2001

Back Talk-Kafka Meets Tasini

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Recently I received the following letter from a friend in the States:

"I am sitting in an empty apartment. It used to be full of furniture and things. It used to be full of family and friends enjoying and interacting with each other within the context of my furniture and things. But workers' rights groups had not been involved until recently and so they took over the apartment and sold all of my furniture and things away.

"First came the chairs. One of my neighbors squealed on me: I had used a chair as a ladder to change a light bulb. Apparently, the department store from which I bought the dining room, study, and living room chairs had not only bought the sitting rights from the build-
ers of the chairs. My using a chair as a ladder constituted a misuse of the chair so the chair maker's union had gone to court and successfully obtained a court order allowing them to remove all my chairs.

"The tables were the next to go. I had unfortunately stood on a table to mount a new lighting fixture - again a new unauthorized and previously non-agreed upon use of this piece of furniture. Then in succession I lost my rice cooker when I used it to steam a fish; my radio, stereo, and television when I put small decorative flower pots on each one; my beds were taken away because they were for sleeping, not for the illegal reading uses to which they had been put; and the last straw was when I went out in my car to buy all new things with the rights built into the purchase price.

"First of all, I discovered that the chair workers now wanted the department store to sell chairs on a per use basis. So when they added a wireless computing device to each chair to measure the number of times someone sat on the chair, the cost to purchase a chair went sky high. Plus I discovered I could only afford to buy a single chair since it would cost the number of times someone sat on the chair. In the end, I gave up and sold all the furniture.

"When I lost all my furniture, I borrowed large stacks of the things to use as ladders, chairs, and beds and so the writers' union had all books confiscated in my city until they could figure out how to monitor this new misuse of their creative talents."

I read my friend's letter with detached amusement until I spoke with a freelance writer over a nice lunch in the Senior Commons Room (read faculty house dining room) that has a lovely view of the Hong Kong harbor. I had been invited to outsource the writing of the literary's annual report. He asked me what I thought of the Tasini decision and went on to tell me that it meant that freelance writers could demand that they be paid for what they wrote if it were republished electronically - republished in an entirely new medium.

"I went into my usual diatribe about such a movement making the life of an academic lib-

rarian very difficult when it came time to get a good deal for the disappearing writers' permissions to do digital reserves. Then I got to thinking about what if we did such a nice job of the annual report that someone found it fun to read? This might constitute the misuse of my annual report. It was supposed to be painful to read. What if it became recreational reading? Would its becoming recreational reading constitute a new medium? Maybe the freelancer was subtly leading us to getting more money for his creative efforts?"

Doing a little research, I had read the four commentaries for all freelance writers as pro-
mulgated by the National Writers Union (www.nwu.indu娟rnal.org). They are sup-
tended to give advice from the Union before signing any contract: negotiate for royalties on the basis of retail, not wholesale prices; try to get 50% of the retail price; and if the publisher wants to stick to a percentage of the wholesale price, bury it in paperwork by asking for "a complete itemized list of all deductions." I wonder if the cost of taking library directors to five star restaurants at ALA might appear on such lists?

But back to my annual report: I suppose some of the facts in the report might be close to fiction and endanger its reclassification as a piece of rece-
national reading, but how can I be expected to make sure that the education librarian didn't fabricate the number of reference consultations reported? I think I will go ahead with the freelancer, but I expect that my annual report will be delayed a year or so while our lawyer negotiates the movie and online rights. It will be a lot of work but maybe we can put some streaming video clips of the ocean view from my office showing me meeting with my staff while discussing the implications of Tasini.