One Library's Successful Venture in Providing Comprehensive Streaming Media Services

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One Library's Successful Venture in Providing Comprehensive Streaming Media Services

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Abstract

Thoroughly understanding what professors and instructors needed to accomplish their teaching goals with streaming video was the first step enabling one academic library to successfully manage a rapid increase in demand for streaming media. The second element was incorporating an expert understanding of copyright law and the nature of the video marketplace.

This paper will strive to educate librarians and other professional library staff on how they can best integrate media streaming into mainstream library services for their campus faculty, as well as how to provide a full range of streaming services. The paper also will address workflow, communication with faculty, budget and license negotiations, copyright principles, fair use, and content delivery.

Introduction and Background

University libraries have always engaged in the business of providing their campus communities with resources for research and teaching. As technology has changed, the delivery method for providing these resources has also adjusted in order to make content more easily and quickly accessible. One excellent example of this is the provision of media, especially film.

Historians document that motion pictures made their debut in the late 1800s and by the 1970s 16mm films were regularly used in educational settings from grade school through higher education (Mintz and McNeil, 2013). Many university libraries developed extensive collections of 16mm film, including archival collections of university activities (Brancolini,

1993). As technology advanced, 16mm films were replaced by collections of videos in Beta and VHS formats, then DVD, and finally Blu-Ray as physical forms of film. Providing access to films in physical formats such as VHS, DVD, and Blu-Ray had obvious disadvantages for library users. There were only so many copies available to students who were required to view certain films for their coursework and only so many machines available to play these physical formats causing stress on both the library and the students.

As computer technology improved and the Internet matured, videos were increasingly created in digital form and films on VHS and DVD were capable of being digitized and streamed. Streaming allowed access to the films any time, anywhere the Internet was available. Many university libraries began to offer media

streaming services to their campus communities such that a faculty member could request the streaming of a film for their course, the library would digitize and stream the film, and students could easily access the required film any time (Snyder et al., 2001). These services began appearing in the early to mid-2000's when film publishers and vendors were primarily offering the physical forms of film as the dominant method of purchasing and accessing a film.

However, the marketplace was shifting. Film publishers and vendors began to embrace the new technology and their offerings expanded to include streamed versions of their films for a price. As such, libraries have responded to the new marketplace by adapting and updating their media-related services. Getting clear about what library users needed in order to accomplish their teaching and learning tasks along with incorporating expert understanding of copyright and the marketplace allowed one university library to successfully manage these significant changes while still meeting user needs.

Literature Review

The most recent journal article on the topic of media streaming services offered by an academic library includes Rebecca Schroeder and Julie Williamson's 2011 article, "Streaming Video: The Collaborative Convergence of Technical Services, Collection Development, and Information Technology in an Academic Library" (2011). The article discusses the creation and implementation of Brigham Young University's streaming device, BYUGLE, and the adaptations in collection development that the new technology precipitated.

Library Trends published a special issue in 2010, edited by Clara Healy, titled "Current Trends in Academic Media Collections and Services." Two of the articles from the special issue focused on new models in video acquisition, delivery, and patron access (Bergman, 2010; Handman, 2010). Other articles discussed training in media librarianship, copyright scenarios, and a case study on using

Netflix to augment the library's collection (Laskowski, 2010; Russell, 2010; and Healy 2010).

The Association of College & Research Libraries issued *Guidelines for Media Resources in Academic Libraries* in 2012 (ACRL, 2012) and the Association of Research Libraries released a related SPEC Kit in 2001 on instructional media services provided by libraries (ARL, 2001). As noted by Schroeder and Williamson, much of the literature focused on the technical aspects of video streaming and less on the collaborative and nuanced approaches to streaming as it pertains to instructional needs, library acquisitions, information technology, and the legal and film market landscape.

Knowing What Professors Want

As we investigated how best to offer streaming media services, the need for a workflow system immediately became apparent. The workflow involved discovering, researching, licensing, purchasing, and administering the content professors and instructors wanted. The solution we arrived at came in three-parts: a request form, a ticket tracking system, and a status page which faculty could use to check on existing requests. Each of these parts are described below.

The request form was originally designed to handle book and journal purchases and had to be expanded substantially to support the streaming media process. We needed specific information from professors and instructors about the courses or scholarly projects each film would be used for to ensure that we pursued the proper kind of licenses and licensing periods. Did they need the film for more than one semester? If streaming was not available, could we meet their need by placing it on reserve? Could they show it during face-to-face class time? Balancing the complexity of questions with the desire to create a streamlined form arose as one of the primary challenges.

To track and manage requests once submitted by faculty, we opted to have the system send

completed request forms to a separate help ticket system. This allowed us to resolve the request through a workflow process with steps such as:

- Purchase investigation
- Contacting vendor
- Prepare for streaming
- Ready for CORAL

This was a natural way to integrate the process of tracking requests with our existing trouble ticket management system and maintain an efficient workflow.

