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Biz of Acq -- A Database By Any Other Name

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Questions & Answers — Copyright Column

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QUESTION: *The library offers email reference service to its patrons. In order to answer the reference question, often it is necessary to send a hyperlink in an email to the user. Is there any problem with sending a deep link or must the link be only to the Website's homepage?*

ANSWER: There is no problem with using a deep link to respond to an email reference question. There is some question about whether a library or any organization may include deep links on Webpages that they create, but so far, it appears that this is not problematic for nonprofit libraries that use links on their Webpages. A recent case, **Kelly v. Arriba Soft**, which was heard in the 9th Circuit, U.S. Court of Appeals, held that commercial deep linking was infringement, and would require permission of the owner of the Website. However, even for this case, there is considerable concern that the court did not understand the nature of linking or the fact that the Website owner has the ability to control access to its site by password protecting the site or other means.

QUESTION: *If a library is the only one in the region that has a license for a full-text journal, what is the library's responsibility to fill interlibrary loan requests from that journal by making copies for requesting libraries?*

ANSWER: Under copyright, a library has no responsibility to fill an ILL request at all. There may be other interlibrary agreements that require libraries to respond to ILL requests generally, but online journals are governed by license agreements that may restrict a library's ability to share copies of articles from that journal with anyone outside of that library's primary clientele, including other libraries. The license agreement controls and supersedes any ILL agreements among libraries. Some vendors will permit ILL from their online journal titles while some exclude it. Other vendors permit limited ILL but may require the lending library to maintain records of how often it lends from the title rather than the borrower as the ILL guidelines dictate. Before assuming that a particular full-text journal can be used to satisfy ILL requests, read the license agreement. If it prohibits use outside of the organization, it may be possible to renegotiate the license to include the desired terms.

QUESTION: *If instructors or students copy the same course materials semester after semester, who is responsible? Whose responsibility is it for setting copyright policies and following copyright guidelines, the administration, library or faculty?*

ANSWER: The institution bears the ultimate responsibility, but the faculty member may also be liable if he or she is violating the institution's policy about reproducing course materials. The question implies that the copying is being done without paying royalties or seeking permission from the copyright owner. Most institutions have policies about paying royalties for coursepacks even though the litigation involved for-profit copy centers that reproduced coursepacks and not colleges or universities themselves. A student making a copy for him or herself most likely is a fair use.

It is the institution's responsibility to develop a copyright policy and to see that it is followed. In drafting a policy, it makes sense to include faculty members, librarians, staff and even students on a committee so that all viewpoints are represented. A member of the legal counsel staff also should be on the committee. Most policies contain enforcement and dispute resolution mechanisms. While faculty, librarians and even students are bound by the policy, in order to protect itself and its faculty, staff and students, institutions are responsible for seeing that its policies are followed.

QUESTION: *What rights does an individual researcher/employee have to own the copyright in works he or she produces if the research work and resulting report or article are created in-house?*

ANSWER: The phrasing of this question leads one to assume that the copyrighted

work is being created within a corporate environment. The Copyright Act says that copyright belongs to the author, but if the work is a work for hire, the employer is the author according to the Act. A work for hire typically is one produced within the scope of someone's employment. Most corporations have internal employment policies which dictate that any copyrighted work produced by a corporate employee within the scope of his or her job belongs to the company. Even without such a policy, "scope of employment" likely means that any work produced (1) during work hours, (2) using company resources or (3) that is part of the job regardless of where and when it is developed belongs to the company.

If "in-house" in the question refers to a university or nonprofit organization, the copyright in any work created by an employee may belong to the institution or organization but

not necessarily so. Many nonprofit libraries such as public libraries permit their employees to hold the copyright in works they create even within the scope of employment as long as the library itself has the unfettered right to use the work. In colleges and universities, copyright ownership depends on whether the employee is a faculty member or staff member. By tradition, faculty authors own the copyright in works they create while works that staff members develop within the scope of their employment are owned by the university.

