

National Gallery of Art

Washington, D.C. 20565
Office of the Director

May 7, 1997

Dear Mr. Lehman:

This will record our strong endorsement of Glenn Lowry's letter to you of April 14th regarding the Digital Images proposal of the Conference on Fair Use, or CONFU. We believe that educational programs are fundamental to our mission as a museum and that the existing fair use doctrine is an important element in our ability to continue these programs without undue license expense in the form of copyright royalties.

Accordingly, we agree with the Museum of Modern Art that the CONFU guidelines should be modified to ensure that the existing fair use protection currently available to art museums is supported and, if possible, strengthened rather than to cast possible doubt on its applicability to current museum practices.

Sincerely,



Earl A. Powell III

Mr. Bruce Lehman
Commissioner of Patents and Trademarks
United States Patent & Trademark Office
Washington, D.C. 20231

ccs: Glenn D. Lowry, Director, Museum of Modern Art
Mimi Gaudieri, Executive Director, AAMD
Edward Able, Executive Director, AAM