THE QUEST FOR WORKABLE LAWS OF COPYRIGHT

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DEDICATION

This research paper is dedicated to my parents

Mr. E.E. Moseley and Mrs. Grace Moseley

VITA

John William Moseley was born in Kingsport, Tennessee on June 18, 1947. He attended numerous Department of Defense Schools before graduating from Fort Campbell High School, Fort Campbell, Kentucky in June of 1965. He attended Austin Peay State College from 1965 until 1969 studying music and art. In 1982 he entered Austin Peay State University to study communications. In 1993 he returned to Austin Peay State University. He received his B.S. in Mass Communications in 1994 and in August of 1996 received his Master of Arts degree in Mass Communications.

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The Quest for Workable Laws of Copyright

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ABSTRACT

Efforts to bring together owners of copyright for creative works and users of those works are finding the issues of new media use, layered in an atmosphere of confusion and uncertainty, without the usual alliance of history providing insight and guidance. New technology has created the need for terms and understanding which do not yet exist. U.S. copyright law is inadequate to deal with the simplest of interpretive problems, because the wordscape of the new future attributes new meaning and subsequent applications, to a glossary of terms which no longer means what it used to. In search of definitions, legislators have enlisted the assistance of leaders from academia, publishing, technology, law, music, photography, television, communications and a host of other related endeavors, with the hopes that new laws can be written which will protect the owner of creative works while at the same time fostering an expansion of knowledge through technology based systems such as Information Superhighway and distance learning classrooms. Because the integration of technology frequently involves the use of protected creative works, and because those works, in whole or in part, provide enlightenment, the structure of the new legislative efforts will tie the issues of new media and the doctrine of fair use, ascribed to educational, non-profit efforts together. Although no one can predict the future, I can promote the position that guidelines are needed immediately which will provide both access for educators and protection for copyright holders, because without such compromise the promise of a connected, expanded, rapid, creative exchange of ideas and information is in jeopardy.

The Quest for Workable Laws of Copyright

The issue of ownership and subsequent assignment of creative works in the form of copyrighted properties has reached a new level of intensity in the 1990s. The issues surrounding the right of the copyright owner and his or her assigns, as well as the educational community and the fair use of works for the purpose of instruction, have placed the legislative process at the forefront of debate. Because of a lack of clear guidelines, educational multimedia producers and teachers may embrace new technologies at a slower rate than private sector multimedia producers. (AECT, 1994)

Copyright legislation has always been a compromise of needs between those who own properties and those who wish to use those properties in the fields of education. Much of the current debate is fueled by acknowledgment, in each camp, that recent technological advances have significantly changed the landscape of use. In addition there is a general consensus that abuses of use or fair mis-use of copyrightable materials continue at an unprecedented rate. This routine mis-use of the creative works of others, either in part or whole by education professionals, has prompted many representatives or agents of the copyrighted material to take rigid positions in their demands on new legislation (Schneebeck,1994, p.54). As we look to the future of copyright and the universe of *techno-fusion*, we need to remember that copyright law has evolved rather slowly from much simpler times. American copyright law finds its basis in the Constitution (Art.1, sect.8, cl. 8), where Congress is given authority to pass appropriate laws. A review of significant milestones concerning copyright law in the United States

includes the following:

1790 The first federal copyright act was passed by Congress;

1834 The Supreme Court rules that all published works comply with the federal statute requiring protection, (*Wheaton v. Peters*);

1909 Federal law is expanded to include creative works such as drama, lectures and artwork;

1976 New copyright law recognizes protection for all unpublished works. (The law took effect in 1978);

1980 Computer software gains protection under the Computer Software Act

1984 Time-shifting via VCRs is upheld by the Supreme Court (*Sony Corp v. Universal Studios*);

1988 Congress implements elements of the Berne Convention protecting literary and artistic works;

1990 Congress passes the Digital Audio Tape Recorder Act of 1990;

1990 Copyright Remedy Clarification Act (Higher Education); and

1991 Copyright Amendments Act of 1991: Hearings on Intellectual Properties and Judicial Administration.

The impact of current technology indicates a need for more change. The degree to which change will be enacted and the degree to which new laws will be enforced are critical issues in this techno-decade. Because technology allows virtual copies and

instant integration into multimedia based classroom instruction, it is also predicted that any new legislation must, for the first time during the drafting of laws, anticipate and account for technological innovation as yet unknown. The issues associated with compliance on issues of fair use remains in a delicate balance where educational institutions are required to monitor use. "They (owners of copyright) must appeal to the user's scruples and awareness of the law. Realistic legal rules must depend upon a social consensus about what kind of behavior is acceptable and what is not. That consensus is still being created for electronic publishing." (Duncan, p.20).

