

# The Philatelic Communicator

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Writers Unit 30, American Philatelic Society

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*In Memoriam*

*Writers Unit 30, American Philatelic Society*

*extends its deepest*

*Sympathy*

*to the families and loved ones of the victims*

*of the dastardly and cowardly*

*acts in New York and Virginia*

*and we express our*

*admiration and gratitude*

*to the*

*Emergency Rescue Workers*

*who risked and gave their lives*

*to aid their*

*fellow citizens*

*Requiescant in Pace.*

# The Philatelic Communicator

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Writers Unit 30, APS, publishes *The Philatelic Communicator* four times a year. A subscription to TPC is included with dues paid by members of the Unit.

Manuscripts are solicited on subjects of interest to writers, editors and publishers of all forms of philatelic literature. All submissions for publication, without exception, are subject to being edited. Opinions expressed in *The Philatelic Communicator* are those of their authors, and not necessarily of Writers Unit 30, APS, its officers, editor, publisher or agents. Letters received by the editor may be published unless labeled "Not for Publication." When possible, furnish copy, including letters, on diskettes (WordPerfect 8, RTF or ASCII). Include printed copy with diskettes. All editorial matters must be handled with the editor.

**DEADLINES**—For receipt of copy by the editor:

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Third Quarter ..... July 15

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Writers Unit 30 has as its primary objective the encouragement and improvement of philatelic writing in all of its various forms. Calendar year membership dues, payable in advance in U.S. funds through a U.S. bank or Post Office are:

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## The Quill

Joe Foley

I was running a bit on the late side in getting this issue ready to send to the printer. Up early and in my den. The computer is running, the drafts and disks are sorted and I'm just about ready to begin.

My wife calls to me and sounds upset "You won't believe what they're doing in New York!"

Those events tend to trivialize just about everything else. Somehow stamp collecting and *The Philatelic Communicator* just didn't seem nearly as important as they did the previous day. Yet as shock gave way to sorrow, sorrow to anger and anger to determination. We all witnessed an incredible spirit spread across the nation—but what a price.

The nation's leaders have called on us to get on with life and activity—it will never be the same, yet we cannot let those terrorists drive our vigor away and control our lives. And maybe in these times, our minds and our bodies can use a little respite—a little respite that our hobby can provide.

Meanwhile, none of us will forget those whose lives have been lost, or their families, friends and neighbors. There were many real heroes as well as victims. Those in the planes, the rescue workers and many others. Many of us have received messages from stamp collectors in other countries expressing condolences and sharing our grief. An outrage has been committed and will be addressed.

### PRESIDENT'S MESSAGE

Dane Claussen's customary "President's Message" will not be found in this issue. Instead, Dane has joined our authors and shared his insight on the subject of "fair use" on page 4. Vice president Barth Healy also has an item on this subject on page 8 as do I on page 5. Can we hear from others on this topic?

### WRITERS BREAKFAST

There will be a Writers Breakfast at the APS Winter Meeting, Ameristamp Expo, Riverside, California. Details will be in the next issue. In the meantime, the APS Webpage will probably have further information shortly and Ken Martin will soon be able to answer your questions.

### QUESTIONNAIRE

Enclosed in this issue is a questionnaire that I would really appreciate your taking the time to complete and return. This will give me a better understanding of what you would like this publication to be.

You can mail it, or if more convenient, just send me the essentials by e-mail at: [jfoley4197@aol.com](mailto:jfoley4197@aol.com)



I say to our enemies, we are coming.  
God may show you mercy. We will not.

U.S. Sen. John McCain

## STAMPSHOW Literature Palmares

The judges for the literature competition were James W. Graue from Washington as chairman, Stanley J. Luft from Colorado and Reuben A. Ramkissoon from Illinois as members with Joseph E. Foley from Maryland serving as apprentice.

There were four sections as noted in the listing of awards that follows. The show program gave a description, price and source for each entry. There were a few added starters that didn't make the program. This was the second year that the Literature Grand Award, sponsored by Scott Publications was presented.

### Grand Award & Gold: Zumstein Specialized

#### ARTICLES/COLUMNS

**Silver Bronze:** *CBS News Radio Stamp Collecting Report* by Lloyd de Vries and *The Philatelic Web* by Robert de Violini.

#### CATALOGS

**Gold:** *Catalogo Especializado Chile 2000* Sociedad Filatelica De Chile, *Webb's Postal Stationery Catalogue of Canada and Newfoundland, 7th Ed.* by William C. Walton & Earle L. Covert and *Zumstein Specialized* [Swiss] Zumstein.

**Vermeil:** *Centennial Definitive Series 1967-1973* by D. Robin Harris, *Railways: Thematic Stamp Catalogue* Domfil Grupo Afinsa, *Stamps and Postal Stationery of Palestine 1918-1948* by Edward G. Rosen, Ent. and *Zumstein General*, Zumstein.

