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Steven Knapp
Provost and Vice President
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May 9, 1997

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

To: Mr. Peter N. Fowler and the Representatives to the Conference on Fair Use

The Johns Hopkins University has studied the proposed guidelines for Multimedia, Digital Images and Distance Learning and has concluded that it is premature to adopt guidelines at this time. The technology is in a state of rapid evolution, use is experimental, and guidelines will only serve to limit the creative innovation which is essential to the educational and research process.

Furthermore, the University, which in its community has both creators and users of intellectual property, believes that it is critical that fair use and other exceptions to proprietors' rights continue to be recognized as essential to the creative process. The historical objective of intellectual property protection in this country has been to promote the progress of science and the useful arts and that objective must not be compromised.

The University recognizes the security that guidelines might provide. It is clear, however, that guidelines as such are not a guarantee against a suit of infringement. Particularly in a time when new technologies are emerging, it is unlikely that guidelines will be useful for any period of time. These particular sets of guidelines restrain and limit educational fair use to an unacceptable degree. While the University respects and adheres to copyright law, it also believes in a balanced copyright policy. Fair use must be recognized as a key component to the balance.

It is for these reasons that the Johns Hopkins University wishes to register a formal statement of non-endorsement on the three sets of proposed guidelines.

Sincerely,

Steven Knapp