Existing Copyright Laws and Their Limitations

In order to fully appreciate current legislative activity, it is important to take a look at copyright law as it now stands. Specifically, we must look at the issue of Fair Use. Fair Use of copyrighted materials was retained in the Copyright Act of 1976, in an effort to appease the desire of the education community to maintain access to a body of materials which could be used in classroom and library settings for the specified purpose of expanding knowledge.(Risher,1994,p.50). Because copyright owners knew that their works would find new audiences in this setting, the term *Educational Fair Use* was added to the law under Section 107. It is important to note that when this legislation was enacted most of the copying and transfer technology we have today did not exist. We will take a brief look at the terms under which creative properties could be used under the 1976 legislation (Botterbusch,p.60, 1994)

Under provisions of the law, *Fair Use* is defined as the ability of a teacher to use

"...a small part of a work designed to illustrate a lesson". (GPO, 1976). What exactly is a small part of something?

Understanding the possible confusion in the language, lawmakers set some standards for use. The standards involve two tests: Brevity and Spontaneity, and Cumulative Effect. First we will look at brevity under existing law.

Poetry-- A complete poem or an excerpt not to exceed 250 words

Prose-- A complete article not to exceed 2,500 words or an excerpt not to exceed 1,000 words.

Illustration-- One chart, graph, diagram, drawing, cartoon or picture per book or periodical.

Under existing law (Copyright Act of 1976), there is no mention of multimedia relationships. The law was clearly written to address issues of copying materials from a standard print-to-print copying device.

According to the modern legislation of 1976, the copying of works must also fall under the guidelines of spontaneity:

> "The copying is at the instance and inspiration of the individual teacher; the need to copy the work is based on inspiration and the decision to use the work does not allow for time to request permission."
>
> (Copyright Act of 1976)

In addition, the Copyright Act of 1976 provided clear restrictions as to when the decision to use a work, in whole or part, is made. This is entitled the Cumulative Effect:

" The copying of the material is for only one course;

Not more than one complete work or two excerpts may be copied from the same author, nor more than three from the same collective works or periodical volume during one class;

In addition there shall not be more than nine instances of such multiple copying for one course during one class term."

(Copyright Act of 1976)

With the above clarifications, we begin to see restrictions on copying and subsequent use of copyrighted materials. The degree to which these restrictions have been honored over the past 20 years may have great impact on the language of the copyright law revisions currently being debated (Risher, 1995).

Because the great fear of those in the publishing business was a reduction in revenue caused by mis-use or, in this context, fair mis-use of materials taken from creative works, the Copyright Act of 1976 had some specific prohibitions:

"Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works;

There shall be no copying of or from works intended to be "consumable" (workbooks) in the course of study or teaching;

Copying shall not substitute for the purchase of books, publishers' reprints or periodicals."(Section 107 of fH.R.2223).

It is interesting to look at this language and realize that 20 years ago when these laws

were being written, the concerns of the publishing community were related to infrequent use of print copying devices posing little economic threat in comparison to the digital-driven, virtual-copy world of 1995 and beyond.

But there have been court cases where a copyright owner has taken action against an individual or a company alleging infringement. Under existing laws, any unauthorized use or any use that violates the guidelines as set forth in the Copyright Act of 1976, can be considered infringement. As legislators labor over proposed regulations there are certain aspects of copyright litigation which are not expected to change. The courts have established four factors when considering whether a specific use is fair use:

1. What is the purpose of the use? Why was the material copied?
   Was it for commercial use or for nonprofit educational purpose?
   Was the use intended to further the public interest in some way?
2. What is the nature of the copyrighted work? Is it a consumable
   item such as a workbook, or is it a work that might more likely
   be borrowed from such as a newspaper or magazine article?
   Is the copyrighted work in print and available for sale?
3. How much of the copyrighted work was used in relation to the
   entire copyrightable work? Was it a small amount of a large work?
   or was it a large portion of a large work?
4. What impact does the use have on the potential market or value
   of the copyrighted work? Has the use of the material diminished

