would seem to permit libraries to make a single copy of a journal, article, or an out-of-print book, and further seems to allow "the transmission of copies of which the copies are deemed to be a regular part of a systematic program of instruction." Said Smith, "I'm not sure what that means."

In general, technical publishers want royalties on photocopies because they "see cheaper duplication as depriving them of potential subscriptions and single issue sales." Director of Libraries Jay K. Lucker said that the libraries would pay additional fees on photocopies to increase the "transmission of copies of which the copies are deemed to be a regular part of a systematic program of instruction." Said Smith, "I'm not sure what that means."

"The basic function of the CAP, a faculty committee which consists of three students, seven faculty members, and is headed by Dean Hill, is to review undergraduate records and authorize copying at MIT. According to Jane Dickson, the CAP's Administrative Assistant, the new rule was made so that the Committee could have a uniform policy throughout the school.

The rule applies to all students except those already under a special agreement.