

February 2008

# Biz of Acq -- Quick Tips for Media Selection and Acquisitions

Matt Bailey

Carleton College, mbailey@carleton.edu

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



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

---

### Recommended Citation

Bailey, Matt (2008) "Biz of Acq -- Quick Tips for Media Selection and Acquisitions," *Against the Grain*: Vol. 20: Iss. 1, Article 30.  
DOI: <https://doi.org/10.7771/2380-176X.2712>

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.

**Cases of Note**  
from page 61

**3. Amount and Substantiality of the Portion Used**

Interestingly, the reference is to the amount of the copyrighted work taken. *New Era Publ'ns Int'l, ApS v. Carol Publ'g Group*, 904 F.2d 152, 159 (2d Cir. 1990). So smothering seven posters in 480 pages doesn't help **DK**. And of course, each of the seven was taken in its entirety.

All the same, it is sometimes necessary to copy the entire work to make a fair use of it. *Kelly v. Arriba Soft Corp.*, 336 F.3d 811, 821 (9th Cir. 2003) (images used for a search engine data base must be copied entirely to be recognized). So factor 3. turns on a reference back to factor 1. purpose and character of the use. *Campbell*, 510 U.S. at 586-87.

And back there, the court concluded the images were historical artifacts and by reducing the size, **DK** displayed the minimal image necessary to ensure they were recognized as historic artifacts.

**4. Effect of the Use upon the Market for or Value of the Original**

You look not just at market harm, but harm that could result from widespread use in *Illustrated Trip* fashion. *Harper*, 471 U.S. at 568.

Yes, as your mom said, what if everyone did it?

And just to make it more complicated, we balance public benefit from the use with "personal gain the copyright owner will receive if the use denied." *MCA, Inc. v. Wilson*, 677 F.2d 180, 183 (2d Cir. 1981).

There was no effect on poster sales, **BGArchives'** primary market. But what about a derivative market in licensing the images for use in books?

"[I]t is a given in every fair use case that plaintiff suffers a loss of a potential market if that potential is defined as the theoretical market for licensing the very use at bar." Melville B. Nimmer & David Nimmer, *Nimmer on Copyright* § 13.05[A][4] (2005). But what is to be considered the loss of potential licensing revenues for "traditional, reasonable, or likely to be developed markets." *Am. Geophysical Union v. Texaco, Inc.*, 60 F.3d 913, 930 (2d Cir. 1994).

And then, the Second Circuit again goes back to factor 1. and says **DK's** use is a transformative one. The market is a transformative market (collage type books) and not a traditional one (poster reproduction). A copyright owner cannot bar others from a fair use market "by developing or licensing a market for parody, news reporting, educational or other transformative uses of its own creative work." *Castle Rock Entm't, Inc. v. Carol Publ'g Group*, 150 F.3d 132, 146 (2d Cir. 1998).

So **BGArchive** does not suffer market harm from the loss of license fees.

So, **Strauch**, what was that **Family Dog** thing you mentioned back at the beginning?

And what an alert reader you are. The **Family Dog** was a loose partnership headed by super-hippie **Chet Helms**, a giant in the Bay Area music scene. Initially **Chet** partnered with **Graham**, but they split. **Chet** went on to mount near nightly shows at the **Avalon Ballroom** from 1965-70.

**Helms** began as manager for **Big Brother and the Holding Company**, bringing in his college pal **Janis Joplin** as their singer.

The first three rock dance concerts in history were **Family Dog** events at the Longshoreman's Hall in San Francisco in 1965. They were titled "A Tribute to Dr. Strange," "Tribute to Sparkle Plenty," and "Tribute to Ming the Merciless." They also featured the first light shows.

Do you catch that significant end year? 1970? **Rock** died hard when the Boomers finished college.

And how about some **Bill Graham** trivia? He had a lifelong dream of being a character actor and got his chance playing a promoter in **Coppola's** "Apocalypse Now" and **Oliver Stone's** "The Doors." He had a meatier role as **Lucky Luciano** in "Bugsy."