> the chances for sale of the original work? or is the unrelated to the value or sale of the copyrighted material? (Pember, 1978, p.477-478)

Obviously, existing law does not begin to cover the elements of new technology that have become part of our everyday existence. There have been indicators over the past 20 years that a complex, comprehensive, technology-smart copyright law was necessary to preserve the financial motivation of creative endeavors. Amendments have dealt with the issue of digital audio recording (Digital Audio Tape Recorder Act of 1990) and recording via video cassette recorders, (*Sony Corp. v. Universal Studios*). In each of these revisions, new technologies presented options to the consumer never before considered. Each of these amendments mentioned fair use under the umbrella established by the original print-based Fair Use Doctrine.

Because of the technology available in the recording of music the guidelines for fair use are important. Recording student performances is allowed for evaluation or rehearsal purposes and a single copy may be retained by the educational institution or individual teacher, and a single copy of a sound recording of copyrighted music may be made from sound recordings owned by an educational institution or rehearsals for upcoming performances, only if the recording is for the purpose of constructing aural exercises or examinations. Under Section 110 of H.R. 2223 copies may be retained by the educational institution or individual teacher (Copyright Act of 1976). In addition the technology of videotaping for similar purposes is also included under the same section of the Copyright Act of 1976. Again, the language does not reflect the widespread use of video tape

recorders we are experiencing in 1996. The terms and conditions of use place restrictions on the number of copies-a limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines-and the guidelines prohibit any altering of original content. In what may well be restrictions which we see in future legislation current laws prohibit the physical or electronic merging of program materials to create anthologies or compilations. In 1992 the courts, *Rogers v. Koons*, ruled that infringement did in fact occur, even though the actual copying was in another medium. In addition all copies of off-air recordings must include the copyright notice appearing on the broadcast program. Removal of copyright notices have also been ruled to be an infringement by the courts.

By law, educational institutions have the right to use copyrighted works provided they are created from materials paid for and owned by the institution and they are used in a teaching environment and their educational value is determined in a spontaneous manner so that the material is unobtainable through any other licensing arrangement and any notice of copyright appearing on the original is included in subsequent uses. (Copyright Act of 1976).

Terminology

By today's standards what is absent from the law is staggering. There is no mention of *multimedia*, for example. This term implies the use of more than one medium to present a point of view. Historically this marriage of technologies was generally limited to a narrative and a slide show (Mosley,1994,p.65). That is no longer the case.

Although the term copy appears in the text of the law, there was an understanding that

technology was not going to remain static. Indeed in Section 110 of the Copyright Act of 1976, Limitations on Exclusive Rights: Exemption of Certain Performance and Displays, lawmakers provided language which has been interpreted favorably for those involved in multimedia production in an educational setting. The key word in this sub-section is displays. Item number 2-(B) "...performance or display is directly related and of material assistance to the teaching content of the transmission; and (C) the transmission is made primarily for the reception in classrooms or similar places normally devoted to instruction." (Copyright Act of 1976)

Although there is much more in this section of the Copyright Act of 1976, this is the only place where the terms transmission, performance, display, material assistance and content appear together. It could be argued that many elements of modern multimedia presentations share at least some of these characteristics.

To complicate matters even more, however, this section also includes the phrase face-to-face exemption. Under the terms of the copyright act, this means that the student and the teacher must be occupying the same space or sharing the experience at the same time. This phrase places a tremendous copyright burden on facilities using multimedia presentations in distance learning applications.

Efforts underway to integrate new phrases into the wordscape of the new future present a difficult task for lawmakers. With the issues of distance learning- the use of technology to teach from remote locations; time-shifting-the use of video tape recorders to record programming from a television broadcast or cable service for viewing at a later

time: integration-the merging of different technologies into a final, presentable production; manipulation-the changing or modifying of elements of sound and image into representations which differ from the original source material; transmission-the sending of material, digital and/or analog, from one originating point to one or more subsequent locations; compression-the modification of image and sound into smaller binary units for storage and/or quicker transmission; morphing-the digital merging of multiple images into new original creative works; internet-a computer based network of accessible information systems; and storage-a device or devices capable of maintaining large amounts of information, adapting existing language to satisfy these high-tech needs will be difficult. However, efforts have been made to resolve these issues. As an interested party New Media Centers has come forth with this working definition of multimedia: " Multimedia is a strategy for fostering interactive media through fusion of technologies and solutions for uniting text, illustrations, photographs, sound, voice, animations and video in dynamic form." (New Media Centers,1995).

