

December 2007

## Back Talk -- Libraries: Home Away From Home?

Anthony (Tony) W. Ferguson

University of Hong Kong, [ferguson@hkucc.hku.hk](mailto:ferguson@hkucc.hku.hk)

Follow this and additional works at: <https://docs.lib.purdue.edu/atg>



Part of the [Library and Information Science Commons](#)

---

### Recommended Citation

Ferguson, Anthony (Tony) W. (2007) "Back Talk -- Libraries: Home Away From Home?," *Against the Grain*: Vol. 19: Iss. 6, Article 10.  
DOI: <https://doi.org/10.7771/2380-176X.5323>

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact [epubs@purdue.edu](mailto:epubs@purdue.edu) for additional information.

## Back Talk from page 86

erages are allowed in the libraries. The unofficial **UK Law Library** rule is that we don't enforce the official policy."<sup>3</sup>

Another librarian glibly provided the following statement in *The Librarian's Guide to Etiquette* blog:<sup>4</sup>

### Food in the Library, Policing

Put your master's degree to good use by chasing undergraduates through the library for their blatant disregard of your food policy.



As coffee shops are becoming the norm in today's libraries, many institutions are rethinking those food policies. Be sure to keep some restrictions on food and drinks so that you'll still have something to be annoying about.

"No lid on your coffee cup, young man?!"

"Is that a spillproof container?!"

"Is that thermos **ALA**-approved?!"

So we arrive back at the original question, should we make our libraries more like home in attempt to make members of our university families want to hang out more often? I think we had the experience as a teenager of visiting homes where rules abounded: eat only in the kitchen, don't sit on the beds, no running around, no loud noises, no talking on the phone for long periods of time, etc... Those homes were functional — they provided your friends a roof over their heads, but they were not where everyone congregated. I think librarians have a choice, they can maintain pristine homes where nothing is ever out of place or they can loosen up a bit and make their libraries more like the homes where everyone wanted to crowd in and have fun. 🍷



# Web 2.Uh-oh?

## Consulting Services at the Intersection of Technology, Content, & Academia

- / Web 2.0 Functionality
- / Strategic Planning
- / Business Development
- / Policy Analysis

- / Publishers
- / Information Providers
- / Technology Companies
- / Libraries

(510) 295-7504      Greg Tananbaum      gtananbaum@gmail.com

Short-Term Engagements or "Brainiac-on-Demand"

### Endnotes

1. **University of Winnipeg Library and Information Services.** "Public Food and Beverage Policy." Retrieved 13 November 2007, from <http://cybrary.uwinnipeg.ca/about/policies/food-drink.cfm>.
2. **McMaster University.** "Archive for August 2007." Retrieved 13 November 2007, from <http://ulamac.wordpress.com/2007/08/>.
3. **UK Law Library News.** "Please clean up after yourself!!!" Retrieved 13 November 2007, from <http://uklawlibrary.blogspot.com/2007/10/please-clean-up-after-yourself.html>.
4. **A Librarian's Guide to Etiquette.** "Food in the library, Policing" Retrieved 13 November 2007, from [http://libetiquette.blogspot.com/2005\\_11\\_01\\_archive.html](http://libetiquette.blogspot.com/2005_11_01_archive.html).

## What's So Free About Freelancing? from page 84

violated the freelance authors' copyrights in the electronically reproduced works and seeking relief for all freelancers. The various cases were eventually consolidated before a single judge who agreed to put them on hold pending U.S. Supreme Court review of the issue.

Two years later, the Supreme Court affirmed the Second Circuit's decision and ruled that reproduction of freelance authors' magazine and newspaper articles in computer databases, without the permission of those authors, constituted illegal infringement of their copyrights. See *New York Times v. Tasini*, 533 U.S. 483 (2001).

The plaintiffs in the class action were delighted, and the publishers were terrified. The parties then agreed to negotiate a settlement, mediated by **Ken Feinberg** (who was gaining fame as the Special Master in charge of the 9/11 Victims Fund). After nearly three years of difficult and contentious class settlement negotiations, the parties reached a settlement. The trial judge approved the settlement and certified a settlement class containing three categories of freelancers. But a number of freelancers vigorously objected and appealed the settlement, claiming that they had unfairly been squeezed out of any meaningful part of the settlement money. The objectors were among the so-called "Category C" portion of the class which received very little of the

settlement proceeds, simply because they had never "registered" their copyrights.