**Silver:** *Basketball: Thematic Stamp Catalogue* Domfil Grupo Afinsa, *2001 Krause-Minkus Standard Catalog of U.S. Stamps* Maurice Wozniak, editor, Krause Publications and *Stamp Catalog/Handbook of Switzerland* The Amateur Collector, Ltd.

**Silver Bronze:** *Estampillas de Colombia Espana 2000* Literatura, *2001 Krause-Minkus Stamps & Prices* Maurice Wozniak, editor, Krause Publications, *Krause-Minkus Standard Catalog of Canadian & United Nations Stamps* Maurice Wozniak, editor, Krause Publications and *Duck Stamps 2001-2002* by Rita Dumaine.

**Bronze:** *Zeppelins in World War I, Catalogue* Nicole Peretz

#### HANDBOOKS

**Gold:** *The Duck Stamp Story: Art Conservation History* Bob Dumaine, *The Parcel Post Stamps of the Ivory Coast* by David L. Herendeen and *Rainbow Trials* Great Britain Philatelic Society also Felicitations of the Jury

**Vermeil:** *Philatelic Fantasies of British North America 1860-1910* Charles G. Firby Publications, *Postal History of the Spanish Philippines, 1565-1898* by Don Peterson and Geoffrey Lewis, *A Study of Israel's Dateless Cancellations 1948-1955* by Donald A. Chafetz, *Mute Cancellations of the Brazil Empire* by James A. Dingler & Klerman W. Lopes *American Philatelic Congress Book* Richard Helbock, editor and *The United States 1847 Issue: A Cover Census* by Thomas J. Alexander also Felicitations of the Jury.

**Silver:** *Origin Cachets of the UN, Its Agencies and Its Predecessors* B. Clement, Jr., *Space Covers: Dictionary &*

*Identifier, 2000 Edition* Bruce Cranford, *Air Mails of Canada: 1925-1939: The Development & Postal History of National & International Mails* Charles G. Firby Publications, *A Comprehensive Illustration of Covers with Sinkiang Provisional Airmail Stamps (1932-1933)* David I.u., *Joshua Bacon* Great Britain Philatelic Society, *All About Stamps* Krause Publications, *Identifying the Cancellations of Tanganyika* Larry Goldberg, *Identifying the Cancellations of Kenya* Larry Goldberg and *Vermont Postal History: The Branches, Stations, & CPO's of the Green Mountain State* Paul G. Abajian & Jason J. Granger.

**Silver Bronze:** *United Nations Postal Stationery Issued and Reprinted: 1952-1984* Duane Lamers, *Specialized Color Guides for United States Stamps* Richard M. Morris and *Specialized Color Guides for the Admiral Issue of Canada* Richard M. Morris

**Bronze:** *Mushrooms on Stamps* Albert J. Casciero & John Ultee

#### PERIODICALS

**Gold:** *The Chronicle of the U.S. Classic Postal Issues* Charles J. Peterson, *Postal History Journal* DeBlois & Harris, *FFE Journal* FFE Journal, *The American Revenuer* Kenneth Trettin and *The Penny Post* The Carriers and Locals Society.

**Vermeil:** *First Days* Barry Newton, *Ukrainian Philatelist* George Fedyk, *The Posthorn* Paul Albright, *The Cuban Philatelist* The Cuban Philatelist.

**Silver:** *Yule Log* Christmas Philatelic Club, *The Informer* Hugh Wynn, *The Canadian Connection* John G. Peebles, *The Philatelic Observer* Junior Philatelists of America, *George VI* Larry Goldberg, *The Czechoslovak Specialist* Ludvik Z. Svoboda, *The Journal of the United Nations Philatelists* Richard Powers, *Kiku Shimbu'* The British Society for Japanese Philately and *The Heliograph* The Postal History Foundation.

**Silver Bronze:** *ASNP - Newsletter* American Society for Netherlands Philately, *Reflections* Clarence McKnight, *The Alaskan Philatelist* Eric Knapp, editor, *Menelik's Journal* Ethiopian Philatelic Society, *Duck Tracks* Frank R. Jordan, NDSCS, *From Cover to Cover* George M. Hill, 3<sup>rd</sup>, *Journal of the Lithuania Philatelic Society* John Variakojis, *Pre Cancels/Canada* Larry Goldberg and *Cat Mews* Marci Jarvis.

**Bronze:** *First Issues* First Issues Collectors Club and *Confederation* Roy Sass.

**Certificate:** *Rambler* Marlene McCall, editor. □

### NICHOLSON HONORED BY IRISH GROUP

The Éire Philatelic Association recently announced that George Nicholson of Canada has been selected as the recipient of the Vincent A. Linnell Memorial Award in recognition of his article "Remembering the Irish Famines: 1822 and 1847" judged to have been the best published in volume Fifty of the Association's journal, *The Revealer*.

