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Back Talk -- Violated or Elated?

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I Hear the Train A Comin' from page 84

modules which a library can license independently to meet document delivery or current awareness needs in the most effective way. And of course, libraries and end users are the customers whom our publisher partners want to serve through the publication platforms we build, so all of the services I've just talked about are ultimately designed to meet their needs — whether it's by integrating software and content with the tools used by these groups (such as bibliographic managers or RSS readers), or by adhering to industry standards such as COUNTER and OpenURL.

In a world where technology is easier to manage and increasingly inexpensive, why do publications work with companies like Ingenta?

We're increasingly finding that the evidence does not bear out the assumption that technology is becoming easier to manage. In a world of evolving industry standards, demand for more advanced "bells and whistles", seman-

tic Web developments and visibility amongst the vast array of content on the Web, publishers are under pressure to conform to the latest standards, regularly roll out new features and functionality in line with technical advances as well as ensuring their technology is robust, scalable and future proof. A challenge which can be a distraction from publishers' core area of expertise (publishing) which in turn can impact on ROI as technology choices are critical to the success of publishers' businesses. As a result, we're finding that demand for the support of an established technology partner remains strong.

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Technology for publishers is **Ingenta's** core competence, our sole focus, which is why a growing number of publishers (more than 250 now) are seeking **Ingenta's** support for their technical strategy. 🌱

Vendor Library Relations from page 81

Harvard's FAS vote are on everyone's radar. Could be time for materials vendors to have another look at what it is their customers most care about. Getting themselves into the offices of library decisionmakers — vendors have always known the importance of doing that. Without at the least having a few thoughtful things to say about open access and its **Ranganathanian** cousin, fair use, and how in their accustomed in-the-middle position vendors might make a difference, vendors could lose the one kind of open access they've always understood. 🌱

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I think we cannot help but feel some of each emotion. I am leaning toward sending the existing downloaders emails asking them to provide proper attribution and to also strengthen the language in the click-through instructions stating that in the future readers MAY NOT download materials for further distribution. I think this is justified since while our students may have given us permission to put things up on the Web, we didn't ask, and I don't think they had in mind giving permission for 15 or 1,500 libraries and other organizations to make copies of their theses for posting on

their sites. Unfortunately I am also considering assigning someone to go through the 4,000 plus pre-1923 **Google Book Select** entries in which the words Hong Kong appear to find full text materials for our own electronic collection. Can I forbid others to do what I want to do? What do you think we should do? Please drop me a line if you have an opinion <ferguson@hkucc.hku.hk>. 🌱

Endnotes

1. Stryker, Cheri (2001) About the new, OT group, and its FAQ. Retrieved June 2, 2008, from **UseNet Replayer**, <http://www.usenet-replayer.com/faq/alt.binaries.multimedia.xena-herc.html>.

Rumors from page 71

and information on the site, though the material created by contributors and the user community, which each member will control and be credited for, will be published alongside the encyclopedia. **Encyclopaedia Britannica** itself will continue to be edited according to the most rigorous standards and will bear the imprimatur '**Britannica Checked**' to distinguish it from material on the site for which **Britannica** editors are not responsible." See "Encyclopaedia Britannica Goes — Gasp! — Wiki," by **Josh Fischman**, *Chronicle of Higher Education*, June 6, 2008. www.chronicle.com/britannicanet.com/?p=86

Tis the season to be collaborating ... Look at our interview with the astute **Rommel Nunn** about **Crossroads** in this issue, p.56. And, another interesting development. The **Association of College and Research Libraries (ACRL)**, the **Association of Research Libraries (ARL)** and

SPARC (Scholarly Publishing and Academic Resources Coalition) have released a new series of **bookmarks** in the **Create Change** campaign, which targets scholars in different disciplines with messages about the benefits of wider research sharing. Librarians can use these freely available files to enhance their efforts to engage faculty interest in changing the way scholarly information is shared. The **Create Change Website** emphasizes the rapid and irreversible changes occurring in the ways faculty share and use academic research results. www.createchange.org www.acrl.org www.arl.org www.arl.org/sparc

Did you see the information that we posted on the **ATG News Channel** (5/13/08)? I am posting a **Rumor** most every day. Bad, bad, if you didn't!! Anyway, there was a lawsuit filed against **Georgia State University** by three publishers — **Oxford University Press**, **Cambridge University Press**, and **Sage Publications**. The publishers take issue with how **Georgia State** is handling electronic reserves. The *Chronicle of Higher*

Education interviewed **Lolly Gasaway**, **ATG's** expert on copyright, about this lawsuit which alleges that **Georgia State** professors infringed publishers' copyrights by "inviting students" to download, view, and print material from thousands of copyrighted works. The outcome of this lawsuit could have implications for how colleges distribute course material online.

