

Daily Nebraskan

Monday

WEATHER:

Monday, partly cloudy with a 20 percent chance of thundershowers. High of 75 with winds from the South at 5-15 miles per hour. Monday night, cloudy with a 30 percent chance of thundershowers and a low of 45-50. Tuesday, partly cloudy and cool with a high of 65-70.

INDEX

News Digest 2
Editorial 4
Sports 10
Arts & Entertainment 13
Classifieds 15

May 8, 1989

University of Nebraska-Lincoln

Vol. 88 No. 154

Wording of clause leads to lawsuit filed against Kinko's

By Eric Pfanner
Senior Editor

A lawsuit filed last week by eight publishing companies against Kinko's Graphics Corporation may change current interpretations of the "fair use" clause of the national copyright law.

According to the fair use clause, published materials may be photocopied in limited numbers for a non-profit purpose if the photocopied work represents only a small amount of the total publication.

The two sides involved in the lawsuit disagree on the meaning of the wording of the clause.

The lawsuit charges two Kinko's stores on the East Coast with illegally copying portions of 12 books, produced by major publishers, for

schools in New York, according to the Chronicle of Higher Education. The publishers listed in the Chronicle include Harper & Row, McGraw-Hill, Penguin Books and Prentice Hall.

Carol Risher, director of copyright and new technology of the Association of American Publishers, said legislative history allows copying only when work is "spontaneous" and "brief." Copying should not replace or substitute published material, she said.

"Our intention is not to stop the copying -- just the illegal copying," she said.

Adrianna Foss, corporate communications director of Kinko's, said Kinko's stores "refuse to publish materials that don't fall within the fair use clause."

Foss said Kinko's thoroughly explains the copyright law to its employees. The corporation also has an ongoing training program for employees, she said.

"If anything," she said, "we overtrain our co-workers."

Kinko's has 10 full-time employees at its corporate offices in Ventura, Calif., to help stores with questions they have about the status of material they receive from professors to copy, she said.

Kinko's is not changing any of its policies, Foss said, because it already has "the strictest policies in the business."

She said the publishers are suing to challenge the interpretation of the fair use clause, not because Kinko's did anything different from its normal policy in the cases cited in the

lawsuit.

The companies are seeking a re-interpretation that will restrict copying stores' rights to reproduce material for professors, Foss said.

But Risher said she has received "three bookshelves full" of photocopied anthologies from people questioning their legality. An anthology is a collection of literary works.

"The preponderance (majority) was stuff that was copied without permission," she said.

Even though the anthologies may be only small parts of different works, they should not be assembled without permission, Risher said.

"The binding doesn't matter," she said, because Congress intended that anthologies could not be made without permission.

Copy shops have been promoting

photocopied anthologies to university professors who otherwise would use textbooks from publishing companies, she said.

"Copy shops say to professors 'Don't buy texts, we can custom copy our own,'" she said.

Risher said the publishers' association has been educating professors and universities to make them "more aware" about unauthorized copying.

Foss said professors and students will be the biggest losers if the publishing companies are successful in their plans to change the interpretation of the fair use clause.

Professors rely on Kinko's to provide up-to-date materials for courses, she said.

Foss said Kinko's is confident about defending the right to copy course materials for professors.

More measles cases reported

By Victoria Ayotte
Senior Editor

Five more University of Nebraska-Lincoln students were diagnosed with measles this weekend, a University Health Center official said.

Dr. Ralph Ewert, health center chief of staff, said four students were diagnosed Friday and one Sunday. Fifteen students have been diagnosed with rubeola measles since the first student was diagnosed April 20.

Ewert said he does not know the class schedules of the latest victims.

"I don't think we bothered getting that information," he said. "I don't think we saw any point in it -- it's spread so far."

Although the disease has spread further than

health center officials had hoped, Ewert said he thinks the epidemic is nearing an end.

"I would suspect this is the tail end of the second generation," Ewert said, "but it's hard to predict."

Students who caught the disease from the first student diagnosed make up the second generation.

Most students with measles have been sent home, Ewert said, so health center officials are not concerned about where to house the victims.

The health center had made arrangements to reserve a part of a residence hall in case the center's hospital could not handle all the cases, Ewert said, but that probably will not be necessary.

See UPDATE on 8

Walking distance should decide parking permit costs, Hill says

By Ryan Steeves
Senior Editor

Because they park farther away from campus, students at the University of Nebraska-Lincoln should pay less than faculty and staff for parking permits, says ASUN President Bryan Hill.

Hill said he will talk to UNL officials to try to persuade them to differentiate the cost of parking fees. Hill has not introduced a pricing formula.