This definition has been adopted by many organizations involved in proposing guidelines for future copyright, but an adopted definition does not always help those who wish to produce creative multimedia works. Do we look at multimedia presentations as a strategy? Is not a strategy an intangible portion of a campaign, a thought process or an idea? It may become necessary for educators to look to original words to define these new applications. Indeed, the redefining of our language will be as important as the retooling of our teaching with and about multimedia. " The growing need for focused

education in multimedia technologies transcends the university setting..." from artists and business professionals, to alumni and publishers.(Digital Media, 1995)

Carol Novak, Editor of TECHNOS Press, publisher of the Agency for Instructional Technology, is cautious about the process. The language is difficult, the technology is constantly changing and the two primary sides of the issue are lobbying to protect their own points-of-view. " Both sides are working diligently to influence the writing of legislation, partly because a need exists for protection of the copyright holder and partly because those who are attempting to incorporate copyrighted materials into their everyday activities are calling for specific guidelines." (Novak, 1995). Although few are interested in a blatant violation of copyright law, Novak (1995) sees the process as historically slow, " ...it took 7 years for the last legislative effort to pass." (interview)

If we think in comparative terms about how simple and limited technology was in the mid-70's, it is easy to envision a process which could drag on for years, but Novak believes that pressure from all camps will force action. According to Novak, people are using the technology each and every day, and each and every day new elements or improvements in the technology are expanding the applicable glossary of terms. There is, "...some urgency." (Novak, interview, 1995)

That urgency is underscored by efforts of the Association for Educational Communications and Technology (AECT) to provide " leadership in educational communications and technology by linking professionals holding a common interest in the use of educational technology and its application to the learning process." (AECT,

1994). In its position statement, AECT has recommended adoption of a set of proposed criteria regarding fair access for the use of copyrighted works in multimedia programs produced by faculty and students for educational purposes.

AECT suggests the following criteria should be included in their Fair-Use Guidelines for Multimedia Programs." The guidelines should:

1. encompass grades pre-school, K-12, vocational, college and university education;
2. be for the purpose of scholarship, research, criticism, comment, news reporting, teaching, or learning;
3. include student use to demonstrate competencies;
4. include faculty use for scholarly research and instruction;
5. provide for the use of out-of-print materials;
6. provide for the use of copyrighted materials when the copyright owner cannot be located from which to obtain permission;
7. define "fair-use" in terms of the portion used in relation to the whole work; and, most important
8. define multimedia.

The heading of a definition of multimedia being most important indicates the degree to which the language, and the interpretation of it, complicates the process. An earlier definition of multimedia presented the term as representative of a strategy. AECT,

defines the term differently: "...material taken from various audio, visual, and textual mediums that is combined by means of an electronic device." (AECT)

The definition or definitions of multimedia and its life in the world of copyright, as well as the issues of what is or is not fair-use, are at the forefront of discussion across the country. As we seek clarification on what we should or should not do, it is helpful to look to organizations that have a long history of involvement. A leader in seeking definition to the terms of technology in what is being called the new future, is the Maricopa County Community College District (MCCCD) in Phoenix, Arizona. Associate Dean of Instruction with MCCCD is Mary Lou Mosley.

As a presenter at the Educational Fair Access and the New Media National Conference held in June of 1994 at American University in Washington, D.C., Mosley discussed copyright issues and concerns. The rights and responsibilities of the multi-media developer, in the educational setting, create, according to Mosley, a need for guidelines that are specific. " Much confusion and uncertainty about what faculty can and cannot do will be eliminated by establishing guidelines...publishers and producers tell us unofficially that we can use parts of their materials in our multimedia modules because we are an educational institution, but they will not give us written permission." (Mosley, 1994)

MCCCD is a leader in the internal production of multimedia modules designed specifically for internal applications. There have been problems in knowing how far and how quickly to proceed down the road of using material known to be copyrighted.

