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Back Talk — Give Me A Break!

by **Anthony W. Ferguson** (Associate University Librarian, Columbia University) Phone: 212-854-7401; Fax: 212-854-9099 (new fax number!) <ferguson@columbia.edu>

Recently I, perhaps like you, received an invitation to provide input on the **International Publishers Copyright Council (IPCC)** position paper written by **Carol Risher** in 1996 on **Libraries, Copyright and the Elec-**

tronic Environment — <http://www.nlcbnc.ca/ifla/documents/infopol/copyright/ipa.txt>. It was distributed by **Emanuella Giavarra**, Project Director of the **European Copyright User Platform**. She noted that many European librarians were “quite surprised” by some of the stances taken by publishers. Indeed, as I read through the statement, there was much to which I wanted to yell: Give me a break! (GMAB). Giavarra asked for input (ecup.secr@dial.pipex.com). She said that the statement will be discussed this coming September at a joint publisher-librarian meeting in Europe. Perhaps you would like to let her know what you think about the IPCC Statement. Here is my input:

- The Statement indicates that the digital environment technically enables libraries to electronically transmit copyrighted works to “thousands of network users at myriad locations.” To this I say, GMAB! What copyrighted works are we talking about here? I don’t suppose it is about novels or romances. I do suppose the Statement is referring to the same specialized monographs that are published in runs of 500 and are only bought by libraries, and to the journal articles from periodicals that are only purchased by a few hundred libraries. Has this information suddenly become so hot that “thousands” of people want to read them and are willing to endure the hardships of the Internet to get them for free. GMAB! The Chemistry researchers at Columbia who protest the need to walk 300 yards to the Engineering Library for chemical engineering journals are not going to wade through the Internet to save money. Researchers research and they will follow the path that gets them the information that they need when they need it. The freebie Internet doesn’t provide that path.

- The Statement indicates “many national and regional libraries contemplate digitizing their print collections to facilitate a virtual library that can provide service to patrons at remote locations and facilitate resources sharing.” GMAB! It is true that library directors and provosts, worried about the high cost of library buildings, do dream such dreams, but they also dream about winning the lottery and taking early retirement. Lets suppose, for example, that my own institution could digitize its nearly eight million volumes and let its users read to their heart’s content these digitized marvels. GMAB! Since studies have shown that upwards of 80% of what most libraries own is seldom read, can you imagine the costs of digitizing and year after year making this content available at a moment’s notice to our users? We already have a technological invention designed to contain seldom read content: it is print on paper and is called a book!

- The Statement promotes the copyright holder’s (read publisher) “exclusive right to authorize the dissemination of their materials to remote locations” in order to protect their “incentive” to write and publish. GMAB! How many academic writers make money from their publications or are worried that their material will be read by people who have not paid for the right? Many scientific researchers pay page charges to have their research published and if publishers had to pay researchers for their papers and monographic studies, libraries wouldn’t have space or inadequate library materials budgets. The people most worried about the future are the same ones who have caused the current fiscal crisis. To justify the thousands of dollars they charge for their journals, they have to maintain the pretension that there are masses of denied readers just beyond the gate ready to pounce upon their publications. GMAB! Most of what we buy is not read intensively. The access instead of ownership paradigm is what publishers should be focusing on, not the copyright charade that pervades this Statement.

- The Statement reads like Adam Smith and the unseen hand of the marketplace. Speaking of the need for libraries and their patrons to respect licenses and contracts, the author of the Statement indicates “unfettered economic balancing and refinement of markets will assure publisher experimentation, innovation, and exploitation of multiple access channels for the public.” GMAB! So far, the only “unfettered economic balancing” act that has taken place has been the use of double digit price increases by some publishers to drive other publishers out of business or to amass the capital to buy them out. Somehow protecting the right of a half dozen or so publishers to charge 10 to 25% more for their digital products on top of already inflated print prices, rings a bit hollow in my ears. Is this publisher experimentation? Did Dr. Frankenstein argue for an “unfettered” right to experimentation?

- The Statement indicates “a mandate for libraries to re-distribute copyrighted information for free is a mandate that authors and publishers not risk the investment in providing the information at all. Such a requirement would deprive society of the very values that electronic information is intended to provide.” GMAB! Of course we again have the big lie that academic researcher are making an investment in writing with the intent of making money. Researchers want to be read, period! The more they are read, the more likely they can get someone else to pay for their research. The same few hundred libraries that currently buy research journals and monographs will continue to buy them. It is true that if publishers continue to charge high prices in order to keep corporate or professional society profits high, fewer and fewer libraries will buy their products and this will add to the need for profit hungry publishers to raise their prices even higher. But to cloak such a reality in copyright is a travesty.


What should publishers do to insure they have a future in the information enterprise?

- Don’t focus on their own hyperbole about the value of the information that they publish and fears that libraries are plotting to steal it from them. Focus on making their information easy to get at. We are on the verge of the age of informational connectivity. Publishers should hook their fulltext content to every indexing, abstracting, annual review scheme possible. Readers want to read, not play with Internet browsers to find the fugitive article.

- Don’t hide behind authors in the name of protecting copyright. In the current system authors have few if any rights. What they want is the right to be read and the current system limits that entitlement.

- Don’t worry about librarians digitizing everything. Do figure out how to profitably provide digital access to what they have published and will publish. Only publishers have the economies of scale on their side. A library can’t afford to digitize something that only their own patrons will utilize. Publishers, on the other hand, can digitize their works and provide access to users in hundreds of libraries.

- Don’t play innocent with librarians. The track record of the publishers to whom we give 60 to 80% of our library materials dollars for 20-30% of the titles acquired is too checkered to instill any level of trust. Look for library partners not victims.

As usual, I feel a lot better having talked back about a few of the problems confronting libraries. I invite you to send Ms. Giavarra comments on what you think of the Statement referenced above. 

Box facts excerpted
from **Nat Bodian’s**
The Joy of
Publishing, available from
Open Horizons
Publishing Company, Post
Office Box 205, Fairfield,
Iowa 52656 for \$29.95