ILL=Illuminating Lesson Learned?

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ILL-Illuminating Lessons Learned

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ILL as a model for digital acquisitions

As the head of acquisitions at a large research library, part of my role is to set the department’s strategic direction in light of its mission to acquire and make accessible the material necessary to support the University’s research mission. A dominant question at this time is the role that the department will play in the development and population of Stanford’s Digital Repository (SDR).

I enter this consideration with a department whose mission is broadened beyond acquiring materials with the addition of traditional cataloging functions such as cataloging and database maintenance. The lines between acquisitions and cataloging have blurred due to workflow reengineering, but insight into cataloging has improved the work of acquisitions. Increased awareness of series improves our pre-order searching, creating MARC holdings for multi-volume sets has helped us work with the MARC holdings generated by check-in, and the standards of cataloging have whetted our appetite for acquisitions standards.

As acquisitions has learned from cataloging, the nature and context of interlibrary loans point out several areas for consideration in the future of acquisition of digital resources. My consideration of ILL lessons for acquisitions are based on the literature of ILL, rather than on any one library’s practice. My discussion does not include the acquisition of commercial digital works that are available under pre-existing license, but instead focuses on materials made available under copyright, and hence not in print.

Lesson 1—The “copy” in copyright

Acquisitions functions are rarely concerned with copyright since the majority of our purchases are of physical objects and governed by the doctrine of first sale. While we purchase these physical objects for their copyright-protected content, “transfer of the physical copy does not include transfer of the copyright to the work.” Copyright appears as an issue only occasionally when we request microfilm reproductions or when we search to determine if a book is available on the market before creating a replacement copy for our collection.

As we acquire materials for the digital repository, copyright will be a concern in almost every case since inclusion in the repository implies reproduction, a right of the copyright holder. It is simpler to list the cases where copyright will not be an issue—works in the public domain by default, such as government documents; work which is not copyrightable (perhaps because it is purely factual); and work for which rights are clearly expired, perhaps through Creative Commons. For all other works to be added to the SDR, library staff must determine if a given work is still under copyright and then take steps to ensure copyright compliance, as well as the often daunting task of locating the work itself.

In cases where a physical object is lent, ILL relies on the first sale doctrine in the same way acquisitions does, as the physical object is loaned. Because ILL is often accomplished through making a copy which is forwarded to the borrower, it is based on a more nuanced view of copyright than acquisitions has been in the past. Copying a work for a patron is expressly permitted under Section 108(d) of Title 17. The broad outlines of the US Code have been supplemented by more specific guidelines of the National Commission on New Technological Uses of Copyrighted Works (CONTU). These guidelines include suggested limits on borrowing from a single journal and record keeping practice to ensure these limits are not broken, and point to the two remaining lessons of ILL for digital acquisitions.

Lesson 2—In certain circumstances, it is actually better to ask permission than forgiveness

Once the CONTU “suggestion of five” is reached, a library has some options that can select from to ensure it remains in the CONTU “safe zone.” These are: purchasing a physical version of the title; finding another version of the work that is not under copyright; obtaining it through a document delivery service that pays royalties to the copyright holder; or seeking permission directly from the copyright holder or via the Copyright Clearance Center.

Placing copyrighted works into a digital repository immediately triggers some of the same issues as making multiple copies from a single journal. Copying a work for the digital repository may be a low risk if the library can show that the copy was
made for preservation reasons. Along with pres-
ervation, the point of placing works in the re-
pository will generally be to make them avail-
able to our patrons. Without physical transfer
and the first sale doctrine, making a work avail-
able via a network (including the Internet) can
be construed as distribution—one of the rights
of the copyright holder. Clearly, acquisition for
a digital repository will involve seeking permis-
sions and perhaps the payment of royalties. My
department spent several years in the latter half
of the 1990's working as partners with our ven-
dors to create an outsourced acquisitions-to-ac-
cess flow for monographs. 5 In the case of per-
missions, ILL's lesson to acquisitions is that ex-
isting services such as Ingenta and the CCC
are in place and have permissions and royalties
flows that may be adapted and applied to the
work of clearing copyright for works that will
be placed in the repository.

Lesson 3—When blazing a trail, it
can be important to leave one, as well

Acquisitions departments are familiar with
the responsibility of maintaining an audit trail in
which expenditures can be tracked back to
receipt and an order by an authorized person.
In general, integrated library systems (ILS's) and
campus financial systems are configured so that
necessary audit elements are created as part of
routine work. CONTU guidelines create a need
for a detailed audit trail for ILL, one that goes
well beyond bibliographic and expenditure in-
formation, in order to monitor the "suggestion
of five." At a minimum, Nixon suggests that:
...to comply with the guidelines, a library
would have to keep track of the date of a
request, the requesting patron's name and
institutional affiliation, and distinguishing
information on the article or serial or
monograph being copied from."

