



Journal of Copyright in Education and Librarianship

ISSN 2473-8336 | jcel-pub.org

Volume 6, Issue 1 (2022)

A Tribute to Fritz Dolak, Copyright Librarian of Ball State University

Dwayne K. Buttler, Kenneth D. Crews, and Donna L. Ferullo

Buttler, D. K., Crews, K. D., & Ferullo, D. L. (2022). A tribute to Fritz Dolak, Copyright Librarian of Ball State University. *Journal of Copyright in Education and Librarianship*, 6(1), 1-8. <https://doi.org/10.17161/jcel.v6i1.18268>



© 2022 Dwayne K. Buttler, Kenneth D. Crews, and Donna L. Ferullo.
This open access article is distributed under a [Creative Commons Attribution- 4.0 International license](https://creativecommons.org/licenses/by/4.0/).

A Tribute to Fritz Dolak, Copyright Librarian of Ball State University

Dwayne K. Buttler
Evelyn J. Schneider Endowed Chair for Scholarly Communication
University of Louisville Libraries

Kenneth D. Crews
Copyright Counsel with Gipson Hoffman & Pancione in Los Angeles, California

Donna L. Ferullo
Director, University Copyright Office
Purdue University Libraries

Author Note: Correspondence regarding this article should be directed to Kenneth D. Crews, kcrews107@outlook.com

Abstract

The community of copyright professionals lost a champion recently, with the passing of Frank J. (“Fritz”) Dolak on July 14, 2021. Fritz was the copyright librarian at Ball State University, and he was known nationally for the series of annual copyright conferences he organized and led in Indiana, and for his leadership in addressing the use of copyrighted works for the enhancement of distance education. He came to copyright after years of music, military service, and more. A hallmark of his life was bringing clarity and humor to serious challenges, starting with his family name. He had a simple family name that was routinely mispronounced. As Fritz would tell anyone who would listen, “The name is ‘Doo-Lok,’ as in ‘Do Lock the Door.’” Fritz was a professional colleague to many editors and contributors to JCEL. Three of his copyright colleagues—Dwayne K. Buttler, Kenneth D. Crews, and Donna L. Ferullo—worked with him for many years, and they share memories of Dr. Fritz Dolak and his influence and leadership. The story of Fritz Dolak is a story of kindness, generosity, and inspiration.

Keywords: Ball State University, careers, copyright conference, copyright librarianship, Copyright Office hearings, distance education, TEACH Act, tribute



A Tribute to Fritz Dolak, Copyright Librarian of Ball State University

Fritz was an early and influential copyright librarian, so let's go back to his roots and early passions. He was born in Cleveland, Ohio on March 27, 1946 and did his undergraduate study at the Cleveland Institute of Music. Did he find a career in music? Did music introduce him to copyright?

KDC: Straight out of college, Fritz launched his professional music career, courtesy of the American military. By volunteering in 1968 for four years in the U.S. Air Force, Fritz sidestepped the draft and the depths of the Vietnam War. He actually loved basic training, became an expert sharpshooter, and played clarinet for the military band. He was stationed in the Philippines and in Dayton, Ohio, but the band toured much of Southeast Asia, performed with celebrities at USO shows, and provided music lessons to kids in Thailand. A highlight was a band performance for the King of Thailand, including a jazz piece composed by the king himself. Fritz's military tour wrapped up in 1972, and he enrolled in the music program at Ball State University. There he earned his doctorate, and along the way, Fritz met a flute student from Ft. Wayne. In 1980, he and his new wife, née Deborah Ann Perry, made a permanent home in Muncie. Deb and Fritz taught music classes and shared their talents in community orchestras. Fritz joined the library staff at Ball State, first at the music library and later with educational resources. He earned a master's in library science, also at Ball State. Music took him to librarianship, and that soon led him to copyright.

Fritz made the transition mid-career to become one of the earliest copyright librarians. How did he make that move?

