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LETTERS | NOVEMBER 17, 2009

Fair Use Doctrine Vital for All of Us

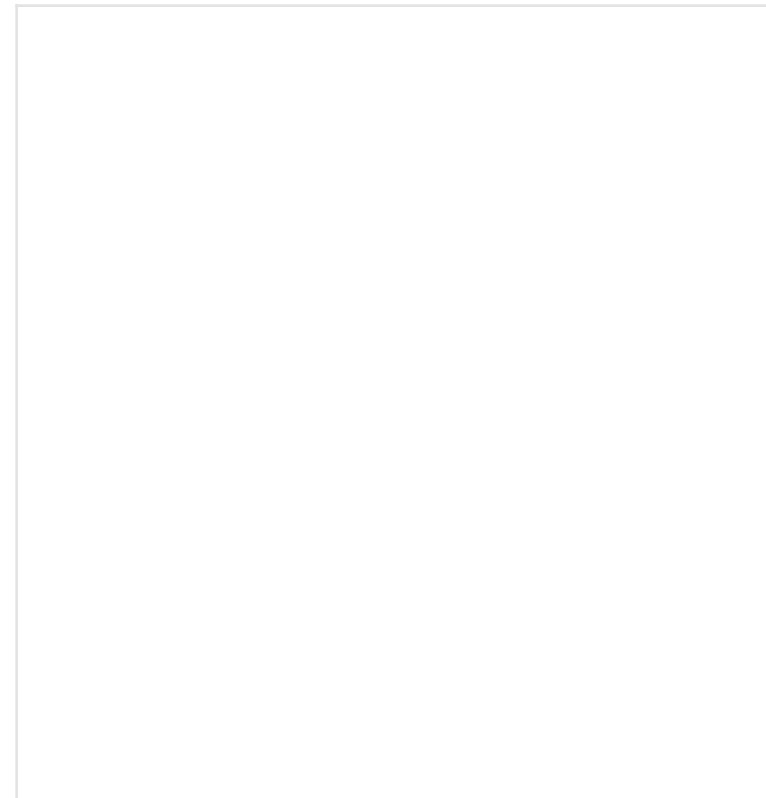
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As proponents of free speech we support the right of the authors of the op-ed "[Google and the Copyright Wars](#)" (Nov. 13) to question how much access the public should have to copyrighted information—but we can't support their misstatement of key facts. They suggest that search engine indexing is not "fair use"—i.e., permitted by federal copyright regulations—when in fact multiple federal courts have ruled that it is.

Some copyright lawyers don't like the fact that there remain parts of the information economy that are not regulated by their discipline. The means by which these activities are freed from regulation is the fair use doctrine. Among copyright lawyers, not liking fair use is actually code for not liking the fact that all innovators don't have to pay tolls to use information. Opposing fair use means opposing DVRs like TiVo, the ability to put music on an MP3 player, "Saturday Night Live" spoofing pop culture, or Jon Stewart replaying clips of the day's news. Opponents of fair use want to erect a toll booth before all those activities, even those that are constitutionally protected speech.

We in the technology industries think Americans value these things, and that they shouldn't be sacrificed on the altar of some law firm's fourth-quarter revenues. Businesses dependent upon exceptions to copyright contribute \$2.2 trillion to the U.S. economy. They are responsible for one in



eight jobs, for a total payroll of \$1.2 trillion in 2006. Fair use is serious business; it is the glue that holds the Internet and new technology together. It is worth protecting.

Ed Black

President and CEO

Computer & Communications Industry Association

Washington

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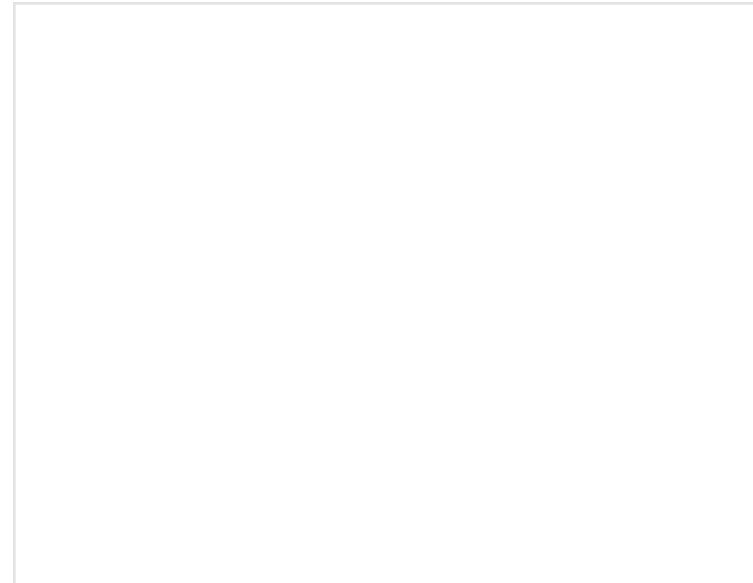
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