Biz of Acq — A Database By Any Other Name

by **Sue Wiegand** (Periodicals Librarian, 123 Cushwa-Leighton Library, Saint Mary's College, Notre Dame, IN)

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Column Editor's Note: When evaluating and selecting electronic resources, we struggle to understand the differences and similarities between products. This problem is exacerbated because the vocabulary we use, like electronic resources themselves, is in flux. We don't all understand the same terms in the same way. In

this month's column, **Sue Wiegand**, Periodical Librarian at Cushwa-Leighton Library, St. Mary's College, argues persuasively that if we standardize our terminology, we might neatly classify electronic resources and almost instantly understand what a given product is. — **MF**

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Classification of organisms revolutionized biology because it gave scientists a common vocabulary. Just because they seem to change faster than a virus mutating, should electronic resources be any different? In any science, the first thing you do is define terms. A database is a database — or is it? When a citation index includes any full-text it becomes an e-journal, according to some. But it's more like a *Reader's Digest* version of the journal article. Essentially, either is reprinted content.

The text itself is the same, although reformatted to fit the constraints of each particular interface, which, of course, varies according to the vendor. Often, graphics — pictures, charts, etc. — are not included, making the electronic version problematic in some disciplines, notably math and science. Some of the articles and other parts of the journal, such as letters to the editor and advertising, are left out. Other articles are taken out later because of copyright problems in this post-*Tasini* age. The *Tasini* decision requires freelancers to be paid for articles that are re-published in electronic form from a print edition, but some publishers, instead of paying the free-lancers, are simply removing the articles. Worse, in some databases even the citations to articles affected by the *Tasini* decision have been removed, leaving no clue that they were ever there.

Then there are the well-known archiving and access problems of aggregated databases. Access may be here today and gone tomorrow, depending on the license, and it's hard to tell if anyone is taking responsibility for archiving electronic content. The issue of archiving also affects definitions of resources because it may affect which content is preserved and how it is to be cited. Future researchers will have to be, literally, on the same page to find the correct citations.

Just as *Reader's Digest* or *Utne Reader* has its appropriate place in library collections, aggregated databases can serve an important function. But databases vary, and it might be helpful if we were to explore and define the various kinds of databases and group them accordingly. I would suggest, first of all, that the term "e-journals" be reserved for journals in electronic form and not aggregated databases/indexes with some full-text. Whether or not a print-on-paper edition is available is not as pertinent as whether or not any online edition is fully equivalent to the print version. In its purest form, if a true e-journal has a print counterpart, they are equivalent, having the same text and graphics. This is rare in any format; even microform editions of the same newspaper or journal sometimes routinely exclude portions, such as the ads. **JSTOR**, an archival e-journal database, comes close, but even then, there may be citation issues. Possibly, we should develop alternate designations for

most of these entities. Those with a print counterpart might possibly be called e-versions, e-formats, or even e-editions.

When it comes to defining electronic resources, just when you think you've got it pinned down, they change what we're talking about. It's difficult and time-consuming at best to compare databases when you can't figure out exactly what's there. It also makes it harder to avoid duplication of resources during collection development. A first step might be to define our terms. If we start thinking about pinning down some elusive terms, at least we will be on the same page when we discuss electronic resources preparatory to acquiring and managing them. It will also help us to read between the lines of descriptive advertising of these resources, and in teaching patrons what they are, if we stick to a common vocabulary.

For instance, when I mention e-journals, someone might say, in the ensuing discussion, that **Academic Universe** is good. But wait — I consider **AU** to be an electronic database of citations, abstracts, and/or some full-text (and here's a disclaimer: I could be wrong about what any of these actually are!). When I say e-journal, I mean an electronic, individual journal, full-text, usually from the publisher, searchable, with its own interface, and equivalent to the print version (if any.) I would consider **Project Muse** an e-journal database or collection of e-journals, and **JSTOR** an archival e-journal database. The **Cumulative Index to Nursing and Allied Health Literature (CINAHL)** is a citation index, published in print and electronic formats, but now there is a full-text version available. Still, it's not the same as if each individual journal included had its own site, with its own interface to its editorial content. It's still a citation index with some full-text, and an overall interface exclusive to whichever vendor you purchased it from. Each journal included in the index is not an e-journal, at least not in this format. The question of canceling print based on inclusion in an aggregated database may be different from the question of canceling print based on online availability as an e-journal from the publisher. Each must be examined separately, once we're all on the same page with terminology.