KDC: Fritz was a librarian and musician, with no particular background in copyright, when he was tapped in 1994 to represent Ball State University on the Indiana Partnership for Statewide Education. I was the committee chair, and some 10 or 12 officials from scattered colleges and universities gathered around a table on the IUPUI campus. Everyone was new to copyright, so I prepared a quick tutorial—a mini-workshop with plastic transparencies and lots of Q&A. Fritz took quickly to the nuances and complications of copyright. He leaned back in his chair and pounced with critical questions. “You mean all that stuff we find on the web can be copyrighted?” Remember, this was 1995, and the Internet and email were new territory. He became most distressed about distance education. When I pointed out that one statute (Section 110[1]) broadly allows performances and displays in the classroom, but the law is painfully stingy about uses in distance education, he

recoiled.¹ It might have been at that first meeting when he unleashed the label “discrimination.” At that moment, Fritz seemed to shoulder a new mission to critique and reform the law, especially for distance ed.

DKB: I met Fritz through his role on the statewide committee. I was at that time working with Kenny Crews at the Copyright Management Center at Indiana University.² Fritz welcomed me into the fold right away and helped me navigate my first exposure to the workings of committees and the ways of complex and diverse educational institutions. I had a law degree, so I could in return share insights about legal machinations. Fritz was always a gem—a gentle soul who would often bring me a gift of a bottle of wine. I never had the heart to mention that I don’t drink. His unending support spurred me on to greater things because he was always kind, thoughtful, and supportive.

DLF: Fritz Dolak was the ultimate copyright trailblazer. After getting comfortable as the local copyright expert, he soon reached to the horizon. He developed and organized the annual Ball State Copyright Conference, beginning in 2004.³ At the time there were no other annual copyright conferences that offered the type of programs that Fritz created. This conference was a favorite in the Midwest and beyond. His conferences were legendary for presentations from diverse speakers and providing opportunities to network with colleagues from all different backgrounds, experiences, and levels of copyright expertise.

How else did he contribute to the statewide and national copyright efforts?

KDC: The main purpose of the statewide committee was to support distance learning and shared programming. He grasped the copyright issues quickly, and he dispensed that aphorism of “discrimination” again and again as we struggled with fair use and later the TEACH Act for distance learning. Copyright’s tighter restrictions on distance education were to Fritz an affront to his sense of fairness

¹ In those dark years, fair use cases were still coping with photocopying, and the original text of Section 110(2), before the TEACH (Technology, Education and Copyright Harmonization) Act, was rooted in old educational television. For the 1976 statute, see:

https://en.wikisource.org/wiki/Copyright_Act_of_1976#%C2%A7_110.Limitations_on_exclusive_rights:Exemption_of_certain_performances_and_displays

² The archive of the Copyright Management Center, and its former website, are available at:

<https://archives.iupui.edu/handle/2450/3437>.

³ The Fritz Dolak Papers, in the Ball State University Archives, include documents from the annual conferences from 2006 to 2016. See:

<https://archivesearch.bsu.edu/repositories/4/resources/2409>.

and the need for equal education for students on campus and those learning from afar. Fritz invested heavily in the development of the TEACH Act. He was instrumental in corralling support from the Indiana Department of Education and planning endorsement for legal reform by nearly every college and university in the state. Fritz gave testimony at a public session in Chicago, convened by the U.S. Copyright Office, where he made an unequivocal and pointed statement about the deficiencies of current law and the need to wipe out the discrimination against students who were learning remotely.⁴

DKB: Fritz and I worked closely together preparing that statewide report and presenting it to the Copyright Office. Fritz's experience and wisdom about the complex politics and diverse constituencies of universities shaped the report and influenced my thinking. Fritz urged me to testify at the hearing, despite my reticence. He sat beside me, provided support, and boosted my confidence. He and I would sometimes disagree on subtle nuances, but our core values withstood many years of change and evolution in copyright law.

Fritz was dedicated to the students and worried about the effect of copyright on their educational opportunities. How did all of that figure in his career?

