

February 22, 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

Re: "Promotion of Distance Education Through Digital Technologies."

Dear Ms. Rajapakse:

As one of the leading publishers for the Higher Education market and part of Pearson Education, it seems quiet sensible to us that the Copyright Office study possible changes in the copyright law both as concerns distance education, and, perhaps inevitably, as concerns online delivery of educational materials in any setting. We believe we are currently investing in and serving this market well and are keen to increase our offerings for the expanding the market for distance education and digital education in general. That noted, the broad statutory exemptions sought by certain interests in educational and library communities will only undermine rather than support our efforts, and, frankly, those of our authors and competitors. In addition, we believe that given the infancy of this technology, all participants in the distance learning process -- educators, schools, publishers, students, authors, on-line providers -- need to experiment further with different models for licensing, fair use, and application of the existing copyright law, in order to make appropriate decisions about any changes to the law.

We currently invest millions of dollars annually in creating and making our content available in an online format. A good example would be found at biology.com or biology.com/campbell where over three thousand pages of original material that will teach biology directly or supplement lectures and materials otherwise available is provided on a subscription basis. Further, we are investing in our own technology as well as working with third party vendors of distance learning classroom management technology to allow for high quality materials to be available in any and all educational settings. Granting a new "distance education" exemption that would allow performance, display and distribution of this work and, of course, our other copyrighted works in digital formats without permission would eliminate our authors and our incentive to produce and invest in these materials as well as our ongoing work to ensure our products work well in the evolving technologies that support distance and digital education.

At Addison Wesley Longman, we believe that our marketplace will demand that an increasing percentage of course materials be available online rather than in print, and have we have aggressively experimented in providing published materials, both original and repurposed print, to meet these needs. Making all our materials, both print and electronic, essentially available for free to a student in a digital environment eliminates the incentives we have to be partners and active participants in this coming educational transformation.

Having personally worked abroad in a number of settings, I can say confidently that American higher education course materials are world class products that have been developed by a system where copyright (and fair use) has been respected and authors and publishers have been fairly rewarded for their efforts. As educational publishers the education market is our market. The online and electronic delivery of our materials is already a significant factor in this market and may well become the primary delivery system.

While, of course, the technology and its eventual use is unclear, it makes no sense to me and seems counterproductive to restrain or eliminate both the healthy commercial competition that is ongoing in meeting market needs for course materials as well as the private/public partnerships that have been and will be formed to meet the challenges ahead. Further, there are surely better ways to accommodate the reasonable interests of isolated distance education students than by jeopardizing the fundamental principles and protections of copyright in a digital environment.

Yours truly,

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