Long Island Library Resources Council Committee on Resource Sharing and Coordinated Acquisitions, Interlibrary Loan Committee -- Licensing and Managing Electronic Resources -- April 5, 2002, New York Institute of Technology

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Long Island Library Resources Council Committee on Resource Sharing and Coordinated Acquisitions, Interlibrary Loan Committee

by Christine Wondolowski Gerstein (Hofstra University)

Licensing and Managing Electronic Resources — April 5, 2002, New York Institute of Technology

Licensing and Managing Electronic Resources
A Selective Introduction to Information Sources

Print Sources:


Websites:

Crash Course in Copyright — http://<http://www.against-the-grain.com>
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www.ustsystem.edu/OGC/intellectualproperty/cprindec.htm — Copyright tutorial developed for faculty by the Office of General Counsel of the University of Texas System.

Copyright and Intellectual Property — http://arl.cni.org/info/jru/copytocopytoc.html — Extensive site containing documents and postings on Federal Relations and Information Policy; analysis and documents concerning the Digital Millennium Copyright Act and the Copyright Term Extension Act; database proposals and legislation from the U.S. 105th and 106th Congresses; documents and analysis concerning the Uniform Computer Information Transactions Act (UCITA); and additional resources on copyright and fair use.

Digital Millennium Copyright Act Report - U.S. Copyright Office/Library of Congress — http://www.loc.gov/copyright/reports/studies/dmca/dmca_study.html — The 1998 Digital Millennium Copyright Act (DMCA) includes changes that support copyright owners' contention that the right to lend (including a library's right to lend) should not apply to digital works. Section 104 of the DMCA required the U.S. Copyright Office to conduct a study to begin "an ongoing evaluation under copyright law that has changed in the digital environment: first sale doctrine and the issue of digital transmission of copyrighted works, temporary incidental copies, and archival copying of computer programs. The document includes public commentary from the library community, publishers and private citizens.

Electronic Collections Development — http://www.library.yale.edu/~oberson/ecd.html — A collection of links to policy documents from research libraries regarding the development of collections in a library environment marked by the challenge of electronic resources.

Electronic Sources of Information: A Bibliography — http://library.usask.ca/~dworaczek/BIBLIO.HTM — Online bibliography dealing with all aspects of electronic publishing which includes print and non-print materials, periodical articles, monographs and individual chapters in collected works. Continuously updated, this resource includes over 1400 titles and thousands of URLs. See citations under "Copyright and Ownership" and "Fair Use."

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IP @ The National Academies — http://ip.nationalacademies.org/
— Serves as a guide to the National Academies' extensive work on Intellectual Property and a forum to discuss ongoing work in the area. The Library section provides annotated links to documents of the National Academies.

Liblicense: Licensing Digital Information: A Resource for Librarians — http://www.library.yale.edu/~liblicense/index.shtml — Keyword searchable Website devoted to issues surrounding the licensing of electronic resources by libraries. Includes standard license terms and definitions, links to other Websites related to licensing, a bibliography of licensing articles (some with links), a section on authors' licenses, links to model licenses, and access to the moderated liblicense-l listserv.

Licensing Digital Resources: How to Avoid the Legal Pitfalls (2nd edition) — http://ebida.org/ecup/docs/licensing.htm — Coordinated by the European Bureau of Library, Information and Documentation Associations (EBLIDA), this licensing guide was compiled in order to assist librarians in understanding the meaning and consequences of common licensing clauses.

Licensing Electronic Resources: Strategic and Practical Considerations for Signing Electronic Information Delivery Agreements — http://wwwarl.org/scomm/licensing/libbooklet.html — ARL document which addresses institutional policy, license review and revision, costs, location, ownership and indemnification. Discusses who will use the resource, location of resource access, downloading and printing material, and institutional control and restriction of licensed material.

Licensing Models: Model Standard Licenses for Use by Publishers, Librarians and Subscription Agents for Electronic Resources — http://www.licensingmodels.com/ — Standard licenses designed for the acquisition of electronic journals and other electronic resources which contain the terminology needed to express most of the variables publishers and librarians - and the subscription agents who are experienced in handling the supply of journals - will meet in negotiating licenses.


Principles for Acquiring and Licensing Information in Digital Form
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Is it possible to say something positive about Internet filtering in libraries and not have everyone, including your mother, call you a wild-eyed, hidebound, neo-Nazi bashi-bazouk? No, of course not, but I’m going to try to anyway.