DKB: Fritz was a born educator. His gift at all times was articulating key copyright issues without making them overly legalistic, all in service to his core constituency at Ball State and beyond. I often felt like I was one of Fritz's students. Early in our friendship he gave me the assurance I needed for my professional efforts and urged me into greater things. He was able to curb my enthusiasm for bold pronouncements on the "right thing to do" based on the law alone and introduce me instead to a more nuanced view of coalescing multiple constituencies into agreement across various perspectives.

KDC: Fritz was devoted to the students at Ball State. He hired many of them and taught them the ways of libraries, copyright, and more. Fritz was also determined to make copyright functional for his students. When the TEACH Act was finally signed into law in 2002,⁵ it was for many institutions an unfortunate bust. The law was cumbersome, filled with limits and conditions, and ultimately not very generous. Yet Fritz was committed. Under his leadership, Ball State put the TEACH Act to use.

⁴ Fritz's contributions and participation in the Chicago hearings were noted in the final report from the U.S. Copyright Office, Report on Copyright and Digital Distance Education (1999), available at: <https://www.copyright.gov/disted/>.

⁵ Technology, Education, and Copyright Harmonization Act of 2002, Pub. L. No. 107-273, 116 Stat. 1910 (codified at 17 U.S.C. § 110(2)).

Officials at Ball State were not prepared to rely on fair use for video in distance education, but Fritz was determined to keep video in the curriculum. Fritz deployed the TEACH Act in a way that few others throughout the country have bothered. The strategy was laborious, but it exemplified Fritz's determination to cautiously find the good opportunities that others would often overlook.

DKB: Fritz's talents as an educator also shaped the annual copyright conference, he organized at Ball State University. One of the greatest pleasures was fielding his endless array of interesting and complex questions. He taught by provocation. He often told me that he kept a bottle of *Maalox* in his desk drawer to soothe the stress and supposed "heartburn" of organizing a copyright conference year after year with the requisite scheduling, wrangling speakers, booking rooms, ordering food, and preparing the legendary spoofs of famous movies anchoring the conference theme for many years. I was never quite sure whether he told anyone else about the *Maalox* or it was his gentle way of saying "focus up, Michael Bolton," given my tangents into esoteric ruminations on copyright and presentations, whether in our planning phone calls or in formal presentations. I'm not sure he was successful in that quest, but he invited me back year after year. In any event, Fritz was genuinely a teacher to his professional peers throughout the country, as he helped them to learn about copyright in support of education, libraries, and the advancement of creativity and learning.

KDC: We have to appreciate that all of Fritz's accomplishments were a serious personal challenge. He arrived at our first meeting in 1994 while still recovering from a recent lung transplant. Decades before COVID, Fritz showed up adorned with a medical face mask and black gloves, and he moved to the corner of the room for "social distancing" before we knew that phrase. He could no longer travel far, so he was grateful to host the conference in Muncie. Every new pursuit was a strain and a risk, but he was undaunted.

What are some of your favorite memories of Fritz?

DLF: On a professional level, so many memories center on the annual Ball State Copyright Conference that Fritz organized, beginning in 2004. The evening before the conference, speakers would gather for dinner at the Olive Garden in Muncie. It was always a fun evening with considerable laughter and the joyous celebration of getting together with long-time friends and meeting new ones. Fritz was a gracious host. During the day of the conference, Fritz made the rounds, spoke to everyone, and made sure they felt welcomed. During his introductory remarks and

presentation, he provided data on all the attendees, which we always found fascinating and enjoyed. He would have an introductory video that was innovative, funny, and professional, usually with *Star Trek* and *Star Wars* references and clips. He certainly loved science fiction. When debriefing speakers after the conference, and launching plans for the next one, Fritz always scrutinized the surveys and suggestions from the attendees. Inevitably, there were negative comments on food and restroom facilities that Fritz always fretted, even though there was nothing he could do about them. It was vintage Fritz, however, to always want the program to be perfect for everyone.

