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The Nemesis Redux

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The Nemesis Extraordinaire ... Chuck Hamaker (LSU)

Copyright

While we have all been busy trying to figure out where the fiscal year's end will put us, several major changes in the landscape of publishers and librarians and vendors have taken place. Perhaps the most important to libraries are three recent court decisions indicating that states and their institutions are immune from copyright violation suits. This development is linked to a suit against UCLA (BV Engineering vs. UCLA)

director of publishing operations at John Wiley) has been hard at work on guidelines and a unified publisher approach to the potential dangers (to publishers' loss of future profits) inherent in electrocopying (more dangerous than photocopying, he says). In an article in the *Chronicle of Higher Education* (XXXV, 25, March 1, 1989), the concern is succinctly put: "Photocopying stops there. Electrocopying goes on." Once a copy has been stored on a video disk as a picture, it can

cles compatible? One way out of this might be for producers of articles to retain either for themselves or their institutions electronic distribution rights -- rather than automatically surrendering them to publishers. Where is the ALA committee working on the same issue? Could we have a draft guideline please? Will practice once again outstrip both laws and libraries? Will publishers be placed in the driver's seat as technology moves ahead?

The Eleventh Amendment (1795): The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

regarding copying of software, another suit against Radford University (Richard Anderson Photography vs. Deborah Brown: Radford University Defendants) and a third suit I don't have the details on.

The substance of the successful defenses is that States and their institutions are immune from copyright laws because of protection granted by the 11th Amendment. As a response to these decisions, the AAP and other publisher organizations have asked DeConcini (Senator, D-Ariz.) and Kastenmeier (Rep., D-Wisconsin), chairs of their respective congressional copyright subcommittees to affirm the intent of the 1976 copyright infringement suits (see *Publishers Weekly*, February 10, 1989, p.14, for publishers' stance). The NASIG (1988) conference proceedings in *Serials Librarian* had an excellent discussion of copyright concerns from a lawyer representing a University. If you didn't read it, do.

Electrocopying Concerns

An AAP subcommittee chaired by Timothy B. King (vice president and

be sent anywhere and printed from laser printers that provide copy about as good as the original. For copy input by optical character reader, the text could be searched, changed, even incorporated into other documents.

The International Group of Scientific, Technical and Medical Publishers (a mostly European-based group) wants to make it illegal to store such information. "Under no circumstances may information be held electronically in any form whatsoever without the specific written permission of the copyright owner or licensee."

Most

researchers who originally produce articles that might be treated with electrocopying techniques would probably be delighted to see their material distributed "electronically." Are goals of publishers and the producers and users of such arti-

Journal Costs and Scholarly Publishing

A summary of an alternative future is Richard Dougherty's suggestion in a recent edition of the *Chronicle of Higher Education*: "A long term answer would be to use the challenge of the current cost crisis to stimulate technological initiatives that eventually will enable universities once again to publish and distribute the products of their own research and development . . . Why not marry the technological capabilities of computer centers with the expertise of university presses (as producers) and libraries (as retailers and distributors) to expand the university's role as producer and distributor of scholarly and scientific research?" (see *Chronicle of Higher Education*, April 12, 1989, P.A 52, "Point of View:

To Meet the Crisis in Journal Costs,

Universities Must Reassert their Role in Scholarly Publishing.")

Because of its appearance in the *Chronicle*, the article will be seen

by many faculty throughout our institutions. Take a look at it; it's worth some thought.

A major contribution to our understanding of the whole issue of serials costs is ARL's Serials study which has

Extraordinary:
1. not according to the usual custom or regular plan . . . [hmmm . . . this sounds right] . . .

been released to ARL member libraries. It addresses in depth the effect of subscription prices on research libraries and includes a major analysis of probable patterns for publishers' cost increases (as distinct from price increases) over a fifteen-year period. There are two parts. It contains a survey of the literature and recommenda-

("Emerging Collection Development Strategies"), "it became apparent that most libraries are beginning to focus on new ways to access information rather than on building collections."

Have publishers' prices forced us to consider discarding one of our major cultural responsibilities, collecting, preserving, and transmitting the heritage of our age to future generations? When information no longer has an immediate "economic" value, libraries have traditionally been the means of providing access, storage, and preservation.

How far down the access road do we go, even philosophically, until this role is not only no longer ours, but no longer filled at all? Isn't preservation worth discussing directly with publishers who are willing to lease, but not sell, their information? Who will speak for the future? Where is RLG, or CRL in this issue? Ignoring the commercial problems this represents, what are the implications for transmission of our cultural heritage of Government Document collections that automatically discard "superseded" docu-

that are returned to the company when the subscription ceases or are discarded when updates are released.

Libraries lease a great deal of information currently. Where does information go when we stop the lease, or discard the "superseded" item? How do you "access" something that doesn't exist anymore?

