



AMERICAN UNIVERSITY
WASHINGTON, D.C.

Center for Social Media

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TO: United States Copyright Office, Library of Congress

FROM: Patricia Aufderheide, University Professor and Director of the Center for Social Media,
School of Communication, American University (paufder@american.edu, 202-643-5356)

A handwritten signature in cursive script that reads "Patricia Aufderheide".

IN RE: Docket No. RM 2011-07

NEED FOR AN EXEMPTION TO PRODUCE MULTIMEDIA E-BOOKS

Summary of argument: As a scholar who prepares multimedia works in e-book format, I need to incorporate video clips into my e-books (Proposed Class of Works “7E”) to ensure my readers will have stable access to the clips, a practice that I cannot do without an exemption to the DMCA.

I write in support of the Comment of Mark Berger, Bobette Buster, Barnet Kellman, and Gene Rosow, petitioning for an exemption to the DMCA’s anti-circumvention measures for the purpose of creating multimedia e-books (Proposed Class of Works “7E”).

I am a University Professor at American University, a scholar of documentary film, and the author of *Documentary Film: A Very Short Introduction* (Oxford University Press, 2007). I anticipate being able to use this exemption for future editions of that book and other books.

I have in the past incorporated multimedia elements into my work, where the platform and publisher permitted. For instance, I published “How Documentary Filmmakers Overcame their Fear of Quoting and Learned to Employ Fair Use: a Tale of Scholarship in Action,” in *International Journal of Communication* in the Winter 2007 issue. I incorporated a range of video clips drawn from copyrighted sources such as documentary films, television programs, and a website. These were incorporated simply by embedding videos through links to the site. All those links, upon my visiting the *International Journal of Communication* site and downloading the PDF on January 28, 2012, were broken. This was because of a website redesign. This is one example of why stable access to scholarly citation in multimedia formats will require copying and importing the material. However, I am concerned that the DMCA may prohibit the stable access that I and many other authors require.

In my History of Documentary course, which I expect to develop for an online platform and draw upon to produce a multimedia version of my text, I routinely employ clips accessed under a previous DMCA exemption. For instance, in order to demonstrate the difference in approach between a traditional broadcast public affairs documentary and a personal essay documentary, I contrast the way two films, *Trade Secrets* and *Blue Vinyl*, treat the same topics and even the same interviewees. In order to discuss the difference between an advocacy and news approach to the same topic, I excerpt segments on similar topics from both the PBS *Nova* program “Is Wal-Mart Good for America?” and Brave New Films’ *Wal-Mart: The High Cost of Low Price*. I also provide brief exemplary excerpts of films in order to illustrate a trend or style. For instance, I

show excerpts from *Berlin: Symphony of a Great City*, *Rien que les Heures*, and *Rain*, to demonstrate an international modernist fascination with the synergy between people and machines in the urban environment.

I want and expect to be able to use, under the same solid principles of fair use, these materials beyond the formal teaching platform, for instance in the publishing of an e-book. I look forward to being able to teach, explain and explore the history and ethics of documentary film, using current techniques of display and study and across different platforms.

Thank you for your consideration.