Our story begins in the late 1930s, when the American Library Association, working hand-in-glove with the American Civil Liberties Union, issued its Library Bill of Rights. In a word, the document said everyone had the right to read and no one, of course, disagreed with this. The innocuous document served well enough over the coming years because everyone remained agreeable and sensible about what reading is, and what constituted this right. But nestled in its midst, the document also heralded ALA’s embrace of an absolutist view of the First Amendment, one shared by the ACLU and many others. The right to read came to mean, in absolutist terms, we must select everything for fear of censoring anything. No one really did this but the ideal could not be easily gainsaid, except at the operational level, a minor, devilish detail.

Unfortunately, bad enough is seldom left alone. Later, during the turbulent sixties and early seventies, ALA issued its Intellectual Freedom Manual (hereinafter IFM). By now nearly everyone was activist-minded and IFM (and ALA) proved no exception. The IFM spelled out this right to read by adding prohibitions to prohibitions: librarians should not sequester what they considered to be adult materials because this flew in the face of the absolutist view. Further, there were to be no adult shelves so labeled because this, too, smacked of even the faintest hint of restriction.

All of this came under the guise of preventing our libraries from becoming bare, run’d choirs but there was more madness than method. Children, under this absolutist view, had as much right to the Joy of Sex as anyone, and librarians were not to act in loco parentis. Fast-forward to 2004 and it comes as no surprise that ALA has joined forces with the ACLU once more to issue a clarion call against Internet filtering and the protection of pornography in the nations libraries.

What is curious about all this, however, is ALA’s duplicity. ALA spokespeople dismiss, dismissively, the argument that young people would ever surf for porn. In an astounding admission of self-delusion, Leonard Kniffel, editor of ALA’s official publication for librarians, American Libraries, wrote, “Kids don’t have time to sit at library computers and troll for smut, nor do they wish to.” (And the former President did not have sexual relations with that woman, Monica Lewinsky, either.)

Further duplicity abounds. Librarians censor daily, or rather restrict in such a way that the end result is as if censoring had taken place: this book is too expensive; that database is too narrow; this CD-ROM is too general. Moreover, while filtering merely removed the chance that John Doe can surf for porn at the library’s expense (he can still go home and surf until his heart’s content, or until his wife gongs him with an iron skillet, whichever comes first). On the other hand, when library A chooses not to buy database B (probably owing to expense) it’s that unlikely that any individual can or will.

If truth be told, we even do a bit of the ideological censoring. For example, you’ll not find many treatises by the John Birch Society in our nation’s libraries; nor will you find much of the KKK’s hate-mongering. Neither will you find much, if any, in the way of anti-gay or anti-lesbian materials. When we librarians remove or omit materials, we call it selection. When the little, blue-hared old lady, toting a purse the size of a sailboat wants to take from the library Madonna’s book titled Sex, we excori ate it as censorship.

It’s not that the material substance of the absolutist views of the First Amendment arguments is disagreeable; it’s the casuistry behind it that wreaks from clovia. What distinguishes us from animals is our ability to make fine distinctions. We do not, for example, call a monkey with a paintbrush, Picasso; his work may look like modern art, but we think we see a difference. Most people understand that while you may go native in your living room, you cannot do that at the local Wal-Mart. Or rather, you may, but only until the police arrive.

What puzzles me is that we cannot seem to make these same distinctions when it comes to pornography in the library. If one bare-bottomed shot is filtered, so goes the ALA argument, well, then there goes the intellectual neighborhood. In essence, librarians have been reduced to saying all words or pictures on a page or monitor are the same. All are potential information. The argument is akin to saying we should never arrest anyone for fear of arresting an innocent person. Yet, we know that words hurt, that ideas have consequences; and we know that pornographic materials, whether soft- or hard-core, whether glossy or dull, lurid or low resolu tion, are bad for people. Report after report teaches us that Tom Schiro, Ted Bundy and thousands of others have confirmed it: and, the nearly three in five men addicted to some form of it understands how late the hour is. We know that vice, seen too often, familiar with its face, is something we first embrace, then fondle, then embrace. This may not seem very open-minded to some people, but then, as Flannery O’Connor pointed out, some people are so open-minded their brains have fallen out.