Serial Costs Per Character

For an analysis of serial prices on a basis of cents per thousand characters, comparing scholarly journals in the humanities, social sciences, and sciences, as well as those produced by associations, scholarly organizations, and commercial publishers, (comparing data for 1985 with 1973), see Sandra R. Moline, "The Influence of Subject, Publishers Type and Quantity Published on Journal Prices." (*Journal of Academic Librarianship*, 15(1), 1989, pages 12-18). On a price per thousand characters basis, social science and science publications from association/society and other scholarly publishers were approximately equal. However, the cents per thousand characters price from commer-

See related report on the ARL's Serials Study on page 23!

tions for action written by ARL's consultant, Ann Okerson of Jerry Alper, Inc. Economic Consulting Services wrote another section which offers a summary: "in our estimation" each targeted publisher in the study increased subscription prices over a fifteen-year period (1973-1987) "at a much faster rate than the rate at which their costs have increased." If 1973 were assumed as a year in which the publishers just broke even, then publisher profit ratios increased between 40% and 137% in the fifteen-year time frame. Assuming a shorter time frame, if publishers were at a break even point in 1980, then profit ratios increased 34% to 129% from 1980 to 1987. What this means is that price increases were, as the quotable Pergamon Press report to stockholders indicated, well above increases in production costs. To put it in simple language, price increases reflect much more than production cost increases. They include substantial increases to profit.

Information Access vs. Collection Development

Faxon's March/April issue of its *FAXletter* states that at the ALA Midwinter Faxon-sponsored dialogues

ments? Where is there an archival collection of leased atlases, of rented textual CD products? What are we losing with the proliferation of you-don't-own-it, you-just-rent-it approaches to information. Try to reconstruct standards at a given date in time if you use products

You might notice that some issues keep coming up: The Net Book Agreement, The 11th Amendment and the Copyright Law, The Faxon Emerging Collection Development Dialogues, the ARL Report on Serials Pricing. Your Editor didn't edit them out, because the fact that they came up several times seemed relevant.

cial publishers and the larger size of journals they published, meant that libraries "paid a higher total price than they would have if the cents/kchar (per thousand characters) were equal for all categories and higher than if the total number of characters were equal." Although the names of the publishers are not mentioned, the conclusion is clear. Commercial publishers' prices are significantly higher, both in absolute terms and in per/unit terms than any other type of publishers. The author suggests that the use of cents/kchar should be the basic unit of explanation and comparison in journal price comparisons. She avoids all

The Transcripts from the Faxon Dialogues during ALA Midwinter in Washington (Emerging Collection Development Strategies) are now available. Contact Teri Harrison at Faxon to get a copy. The Faxon Company, 15 Southwest Park, Westwood, MA 02090. (617)329-3350 or (800)225-6055.

The Nemesis Extraordinaire (continued . . .)

possibility of a lawsuit from some cantankerous publisher by carefully avoiding names of commercial firms associated with the higher per unit prices. In that sense, the article represents a step backwards in the current debate. But the careful analysis, with data from before the tremendous swing in the dollar's value, does provide a good baseline. Explanations of statistical tests of significance and their results when applied to this data also represent a positive addition to the literature.

High Mark-ups in Europe

Books and "buying around" are also in the news. From the *Bookseller* (March 10, 1989, p.833) is a report that a group of German import booksellers specializ-

An excellent conference that takes too long to get in print, Sul Lee's Oklahoma Conference, just had reports from Tom Shaughnessy that ARL numbers show a drop in monographs purchased in the last three years of 15%, while total numbers of serial titles in ARL libraries are in decline. Major foreign vendors could help document the extent of the monograph coverage problem by looking at the number of book titles (not copies or volumes) shipped to U.S. libraries. At least one vendor, while not revealing anything about sales figures, has graciously provided information indicating title coverage in U.S. libraries has dropped at least 20% in the last three years for certain language groups from major European countries --

Charleston

Conference. Can any of our vendors provide some help with publisher breakdowns in terms of percentage titles produced and cost in specific LC class areas? The "Q" estimates were an amalgam of Ballen numbers and Harrassowitz data.

NSF Report

Several people sent copies of the *NSF Report of the NSB Committee on Openness of Scientific Communication*. Thank you. The most significant portion of it regarding serials is the following paragraph:

We believe the nation's scientific communication system is meeting most of the purposes for which it was intended. The proliferation of new fields and sub-fields, the growing importance of foreign research journals, and the implications of electronic publishing technologies must be addressed, however, in order to ensure the future integrity and utility of the system. [p. 2]

The report also mentioned the problems of rising subscription prices and equality of access, but without any documentation of supportive information. The ARL report is a natural adjunct to that study and should be provided to NSF.

More on Serial Costs

If you need an infusion of

energy to keep you going, try reading Jim Thompson's article "Confronting the Serials Cost Problem" in *Serials Review* (Spring, 1989, pp. 41-47) and of course October Ivins' regular column in that issue as well.