Here are some other examples I can think of, just as a start to discussion:

Electronic Index is a fairly self-explanatory term: the electronic equivalent of print citation indexes, which may or may not be available also in print. Unfortunately, as I said, a common usage seems to equate electronic indexes with full-text e-journals, leading to disappointment both in acquisitions (especially when you see the prices) and from pa-

trons, who do not often want to go find the paper versions of the perfect citations they've uncovered through the magic of keyword searching. The clearer we can make this upfront, the fewer unfulfilled expectations we will have (we hope.) A database index by any other name is still just that, an index.

Electronic Index with some or selected full-text is an option that is becoming more and more common, leading to the above-mentioned disappointment when the particular perfect article does not happen to be one of those available in full-text. We need a better, shorter name for this. Again, the clearer we can make it to our patrons that any particular article in this database may or may not be full-text, the better.

Electronic Database or Aggregated or Aggregator Database: a collection of electronic indexes and databases (i.e., **Academic Universe**, **ProQuest**, **FirstSearch**) with its own interface and search engine. It usually includes some or "selected" full-text. I consider these the electronic equivalent of *Reader's Digest* or *Utne Reader*, because they've been collected and "re-published" with a different interface, with or without graphics. I don't mean it in a derogatory sense — these are good, all-purpose databases and offer a lot to our users, depending on their needs. Each one works differently and must be searched separately, at least for now, although there is new software out there to solve this problem and search across all platforms and databases, using Z39.50 compliance or other methods. There is a great deal of duplication of titles offered, and no guarantees of stability or archival considerations.

Electronic Resource: a generic type of term, meaning anything needing a computer to access, from CD-ROMs to the Web. More specific terms would allow better precision in communication and description.

Web page: individual page on the Web, put there by an individual or organization interested in the topic. Ok, this is obvious — to us, but possibly not to all of our patrons.

Website: collection of related individual pages on the Web. Web pages and Web sites are what we warn students to scrutinize very carefully when discussing critical thinking and evaluation of sources, since there is no "stamp of approval" through peer review.

CD-ROM or DVD-ROM index or resource: electronic, but not delivered over the Internet — can be stand-alone or networked. A CD-ROM index would be citations only; a database may include some full-text, etc.

Electronic Abstracts are the electronic equivalent of an index plus abstracts (for instance, General Science Abstracts.)

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growth of electronic resources that require licensing and/or leasing; dealing with access and management of materials published on the Web; accessing Mexican serial titles; licensing e-journals from the U. K. side; and the role and impact of XML on libraries.

In *"Infomediaries in the Internet Era,"* Heather Steele and Philipp Neie, Co-CEOs of Swets Blackwell, talked about how traditional relationships in the information chain have changed with the advent of electronic information delivery, calling into question current subscription models.

John Cox, Principal, John Cox and Associates, spoke on *"New Models for New Serials: Redefining the Serial and the Licensing Environment."* He said that the death of print remains unlikely, but the Internet does create new possibilities to integrate text with other resources, to broaden content, and improve communications. Subject portals can link to a wide variety of primary and secondary resources and enable researchers to communicate more easily. Vendors must reinvent themselves to survive since many publishers are selling directly to libraries and consortia. Librarians can play a crucial role in organizing the massive amounts of material, and in training users. They must market their skills as navigators, not just collectors of information.

Twenty-four workshops were offered. This year, topics included access to articles and to journals, consortia development, licensing, document delivery, statistical reporting methods, serials claiming, serials holdings statements, comparing electronic and print versions of journals, creating Websites, staffing, management, career development, and presentation skills.