He died in a helicopter crash in 1991 after declining to take the limo with the drummer for **Huey Lewis and the News**. 🐾

## Biz of Acq — Quick Tips for Media Selection and Acquisitions

by **Matt Bailey** (Media Resources Coordinator, Laurence McKinley Gould Library, Carleton College, One North College Street Northfield, MN 55057; Phone: 507-222-7670; Fax: 507-646-4087) <mabail@carleton.edu>



In consultation with **Anita Grommesh** (Library Acquisitions, Laurence McKinley Gould Library, Carleton College, One North College Street Northfield, MN 55057; Phone: 507-222-5554) <agrommes@carleton.edu>

and **Vicki Burgess** (Library Acquisitions, Laurence McKinley Gould Library, Carleton College, One North College Street Northfield, MN 55057; Phone: 507-222-4262) <vburgess@carleton.edu>

**Column Editor: Michelle Flinchbaugh** (Acquisitions Librarian, Albin O. Kuhn Library, University of Maryland Baltimore County, 1000 Hilltop Circle, Baltimore, MD 21250; Phone: 410-455-6754; Fax: 410-455-1598) <flinchba@umbc.edu>

**Column Editor's Note:** Specialty media collections, such as video collections, can be a challenge for collection management and acquisitions librarians who often have to work without a media librarian in-house and guess their way through genres and industries that they know little about. Even those working with a media librarian in-house, such as myself, will find new ideas in **Matt Bailey's** excellent article. I'm pleased to have a couple of new video vendors to try. — **MF**

My job title, Media Resources Coordinator, means I am responsible for acting as the liaison

to all faculty, staff, and students for our media collection (currently about 7,400 titles on DVD and VHS). Faculty at **Carleton** have always taken an active role in collection development, and this holds true for media as well: faculty select about 70% of our media purchases. This makes my job somewhat easier, since I don't have to guess at what titles to buy to support the curriculum, but it can also make building a well-rounded collection a little tougher.

Any primarily faculty-selected collection will be, by nature, idiosyncratic and eclectic, so it's up to me to select titles to round out and balance the media collection. This — let's not

kid ourselves — is the fun part of my job. But I don't approach this selection without some careful thought. In selecting titles to complement those chosen by faculty, I try not to compete with our local video stores that stock all the newest and biggest releases or with the public library — located one block from campus — that provides access to popular movies and television series on DVD. The reasons for this are many. Firstly, our collection, despite its breadth, is meant primarily to support the curriculum of the college. Secondly, I feel it is essential to provide access to material

*continued on page 63*

otherwise difficult to find and obtain: foreign films, Hollywood classics beyond *Citizen Kane* and *Gone With the Wind*, silent films, experimental and avant-garde films, and independent documentary. Thirdly, our campus resides in a fairly small town. Getting students down to the public library or a few blocks further to one of the two video stores in town gets them out of the “Carleton bubble” for a little while.

The nature of media formats also has an impact on the kind of materials I select for our collection. Video materials are, when compared with print materials, fragile and ephemeral. VHS is all but a dead format, and DVD is threatened with obsolescence by high-definition disc formats, themselves threatened with obsolescence by video-on-demand. Unless you are collecting archival materials or want to maintain a museum of playback equipment, you can't really consider a video collection a permanent collection. Because I don't expect permanence when selecting materials for our media collection, I concentrate on building a broad collection of less expensive materials (i.e., things I can buy from **Amazon**) instead of a smaller collection of expensive materials of specific interest (i.e., things I can buy from educational distributors). More bang for my buck, as it were. The key to knowing what to buy for any media collection in any library is to know your users. What's being taught? Is there a regular class on *film noir*? If so, buy more films in the genre. Is your copy of *Casablanca* always checked out? Buy more **Humphrey Bogart** films. Does your student newspaper run film reviews? Ask the reviewers what they would like to see in your library.

You can't always rely on others to help you with selection, though, which is why you need to know your stuff or fake it convincingly. I have a graduate degree in film studies, but it doesn't help much when someone asks, “What good recent documentaries are there on health care in developing African countries?” I feel comfortable selecting some types of films, but will readily admit (to you, at least) that I'm at sea when it comes to selecting others. Therefore allow me to add my voice to the chorus of praise for *Video Librarian*, in print and online. The reviews are extraordinarily helpful and cover a wide range of titles.

If you've been buying media even for a little while, you'll wonder just who you ticked off enough to be put on the mailing list of every educational film distributor on the planet. But don't recycle those postcards, brochures, and catalogs without giving them a quick once-over. If you know of a faculty member teaching in the area of the material advertised, pass that catalog or brochure on with a note asking if they might be interested in previewing one or two of the titles. At best, you might get a recommendation for a purchase and have made a connection with one of those often elusive professors. At worst, you've only made your junk mail someone else's problem.

