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Little Red Herrings -- But a Whimper

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mode, and I eventually cut them loose. No offense meant if I actually do meet you some day, perhaps I’ll pick you back up. Also, I do not want vendors cozying up to me on Facebook if I have not already met their acquaintance.

One big concern has had to do with the kinds of behavior young people display by posting party pictures to Facebook. I would like to suggest that this is nothing new and we need to GET OVER IT. I could (but I won’t) post a picture of my college friends and I in the 1970’s — yes, we were drunk! And we were having a great time. I could also post pictures from ALA and other professional conferences that show people relaxing and schmoozing that are not so different. Okay, we’re not in bikinis or pulling up our T-shirts, that’s true (nor would anyone expect or want this). College advisors have focused on reminding their students that what is put out on Facebook can have an effect on how people perceive their university — especially the student leaders and athletes, for example.

The latest trend is for (helicopter) parents to sign up for Facebook so they can interact with their kids. Of course for some adolescents this is the kiss of death — ick — not our parents! Go away! But since so many of them are already texting and cell calling their parents every day anyway, why not? And for parents (or grandparents) who hardly know how to use a computer, Facebook is actually easier to navigate. For one, if you have access to an Internet connection, it’s free, and you don’t have to understand email set-ups or protocols.

In my collection of “friends,” I have work colleagues, both from my current place of employment and my former jobs, people I know from the profession, family, friends, children of family and friends, my dog sitter, and a handful of people who don’t fit any of the above categories. I expect to find other and a handful of people who don’t fit any of the above categories. I expect to find other.

In my last rustication, I opined the details of the 300-page Google Book Deal settlement made in late 2008 between Google and authors and publishers vis-à-vis Google’s massive digitization scheme (those cases, viz., Authors Guild et al v. Google and McGraw-Hill et al v. Google). As pointed out there, the settlement governs the now more than seven million titles scanned so far, and the multi-millions more to go. At least two camps have emerged about this deal: one (and by far the largest group), those who see it as a bonanza for readers because of the (literally) millions and millions of titles to choose from; and, two (and a much smaller crowd but made larger by the presence of Robert Darnton), those who are somewhat suspicious of a cartel for books, a giant library of materials controlled by, for, and of the Google monopoly. Sadly, missing in action on behalf of libraries (and apparently unable to lift a finger to help them) is ALA. So, here we have some heavy finger-lifting on behalf of libraries.

A quick search of the Web will provide readers with a variety of viewpoints, but most fall into these two categories. Most interesting are those by librarians, provosts or deans who signed on with Google and subsequently turned over their millions of volumes to the mega-library, alias search engine. This group, originally the G-7 because only seven were initially involved, but now more than two dozen have emerged, has representatives of both camps. Some who signed on remain delicately happy with the deal; others are less sanguine. The question remains, who’s right?

It’s too early to tell exactly, but we won’t have to wait long. The case, as mentioned in my previous column, is on the fast-track for disambiguation, so to say, this summer. For now, I offer, ten reasons why I worry about this deal and why I fear for the longevity of libraries.

10. Intellectual Property Rights & Copyright Be Damned. Google is still in the business of dithering with rights not its own. Sure, it’s paying $165 million now, but that’s for 7 million titles. With additional payments, it may work out to $60 a book today, but later, after tens of millions of items are available, more like pennies on the spine. This is a very sweet deal for a company that willy-nilly took material not its own for an enterprise in which it alone stood to gain the most.

Ditto that with copyright, that (now) epigone law regulating both the created work and the creator. The rest of us mortals have to ask permission for extended use. Google merely asks for forgiveness, but they’ll use it anyway if you don’t grant it. For those who think copyright laws are too draconian, creating something to be protected by those rights and then see how you feel. I suspect this is why Mary Beth Peters recommended that the Library of Congress stay out of the Google’s digitizing scheme, unconvinced that what Google was doing was within copyright (but see here [http://blog.librarylaw.com/librarylaw2009/03/google-books-settlement-at-columbia-part-1.html]). Essentially, Google has given us de facto legislation for some copyright material that may or may not be within legal bounds. Perhaps we’d prefer a system like China’s where everything is open to all who want to use it whenever they wish. If we need a revision of our copyright laws and not many think that’s a bad idea — then why not send it through the courts?

