

# Funeral Ethics Organization

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September 14, 2008

Peter H. Drumm, General Counsel,  
International Conference of  
Funeral Service Examining Boards, Inc.  
BENADUM, CECIL & DRUMM  
207 N High St  
Muncie IN 47305

Dear Mr. Drumm:

I am in receipt of your letter of September 12 in which you claim copyright infringement for the inclusion in the FEO newsletter of four questions (out of 277) from the Conference's Study Guide. Copyright law in the U.S. Code reads: (with emphasis added):

Title 17, Chapter 1§ 107. Limitations on exclusive rights: **Fair use**

. . . the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as **criticism, comment**, news reporting, **teaching** (including multiple copies for classroom use), scholarship, or research, ***is not an infringement of copyright***. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the **purpose** and character of the use, including whether such use is of a commercial nature or is **for nonprofit educational purposes**;
- (2) the nature of the copyrighted work;
- (3) **the amount and substantiality of the portion used in relation to the copyrighted work as a whole**; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

<[http://www4.law.cornell.edu/uscode/17/uscode/17\\_00000107----000-.html](http://www4.law.cornell.edu/uscode/17/uscode/17/uscode/17_00000107----000-.html)>

We believe that there is no basis for a copyright infringement claim.

I am not sure who instigated this harassment on behalf of the Conference or why, as I donated a considerable amount of time editing out a large quantity of errors in the Study Guide, at the request of the staff, before it went back to print a year or so ago. Furthermore, one hopes that constructive criticism will improve mortuary education and, ultimately, service to the public.

Sincerely,

Lisa Carlson  
Executive Director

cc:

Dalene Paull, Exec. Dir., [director@theconferenceonline.org](mailto:director@theconferenceonline.org)

Billie Watson Hughes, President,