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The Importance of Intellectual Property Licensing in 21st Century Libraries

Bryan M. Carson J.D., M.I.L.S.
Western Kentucky University, bryan.carson@wku.edu

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The Importance of Intellectual Property Licensing in 21st Century Libraries

by Bryan M. Carson, J.D., M.I.L.S.1 (Associate Professor/Coordinator of Reference & Instructional Services, Western Kentucky University Libraries, Author, “The Law of Libraries and Archives” (Scarecrow Press), Ed.D Student, Higher Ed. Leadership & Policy, Vanderbilt University, 1906 College Heights Blvd. #11067, Bowling Green, Kentucky 42101-1067; Phone: 270-745-5007; Fax: 270-745-2275) <bryan.carson@wku.edu>

licensing and intellectual property are increasingly important. Gone are the days when licensing was for lawyers, when trademark and copyright were for specialists, and intellectual property was far away from our lives. Today’s generation of librarians spend large chunks of time working on issues related to intellectual property and licenses. It affects our daily work life, from copyright clearance for reserves to database license agreements, and from streaming audio to trademarks. Libraries are not only users of intellectual property but also creators, and it is not unheard of for a librarian to start the day as a database licensee and finish it as a database producer.

This special issue of Against the Grain deals with licensing from the perspective of libraries. In “Licensing in an Electronic World: A Word of Advice,” Kara Phillips writes a letter to her younger self, based on the bestselling book What I Know Now: Letters to My Younger Self.2 Kara discusses how the role of librarians as users of intellectual property has changed over time. She explains licensing concepts that librarians need to know and points out things that she wished she knew at the start of her career.

In the article “Streaming Audio and Licensing: What Libraries Need to Know,” Scott DeLeve points out some of the benefits and pitfalls of the new online multimedia world. He explains how rules intended to apply to online broadcasting can also apply to podcasting and streaming audio. Scott discusses the Sound Recording Act and its descendant, the Digital Performance Rights in Sound Recordings Act of 1995 (DPRSA), which were originally

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If Rumors Were Horses

Several big news items this month.

Haworth Press, Inc., will be acquired by Taylor & Francis. According to Haworth’s Publisher & Editor-in-Chief, Bill Cohen: “Discussions with Taylor & Francis began modestly with Christoph Chesher, in relation to possible book distribution in the UK and Europe. …Before long, we were talking about ‘Why not include the journals?’ and then the synergies became apparent. Exciting and productive meetings with Roger Horton, Chief Executive, and Kevin Bradley, President, of Taylor & Francis, ensued. … One factor, in our view, that was in order to grow, Haworth needed a consistently creative Internet platform that could compete successfully with other platforms of major houses. Informaworld at Taylor & Francis was most attractive in this sense. It is a resplendent hosting service, interweaving core journals along with eBooks, abstract databases, and reference works of historic importance. The stability of a prodigious international publishing house also adds an important dimension in regard to digital permanency. For Haworth Press authors and journal editors, the opportunities for increased access to libraries through consortia deals and stronger journal packages foreshadow increased impact, usage, and both subscription and intellectual growth. This is a magnificent development for them.”

Haworth Press was one of the first publishers to utilize in-house print-on-demand technology for books and journals. While Haworth works primarily with academic/professional membership associations and institutions, only one of its 194 journals is society owned. See our interview, this issue, p.40.


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Silverback Books, Inc. has selected IPS (Ingram Publisher Services, Inc.) for exclusive distribution support effective August 27, 2007. IPS provides publishers with distribution support, and sales and marketing services as well. Silverback Books publishes books featuring a youthful, lively approach to food, cooking, lifestyle, and wellness topics. Silverback Books offers a custom publishing service to interested clients. Silverback Books began as a niche publisher and self-distributor of cookbooks in 2000. In July of 2006, Silverback acquired Fitway Publishing, with titles in the following categories: Architecture and Design, Biographies, and Passions. Silverback Books is a privately owned company and is based in San Francisco, California, with a backlist of more than 200 titles.

www.ingrambook.com

Just heard from Caroline Jenkins <cjenkins@mail.colgate.edu> that Colgate University is dedicating the school’s brand-new, state-of-the-art library with a series of lectures, tours, and other activities on campus Oct. 5. The Case Library and Geyer Center for Information Technology, as it is called, features a 24-hour study area, audio and video recording studios, a multimedia production suite, classrooms and meeting spaces, additional entrances and glass elevators, expanded public computing, the high-tech library automated storage and retrieval (LASR) system, and Colgate’s complete library collections and services, among other things. It also, for the first time, houses the library and ITS teams together under one roof.