9. Download a Book, Call Your Lawyer. The arabeques “terms of use” are such that no one knows what the rights are for the library and its users. It’s unclear (see the explanation of the settlement in “Not with a Bang…” last month) if what users will be doing is or isn’t within copyright restrictions. Are these the same as they’ve always been in libraries? Will copyright laws prevail, or will libraries have to police all its users and be responsible for what those users do while on site? If so, what will be the cost of infringement? If found in violation, who adjudicates on behalf of the libraries? On behalf of users? Since it is more likely that the library will have deeper pockets than the individual, what are those costs? I mean more than the range given in the settlement ($0 to $3,000,000). And what of libraries that are not part of the settlement?

8. Big Brother Is Watching. Google’s ability to track what users read, when and how, is not the stuff for bedtime reading, unless you want to be awake all night. Because you have to log onto Google to read your downloads and track your other uses, what does this do to traditional library privacy, other than jettison it? Somehow, discovering that Google will have the ability to hold logs that read, “Patron John Q. Public entered the Main Street Public Library at 0900 hours. Viewed page 365 of Miller’s Tropic of Cancer for 5.6 minutes. Downloaded Steal This Book…” is the fictional stuff of Hollywood, only this time it’s real.

7. We’re All Googleites Now. Participation in the plan means what, exactly, for participating libraries? What is the ultimate cost to sign up? Does anyone know? Does anyone really care? What are the future implications for monograph budgets? Budget Director: “Why are you asking for any book money when you already have access to 12 million titles?” Librarian (Sheepishly): “Well, we have had requests for other titles.” Budget Director: “Let them eat cake (or in this case, ‘read’ it).” Will Google control the cost of access over time and increase the cost of participation at will? Is Google the next Elsevier? If Elsevier is the great Satan, what does this make Google? Son of Satan? Antichrist?

6. A Riddle Wrapped in a Mystery Inside an Enigma. The Google deal is more complex and confusing than even copyright law. This means continued on page 77

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that none of us have any idea what’s going to happen, save for Google which has a good idea of what they intend to do. We can’t really say that x or y will happen because no one can predict how this settlement will go, where it will end, or how it will address future issues. The best we can do about it, as Robert Darnton said it, is “vigilance: see as far ahead as you can; and while you keep your eyes on the road, remember to look in the rearview mirror.” I would add, “But objects you see are closer than they appear.” This strikes me as a ridiculous turn of events for the collective intellectual capital of the world’s cultures. Moreover, it does not even treat orphaned works, or rather treats them in a manner so inscrutable it’s hard to say what the future holds for them. And what happens if Google (a commercial entity) gets sold or even goes out of business. (If it can happen to Bear Stearns and Merrill Lynch (and even netLibrary), is Google immune?)

5. Digitization Redux, Anyone? Nowhere can I find any plan for re-digitizing these works. Everything I read assures me that this digitization medium is not good for, say, 100 years. (http://www.cendi.gov/publications/04-3dig_preserv.html#10; http://www.clir.org/pubs/reports/pub80-smith/pub80.html) As far as anyone knows, it’s not good for 50. In fact, experience shows that digitization in its various modalities so far has not even been good for 25 years. So what’s the plan? Is this the built in obsolescence for these materials? Will those that get used be re-digitized and saved, while those that aren’t fall not only off the shelf, but even out of the dustbin of history? Furthermore, can we be sure that we can digitize copies of digitized images since it’s likely that some of the originals will be in no condition for another round? Surely others are a little troubled about this. Some friends tell me not to worry. “It’ll be figured out when it needs to be figured out,” they assure me. “And the Titanic was unsinkable!” I reply.

4. The End of Publishing. By the end of this decade, it’s likely that few if any newspapers will be left (The Seattle-Intelligencer is one the most recent deaths of many). Most weeklies will begin the sad trek as their readers go a-whoring after digital news gods in cyberspace. (If you don’t worry about this, take a look at Nicholas Kristofo’s “The Daily Me” 18 March 2009.) After that, the monthlies and so on. Meanwhile small publishers will vanish without a trace, and possibly without even a comment, though they’ll begin by going all digital “Books Gone Digital” will be the new X-rated video) first. Take, for example, the University of Michigan Press’s recent decision to henceforth publish only digital offerings. Soon, very few traditional publishers will be around to publish anything, save online blogs for the like-minded. But never fear; the Web is here! Will it follow that market niche of television mind-numbing inanities because we’ll have millions of things available to read, just as there are now hundreds of channels on the tube? Besides, the intellectual content of


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Endnotes
1. I think Robert Darnton also said this but got into print before I did. His deadline was sooner than mine.

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