Examples of problems in production of multimedia based instructional modules include:

1. Creating a QuickTime clip from a small segment of a videodisc;
2. Scanning in a photograph of the Mona Lisa to use in a Hyper-Card stack;
3. Using popular music as introductory background by accessing the CD;
4. Typing the dialog from a videodisc so that students can read while the videodisc is playing;
5. Drawing graphics and pictures in a paint program that are based on a textbook illustration but are common knowledge;
6. Changing a copyrighted image to meet their own needs;
7. Digitizing a speech recorded off TV to include in a module;
8. Adapting others' multimedia programs to fit their own situation;
9. Demonstrating a multimedia module at workshops and conferences and sharing it with colleagues at the home college or at other colleges; and
10. Deciding where to give credit for using another person's work, as in a clip in a videodisc or CD that they are developing.

Because of the flexibility of new technology, and eagerness to keep students interested, it is clear that the numbers and types of questions will never end. Mosley says that her faculty is asking for the following actions.

1. Development of guidelines for using parts of others' work,

whether print, audio, video, still images, graphics, or scripts, in instructional multimedia materials that they are developing to use with their students. The guidelines should also address --or a process should be established--that will enable faculty members to share these materials with colleagues who want to use them with their students.

2. Expansion of the definition of face-to-face teaching to include labs, networks, libraries, learning centers, and so forth, because much of the teaching and learning in community colleges, especially with multimedia materials, occurs outside traditional classrooms. The key factor should be that the materials are in support of instruction, not where or how they are used.

3. Establishment of a clearinghouse for getting permission and payment royalties to use parts of others' work in their own multimedia instructional materials.

There are those who feel that the marketplace will dictate the degree of compliance to these and other problems.

"The average citizen is developing the habit and expectation that copying is ok for their own use (taping a TV program, copying a CD to a cassette for the car, photocopying a magazine article, etc.) By the next generation (perhaps as early as ten years from now), the public perception of fair-use will be that everything except out-

and-out commercial copying is ok. The law will then either be changed to conform to society or it will be unenforceable." (Tenney, 1993)

If an attitude of free use prevails in society at large, is it reasonable to expect that educational institutions will be expected to retrain students of the future as to what they can or cannot do? It is not reasonable, but it is highly likely.

Prevailing Attitudes

What are the opinions and actions of educators on this issue? In a 1993 survey, Douglas W. Green, as part of his Doctoral thesis, interviewed 140 teachers in Binghamton, NY. With 60 percent of the teachers responding, Green was able to establish some patterns of thought and action regarding copyright use. Because educators have never been specifically told how to deal with issues of copyright, response to mis-use was not seen as illegal behavior. Of 1,349 respondents in a New York survey, over half did not know if their institution had a copyright policy. Even with the knowledge that actions might constitute infringement under the law, teachers still feel compelled to do what is "only good for kids." (Green, 1993, p. 24)

Because there is so much technology available to help in the process of education, infringement is no longer limited to the copier or the video tape recorder. Indeed, educational facilities around the globe are becoming high-tech communications centers where original quality copies can be made of everything from down-link satellite video, to images and text taken from service providers on the Information Super-highway. These highly sophisticated capabilities and the knowledge that educators feel that their

efforts to educate with whatever tools are available are justifiable, lead us to where we are today.

Responsibilities

Trends in the use of technology indicate eagerness on the part of users. This process of using technology is an expected reaction and this fusion of traditional teaching and the new-media is exactly the reason that legislation must be forth-coming.

As Livingston says: The technology that is being integrated and used in the classroom today might not need to be considered or should not need to be considered the way technology was in the past. We are talking about technology changing the way we educate and changing the way kids learn. We're talking about linear and nonlinear integration, we're talking about-for the first time maybe in our entire life-teaching the entire community. If we consider that as a reality, then that means that we all have a tremendous responsibility to try to work together to come up with some sort of solution so that we don't leave behind people that are disabled, people that do not have the money to purchase, and people that are making and working hard to create for us in education. (Livingston, 1994)

The issue then becomes the totally accessible education experience and the effective management of the new tools-of-the-trade. The new-classroom will no longer automatically function under the watchful eye of the teacher. The teacher may not be in the same state, much less the same building. With this long-distance relationship however, comes a new set of concerns. As discussed earlier, face-to-face exemptions

require the student(s) and teacher to occupy the same general space when using pieces of protected works. While we must still operate under current law, it is reasonable to prepare for new disciplines. If guidelines are not provided by an employer, then it falls on the individual instructor to take the responsibility for honoring the copyright of others. As a practical matter, it has been suggested that teachers and other producers of multimedia events adhere to the code of fair practice of the Graphic Arts Guild. That is a set of ethical standards that limits fair use and requires compensation to the creators for additional use of original material.(Presentations, p.24) In other words, instructors who are motivated to enhance lectures and other class presentations through the integration of assorted source material, should be aware that the responsibility is theirs. Failure to meet this responsibility can put the teacher and the institution in court and not knowing or ignorance of the law, has already been rejected by the courts, as an acceptable excuse for infringement. (Loving, 1993)

