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Papa Lyman Remembers- (Part of) The XX Century

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Questions & Answers
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ANSWER: Photographs of either two or three-dimensional works of art are also copyrighted. This is the case even though the underlying work is in the public domain. The photograph of that work still may be protected since photographs are copyrightable regardless of subject. Many art history teachers, etc., have asked to have so-called "copy photography" exempted, but so far the Act has not been so amended.

Reproducing the photos is no different than copying any other copyrighted work for the library. For faculty WebPages, if access to the images are limited to one class, password protected, and available only one term without permission of the copyright holder, it may fall under the multiple copying guidelines since putting something on a restricted Website is the equivalent of multiple copying. However, teachers should closely follow these guidelines which includes restricting access to the class and removing access at the end of the term. Otherwise, it is infringement.

QUESTION: An instructor wants to reproduce for her class reader a portion of an out-of-print book, published in 1970 by a small, independent publisher. The instructor has been unable to locate the publisher in order to seek permission, nor could she locate the printer. It appears that both are no longer in business. Further, the author cannot be found in the local phonebooks. Does the instructor have any other recourse for seeking permission to reproduce a portion of the book for the course reader? If a permission-granting source cannot be located, is it appropriate to apply the four factors delineated under the fair use section of the Copyright Act to evaluate whether or not to reproduce a portion of the work?

ANSWER: Not only is it appropriate to apply the four fair use factors, it is all that one can do. Then conduct a risk assessment. What is the chance someone will complain, and if they do so, what is the likely worst case scenario?

Since the publisher and printer appear no longer to be in business and the author is not in the phonebook, there are a couple of other things you might do. (1) Look for the author via the Internet and other phonebooks from surrounding towns. (2) Contact the U.S. Copyright Office to see if they can give you any clue from their records about the location of the copyright holder, since the defunct publisher may have transferred the copyright. Then, do the risk assessment. It may be that there is so little risk that the faculty member should just go ahead and reproduce the material for the course reader.

Papa Lyman Remembers (part of)
The XX Century
by Lyman Newlin (Book Trade Counsellor, Broadwater Books) <broadwater@wnyp.net>

As usual, my story is being written just as the deadline approaches. But there's a coincidence with two notable dates. The first lines are being written on November 11, 2000. The November eleventh which stands out in my memory is that of nineteen hundred eighteen — the day ending World War I — Armistice Day as it was called until 1954 when its name was changed to Veterans Day and it became a national holiday commemorating the veterans of both world wars. On that day 82 years ago the town of Garrett, Indiana was wildly celebrating as were thousands of other municipalities large and small. But the Garrett celebration was atypical in that a large percentage of citizens were of German lineage. To have a German surname or accent or to be a pupil or in any way associated with a parochial school of Lutheran affiliation which used the German language (or had used it prior to America's entry in the War) was sure to be suspicious of being friendly to the "Enemy." Between our home and our school I had to pass a small Lutheran elementary school. If there were two or more fellow pupils going past that school and we could catch "one of them" we would chase him back into his school house. If we caught him he was due for a good pummeling. Kids were not alone in this physical display of "patriotism." During the first Armistice Day (11/11/11) celebration some "patriots" forced the Lutheran pastor to crawl on his hands and knees behind an American flag during a parade. I don't recall similar public behavior during or after WW II although there was much to do about citizenship of Japanese lineage. Incidentally, just to show you how things come full-circle, I have been a Lutheran myself for more than three decades now, and both of my sons went to Lutheran catechism school.

The other recent and much more generally and cordially celebrated holiday was All Saints Day — Halloween. In fact this day is rapidly affronting Christmas as being generally more popular with kids. "Tricks or Treats" was not the way they did this holiday in my day— I can't continued on page 79

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time after time. Forgive me if I can’t remember the correct number of Alabama votes nor the number of ballots cast before John William Davies was nominated to run (unsuccessfully) against Calvin Coolidge. Dad would take our telephone off the hook so that friends who had no radios could ring up and hear the goings on. This radio came only three or four years after our first which was one I made as a sixth grader by winding copper wire around an oatmeal box, with the wire attached to a “whizzer” which was stroked across a piec of galena crystal. Don’t ask me about why this could pull radio waves into your home. And TV was still 15 or more years in the future. I don’t know about you but look at what evoked my memory by just these events of the past ten days!

Going back to Indiana for a minute — Garrett was about four miles from Auburn which was famous for the manufacture of high profile automobiles — The Cord, the Diana, the Moon, and the Auburn, and of course, the Duesenberg. Did you know that in the 1920s over 200 different brands of automobiles were manufactured in Indiana? Michigan was still making lots of buggies. Auburn’s auto museum is worth going out of your way to see some great cars. I learned to drive a model T Ford at age 9. I still have a scar on my right thumb from a Model T “Kick” (back-fire from having your spark lever too far down). No automatic transmission — in fact no shift lever on a model T. Three floor pedals: the left one was the clutch — to the floor for start in low gear - halfway was neutral which you had to hold in that position to get into reverse by pressing middle pedal to the floor. Right pedal was brake which you applied with right foot while left foot pushed clutch pedal held way down — for neutral — No floor throttle; it was a lever on the right side of steering post (just below wheel) — a similar lever on left side increased the “spark” ignition — and too much of that in the cranking operation resulted in a backfire kick which often ended up in a broken wrist or arm or cut from the license plate.

The fuel tank was under the driver’s seat. No fuel pump was needed: gravity took its place. If your fuel supply was low and you were on a steep hill, you turned around and “backed” up the hill. The reverse pedal also came in handy when your low gear was worn thin — again you merely turned around and pushed the middle (reverse) pedal because that gear was not used as much as low gear and up the hill you went backwards.

