

Before
The Copyright Office
Library of Congress

In the Matter of)
)
Exemption to Prohibition on) Docket No. RM 2005-11
Circumvention of Copyright Protection Systems)
For Access Control Technologies)

**Comments of Michael Haley, Executive Director, International
Communication Association**

I. Requested Classes of Work for Exemption

Class One:

Audiovisual works included in the educational library of a college or university's film or media studies department and that are protected by technological measures that prevent their educational use.

Class Two:

Derivative and collective works which contain audiovisual works that are in the public domain and that are protected by technological measures that prevent their educational use.

II. Introduction

The International Communication Association (ICA) is a 501(c) (3) organization comprising over 4,000 individual scholars who bridge the full range of communication scholarship, teaching, and practice. ICA is dedicated to the advance of the scholarly study of human communication and to facilitate the implementation of such study so as to be of maximum benefit to humankind. The association seeks to achieve this purpose by encouraging the systematic study of theories, processes and skills of human communication, and facilitating the dissemination of research through an organizational structure responsive to communication study areas, a program of organizational affiliates, regular sponsorship of international meetings, and a commitment to a program of scholarly publication.

III. Comment

The International Communication Association supports all of the proposed classes of use in comment 5. It is important to grant an exemption for "audiovisual works included in the educational library of a college or university's film or media studies

department and that are protected by technological measures that prevent their educational use.” Audiovisual works which are part of the educational library of universities’ film and media studies departments should be exempted from the access control circumvention prohibition of the DMCA. Professors, with access to such material, generally use a variety of clips in a single class to facilitate discussion. The use of film clips in an educational setting is a legitimate fair use of copyrighted materials under section 107 of the Copyright Act. 17 U.S.C. § 107 (2000).

The association also supports the use of derivative and collective works which contain audiovisual works that are in the public domain. Currently these works are protected by technological measures that prevent their educational use. Audiovisual works which are part of the educational library of universities’ film and media studies departments should be exempted from the access control circumvention prohibition of the Digital Millennium Copyright Act. This class of works qualifies for an exemption under the factors enumerated in section 1201(a)(1)(C).

The International Communication Association fully supports all of the proposed classes in this comment and joins the argument that the statutory requirement for the class of works should not be interpreted to prevent the exemption.

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