Registration of copyright — which is a relatively easy and cheap procedure to follow — plays an important gatekeeper function in copyright litigation. Section 411(a) of the **Copyright Act** provides that "no action for infringement of the copyright in any United States work shall be instituted until ... registration of the copyright claim has been made." In addition, Section 412 of the **Act** makes registration a prerequisite to obtaining statutory damages and attorneys fees from an infringer.

On appeal, the lawyers representing the class plaintiffs and the lawyers representing the publishers joined hands to defend the fairness of the settlement. But without reaching that issue and of its own volition (i.e., *sua sponte*), the Second Circuit turned the appeal into a highly technical debate over whether Section 411 is "jurisdictional" or is merely "procedural." Suddenly all the parties, including the objectors, found themselves on the same side, arguing to the court that the statute did not constitute a jurisdictional block to a settlement of the case.

The appellate panel, however, had the bit in its teeth and, in a two-to-one decision, ruled that the court had no jurisdiction over claims by unregistered copyright holders and that, therefore, Category C participants had no right to be in court at all or to have been included in the "settlement class" certified by the trial judge. The effect of this ruling was to vacate the en-

tire settlement and send the whole case back to the trial judge. See *Muchnick v. Thomson Corp.* (In re Literary Works in Elec. Databases Copyright Litig.), Docket No. 05-5943-cv(L), 2007 U.S. App. LEXIS 27558 (2d Cir, decided November 29, 2007).

What will happen now? If the case goes directly back to the trial court, the parties will most probably sign a new settlement with basically the same terms, but leave out of the class any freelancer who had failed to register his or her copyright before the three-year statute of limitations expired at the end of 2002. This will hardly make the Category C claimants happy.

Possibly some of the parties will try to take the Second Circuit's case up to the U.S. Supreme Court for review. Arguably there is some difference of opinion among the various federal Circuits about the jurisdictional nature of Section 411. This is always a good ground for persuading the Supreme Court to grant discretionary review. On the other hand, the Court may prefer to leave it to the lower courts to puzzle out.

In any event, stay tuned for the next episode in this lengthy and convoluted saga of intellectual property.

---

**Mr. Hannay** is a partner in the Chicago-based law firm, **Schiff Hardin LLP**, an Adjunct Professor at **IIT/Chicago-Kent** law school, and a frequent speaker at **The Charleston Conference**. 🍷

# Back Talk — Libraries: Home Away From Home?

Column Editor: **Anthony (Tony) W. Ferguson** (Library Director, University of Hong Kong; Phone: 852 2859 2200; Fax: 852 2858 9420) <ferguson@hkucc.hku.hk>

We have been wrangling over what our food and drink policy should be for our library. Some believe, and I have arrived at the same conclusion, that in this day of **Google** being seen as the font of all knowledge that libraries need to change, to become more welcoming, to become more like home if they are to retain their position as the best place on campus to study.

I surfed the Web and began thinking that food was perhaps the only thing that we (librarians) were working on lately. A **Google** search for this topic — library [automatic AND] libraries [AND] “food policy” — generated 351,000 hits. I decided to try to put this in perspective and did the same search but instead substituted “copyright policy” and got 1.8 million hits. So I guess the library world out there is not as food obsessed as it is copyright obsessed.

But the issue with food in the libraries remains. Particularly in this day and age when all the surveys tell us that fewer and fewer university students are going to libraries to get information. The culprit we all know is the Web. We are no longer the only source for serious information. The 24/7 full text Web is where the action is for most of our students. For many librarians, faced with this kind of competition, the issue becomes how to make their library more attractive as THE best study/research destination.

My staff — all of whom love the libraries in which they work and love the books they select, order, purchase, catalogue, help people find, and preserve — are concerned that a liberalized food policy will have dire consequences.

My less than scientific Web viewing of scores of library food policies suggests there are several justifications for loosening up on food and drink policies. The three most prevalent ones seem to be the following:

- Make the library more comfortable, more like home where you can eat, study, talk, etc..., all at the same time and in the same place.

- Enable readers with competing study, work, and family demands to do at least two things at the same time: eat and study.
- Stop trying to win a losing battle. Let students eat and get out of the policing business.

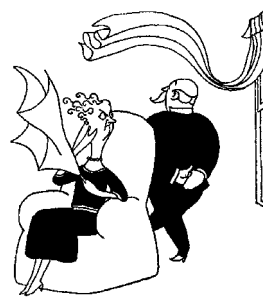
If these are the major motivations, what are the different kinds of food policies that seem to be emerging?