DKB: Fritz loved the speaker dinners at the Olive Garden. He fit perfectly into his role as genteel host, providing for others with humility and concern. We had an enduring skit for many years in which I would prod him to take us anywhere but the Olive Garden again in my best 4-year-old persona “why, why, why” and Fritz would turn fatherly, saying something like “because the Olive Garden will be a lot of fun and I’ll get you some crayons.” He never came through with the crayons, but we both enjoyed the ridiculous premise and banter just the same.

DLF: On a personal level, we shared a love of animals (his dogs and my cats), music (jazz), and politics. Fritz was a talented photographer and would share (with a little prodding) beautiful photos of one of his very favorite places, the Wisconsin Dells. There were also always great pics of his dogs, too. He was quite the Renaissance man. It was an honor and privilege to have Fritz as a colleague and friend.

Fritz had a good life and a great sense of humor. Leave us with a few special stories that help us know and appreciate Dr. Fritz Dolak.

DLF: In addition to remembering him as the Ball State copyright guru, I will always remember Fritz as a very generous, kind, caring and humble person who treasured and cherished the love of his life, his wife Deb, and their beloved dogs. She also built, and still operates, a service and business for training dogs, including certified therapy dogs. Deb and Fritz shared their home with five Siberian Huskies over the years.

DKB: Fritz was inevitably composed and unflappable in every situation arising in the yearly copyright conference save one. I was speaking on the ridiculous complexity of Section 512 (limitations on liability relating to material online) in U.S. copyright law, when that issue was still the rage in universities because of peer-to-peer sharing services and sound recordings. I had included in my presentation a slide containing

a black-and-white photo circa 1940 of a man playing an incredibly complicated pipe-organ with pipes snaking hither-and-yon from the instrument in curves and turns as a metaphor for the complexity of Section 512 to the average person (and lawyers, too).⁶ In an off-hand remark about the slide, I tossed out a bit of advice: “Whatever you do, don’t search ‘man playing his organ’ on Google, because the results might not be what you expect.” The conference ground to a halt with laughter, catching Fritz completely off guard. He laughed equally along with the group and later thanked me, albeit with a very worried look on his face.

KDC: Fritz and Deb enjoyed a home rich with music. Deb still shares her flute skills. Fritz played clarinet at church and with the Muncie Symphony Orchestra for many years. His tastes were mostly classical, with fondness for Mozart’s *Mass in C minor*, but Fritz found as much delight in soul and jazz. He sustained eclectic interests, including photography, biblical study, the writings of J.R.R. Tolkien,⁷ and dog training.⁸ One restful evening, while Fritz worked at the computer and Beethoven performed on the sound system, their big furry dog bellowed at the powerful music. Fritz seized the teachable moment and embraced the enthusiasm; soon their Siberian Huskey was timing his canine howls to exactly the right musical moments in the symphonic masterpiece.

Delightful humor, innate caution, and fundamental decency shaped everything about Fritz Dolak. Fritz was a copyright professional, librarian, scholar, musician, spouse, friend, dog champion, soldier, and sharpshooter. He hit the target throughout his career. His influence remains with the community of family and colleagues, and his leadership continues to shape our understanding of copyright law in librarianship and education.

Dwayne K. Buttler is the Evelyn J. Schneider Endowed Chair for Scholarly Communication and Professor with the University of Louisville Libraries.

⁶ For more about Section 512, see: <https://www.copyright.gov/512/>.

⁷ Fritz and Deborah donated their collection of J.R.R. Tolkien materials to the Ball State University Special Collections. See: <https://archivessearch.bsu.edu/repositories/7/resources/3281>.

⁸ Deborah Dolak founded and continues to operate Over the Rainbow Dogs, LLC., a dog-training service company. See: <http://www.overtherainbowdogs.com>.



Kenneth D. Crews is a copyright attorney based in Los Angeles and founded the copyright offices at Indiana University and Columbia University. He is the author of numerous books and other publications on copyright law.

Donna L. Ferullo is the Director of the University Copyright Office at Purdue University Libraries.