Just in case: the "Price Index for 1989: U.S. Periodicals" authored by Peter R. Young and Kathryn Hammell Carpenter is in the April 15 issue of

The March/April issue of *On Carl*, the newsletter of the Colorado Alliance of Research Libraries, reports that CARL's Article Access Solution has indexed over 5,300 titles with a database of over 180,000 article records.

ing in STM material was set up last year in an attempt to avoid the high markups imposed by U.S. publishers on books supplied through their European subsidiaries. Yankee Book Peddler is supplying the books, and prices result in savings for European customers of up to ten percent. In other German news, the German Library Association's acquisitions committee is protesting vigorously Springer-Verlag's version of dual pricing: i.e., charging a higher price for Springer's New York branch journals than the titles are sold for in the U.S. or the rest of the world.

Blackwell's

Another issue: In the Blackwells purchase of Menzies Library Services division, Coutts is out, but word is that the indefatigable John Bunce will remain with Blackwells to provide them with continuity, and of course his own incredible energy and understanding of complex issues. Good luck, John.

Oklahoma Conference

(see related report on page 3)

because of profile changes in one customer whose coverage was unique. Comparable numbers anyone? Of particular concern would be Italian and English titles (not volumes of copies -- we don't want internal sales figures). What about American vendors -- have major changes in title shipments to your continuing clients endangered coverage? Where-what-subject, language, press, country, etc.?

Also, yours truly reported at this year's Oklahoma Conference that the same price concentration evident in journals is apparently present in books that class in LC Qs. Springer and Elsevier accounted for (by rough estimates) 56% of dollar costs and about 25% of titles produced in the sciences in calendar year 1988. I hope to have more on this approach ready for November's

Extraordinary:
2. going far beyond
the ordinary degree,
measure, limit, etc.;
very unusual . . . [even
better?] . . .

Library Journal (pp.43-49).

It shows a U.S. periodicals price increase of 9.5% for 1989 excluding Russian translation journals. With the translation journals, the numbers come out to 8.2%. Most libraries are reporting 8-10% increases, though some are reporting half of that. At LSU, we have noted some later than usual supplemental billings from some of our U.S. vendors, so watch for those.

Ethical Issues

The *Chronicle* (February 22, 1989, p. 1) provided yet another report of a committee concerned about fraud in research. The panel, appointed by the Institute of Medicine, recommended universities set up formal courses in responsible research for all science students and make sure that academic departments devise written regulations outlining correct publication practices for students, faculty, and staff.

A report on a conflict of interest study was in the April 26 issue (A13, Carolyn J. Mooney, "Universities Admonished for Inadequate Policies on Research Ethics") calling attention, among other issues, to research whose publication is restricted by financing sources. The article is based on work

done by Karen Seashore Louis, University of Minnesota, Judith P. Swazey, President of Acadia Institute, and Melissa S. Anderson, a doctoral student. If ethical publication guidelines are needed at research institutions, representation of library concerns should be sought. ALA? RLG? ARL? SLA? Where are you?

And a letter from a sales rep concerning a previous employer is not some-

thing that should be encouraged by silence. Most of us don't want to hear how bad the competition is, but how good your own services are.

Another point: did a major publisher

study of serials pricing at LSU, we wish him well in his new role. He plans to continue actively researching and writing on issues in acquisitions and collection development. Suppliers who hire profes-

For libraries wondering how to get some of the information others are reporting on their serials for smaller collections, see Helen M. Shuster's article "Fiscal Control of Serials Using dBase III+" in *Serials Review* (Spring, 1989, pp.7-19). The *FAXletter* (cited previously) also notes that Barbara Nan Schichtel, librarian at Aquinas College in Grand Rapids Michigan has developed a serials database covering about 1,000 titles for budget analysis and control. You can contact her according to the newsletter at 1-800-678-3704, ext. 3704 for more information.

send legal representation to a let's-find-solutions professional meeting? Does a

lawyerly presence keep discussions honest, or just innocuous?

Comment from the peanut gallery (for those of you too young to remember, in larger movie theaters, this was the third floor up -- cheap seats -- it was traditional to throw the shells on the more expensive seats below -- until the management threw

you out): I thought chicken was a game you played in cars when you were young and innocent. Is our librarianly life going to be dominated in the future by the legal profession?

Grinell Leaving

A final note: Stuart Grinell is leaving LSU to work with Ambassador Book Service. Although we will miss him and the contributions he has made to the

sional librarians with working experience in libraries represent a healthy trend. I hope it continues.

Extraordinary:
3. outside of the regular staff; sent on a special errand; having special authority or responsibility...[I'm speechless . . .] . . . definitions once again courtesy of Webster's New World Dictionary

. . .

Gordon & Breach

All of us have heard about the Gordon & Breach *Physics Today* controversy, haven't we? Gordon & Breach feel that the Barschall article in a recent issue of *Physics Today* presented skewed and erroneous data about their journals. What can I say? To paraphrase Walt Disney: "This is the stuff that lawsuits are made of . . ."

For an ongoing discussion of this issue, see the electronic newsletter on serials pricing issued by Marcia Tuttle (Bitnet: Tuttle@UNC.BITNET). It's fascinating!

As we go to press . . .

we have learned that Chris Schneider (Gordon & Breach) is alive and well after surgery. Get well soon, Chris!