The success-potential for this new-media, and its as yet unthought of uses, is providing educators with the excuse needed to force day-to-day use guidelines and secure from their individual institutions, structured and supported statutes. Perhaps the most common use to this point is the distance learning classroom. A small scale version of the National Information Infrastructure (H.R. 1757), is the distance classroom which allow a teacher to preside over multiple, remote-site locations from a central, high-tech lecturn. It is at this point, the point of origination, that the individual instructor becomes the guru as a fiber-optic, codec-delivered, time-compressed, graphic-integrated,

sound-reinforced, multiple-interactive, digitally-modified, multimedia producer. It is also at this first point that editorial skills, based to a large degree on unwritten or assumed law, must occur. There is in the realm of electronic delivery, whether distance learning or the Internet, no clause for absence of malice. There is no protection from invasion of privacy. There is immediate input to the produced work, whether in a presentation or a lecture. There is, to be specific, nothing specific.

Although there are literally thousands of uses, distance learning is important to look at because it incorporates the elements of copyright, integrated or multimedia, and most importantly education and the attached questions of fair use.

With studies underway about the loss of personal interaction in the distance learning classroom (Comeaux, 1995), it is conceivable that educators will overlook the issue of presentation. History suggests that educators wish to focus more on the teaching than on the tools of teaching. Overhead projectors are seldom used where primary concern is in the technical alignment of the images. Audio sources are tools but they are not nurtured. Video cassette recorders are used to play tapes but they are seldom operated efficiently. In fact, for many educators, the technical aspects of these tools provide awkward moments in the classroom. The technology of the new future will no longer allow for incompetency in using electronic devices. It will more than likely spark a highly creative drive among the practitioners in production of exciting and interesting classroom props. The control or management of these creative urges requires that the instructor learns not only the application of the technology, but editorial skills as to content. In other words

the teacher becomes in the new-media, the definition of a multimedia producer. For the multimedia producer (classroom instructor) Presentations magazine(1995) suggests defining goals.

For educators this amounts to modifications and additions to the lesson plan or syllabus.

1. What's the subject matter of the program?
2. Who's the target audience?
3. What kinds of media do you want to use-video animation, graphics, music?
4. What's the delivery format-PC, Mac, CD-ROM, CD-i, kiosk, or live show?
5. What are the hardware limitations?
6. What existing assets, such as marketing studies or archival video, can you provide?
7. When do you need it?
8. How much can you spend?

Is it reasonable to expect instructors to produce their lectures? Isn't this being done already? Of course it is. Although production tools are restricted and somewhat limited, a lecture is a production and it is unlikely that records will exist of what has been said, done, or insinuated. From this point on the rules will be in a state of flux and understanding, learning, practicing and implementing new classroom strategies and

tactics will critical to the delivery of information. Adherence to rules, or guidelines in lieu of rules, will dictate the smoothness of the transition and the degree of success.

Uncertainty, indecision or lack of concern about the issues of the new-media, including copyright and professional production skills, will close some sources of information and limit the potential of the technology to assist and enhance teaching and the ability of the student to access a virtual world of information. Testifying before a Senate subcommittee on the information superhighway, Cynthia Braddon, Vice President of Washington Affairs, McGraw-Hill, Inc. sees trouble ahead, "If copyright cannot be protected in this (superhighway) environment, the supply of useful information will be drastically curtailed, or just as troubling, it will be limited to the information that government or some other powerful institution chooses to create." (Communications, 1993)

We must use caution and, at the same time, be aggressive. We must depend on history for guidance but reject its limitations. We must pursue avenues of which we are totally ignorant, in the knowledge that laws and regulations have always been reactionary.

> "Every few hundred years throughout human history, a sharp transformation has occurred. In a matter of decades, society rearranges itself...its world view, its basic values, its social and political structures, its arts, its key institutions... Fifty years later a new world exists...Our age is such a period of transformation". (Drucker, 1992)

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