"The faculty lots' prices should go up because they're closer lots," he said.

The Parking Advisory Committee, composed of UNL faculty, staff and students, has proposed raising prices for all year-long permits to \$50. Currently, individual staff, faculty members and students pay \$40 for year-round permits.

Hill said he understands that the university must increase permit prices to cover maintenance costs.

"But unless they start to differentiate in those prices, I would oppose an increase," he said.

Hill said students pay less than faculty and staff members for parking fees at many Big Eight universities, including the University of Kansas, the University of Colorado, Oklahoma State University, Kansas State University and Iowa State University.

The University of Nebraska at Omaha and the University of Nebraska Medical Center also differentiate their prices, according to the institutions' security departments.

UNO students pay \$25 a year for all-day parking, while faculty members pay \$40. UNO's parking garage is not part of this parking formula.

David Castilow, director of business services at UNO, said faculty and student prices will increase \$5 next year.

Castilow said he can't remember why UNO officials started charging different parking fees. But, he said, it's logical that faculty pay more because they can afford the higher rates.

All students at UNO commute and most work part time, he said, so a lower parking rate is beneficial to students.

two semesters and about \$40 for year-round parking. UNMC faculty and staff members pay from \$42 to \$120 a year, depending on how close the lot is to their workplace.

Prices at UNMC will increase to \$40 for students, while faculty and staff will pay \$50.88 to \$180 for their stalls, according to the UNMC security department.

Del Lee, associate vice chancellor of business and finance at UNMC, said faculty lots at UNMC have gates to ensure a stall for commuters who pay the lot's rates.

Franz Blaha, member of the UNL Parking Advisory Committee, said the committee is considering a plan similar to UNMC's.

Under the plan, commuters who reserve a specific stall in a specific lot would pay higher parking rates, he said.

Those who don't reserve a stall but pay to park in a lot close to their workplace would pay an intermediate fee, he said. Those who park four or five blocks from campus or in gravel lots would pay less than other UNL commuters.

Blaha, an associate English professor, said the convenience and quality a lot gives users will determine the pricing scheme. It would not be based on type of commuter, he said.

Blaha said the advisory committee wants to implement the plan over the next four to five years.

Hill said a plan is needed sooner. "I don't see why it couldn't be done this year," Hill said of his proposal. "Four to five years seems a long way off."

Hill said the committee's plan doesn't solve the problem because students and faculty still could end up paying the same parking rates.

Blaha said he opposes Hill's proposal because the cost to maintain lots is subsidized with parking fines and lot rentals.

UNL officials sometimes rent lots to UNL boosters and others, Blaha said.

Each stall at UNL costs \$65 per year to maintain, he said. If commuters pay \$50, he said, UNL officials must raise \$15 per stall from fines and rentals.

As long as lot maintenance costs are subsidized, he said, users should pay the same price.

See PARKING on 8



Participants in the 12th Annual Lincoln Marathon and Half-Marathon run along South Street Sunday morning. Jay Woods of Utah won the marathon in 2:24:50.

Greenhouse amendment fails

By Jerry Guenther
Senior Reporter

An amendment that would increase funding for greenhouse renovation at the University of Nebraska-Lincoln was voted down by the Nebraska Legislature Friday as state senators began deliberations on LB814, a bill that provides one-time allocations for capital construction projects.

legislature NEBRASKA

The amendment, co-sponsored by Sen. Merton Dierks of Ewing, would provide about \$1.7 million for greenhouse renovations, equaling the amount estimated as necessary for the renovations.

The Appropriations Committee had recommended \$1 million for the project in its preliminary budget recommendations.

Dierks said the greenhouses suffer from many "serious problems" that limit the research that can be performed on wheat and

Some greenhouses have had their light transmission capabilities reduced because the exterior on the fiberglass greenhouse coverings has been peeling, Dierks said.

About \$835,000 is needed so that the fiberglass coverings can be replaced with glass, he said.

In addition, Dierks said, many of the motors that control the temperature and environment in the greenhouses need to be replaced.

There also are water leaks and electrical problems in some of the greenhouses, he said.

Sen. Roger Wehrbein of Plattsmouth said many problems in the greenhouses have occurred because the proposed funding was cut from \$13 million to \$10 million in 1977, when the greenhouses were built.

Wehrbein said it is important to keep the greenhouses in proper shape because Nebraska is one of the national leaders in greenhouse research.

Sen. Carson Rogers of Ord said keeping the greenhouses in working order would provide economic benefits for the state.

See LEGIS on 6