The Award Committee was chaired by Charles J. G. Verge, and included Harlan F. Stone of New York and Hans Moxter of Germany. □

## Fair Use and Copyright Law

by Dr. Dane S. Claussen

As one of several persons who are and will be contributing to this forum in the *Philatelic Communicator*. An entire series of books has been written about copyright. The main point I would like to make is this: virtually all publishers, and some authors, will assert that it is relatively easy to violate copyright law in the United States. Publishers, in particular, have a vested interest in exaggerating the ease of violating copyright law, as the easier it appears, the easier it is for publishers to charge reprint fees for material that otherwise would fall under "fair use" (republishing of copyrighted material under certain circumstances and limitations).

This philosophy also protects them, when authors quote from copyrighted material published by other publishers; it allows publishers to tell their authors to get permissions, whether legally necessary or not, from other publishers and decrease the probability that they (the publishers) will ever get sued (or even threatened with a suit) from another publisher.

All of this has been taken to ridiculous extremes: I have published books with two publishers (Pilgrim Press and McFarland & Co.) and I have three more books under contract (to be published by Rowman & Littlefield; Peter Lang Publishing; and Iowa State University Press, respectively). They all have dictated to me, as author and/or editor, strict guidelines for use of copyrighted material, such as getting permission anytime that I quote more than fifty words from anything that has ever been published by anyone else and isn't clearly in the public domain, despite the fact that copyright law says nothing about fifty words, or any other specific number of words, for that matter.

Part of the reason for the publishers extraordinary distortion of copyright law is, in addition to greed and avoiding lawsuits, that few (if any) publishers regularly have book manuscripts "lawyered" for copyright problems. When I asked Peter Lang Publishing if I could talk with its lawyer(s) about the firm's "fair use" guidelines for authors and editors, they told me that the firm has no in-house lawyer, and that the publisher bases its copyright guidelines on a book written about ten years ago by an English (not copyright law or media law) professor.

As a 1980 federal appeals court opinion said, "fair use" is a "rule of reason, to balance the author's right to compensation for his work, on the one hand, against the public's interest in the widest possible dissemination of ideas and information on the other."

Generally, courts, statutes and commentators have agreed that copyright law should be friendly to scholars in particular, but Section 107 of the 1976 copyright law defines "fair use" more broadly as a copyright law exemption for "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research." I would argue that all five of my books either published or under contract engage *only* in "criticism, comment, teaching, scholarship [and/or research]" due to their author(s), contents and purposes. Certainly none of the publishers nor I stand to make much money off my books, let alone those parts in which material from other copyrighted works are quoted. But none of these arguments

make any difference to publishers' copyright policies, which has the perverse result of American book publishers themselves limiting and not taking full advantage of copyright law for the benefit of their authors or their readers.

To determine whether a particular reprinting or other reproduction of copyrighted material falls within the "fair use" exception, a court, as Professor Don Pember says, would make a judgment based on these criteria: the purpose and character of the use; the nature of the copyrighted work; the amount and substantiality of the portion used in relation to the entire copyrighted work, and the effect of the use on the potential market for or value of the copyrighted work. Uses of copyrighted material for criticism, comment, news reporting, teaching, scholarship and research are broadly protected under the "purpose and character of the use" criterion, regardless of what my publishers claim.

This would be particularly true for noncommercial and nonprofit uses, which should cover virtually publications (journals, newsletters, books, etc.) published by nonprofit philatelic organizations. It also should apply to nonprofit academic publishers, such as nonprofit university presses (although one of my publishers that one would think would be nonprofit, Iowa State University Press, was recently bought by Blackwell, a very much profit-oriented British firm). Law textbooks also note that teachers and professors have fairly wide discretion to, say, photocopy articles from newspapers or magazines and distribute them in class although their old practice of photocopying big "packets" of material and selling them through Kinko's or other copy services has been thrown out. I do not know what the law has said, if anything, on photocopying articles and passing them out in other nonprofit environments, such as religious services, museums, and so on. But my opinion (I teach media law, but am not a lawyer) is that "fair use" also would cover, for example, photocopying an article from *Linn's* to hand out at a stamp club meeting, as much under this "purpose and character" criterion as under the others.

The second criterion, as Prof. Don Pember points out, is satisfied or not by asking a series of questions: is the copyrighted work still available? is the copyrighted work what is called consumable (workbooks, crossword puzzle books, etc.)? Is the work an informational work or a creative work? and is the work published or unpublished? The first question mitigates to some extent the fact that the 1978 copyright law protects material produced since then for the life of the author plus seventy years and material produced before then for a total of ninety-five years.

I am not advocating that anyone violate either the letter or spirit of copyright law, but it simply is common sense that one is unlikely to get sued for quoting a few lines from a book that is out of print, or even yesterday's daily newspaper or a weekly magazine published last month. Second, we have slightly more room to reprint from published rather than unpublished sources because the author(s) of published sources presumably have had the opportunity to gain from their sale, while author(s) of