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Harmonizing and enforcing copyright

The European Community has moved in recent months to lay the groundwork for a unified approach among its member states to the problems of copyright enforcement, especially in relation to new technological developments and trade of protected goods.

In two actions over the past summer, the Commission of the European Communities (EC) issued its long-awaited *Green Paper on Copyright and the Challenge of Technology* and made a detailed proposal to the General Agreement on Tariffs and Trade (GATT) designed to provide better protection to patents, trademarks, copyrights, computer programs and semiconductor chips.

The Green Paper, adopted by the Commission on June 1, 1988, set forth proposals for action against piracy along with recommendations regarding home copying of audio visual works, rental rights, legal protection of computer software and data bases.

Publishers' groups, both national and international, were quick to point out that the Green Paper did not deal with some of the most sensitive issues such as photocopying. Pronouncements on a number of questions are anticipated from the European Group of Publishers Associations (GELC), the regional group of IPA member associations in Europe, which met in Brussels on September 23 to discuss the Green Paper.

In the meantime, the Confederation of Information and Communications Industries (CICI) of the United Kingdom made its views known, noting that the EC had given little time to comment on certain matters.

Noting that the Green Paper addresses only copyright issues requiring immediate action, the CICI expressed surprise that in view of the "chal-

lenge of technology," it had not included chapters on photocopying, the term of copyright, broadcasting and cable programs, territorial rights and the general challenge of technology as it affects the creation, storing, distribution and reproduction of all works that are protected by copyright. "We would welcome an early indication from the Commission on what further chapters are to be anticipated," the group said.

The long section of the Green Paper devoted to piracy dealt largely with the audiovisual media, concluding somewhat to the surprise of publishers, that there was only "negligible" book piracy in the Community. "In sharp contrast, outside the Community, the problem must be considered serious, especially for books in Spanish, French and English languages, the latter forming the greatest part of the illegitimate traffic," the Paper stated.

"Piracy occurs to such an extent in India, Pakistan, the Middle East, South East Asia, Latin America and Africa that publishers claimed in 1983 that their lost sales due to piracy corresponded to approximately 1 billion U.S. dollars a year. It is considered that this figure is still valid today."

The CICI said it welcomed the intention of the Community to establish a binding legal instrument to curtail piracy, but queries the Commission's request for comments on the desirability of criminal sanctions and remedies. "Success in the fight against piracy now depends," said the U.K. group, "on the absolute commitment of EC to ensuring that its member states impose criminal as well as civil sanctions - and do so as a matter of urgency."

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Holding onto ideals

Janet Emig, a professor of English education at Rutgers, the State University of New Jersey, is the new president of the National Council of Teachers of English. In her inaugural address to the NCTE's Annual Convention (November 1988, St. Louis), she spoke of the struggle teachers of English face throughout their teaching lives, to hold onto the ideals that caused them to choose teaching in the humanities as a lifetime career, and the ways their professional organization aids in

that struggle. She set forth one major ideal of teachers of English, saying, "We truly believe that all in a society should have the language skills and the opportunity to participate wholly, eloquently in all debates that shape our joint futures."

Forces both outside and inside the English teaching profession interfere with humanistic exchange among teachers, Emig said. "We are still deep in a terrible era" when teachers of English and the language arts have to defend themselves against "children-hating bureaucrats who are living indictments of the alleged education they are

espousing for us all." In recent years, she commented, teachers have encountered such a barrage of blame for conditions in education that many of them have come to feel inadequate. They now react passively, letting others define them as unable to decide how and what they should teach.

At all levels of education, Emig said, this sad state of affairs has also caused some teachers of English to resist "humanistic exchange" of views on school reform and to demand, "Do it our way or not at all."

In colleges and universities, "too many departments of English are electing to narrow themselves until they are not even departments of literature," she charged. Concerns relating to linguistics and rhetoric have been "dropped . . . or relegated to other departments in distant buildings"; English departments have become "departments of literary theory. Last year," she said, "Cynthia Ozick described these departments as composed of groups in crenellated towers, enclosed by crocodile moats, all fanatically espousing their own particular theory." Emig called such college departments "Guyanas dotted with Jonestowns of cultists. Agree or die. Or agree and die."

In secondary schools, Emig said, teachers "are very likely the genuinely beleaguered, most directly vulnerable to attacks from every direction" — from the public, superintendents, state and national officials. Some of these teachers "have been made to feel so ineffectual" that when "given a bit of power," they behave like those they regard as their oppressors, asserting that only classroom teachers are crucial to the survival of the English teaching profession, and implying that "those who create the generative theories, write the crucial texts," and fill other roles outside the classroom are not.

For elementary teachers, "the hazards may be more subtle, but nonetheless vivid," Emig noted. Sometimes "the impressive and creative fervor for

strong curricular change" in elementary schools "descends into a doctrinaire shrillness, alienating the undecided, the teacher of good will . . . who needs to be lured, not badgered" to support change. "If I remember correctly, we often call this point of view fascism, however benign and well-meaning we tell ourselves our goals may be," Emig observed.

To be effective as advocates of better English instruction for American students, Emig said, members of NCTE need to be visible and vocal in "the central forums of our times," from Washington, D.C. to state capitals and meetings of local boards of education, explaining "what it is we do, and can do uniquely well."

One thing NCTE members can do well, she added, is speak with integrity about issues and problems in teaching and learning, admitting that much of what is known today is tentative, that mistakes have been made, and that slogans don't solve problems. They can also seek "legitimate evidence" of ways to promote learning in English and the language arts, Emig said, and can insist that careful reflection is crucial "for our human and our political survival."

"We know that unexamined discourse is not worth hearing, reading, speaking or writing. We know too that true literacy is transactional, requiring sustained and difficult and maddening interchanges with all, particularly with those with whom we disagree," Emig told her fellow NCTE members. She urged them to be less uncertain and timid in using their imaginations to find alternatives to the status quo, both in education as a whole and in the teaching profession.

Emig said that because the report of a recent conference on future directions for the teaching of English, involving NCTE and other national organizations concerned with English, is scheduled for publication next year, 1989 will be a significant year for English teaching in the U.S.

Writer's block

Most academics have suffered from it, but one found a way to use it to his advantage. Russell Travis, a sociology professor at California State College at Bakersfield, is marketing a walnut-and-oak paperweight inscribed with "Writer's Block" for anyone whose creative juices occasionally run dry.

The idea came to him while he was living in a lighthouse and was himself struck with the dreaded curse. Since then, he has created the "Pieramid," a pyramidal paperweight carved from the wood of California piers, and the "Poetic License," a document suitable for framing.

"It's a kind of schizophrenia," Mr. Travis says of his recent creative outbursts. "In the classroom I look scholarly and serious, but this is the nutty professor coming through."

Mr. Travis, who sells his inventions at local gift shops and the campus bookstore, says he hasn't made much money from them yet. When he runs out of ideas, he says, he plans to spend more time on marketing. For more information, Mr Travis can be reached at 2630 Chester Lane, Bakersfield, Cal. 93304.

(From *The Chronicle of Higher Education*, 24 Feb 88).