

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

Jeremy N. Sheff,
Professor of Law and Director, Intellectual Property Law Center
St. John's University School of Law
8000 Utopia Parkway, Jamaica, NY 11439
sheffj@stjohns.edu

This comment represents my personal views and does not necessarily reflect the views of St. John's University or the School of Law.

Item 2. Proposed Class Addressed

Proposed Subclass 1: Audiovisual works—educational uses-Colleges and universities

Item 3. Statement Regarding Proposed Exemption

I teach property law and various intellectual property law courses to JD and LLM students. In that capacity, I have often found occasion to incorporate short clips of audiovisual works for purposes of criticism or comment. For example, in my property law course I teach the case of *Popov v. Hayashi*, 2002 WL 31833731 (Cal. Super. Ct. San Francisco Cty. Dec. 18, 2002). In reviewing the facts of that case, I have played for my students clips from the documentary film "Up For Grabs," which reviews the facts that gave rise to the case and includes high-quality video footage of the events on which the court's analysis turns. A high-resolution copy of this video footage is an invaluable supplement to the reported opinion in the case, because it gives students the clearest possible basis for understanding the factual disputes underlying the case—a teaching tool that lacks any adequate accessible substitute in the public domain. When I taught such a class prior to the implementation of the recent §1201 exemption, I used a lawfully acquired DVD copy of the aforementioned audiovisual work in conjunction with my slideshow presentation for the class session discussing this case, which required me to switch back and forth between video sources in the course of instruction. This switching back and forth was cumbersome, time-consuming, and distracting, and as a result detracted from the educational experience of my students. Should this §1201 exemption be renewed, I would look forward to using embedded, high-quality clips from an authorized copy of the "Up For Grabs" DVD in my presentation of the case the next time I teach it.

Since the enactment of this exemption, I have also taken advantage of the exemption to embed a clip from another copyrighted audiovisual work in a slideshow presentation on property law theory for my property law class. In this class session, I use a short video clip from an authorized copy of a popular children's television show to demonstrate how moral intuitions regarding ownership rights are culturally embedded from a very early age, and to hold those intuitions up for critical analysis. Having a high-quality clip to demonstrate this point without having to switch presentation media or technology platforms allows for the discussion of these issues to flow smoothly and contributes to effective presentation of the relevant concepts. I would look forward to continuing such use of the relevant audiovisual works should this exemption be renewed.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.