Next Issue: The Tangled Web of the Web.
ATG Interviews Jim Stephens
Chairman of the Board, EBSCO

by Katina Strauch (Editor, Against the Grain) <kstrauch@comcast.net>

ATG: A June 11, 2004 news release announced your plans to retire from EBSCO, effective July 1, 2005. What are your plans after that date?
JS: I will continue to be EBSCO’s Chairman of the Board and will remain active in understanding, monitoring and helping the company’s activities. One definition of retirement is rising two or three mornings weekly with more favorable timing. I will take more personal time to be with family, enjoy the outdoors and travel to the more off-track places of the world. On July 1, 2004, I was named Chairman of the Board of Trustees at Birmingham-Southern College. For a number of years, I’ve served as Chairman of its Academic Affairs Committee, so I’m looking forward to this new opportunity. With 39 years as President of EBSCO, I have no slackening of determination that the company will continue to do right by its constituencies and that we will continue to grow in services and scope.

ATG: Tell us about EBSCO’s growth in your various sectors. You seem to be doing well in the EBSCO Publishing end with electronic databases and are having real growth. But is the serials subscription service growth flat or decreasing?
JS: Yes, EBSCO Publishing is pleased and thankful for its continued strong growth with our proprietary databases as well as a continuously increasing collection of licensed databases. Our systems have the key mission of improving resource awareness and convenient access from article databases to full text whether derived from publisher e-journal output or our investment in digitizing content.

Ourserialssubscription service has seen growth from former RoweCom customers who have come to us after the RoweCom demise, as well as new library and institutional customers not associated with RoweCom who have selected EBSCO. The overall average serials expenditure by customer shows slight growth, indicating customer budgets remain under pressure.

ATG: What sort of defection are you seeing by libraries and by publishers in terms of using the subscription agent as a middleman?
JS: Early in the life cycle of e-journals, there were many different business models and approaches. Some e-journal purchases went direct to publishers, some by Elsevier mandate and others by buyer choice. As the transition process has settled and gained more maturity among all involved, we are seeing those who formerly supported the publisher-direct model return to EBSCO. The advantages we offer in providing single-source service for multiple items from multiple publishers provides us every opportunity to be as beneficial with e-journals as we are in the print world.

As the number of available e-journals has increased exponentially, it is clear from our customers that this new environment has led to administrative overload, which is amplified if they deal directly with publishers. In the past, we have seen formerly order-direct print purchases come to us, indicating greater recognition of this administrative load. Now, after several years of dealing with e-journals, we are seeing e-journal orders coming back after having initially been direct to the publisher. The latter is increasing based on our review of the statistics. It is driven by many of the same factors that drove order-direct print to agents plus new factors related to e-journals. These range from inadequate publisher back office service and invoicing performance to ILS integration to the need for complete collection history and reporting.

As both publishers and libraries make the transition to e-journals, EBSCO is hard at work to provide full service on both sides of the equation. We are confident that our single point of access for global e-journal needs translates into library convenience and efficiency, and that this is the main driver of strong internal growth in our e-journal volume.

ATG: The transition from print to electronic access, record keeping, ordering, etc., is a huge one for all of us. How does the subscription agent, with one foot firmly in the print world, survive in this new user-friendly but perhaps agent-unfriendly environment?
JS: The environment is not agent unfriendly. An agent, in whatever field, is an intermediary between many on each side. Only if the need to control, manage and simplify between the many vanishes does our opportunity wither. And we definitely do not see that occurring.

When Academic Press first initiated what might be described as “more content for supposedly the same purchase commitment but surely at a higher cost to the library,” some major STM publishers followed suit. Elsevier distinguished itself with the construction of a large “sales” organization. This sales organization was not needed to sustain the value of editorial content. The content and its value have not changed. This new sales staff has “sold” what arguably would have naturally migrated from print to electronic because of innate conveniences associated with electronic information.

Some publishers have feared the improved usage measurement of the electronic environment would cut subscriptions and revenues. They have likely packaged and priced due to this fear, and they have fielded a staff to “sell” such. Others have simply been justifiably nervous about the other side of the transition and have deployed more library visitors than ever to “stay close.” Throughout all, the content itself and not the media in which it exists is the essence of consumption. The content is what has the ultimate value.

A reaction to the overall transition has been that a market with a set price for each title changed into a kind of flea market arena for batch-and-bunch negotiation replete with professional lawyer and accountant negotiations. Illogical pricing differences from buyer to buyer have developed as well as difficulties that compound administrative problems for agents, buyers, libraries and publisher back offices, as commonality in pricing has faded.

How to survive? This agent (EBSCO) will continuously seek to understand the customer need and to engineer to be helpful enough not to be unnecessary. Our solutions are valuable and must be the best.

ATG: Our reference librarians at the College of Charleston find EJS “unreliable.” What sorts of improvements do you plan to make, if any, to EJS?

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