Going back to the telephone situation in the 1920s and 1930s. Although dial phones were not as yet in common use and patrons had to rely on the operator (often called “Central”) and “party” lines with six or eight homes on the same line, there was one great advantage: One of the main social activities was visiting and playing cards with your neighbors. If the Joneses were at the Smiths for an evening of whist or pinochle and another neighbor wanted to advise of cattle in...continued on page 80
John Benjamins has two faces. One face is the antiquarian business in which the company buys and sells (usually) complete runs of journals of historical interest, usually in the arts and the humanities. Here a particular specialty is rare French art periodicals from the late 19th and early 20th centuries. The other face is that of an independent academic publisher. The company was founded by John and Claire Benjamins, who remain active in the management of the company, though the Chief Executive Officer of the company is now their daughter, Selene Benjamins.

With offices in Amsterdam, The Netherlands and Philadelphia, USA, the company is surprisingly young — the antiquarian interest dates back to the late sixties, while the company only began new book publication in 1976. Highlighted by a strong traditional presence in the field of Linguistics, John Benjamins' new title list also contains important work in such other fields as Psychology, Literary Studies, Philosophy, Translation Studies, Interpreting, Terminology, Lexicography, Organizational Studies and Art History. The focus of the company is toward anything involving language and/or communication, publishing higher-level course books, as well as reference works, monographs, proceedings, and collective themed volumes. As with most publishers, John Benjamins has moved into Web ordering, CD-ROM publishing, on-demand publishing and so forth, taking advantage of various new technologies.

Many of the books are presented in such well-established book series as Current Issues in Linguistic Theory, Pragmatics and Beyond, Typological Studies in Language, and the Benjamins Translation Library — to mention just a few. More recently Advances in Consciousness Research has provided a forum for the groundbreaking research into consciousness, and Studies in Corpus Linguistics for books in corpus and computational linguistics. Information on the latest new book series can be found on their Web site under NEW PROJECTS AND BOOK SERIES.

Among the journals published by John Benjamins can be found perennial names such as Studies in Language, Diachronica, English World-Wide, and Target. For the latest information on new journals, there is the section NEW JOURNALS on the Web site.

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B.R. Grüner Publishing Company (90-5063)
Since the acquisition in 1992 of the B.R. Grüner Publishing Company, a publisher of titles mainly in Philosophy, books under the B.R. Grüner imprint can be ordered directly from the appropriate John Benjamins office.

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the road rather than in their proper pastures, all
patrons of the same party line had the news. If
the Joneses were visiting at a homestead on a different
cross — it was not necessary to tell “Central”
where to ring. Which brings up the “ring.” Each
patron had a separate “ring.” Two longs and
one short could be the Jones’ ring and one
long and two shorts would be Smiths. Of course
this system put “Central” in the position of news
monger if not outrageous gossip. Naturally there
would be a tendency to distort, exaggerate or
even falsify. But on the whole the system worked
and helping hands were much more evident than
hindering hands.

In looking over a reprint of the May 1953
issue of “Consumer Reports” chiefly concerned
with 1953 automobiles, I observe that several
popular makes are no more — these include
Hudson, Nash, Studebaker, Packard — If in 1953
a reader would have researched auto brand
names of the mid twenties over two hundred
makes would have been missing. This issue of
“Consumer Reports” also records record changers
and carriages — no CD players —. Movies
which scored highest in May 1953 were Walt
Disney’s BEAR COUNTRY; COME BACK
LITTLE SHEBA, with Shirley Booth and Burt
Lancaster; HIGH NOON, Gary Cooper and
Cine Kelley; MOULIN ROUGE, José Ferrer
and Zsa Zsa Gabor. They don’t make ‘em like those
any more!

Several legacies of the thirties and forties are
still with us; included are End of Prohibition;
The Work Progress Administration (WPA). In
spite of shoveling leavings as they labored on
building bridges and public buildings, many of
which are still in use, the Writers Project
created State histories most of which are still in
print and all are in demand by state history
scholars. The Civilian Conservation Corps put
thousands of unemployed, hapless young Americans
to work in forestry, conservation, state and federal
park improvement; many of which projects are
flourishing today.

Some country boy memories — A wood
burning cookstove with a hot water reservoir.
Saturday night bath in a galvanized wash tub.
Facts of life learned from older boys. When
my brother and I were advised by these teen age
know-it-alls of the human method of procreation,
we vehemently disavowed such procedure on
the part of “our” parents; after all our father was
a preacher. Having used that word, I have chosen
not to bother my readers with the PK
(preacher’s kid) litany — I have always pitted
kids who lived in large cities without having gone
through some country or small town living. I
ever learned to ride a bicycle — ponies and
horses were plenty for me. Before the day of
consolidated schools and their buses country kids
walked or rode ponies to school. By high school
time they had access to an automobile to “get in
to town” — and that meant more opportunities
to have a car for an important date. Drives’
licenses were non existent — speeding tickets
were unheard of — even if your car were capable
of 60 mph, where could you find a road
that wouldn’t shake you and your car to pieces
after 45 mph? Although booze was not unknown
to autodrivers during Prohibition, DWI was an
unheard of occurrence. For a teenage fellow to
get the family auto and tool around the “Square”
at 3 mph meant that other guys would envy him
and girls would pay attention to him.

As I wind up these memories, the TV and
radio “business” reporters are blabbering about
on-line retailers and mouching the promises of
rectifying delinquent 1999 blunders. My
question is how long can these vendors continue
hoaxing investors as well as customers? HAPPY
NEW YEAR! 🎉

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