We told you last time about **Choice's** move into new digs in late 2008 or early 2009 (**ATG**, V.20#2, p.12). Check out these photos of the construction project and see how **Irv** looks in a hard hat! www.flickr.com/photos/acrl/sets/72157604368374700/

And — last but not least — wanted to let you know that the **New England Journal of Medicine** has selected **Atypon** for its new integrated content delivery platform. There is a certain symmetry to this which is why I picked it as our last **Rumor**. **ATG** has interviews in this issue with both **Tom Richardson** of **NEJM** and **Chris Beckett** of **Atypon**. Like, cool! www.atypon.com/content.nejm.org/ www.massmed.org/ 🌱

Back Talk — Violated or Elated?

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

I don't know if we at the **University of Hong Kong Libraries** should feel violated or elated. At the moment I think we are feeling more the former than the latter.

In the spirit of the Open Web and the digital future, we made the decision several years ago to go electronic for theses and dissertations (<http://etd.lib.hku.hk/>). From then on most students were required to submit their theses (Hong Kong English for theses and dissertations) to us in electronic form. We also subsequently tried to communicate with all former students to seek their permission/acquiescence so that we could scan and put up digital versions of their theses. The program has been a smashing success. Borrowing statistics for the printed versions have gone down into the basement and the opposite has happened for their electronic versions.

Our most popular electronic dissertation, according to our Systems Librarian and Head of the Technical Support Team, **David Palmer**, is that of one time student and Hong Kong pop singer super star **James Wong's** "The rise and decline of cantopop" or "粵語流行曲的發展與興衰." There have been 4,500 downloads since it was put online in 2003. So, this is cause for "elation" — right? Yes, of course but we recently discovered we should feel "violated" as well. One of **David's** staff members **Miss Tai Lum** recently checked **Google** (and several other like search engines) for the English and Chinese versions of this title and found 127 entries. Fifteen of these had the full text mounted on their sites. Another 25 had one or two chapters mounted as well. For the 15 which had the full text available, we found some, but not all, had made reference to our library as the source of the text.

Some staff members at our library feel angry and want to revise the click through caveats

which readers must agree to when they enter this particular space as follows:

"- 4. I agree that I will not mount these files on any server and will not further distribute them.

- 5. I agree that any citations that I make to these thesis files and titles will be to the authorized **University of Hong Kong** ones, e.g., the print ones held in the University Libraries, and online ones as mounted herein."

What do you think we should do? I thought before taking action I should take a look at what others had to say on the topic and was this a matter of what is legal or not, or was it a matter of etiquette — nice people do this or that, but they won't go to jail or be fined for their chosen course of action.

Since I am not a lawyer but am lazy, I surfed the Web and found "10 Big Myths about Copyright Explained" by **Brad Templeton**, the founder of **Clarinet**. (<http://www.templetons.com/brad/copymyths.html>). There are actually 11 myths explained but he explained he didn't want to have to change the title of this apparently frequently referred to page on copyright. I won't rehash all 11 points but will quote three:

- "These days, almost all things are copyrighted the moment they are written, and no copyright notice is required.
- Copyright is still violated whether you charged money or not, only damages are affected by that.
- Postings to the Net are not granted to the public domain, and don't grant you any permission to do further copying except **perhaps** the sort of copying the poster might have expected in the ordinary flow of the Net."

Based upon these three points, the 15 sites which have downloaded and uploaded **James Wong's** dissertation have at least violated his rights (he is now deceased). It doesn't matter that they, like our library, are giving free access to this work of scholarship and since we didn't say they could download and do whatever they choose with his and the work of the other 14,000+ thousand authors whose work is in our thesis database. At present our Website says:

"Before accessing this thesis, you must agree to these terms.

1. No commercial use of this thesis or any part of its content is allowed.
2. No uses are allowed except those for the purposes of scholarship or research.
3. I agree to use this thesis under the terms of the Hong Kong SAR Copyright Ordinance." (http://sunzi1.lib.hku.hk/hkuto/agreement_form.jsp)

Based upon this wording, my guess is those who down and uploaded the **Wong** dissertation did so thinking "Since I won't charge anyone for using it and the purpose is for research (in its loosest sense), it is OK to do it." This is fairly logical thinking unless you have read **Templeton's** observations, e.g., download it for your own research but you don't have the right to upload it and share it with others.

Let's now turn to the matter of Web etiquette. Suggestions about what is proper behavior are of course highly subjective. A 2001 posting on the **UseNet Replayer** by **Cheri Stryker** from the *dancingbones.org* list suggests that because members of that community all spend lots of energy producing images, those who want to post one of their images should "try to include in the filename either some initials or other recognizable code so that people who use the pictures later can keep track of where they got them. [and] When posting a finished piece of art, please credit the person who produced the original images..." Regarding downloading say to the person doing so to "DO NOT try to sell any of this stuff, in any way, either individually, or by putting it in a compilation and selling the compilation..."¹ In essence what is being suggested is the golden rule to treat others like you would like to be treated.

But where does all of this leave us at **Hong Kong University's Library**. Should we be elated that we have contributed to the Web and the world of pop music by allowing them all to download this thesis and its 14,000+ mates? Or should we feel violated, angry, and call the Internet police (if there were such)?

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