Acquisition of copyrighted material for a
digital repository will require a number of data
elements not currently included in ILS records.
These include: determination of copyright sta-
tus, copyright holder(s), attempts to obtain
permission, and permissions obtained. Per-
missions obtained may be particularly com-
plex, for example a library may have permis-
sion to digitize copyrighted information in a
manuscript collection but to distribute it only
after time has passed or to certain people.
Ide-
ally, many of these data would be recorded in
semantic fields so that determinations about
access by patrons could be made automati-
cally, rather than looked up and determined
by human intervention. Existing ILL soft-
ware, along with standards initiatives such as
the Digital Library Federation's Electronic
Resource Management Initiative, 6 can pro-
vide a point of departure for libraries and soft-
ware vendors in this effort.

Endnotes
1. Contrary to our expectations, we dis-
covered, both through occasional problem reports
and via an end-of-project questionnaire, that
a significant portion of our patrons did, in fact,
print out the books we had scanned.
2. The choice of file format has important
long-term implications for the digital collec-
tion development aspect of this project: PDF
has, as a proprietary and evolving file specifi-
cation, had known longevity and obsolescence
issues. Still, certainly over the course of the
dd-ILL project and since its end, the files we've
created have remained readable in current ver-
dictions of Adobe Acrobat. We hope that Adobe
continues in its course of backward compati-
bility. But for preservation purposes, we
scanned at minimal best-practices resolutions,
and archived all original tiff files. We believe
that the creation and retention of both file for-
mats has allowed us to serve both short- and
long-term access needs.

Signposts by the roadside,
or don't reinvent the wheel
The creation of digital repositories will re-
quire acquisitions departments to develop new
processes to meet institutional needs. Acquisi-
tions, along with ILL, is a high-production en-
vironment, and acquisitions managers and staff
are skilled in developing and implementing
work flows which ensure consistent handling
and outcomes. With the need to add digital
works to library collections, acquisitions depart-
ments are challenged to include a new attention
to intellectual property and particularly copy-
right issues. This attention to copyright as part
of a high-production, service-oriented flow, has
been built into ILL departments, making them
a useful case study for acquisitions managers
to consider as they prepare for increased engage-
ment in digital acquisitions.

1. Stanford University Libraries Redesign Report
(http://www-sul.stanford.edu/depts/ 
s/about/redesign/report/index.html). Accessed
2. Copyright Tutorial at http://www.lib-
ecs.edu/secc/tutorial/basic2a.html. Accessed
3. Creative Commons licenses allow the cre-
ator of a work to permit others to copy and
reproduce his or her work on certain condi-
tions. Sample licenses are available at http://
creativecommons.org/license/. Accessed
4. US Code Collection, Chapter 17, Title 1
5. Nixon, Donna. "Copyright and Interlibrary Loan Rights," Journal of Interlibrary Loan,
6. "Schematic Redesign for Monographs" in
Stanford University Libraries Redesign Report
(http://www-sul.stanford.edu/depts/ls/about/
redesign/report/sec7.html). Accessed Janu-
7. Nixon, L. 64.
8. DLF Electronic Resource Management Ini-
tiative at http://www.diglib.org/standards/dlf-

Acquisitions and Interlibrary Loan
Together: Good Marriage or Will
George W. Bush Object?

by Joe Badics (Acquisitions Librarian at Eastern Michigan University)

Eastern Michigan University is a com-
prehensive institution with slightly less than 20,000 FTE
students. It plans to soon offer its third
degree program. The library has over 750,000
volumes, with over 3000 paper periodical sub-
scriptions and access to thousands of others elec-
tronically. We purchase over 16,000 monog-
ographs each year. During 2003 we initiated
approximately 2100 borrowing requests while
receiving almost 8500 lending requests.

The staff members of the Circulation Depart-
ment at the library performed all interlibrary loan
duties for many years. In September 2000 the bor-
rowing function was transferred to the Acquisitions
Department to ease the load on the Circulation staff.
We decided to implement the II.Liad software in
January 2003, and the lending component was
transferred to the Acquisitions Department since
we were successfully handling the borrowing end,
and splitting a commonly traditional library
department was causing some confusion.

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