As the new request and ticketing systems began to see greater use, faculty wanted an easy way to check the status of a request while it was being processed. As you will see later in the paper, streaming media can be time consuming to license, so unlike most purchase requests the library receives, it can often be difficult to complete a streaming request in under a week or so. To address this issue, the library's information technology group built a small web application that would read the information from the ticketing system and then display the information in a simplified format for professors and instructors. Professors and instructors use the web application to determine when their requested films expire and to decide whether or not to renew their request for a future class.

Expanding the Budget and Negotiating Licenses

In order to meet faculty demand for streaming media, we had to find additional funds. Initially, we had a small budget of \$25,000 allocated for the audiovisual (AV) collection with an emphasis on keeping up with current DVD and Blu-Ray content. This allocation was split between two staff members who selected in those formats. Occasionally, librarian-led college and interdisciplinary teams augmented the AV budget and utilized firm order funds to purchase AV material in a subject area.

We also changed the scope of what we purchased by focusing more on immediate teaching needs. This meant we stopped buying new AV content

and reallocated what remained of the existing AV budget towards streaming video. During the 2013-14 fiscal year, we allocated \$30,000 for streaming licenses and added it to the original \$25,000 we had for AV material. We also relied on our database budget to initiate subscriptions to streaming media collections such as Films On Demand or Medici TV. We also asked for additional funds solely for streaming media during the 2014-15 budget cycle.

Media Streaming Licenses

As we expanded the service, we discovered that licensing streaming media presented unique challenges. Each vendor had different terms, prices, and renewal dates for content, making it difficult to budget, especially when the number of films and their individual prices were not known until each title was researched and pricing finalized with the vendor. To the extent possible, we negotiated for perpetual rights in order to keep staff processing time to a minimum and to help professors plan for future courses. While most of the content came with a license agreement, some purchases did not and terms were simply noted on the invoice. Occasionally permission was given to stream the film without having to pay for streaming rights. In those cases written permission was given either by e-mail or a separate document.

Teaching Exemption, Lending, and Public Performance Rights

When it came to access, we carefully reviewed terms to avoid agreeing to any explicitly prohibited in-class viewing clauses or terms not allowing us to loan the physical item. This would negate the already-established face-to-face teaching exemption (Section 110(1)) and the first sale doctrine (Section 109) in the US Copyright Act. These cases were rare, but did happen. We also used the license negotiation process to clarify public performance rights, which typically cover screenings that occur on campus, but outside of class. For the most part, teaching faculty do not require public performance rights and we preferred to not pay additional fees for that type of permission. If the vendor still included the right in the renegotiated price, we recorded it in our

electronic resource management system so that campus patrons wanting to hold a screening event in the future could do so with the licensed title.

Single Title Licensing Versus Databases

Licensing films individually by title rather than subscribing to collections or databases was costly and time consuming due to the processing required. On average, purchasing a single streaming title required approximately four hours of staff time from the time a request was made to the point of notifying the professor about the film's availability. Of the 1,920 streaming requests received between spring semester 2013 and summer semester 2014, we purchased approximately 500 single titles representing over 2,000 hours of staff time (see Table 1 for request statistics).

Single-title licensing was also duplicative. We discovered that many faculty requested the same titles, making streaming video databases an effective collection development strategy. Collections of streaming video opened up more content for more people affiliated with the university and MARC records could be loaded into the online catalog. Despite these conveniences, fewer rights holders offered their films through streaming video databases. Only 115 of the requested films were available in video databases that the library had access to making this a less dominant option in the video marketplace.

Keeping Track of Permissions, Licenses, and Expiration Dates

To help track the range of licenses required for streaming media, we created a separate, internal process using the open source electronic resource management software CORAL. We used the software to manage basic information about a streaming resource such as instructor, course, semesters needed, cost, how the film should be accessed, what type of license was used for the purchase, and vendor contact information. Expiration dates were entered and the system alerted staff when titles expired. Most importantly, the license, invoice, and any additional correspondence that provided permissions were attached to the CORAL record as a pdf. This helped clarify questions about public

performance rights that would come up after an item had already been licensed.

Addressing Copyright

A basic understanding of copyright provided the necessary foundation to expand the library's streaming media services. This allowed us to intelligently negotiate licenses and have a fuller knowledge of what academic libraries could do when it came to audiovisual material. In the broadest sense, copyright represents an individual right and consists of five components that rights holders can transfer or license either in whole or in part. Essentially, copyright protects the creators of original literary, dramatic, musical, artistic, and other intellectual works and the protection extends to both published and unpublished material (Title 17, *US Code*). The following list includes the typical (and exclusive) rights that come with being a copyright holder:

- To reproduce the work
- To prepare derivative works
- To distribute copies of the work
- To perform the work publicly
- To display the work publicly

Streaming a movie involved at least two (and possibly four) of the five exclusive rights authors and creators had in a work—copying and distribution. Once streamed, the work could also be considered a display and a performance. In order to engage in these rights, we either needed to be a copyright holder, have permission from the rightsholder, or rely on exceptions provided for in the US Copyright Act. This required copyright market research: finding copyright owners, figuring out how rights holders published and distributed their works, and determining availability of permissions—either direct or through a vendor.

