

**From:** Dee Leonard <dleonard@unlnotes.unl.edu>  
**To:** disted@loc.gov <disted@loc.gov>  
**Date:** Monday, March 22, 1999 11:31 AM  
**Subject:** REPLY COMMENTS - Nebraska

---

This is the message that was sent to you on March 3, 1999 by e-mail and fax as was requested.

REPLY COMMENTS MADE PURSUANT TO  
DECEMBER 23, 1998 FEDERAL REGISTER NOTICE  
CONCERNING U.S. COPYRIGHT OFFICE STUDY ON DIGITAL DISTANCE  
EDUCATION EXEMPTION

March 3, 1999

Sayuri Rajapakse, Attorney-Advisor  
Office of Policy and International Affairs  
U.S. Copyright Office, Copyright GC/I&R,  
P.O. Box 70400, Southwest Station  
Washington, DC 20024

Dear Ms. Rajapakse:

During the question and answer period of my panel before representatives from the U.S. Copyright Office in Washington, DC, Ms. Perlmutter asked, "Just to clarify, I think I heard from at least a couple of witnesses a view that the fair use provisions in the current copyright law combined with fair use guidelines could be sufficient to deal with the new issues raised by digital distance education." As non-lawyer practitioners, we understood this question to ask if we were in fact suggesting no significant changes to the major fair use provisions of the copyright code - hence our answers in the affirmative. However, upon review of the written transcript it may appear to some that we do not support an appropriate digital distance education exemption to section 110(2) of the copyright code.

For the official record of the Copyright Office's proceedings and to clarify the possible misunderstanding of our answers to the above question, my institution does support a broadening of the exemption in section 110(2) to include digital and new media applications. As the balance of our testimony demonstrated, this updating of the Copyright Code is appropriate and without reasonable risk.

As the Copyright Office drafts legislative proposals toward this goal based on the record of information gathered in its study of digital distance education, our institutional and association counsels are happy to provide more specific recommendations.

Once again, thank you for the opportunity to share our views with you concerning the promotion of digital distance education.

Respectfully,

Donald W. Swoboda, Dean  
Division of Continuing Studies  
University of Nebraska-Lincoln  
340 Nebraska Center for Continuing Education  
33rd and Holdrege Streets  
Lincoln, NE 68583-9300

Telephone (402) 472-3450  
FAX (402) 472-1901  
Internet: [dswoboda@unlnotes.unl.edu](mailto:dswoboda@unlnotes.unl.edu)

The mission of the Division of Continuing Studies is to extend the resources of the University to promote lifelong learning. Each year we serve more than 86,000 people with programs that reach people in all 93 counties of Nebraska, all 50 states, and more than 135 countries.