If you're looking to shore up your collection in a hurry, you could do worse than to buy everything that appears on the American or British Film Institutes' lists of the “best” 100 films ever made. A bit of online detective work will turn up dozens of similar lists. Over the long term, you can keep up with a handful of online sources: **Dave Kehr's** weekly column in the *New York Times* highlights new DVDs of classic films, **DVD Beaver** provides reviews of new DVD releases and comparisons with older or foreign editions, and **DVD Times** and **The Digital Bits** each provide news of upcoming DVD releases. Depending on your tolerance for Internet drama, you may also want to keep up with one or two online discussion forums: **Home Theater Forum**, **DVD Talk**, and **criterionforum.org** have some very knowledgeable and helpful members. You may also want to skim new issues of your library's film magazines (*Film Comment*, *Sight & Sound*, *Filmmaker*, *Cinema Scope*) to keep current with names and trends in film.

Once you've figured out what to buy, you need to figure out from where to buy. Depending on your staffing situation and your use of purchasing cards, it may not be feasible to order your media titles from multiple vendors. In that case, vendors who specialize in libraries such as **Baker & Taylor** or **Midwest Tape** may be a better option for you. However, while these specialized vendors may offer excellent service and may better suit some purchasing policies, they cannot compete with the selection and prices offered by most consumer-oriented online retailers. In our case, we have made a conscious decision to purchase commercially-available media from online vendors from whom we can get low prices and fast, often free, shipping. We regularly use **Amazon**, **DVD Planet**, **DVD Pacific**, and **Deep Discount**, with the occasional purchase from **Overstock.com** and **Barnes and Noble**. The savings created by using these retailers allows for more titles to be purchased with limited funds. Depending on your location and purchasing needs, some online vendors, including some not listed above, may work better for you than others. To get the absolute best price (including shipping), you can compare prices from several online vendors at **DVD Price Search** ([dvdpricesearch.com](http://dvdpricesearch.com)). This site also provides information about sales and coupons that will further stretch your budget.

When it comes to educational media, we often order directly from the primary distributor. If you order multiple titles from one particular distributor, don't be shy about asking for a discount. If you don't ask, you won't get it; if you do ask, they are often happy to oblige. No matter what your annual acquisitions budget for media, getting 10% off a \$400 DVD is always welcome. Another way to get the best price is to make sure you are ordering from the primary distributor. I won't name names, but there are companies who pass themselves off as primary distributors who are in fact resellers collecting a healthy markup on material available elsewhere. When in doubt, check **WorldCat** for the name of the publisher and distributor and then **Google** it to see if you can order directly from them.

If you absolutely cannot locate a vendor for a particular title, a Hail Mary pass may be in order. This can be in the form of a call to a colleague at a library that already owns the item (found via a search in **WorldCat**), a message to the Video-lib listserv, or an email directly to the filmmaker. You would not believe the number of times this has actually worked for me.

I don't presume to think that everything that works for me and my library will work for you and your library, but these selection and acquisitions procedures have worked well for us and they may work well for you. I hope to have provided some practical advice for those seeking to develop their library video collections.

#### Further reading:

“Video Media Acquisitions in a College Library.” Walters, William H. *Library Resources & Technical Services*, Oct. 2003, Vol. 47 Issue 4, p160-170.

“Video Collecting for the Sometimes Media Librarian: Tips and Tricks for Selecting, Purchasing, and Cataloging Videos for an Academic Library.” Bergman, Barb; Peters, Victoria; Jessica Schomberg. *College & Undergraduate Libraries*, 2007, Vol. 14 Issue 1, p57-77.

Spring 2007 VRT Survey on Video Librarians and Video Collections: <http://www.ala.org/ala/vrt/vrtresources/vrt2007surveys.htm>. 

#### Rumors

from page 51

was with grandson **Trifon Raymond Walser** who was barely two weeks old — I read him **five** books! And, he listened intently and didn't squirm! Even my daughter-in-law noticed and commented that he seemed riveted! A librarian in the making?!

And do you know the **Japanese custom** for the child's first birthday? They put out all sorts of items that signify certain professions. They predict that the first item that the baby

picks up forecasts his or her future profession. Well, I am doing that with **Trifon** on his first birthday, next December. And I think that all I will have for him to choose from is books! Stay tuned.

And speaking of the above, one of my classics professor friends, now retired, told me that this (laying out items for the child to choose from) is what is done when picking the **Dali Lama**. The infant who goes to the correct set of holy beads is considered a serious contender. Who said that superstition was unscientific?

*continued on page 81*