

Transcripts of Commission Meetings

Meetings 1 through 5. 1975. PB 253 757.

Summaries of the first five meetings of CONTU, held on October 17, November 19, December 18–19, 1975, and February 11–13 and April 1–2, 1976. The first meeting was organizational; the second concerned photocopying, computers and data bases, and related topics; the third, computers, the Australian copyright case, and the economics of the publishing industry; the fourth, information systems, the operations of the National Library of Medicine, and the economics of computerized information storage and retrieval systems; and the fifth, presentations by the Information Industry Association, the *New York Times* Information Bank, and the results of a study on future alternatives to present-day scientific and technical journals.

Transcript, CONTU Meeting No. 6. May 6–7, 1976, Arlington, Virginia. PB 254 765.

The major subject of the meeting was protection of computer software, with presentations by Peter F. McCloskey, Computer and Business Equipment Manufacturers Association; Philip Nyborg, American Federation of Information Processing Societies; Herbert Bright, Association for Computing Machinery; William Moser, Data Processing Management Association; Herbert Koller, Computer Society of the IEEE; Joseph Wyatt, EDUCOM; A. G. W. Biddle, Carol Cohen, Theodore Lorah, and Terry Mahn, Computer Industry Association; and Paul G. Zurkowski and Joseph Taphorn, Information Industry Association.

* Transcripts of Commission meetings are available from the National Technical Information Service, Springfield, Virginia 22161, in either paper or microform copies.

Transcript, CONTU Meeting No. 7. June 9–10, 1976, Arlington, Virginia. PB 254 766.

Verbatim transcript of hearings on protection of computer software and a discussion of photocopying guidelines. Presentations by Nicholas Henry, Arizona State University; Susan A. Nycum, Esq.; Theodore Puckorius, and others, General Services Administration; Anna L. Hyer, National Education Association; August Steinhilber, National School Boards Association; and Quincy Rogers, Domestic Council on the Right to Privacy.

Transcript, CONTU Meeting No. 8. September 16–17, 1976, Los Angeles, California. PB 259 749.

The meeting addressed copyright protection for data bases, with testimony given by Herbert R. J. Grosch, Association for Computing Machinery; M. Thomas Risner, National Information Center for Educational Media; Patricia Ferguson and Donna Chamberlain, Documentation Associates Information Services, Inc.; Peter Weiner, Rand Corporation; and Donn Parker, Stanford Research Institute.

Transcript, CONTU Meeting No. 9. October 21–22, 1976, Arlington, Virginia. PB 261 947.

Transcript of hearings on photocopying, interlibrary loans, and library practices, with presentations by Barbara Ringer, Register of Copyrights, on the new law; Vernon Palmour on an NCLIS study of a national periodical bank; Donald King on an NCLIS photocopying study; H. Schoolman and Melville Day on the National Library of Medicine; Gordon Williams on the Center for Research Libraries; Thomas D.

Gillies on the Linda Hall Library; and Maurice Line on the British Library Lending Division.

Transcript, CONTU Meeting No. 10. November 18-19, 1976, New York City. PB 261 946.

Testimony on the copyrightability of computer software was presented by Daniel McCracken, Association for Computing Machinery. The Commission considered the reports of the Subcommittees on Photocopying, Software, New Works, and Data Bases.

Transcript, CONTU Meeting No. 11. January 13-14, 1977, Arlington, Virginia. PB 263 160.

At a meeting on photocopying, the Commission heard testimony which included a description of current photocopying practices at the National Agricultural Library (Richard A. Farley and Gerald Sophar) and Exxon (Ben H. Weil); the technological capabilities of copying equipment (Edward C. McIrvine); and an NTIS proposal for supplying authorized photocopies of journal articles (Peter F. Urbach). Other witnesses testifying on photocopying were: Charles Lieb, Association of American Publishers; Paul Zurkowski, Information Industry Association; and Irwin Karp, Authors League of America, Inc.

Transcript, CONTU Meeting No. 12. February 24-25, 1977, New York City. PB 265 765.

Matters under consideration were copyright protection for computer software and automated data bases, and possible approaches to check unauthorized photocopying of copyrighted materials. There was no testimony presented before the Commission at this meeting.

Transcript, CONTU Meeting No. 13. March 31 and April 1, 1977, New York City. PB 266 277.

Testimony included the following subjects: the Association of American Publishers' proposal for a copy payment center (Charles Lieb, Ben H. Weil, and Michael Harris); the publishing and reprint sales activities of the Amer-

ican Institute of Physics (H. William Koch); the sampling, licensing, and payment system of the American Society of Composers, Authors, and Publishers (Paul Fagan and Bernard Korman); the licensing, sampling, and payment system of Broadcast Music, Inc. (Edward Kramer); the problems of newsletter publishers vis-a-vis unauthorized photocopying (Ed Brown, Newsletter Association of America); and an analysis of computer and photocopying issues from the point of view of the general public (Allen R. Ferguson, Public Interest Economics Center).

Transcript, CONTU Meeting No. 14. May 5, 1977, Arlington, Virginia. PB 267 332.

The Commission discussed the CONTU subcommittee reports on copyright protection for computer software and automated data bases, made recommendations for amendments to the reports, and agreed to circulate them with dissenting and concurring opinions. The Photocopy Subcommittee discussed a request for additional guidelines to interpret further terms in section 108 of the Copyright Act, and the Commission agreed to offer its good offices to this end.

