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February 5, 2012

RE: Docket No. RM 2011-07

NEED FOR AN EXEMPTION TO EXCERPT SHORT PORTIONS OF MOTION PICTURES INTO NEW WORKS FOR THE PURPOSE OF CRITICISM OR COMMENT; AND CIRCUMVENTION IS ACCOMPLISHED SOLELY IN ORDER TO INCORPORATE SHORT PORTIONS OF MOTION PICTURES INTO NEW WORKS FOR THE PURPOSE OF FAIR USE

Summary of argument: As a scholar, editor of an educational journal and filmmaker, I need to incorporate video clips into my documentary films for fair use commentary (Proposed Class of Works “7D”) and also ensure that readers of peer-reviewed articles on film and video will have stable access to the referenced clips and be able to reuse in multimedia formats (Proposed Class of Works “7A” and “7E”) -- practices that I cannot do without an exemption to the DMCA.

I write in support of the Comments of the University of Michigan Library, [Mark Berger](#), [Bobette Buster](#), [Barnet Kellman](#), and [Gene Rosow](#) and the [International Documentary Association](#), [Kartemquin Educational Films, Inc.](#), [National Alliance for Media Arts and Culture](#), and [Independent Filmmaker Project](#), petitioning for an exemption to the DMCA’s anti-circumvention measures for the purposes of educational uses, multimedia e-books and documentary and fictional filmmaking (Proposed Class of Works “7A,” “7D” and “7E”).

I am a scholar and teacher of film and video, a documentary filmmaker, and the director of International Film and Media Studies at Loyola University Chicago. I have just finished editing an issue of the [Journal of Film and Video](#) (JFV) on video history, which will be the first issue to include an online JFV Vimeo channel, linking excerpts of video that are referenced in the articles. I regularly teach excerpts from film and video in my university courses, several of which are expected to become available for online instruction in private, registered settings where e-books will be appropriate. I am also a documentary filmmaker who has produced documentaries that includes excerpts from news and motion pictures in order to make critical points that should be covered by circumvention and Fair Use law.

I agree with Pat Aufderheide and her comments on the importance of “7E”—“stable access to scholarly citation in multimedia formats will require copying and importing the

material.” However, like Pat, “I am concerned that the DMCA may prohibit the stable access that I and many other authors require,” as well filmmakers for fair use contexts.

As an educator, critic and producer, I expect to reuse media materials under the Fair Use context for educational purposes. I also want to make sure that my own documentary films are not streamed online without receiving fair compensation from the public, libraries or other institutions. However, I fully expect and hope that my film work will be excerpted for commentary or Fair Use purposes.

With gratitude,

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