Copyright Market Research

We developed a market research workflow in order to accurately and fully respond to the professors' requests and move the tickets through the process. First we checked the US Copyright

Office online catalog of registration records to determine the rights holder. Next, we searched for each film title in a collection called Campus eMedia, administered through the statewide education network to see if rights had already been purchased for student and faculty use. Then we searched video streaming databases that the library had already licensed and the feature film company holdings where we had an existing contract.

After the on-campus resources had been exhausted, we moved to searching a film-specific website called canistream.it which helped us establish if the streaming version was available for individual purchase through vendors such as Amazon Prime, iTunes, Google Play, or others. We also searched the general web to see if an institutional streaming version of a film was for sale on other film websites or the production company's site. Using the information from the copyright registration record, we e-mailed rights holders or vendors to ask about availability or permission to stream. If no streaming resources were found and the production company did not license streaming, the title was considered in context of the fair use exception in the US Copyright Act.

Fair Use

The US Copyright Act accounts for and defines fair use as the ability to copy for purposes of criticism, commenting, news reporting, teaching, scholarship, and research. Measuring and applying what constitutes a fair use remains subjective, but guidance exists to help navigate its flexible nature within institutions whose mission centers on teaching, scholarship, and research. An institution's copying and reuse policy provides initial guidance and so do campus attorneys. In addition, the American Library Association has a fair use evaluator and the Association of Research Libraries produced fair use guidelines in 2012 (Brewer, 2008; ARL, 2012).

When it comes to fair use, it remains important to balance the purpose of the use with the nature of the work and the impact on the market for the work both in terms of purchasing and

permissions. We considered all these factors in context of the University's policy on copying for academic use and in light of the copyright market research we conducted at the beginning of the workflow.

Delivering the Content

Once sufficient copyright market research, negotiations, purchases, or fair use evaluations occurred, we prepared the work for faculty and student access. If the rights holder or vendor did not supply a mechanism for streaming video, we delivered content through the library's streaming information technology system, which consisted of a storage server housing the digitized video and a web server that used an in-house database to provide titles through an authenticated interface. The server system restricted downloading, copying, and link capturing. Each film received a unique URL that we delivered to faculty via e-mail with specific instructions on limiting use to students enrolled in the course. Depending on the title, some links were added to the catalog.

Hosted Content

If the film requested by the faculty member existed as part of a licensed database, we shared the link, provided information about the database, and explained that it did not have to be restricted to the class, since databases were usually licensed for campus-wide access. We also explained that students would need to authenticate if they viewed the film while off campus.

While most licensed video databases remained accessible for the entire campus, some hosted content was restricted to only the students enrolled in the course. One example of restricted, vendor-hosted content included Swank Digital Campus. The company offered feature, studio films by semester or year. Access was temporary and only for students registered in the course; titles did not become part of the library's collection. We helped instructors facilitate access for students through course management software by securely embedding links to the film. Figures 1 and 2 illustrate this process. We

Figure 1. Link to hosted content embedded in course management software.

Figure 2. Film connecting to hosted content website via course management system.

communicated the delivery outcome to professors and instructors via e-mail and tracked completion within the ticket system.

Outcomes

During the first academic year of the service, professors and instructors submitted a total of 1,612 video streaming requests. We delivered approximately 1,200 of the requested films either through single-title purchase, licensed database, or in-library streaming. As noted above, this information was gathered through the ticket system based on the assigned workflow status (e.g., purchased, denied, streamed [fair use]). To get a sense of the flow of demand, Table 1 shows a breakdown of requests by semester.

Table 1. Streaming requests by semester.

Semester	# of Requests
Spring 2013	621
Summer 2013	164
Fall 2013	378
Spring 2014	449
Summer 2014	99
Fall 2014	81
Spring 2015	92
Summer 2015	36

We denied approximately 400 of the requests because the film's copyright holder or vendor did not offer an institutional streaming version for the library to purchase nor did the request favor fair use since the rightsholder offered individual on-demand streaming options for students to

purchase. The professor or instructor received this information by e-mail, which also included a list of alternatives to meet his or her teaching needs. These alternatives included showing the film during class time, placing the physical DVD on short-term checkout, or selecting brief portions to digitize and post to the course website for asynchronous viewing. Professors followed-up with us by e-mail and many opted to place the DVD on reserve, some chose to show the film during class, and a few desired to have clips created. Since it fell somewhat outside the scope of the library service, we did not receive information regarding professors' choices to direct their students to the individual streaming purchase options.

Conclusion

The first six months of the new streaming process was critical. While we knew demand existed, we remained uncertain about workload levels and the budget. As evidenced by the statistics, the first semester (spring 2013) had the highest number of requests, followed by spring 2014 semester, then slowing through summer and fall 2014 semesters.

We discovered that our preference was to license films for multiple years, especially popular titles. While perpetual rights were more expensive at the outset, they enabled us to save in the long run both in terms of money and staff time. The money would be spent, but it would free up funds for more resources in the next fiscal year. In addition, we would not have to spend time renegotiating new terms the next time a professor requested the title.

Now that a full academic year has passed, we have sufficient data to predict demand, budget, and workload in order to continue the popular service. In the end, we feel confident in saying that providing comprehensive streaming media services and collections for professors and instructors represents an important and manageable role for academic libraries.

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