Transcript, CONTU Meeting No. 15. July 11-12, 1977, Washington, D.C. PB 271 326.

Testimony included the following subjects: the economics of property rights as applied to computer software and data bases (William J. Baumol, Princeton and New York Universities); the economics of property rights (Fritz Machlup, New York University); an analysis of computer and photocopying copyright issues from the point of view of the general public and ultimate consumer (Allen Ferguson, Public Interest Economics Center, and Bert Cowlan, Public Interest Satellite Association); a survey of publisher practices and present attitudes on authorized journal article copying and licensing (Bernard M. Fry, Graduate Library School, Indiana University); the costs of owning, borrowing, and disposing of periodical publications (Vernon Palmour, Public Research Institute); and testimony on copyright for computer software and data bases (Roy Saltman, National Bureau of Standards).

Transcript, CONTU Meeting No. 16. September 15-16, 1977, Chicago, Illinois. PB 273 594.

Testimony on the Commission subcommittee reports on computer software and data bases with additional comments was presented by the following representatives of the computer industry: Susan Nycum, Daniel McCracken, and Philip Dorn, Association for Computing Machinery; Martin Goetz, Applied Data Research; Frank Cullen and Joseph Genovese, Computer and Business Equipment Manufacturers Association; and Paul G. Zurkowski, George C. Baron, and Joseph Taphorn, Information Industry Association. The Commission also heard from Donald King of King Research, Inc., a report on a study on library photocopying in the United States and its implications for the development of a copyright royalty payment mechanism, and from Stevens Rice of Xerox University Microfilms, a description of the licensed photocopying activities of University Microfilms.

Transcript, CONTU Meeting No. 17. October 21, 1977, Washington, D.C. PB 275 786.

Testimony on photocopying was presented by Frank E. McKenna, Julius L. Marke, Edward G. Holley, John G. Lorenz, Nina W. Matheson, and Susan Sommer, representatives of the Council of National Library Associations' Committee on Copyright Law and Implementation; Eugene Garfield, Institute for Scientific Information; Irwin Karp, Authors League of America, Inc.; Charles Lieb and Michael Harris, Association of American Publishers; and Ben H. Weil, David P. Waite, and Michael Harris, Copyright Clearance Center, Inc. Statements by Peter F. Urbach, National Technical Information Service, and Susan K. Martin, editor of the *Journal of Library Automation*, were read into the record.

Transcript, CONTU Meeting No. 18. November 17-18, 1977, Cambridge, Massachusetts. PB 278 329.

The first day was a round-table discussion on the technologies which affect the present and future development of the collection, retention, organization, and delivery of information. Panel members were Dr. Lee Burchinal, National Science Foundation, Moderator; Barbara Ankeny, MIT Press; William Baumol, Princeton and New

York Universities; J. C. R. Licklider and Joseph Weizenbaum, Massachusetts Institute of Technology; John Shoch, Xerox Palo Alto Research Center; Stuart Mathison, TELENET; and Charles M. Goldstein, National Library of Medicine. The second day Richard I. Miller, vice-president of Harbridge House, Inc., summarized a study sponsored by CONTU entitled "Legal Protection of Computer Software; an Industrial Survey."

Transcript, CONTU Meeting No. 19. January 12-13, 1978, Los Angeles, California. PB 280 052.

Roger Borovoy, vice-president, general counsel, and secretary of Intel Corporation, testified on copyright protection for computer software; the Commissioners heard summaries of current progress on subcommittee reports from members of the staff.

Material on photocopying for corporate, special, and medical librarians has been included in the transcript at the request of the Association of American Publishers, the Special Libraries Association, and the Medical Library Association, respectively.

Transcript, CONTU Meeting No. 20. February 16-17, 1978, New York City. PB 283 876.

Witnesses were Theodor H. Nelson, developer of Xanadu and the Hypertext Network, speaking on copyright protection for computer software, and Michael Harris, chairman of the board of the Copyright Clearance Center, Inc., who gave a progress report on the first six weeks of operation of the center.

The Commission also adopted the report of the Data Base Subcommittee, discussed the report of the Software Subcommittee, and discussed a draft report of the Photocopy Subcommittee.

Transcript, CONTU Meeting No. 21. April 20-21, 1978, Washington, D.C. PB 281 710.

The following witnesses presented testimony on the draft report of the Photocopy Subcommittee: Douglas S. Price, National Commission on Libraries and Information Science; Paul G. Zurkowski, Information Industry Association; Frank E. McKenna and others, Council of Na-

tional Library Associations; and Charles Lieb, Association of American Publishers. The Commission also discussed the reports of the New Works and Software Subcommittees. The majority of the commissioners voted to accept the report of the Software Subcommittee.

Transcript, CONTU Meeting No. 22. May 8, 1978, New York City.

This meeting transcript, dealing only with procedural matters concerning the printing of

this final report, has been deposited with NTIS.

Transcript, CONTU Final Meeting. July 10, 1978, Washington, D.C. PB 284 178.

At this meeting, the Commissioners discussed the final report with the concurring and dissenting opinions and voted unanimously to submit the report to the President and Congress. The Commissioners also voted to have the final report printed for public distribution.