- The minimalist approach that only allows drinks with secure lids and no food.
- The prescriptive approach that lists in detail what can or cannot be drunk or eaten.
- The abandonment of all restrictions approach: take us, do what you want, we're yours.
- The eating/drinking reservation approach: you can eat and drink as much as you want in a few dedicated places within or adjoining the envelope of the library.

There are of course multiple combinations of the above, e.g., abandonment within specified eating areas and minimalist everywhere else.

I found during my reading of these policies a great deal of plagiarism, if not incestuous behavior. Libraries in different parts of the world using the same catch words and phrases: comfortable and “leave no trace” especially. The “leave no trace” movement as a way of handling the food issue is particularly strong. A **Google** search employing the words libraries, food, and “leave no trace” — produced 39,800 hits. This movement is rooted in the “green” approach to hiking/backpacking: plan ahead and eat your major meals outside the library, dispose of any evidence of your eating and drinking in trash cans, leave the library in as good a shape or better as it was when you came, and be considerate of current and future library uses by taking good care of the library and its contents.

The minimalists often begin by describing why they don't allow any food: vermin but then provide pictures of approved drinking receptacles. Typical of the prescriptive approach, on the other hand, is the following from the **University of Winnipeg**:<sup>1</sup>



## BEVERAGES

Beverages in re-closable, spill-proof, plastic containers may be consumed in the Library with the exception of alcoholic beverages.

Examples of approved containers are sports bottles, commuter mugs and water bottles. Inappropriate containers include aluminum cans and any cup or bottle which cannot be re-closed.

## FOOD (Snacks Only)

Examples of approved snacks are chocolate bars, nutri bars, pretzels, and cookies. Snacks that would be considered are those that do not leave stains or have a strong odour. Litter not disposed of attracts pests which are disastrous to Library materials and equipment. The Library reserves the right to determine which foods are permitted.

Examples of inappropriate food including, pizzas, french fries, chicken or anything else that could be considered lunch or dinner are not allowed in the Library. In consideration of others, please place refuse in the appropriate receptacles provided in the Library.

The list of inappropriate food is not globally transferable. I have wondered what we might list as unacceptable: bowls of spicy beef noodles, dried squid jerky, and fermented fried “stinky” tofu?

Those favoring the abandonment of all food restrictions have a somewhat easier time: Bring in what you like to all but a few locations and then clean up after yourselves. **Jeff Trzeciak**, University Librarian at **McMaster University**, when he announced in his blog that food could now be eaten in most parts of the library, displayed a photograph of the front door of the library (which apparently used to have a sign indicating no food could be consumed in the library) with the caption “No ‘no’ signs! \*grin\*.”<sup>2</sup>

Discussions of the topic of food in the library generally generate little to smile about, let alone laugh about, yet I found a couple of things on the Web that were too good to ignore. The **UK Law Library online News** noted “The official food and drink policy of the **UK Libraries** is that no food and only covered bev-

*continued on page 85*

## ADVERTISERS' INDEX

37	ACM	87	BOOK HOUSE	21	IET
9	ACS	12	BROCKHAUS/GERMAN BOOKS	17	IGI GLOBAL
67	AM. ECONOMIC ASSOCIATION	81	THE CHARLESTON ADVISOR	35	IGI GLOBAL
63	AM. STATISTICAL ASSOCIATION	10	THE CHARLESTON REPORT	77	McFARLAND
23	AM. INSTITUTE OF PHYSICS	13	COUTTS INFORMATION SERVICES	88	MIDWEST LIBRARY SERVICE
31	AM. PHYSIOLOGICAL SOCIETY	47	EASTERN BOOK COMPANY	75	PROJECT MUSE
19	ANNUAL REVIEWS	2	EBSCO INFORMATION	55	RITTENHOUSE
25	ASBMB	11	EBSCO PUBLISHING	59	SERIALS SOLUTIONS
39	ASME INTERNATIONAL	51	E-IMAGE DATA CORP.	15	WILEY
5	ATG	7	EMERALD	33	WILEY
83	BASCH SUBSCRIPTIONS, INC.	85	GREG TANANBAUM CONSULTING	43	WILEY
3	BLACKWELL BOOK SERVICES	29	HARRASSOWITZ	27	YBP

For Advertising Information Contact: **Edna Laughrey**, Ads Manager, <elaughrey@aol.com>, Phone: 734-429-1029, Fax: 734-429-1711; or **Toni Nix**, <justwrite@lowcountry.com>, Phone: 843-835-8604, Fax: 843-835-5892.