

C·I·C



May 14, 1997

COMMITTEE ON
INSTITUTIONAL
COOPERATION

Peter N. Fowler
Attorney-Advisor
Office of Legislative and International Affairs
U.S. Patent and Trademark Office, Box 4
Washington, DC 20231

Dear Mr. Fowler:

University of Chicago

University of Illinois

Indiana University

University of Iowa

University of Michigan

Michigan State University

University of Minnesota

Northwestern University

Ohio State University

Pennsylvania State University

Purdue University

University of Wisconsin—
Madison

In response to your invitation of January 14 to CONFU participants and other interested organizations, I am pleased to transmit the enclosed "CIC Statement on Fair Use Guidelines Proposed in the CONFU Interim Report," representing the collective position of our universities. This statement has been approved by the CIC Committee on Copyright and Intellectual Property and endorsed by the CIC Members.

We appreciate the opportunity to comment on the proposed guidelines and hope that our response, though a few days tardy, can be taken into account and will prove useful as CONFU deliberates its next steps.

If you have any questions or if I can be of any assistance to you in any way, I hope you will feel free to call upon me.

Sincerely,

Roger G. Clark
Director

CC: CIC Members

CIC Committee on Copyright and Intellectual Property
Cameron Kitchin, American Association of Museums
Lolly Gasaway, University of North Carolina Law Library
Lisa Livingston, City University of New York

**CIC STATEMENT ON FAIR USE GUIDELINES PROPOSED
IN THE CONFU INTERIM REPORT**

The member institutions of the CIC^{*} applaud the work of the Conference on Fair Use (CONFU) and the substantive progress toward fair use guidelines reflected in the CONFU Interim Report. CONFU has requested comments which oppose or endorse the CONFU Guidelines. While the CIC is not prepared at this time either to endorse or to oppose the proposed guidelines in the CONFU Interim Report, the CIC does oppose any further action to formalize these guidelines. We believe that governmental action with respect to these proposed guidelines would be premature, given the changing environment and the need for additional practical experience to better understand the issues, and that formalization of the guidelines beyond completion of a final report that reflects the work of the current CONFU process would have a tendency to freeze understandings of fair use and preclude further experimentation in an era of changing technologies.

The CIC, therefore, strongly discourages any effort to formalize the proposed guidelines or to obtain approvals or support of the guidelines by Congress or any of its members or committees at this time.

^{*} Founded in 1958, the Committee on Institutional Cooperation (CIC), with headquarters in Champaign, Illinois, is the academic consortium of twelve (12) major teaching and research universities. The institutional membership of the CIC includes the University of Chicago, the University of Illinois, Indiana University, the University of Iowa, the University of Michigan, Michigan State University, the University of Minnesota, Northwestern University, Ohio State University, Pennsylvania State University, Purdue University, and the University of Wisconsin-Madison.