www.colgate.edu

The fantastic Herman A. Pabbruwe (CEO) sends word that Brill’s revenue grew during the first six months by 5% and reached €11 million. Increases in Costs of Goods Sold and Costs for selling and distribution were offset by a decrease in other operating expenses. As a result EBITDA increased by 7% from a year ago. A favorable development of the tax burden resulted in an increase in profit by 22%. The number of (certificates of) shares grew by 2.5% as a result of stock dividend. Fully diluted EPS grew by 19% to €0.42. Cash flow showed a favorable trend as working capital increased moderately. During the first half of this year, no major investments have been made. In July Brill closed on the acquisition of publishing assets from Koninklijke Van Gorcum BV and a swap of journals was negotiated with Sage UK early in the second half of the year. Brill maintains its outlook as published earlier this year; provided that no unexpected circumstances develop, revenue will continue to increase. Brill maintains its earlier outlook of a 10% increase of profit for the year. This outlook is in line with Brill’s strategic goals. Founded in 1683 in Leiden, the Netherlands, Brill is an international academic publisher in the fields of Ancient Near East and Egypt; Middle East and Islamic Studies; Asian Studies (incl. Hotei imprint); Classical Studies; Medieval and Early Modern Studies; Biblical and Religious Studies; Social Sciences; Biology; Science (VSP imprint); Human Rights and Public International Law (Nijhoff imprint). With offices in Leiden and Boston (MA), Brill publishes more than 100 journals and around 600 new books and reference works each year.

www.brill.nl

Copyright Clearance Center (CCC)’s Rightsphere, the rights advisory and management service, has been named a Trend-Setting Product of the Year by KMWorld magazine. The award, announced in the September issue, recognizes innovative products that have had the most impact on the knowledge management industry over the past year. Introduced in 2006, Rightsphere’s rights repository enables knowledge managers to organize and manage all of their company’s content usage rights in a single location. A growing list of corporations, including Novartis, Astra Zeneca, Boeing and Eli Lilly, have purchased and implemented Rightsphere across their organizations. KMWorld covers Content, Document and Knowledge Management and informs more than 50,000 subscribers about the components and processes and subsequent success stories that together offer solutions for improving business performance.

www.copyright.com

Well, word is that Emerald Group Publishing is expanding and has just recruited four new members of staff for the Americas team as Customer Marketing Executives to support their Regional Business Managers across the USA. David Birkshaw will be supporting Anne-Marie Freeman in Canada and the Western States, Nazish Saleem will be working with Sue Holley in the Mid-Western States, Mark Palfreeman is working with Richard Burkitt, covering the East Coast of America, and Emma Williams will be working with Louise Walsh and Andrew Allan in Latin America and the Caribbean. And word is that ALL of them will be on the SpiritLine Boat Cruise in Charleston on Friday, November 9. Gosh! The cruise is filling up fast! Make your reservations!

And, speaking of Charleston, hotels are filling up and registrations are flying in. Have you sent yours in yet? The full (tentative) program is loaded at www.katina.info/conference

The Institute of Museum and Library Services (IMLS) has made an award of $499,702 to The Wolfsonian–Florida International University to plan and co-host the 2008 and 2009 WebWise Conferences on Libraries and Museums in the Digital World. The Florida Center for Library Automation (FCLA), which serves Florida’s institutions of higher education, is also a partner. Each year the WebWise Conference brings together approximately 350 representatives of museums, libraries, archives, information and systems science, and other fields interested in the future of high-quality online content for inquiry and education. The annual conference continued on page 38

Rumors
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Silverback Books, Inc. has selected IPS (Ingram Publisher Services, Inc.) for exclusive distribution support effective August 27, 2007. IPS provides publishers with distribution support, and sales and marketing services as well. Silverback Books publishes books featuring a youthful, lively approach to food, cooking, lifestyle, and wellness topics. Silverback Books offers a custom publishing service to interested clients. Silverback Books began as a niche publisher and self-distributor of cookbooks in 2000. In July of 2006, Silverback acquired Fitway Publishing, with titles in the following categories: Architecture and Design, Biographies, and Passions. Silverback Books is a privately owned company and is based in San Francisco, California, with a backlist of more than 200 titles.

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