



Frances W. Preston
President
Chief Executive Officer

September 10, 1996

Mr. Ivan Bender
Ms. Lisa Livingston
Co-Chairs, Educational Multimedia
Fair Use Guideline Development Committee
City College City University of New York
5120 North Academia Center
138th Street at Convent Avenue
New York, New York 10031

Dear Mr. Bender and Ms. Livingston:

For the past eighteen months, Judith Saffer, BMI's Assistant General Counsel, has met with you and representatives of other associations from the education and copyright owner communities for the purpose of creating fair use guidelines for educational multimedia. These guidelines are designed to be used by educators and students when they create their own multimedia projects.

As you know, Broadcast Music, Inc. (BMI) is a U.S. performing rights organization that represents over 180,000 U.S. songwriters, composers and publishers. BMI collects license fees on behalf of those American creators it represents, as well as for thousands of creators from around the world who have chosen BMI for U.S. representation. The license fees collected by BMI for performances of more than 3,000,000 compositions are distributed to writers and copyright holders who BMI represents. BMI certainly makes every effort to collect as much as possible on behalf of its affiliated creators. But, we are aware that the U.S. Copyright Law provides for certain "free" uses of music, and these guidelines explain to educators in the field of multimedia, and to their students, what kinds of uses may be made of copyrighted materials, and where permission (and perhaps payment) is appropriate.

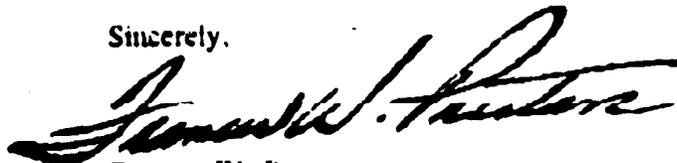
BMI understands that the creation of fair use guidelines involved a series of compromises. Copyright owners and educators alike understood that since fair use does not have a precise definition in the copyright law or in the courts themselves, it was important to try to devise reasonable standards. We feel these guidelines are a positive development in that they do provide a sense of direction in an area of technology that is in the process of developing, yet has already become an important part of the teaching and learning process. It is clear to BMI that without these guidelines educators and students who develop multimedia projects are inhibited in their efforts and copyright proprietors are similarly negatively impacted when uses are made beyond what we believe was intended when the Copyright Law was enacted.

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After working closely with the representatives of the educational community who were part of the negotiating committee, we became increasingly aware that many educators and students have been using copyrighted materials freely, because they did not understand that permission should be sought. We believe that these guidelines will go a long way towards helping everyone understand the reasonable parameters for using copyrighted materials in educational multimedia projects.

We appreciate having the opportunity to be part of the negotiating committee and are pleased to be able to add BMI's name to the list of other organizations that formally approve the fair use guidelines for educational multimedia. We understand that you will be seeking Congressional approval of them and not recommending any amendment to the law itself.

Sincerely,



Frances W. Preston

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