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In library history, descriptive cataloging of books was an obvious step forward, allowing comparisons among editions and avoiding duplication when ordering. It gives us a common point of reference. For comparing different versions of databases, it's really only a matter of taking bibliography into the electronic age. A good first step to defining terms is any collection management tool that charts or compares databases based on criteria that can be used for evaluation before purchase or licensing, such as Judy Luther's "Whither Electronic Journals?" (*ATG*, April 2000, pp.24-26) and "An Update: Sources for Electronic Journals on the Web." (*ATG*, June 2000, p. 42.) Next, we should use these and other criteria to develop standard terminology analogous to a classification scheme for discussing and comparing electronic resources. Percentage of full-text would seem

Steven J. Oberg, Systems Analyst at Endeavor Information Systems, Inc. and Priscilla K. Shontz, Librarian at Driscoll Children's Hospital Medical Library, opened their presentation, *"Jump Start Your Career in Library and Information Science,"* with tips from their upcoming book by the same title. Topics included career planning, the importance of assessing your goals, your skills, the job market, and how to match your skills with available jobs in both traditional and non-traditional library settings.

Tschera Harkness Connell, Serials Coordinator of the Ohio State University Libraries in her presentation on *"Cataloging Web Resources on the OCLC — CORC: Issues Identified in an Empirical Study"* gave information about the *"Joint Research Project of OCLC and the Ohio State University Libraries"* that she conducted with Chandra Prabha, Senior Research Scientist at OCLC's Office of Research. Harkness Connell described what CORC (Cooperative Online Resource Catalog) is, how it works, who is using it, how libraries are using it, the characteristics of the resources chosen for it, subject distributions of CORC resources, publication patterns in CORC, guidelines for distinguishing among monographs and serials, and various definitions for the Web. Examples of how CORC records are created and how they look on a Web page were featured.

Joan Thompson, Assistant Director, Boston Library Consortium, and Tom Peters, Director, Center for Library Initiatives, Committee on Institutional Cooperation, presented the workshop on *"Library Consortia: Penelope's Loom or a Positive Advance?"* Consortia may be created to share resources, create union catalogs, and make cooperative purchases. They face decisions on structure, financing, access, and governance. Consortia members deal with issues of independence, overlapping consortia, and access.

to be one important criterion for comparison. Inclusion of graphics might be another.

What do we mean by e-resources? It was clearer in print — you had indexes, you had abstracts, and you had journals. We could compare apples to apples, and oranges to oranges. But part of the reason it was easier was because the terminology had developed to describe and compare print resources efficiently. Probably everyone has different ideas of what these terms mean, but that's all the more reason we should discuss these ideas, in search of a consensus. Most people seem to mean some variation of full-text when they say electronic journals, but should we call it something else when it's not equivalent to the print version? What if it's online but not searchable? Or if it's printable only for a fee — do we then call it Document Delivery? What of the many linking options to come, when it will really get confusing? Our first question has to be: "What are we talking about, anyway?"

In the workshop on *"The Art of Claiming,"* Kim Maxwell, Serials Acquisitions Librarian, Massachusetts Institute of Technology, and Bob Boissy, Manager, Standards and Interface Services, Faxon RoweCom, discussed electronic claiming and the hopes for streamlining claims. They gave some practical hints for successful claims: Do not keep sending out claims; call/e-mail after the third claim. Check the vendors' databases to see if an issue has actually been issued.

Christie T. Degener, Cataloging Services/Serials Librarian, Health Sciences Library, University of North Carolina at Chapel Hill, and Yvonne W. Zhang, Catalog Librarian, Cal Poly Pomona, presented a workshop on *"Measuring Electronic Journal Collections: a Homeric Struggle."* In order to answer the question "How many electronic journals do you have?" librarians must look at subscriptions, titles coming with print, and titles in packages and aggregators. The different agencies asking the question do not ask for the same numbers, so librarians must look at what data they need to supply.

Twelve Poster Sessions were presented on topics such as access to electronic journals, serials collection analysis, evaluating staff performance, cataloging electronic resources, document delivery, and serials holdings options.

NASIG's membership is mainly U. S. and Canadian; the organization wants to be more visible in Mexico and the Caribbean areas. It is establishing a new networking node for this area, and has created a new award, the NASIG Mexico Conference Grant. The first winner of this award was Viviano Milan Martinez from the Autonomous State University of Nuevo Leon.

Networking nodes, which are small group discussions on topics of interest, included meetings about cataloging, preservation, public libraries, reference and public services librarians, and electronic resources librarians. User Group meetings included meetings for those with **DRA**, **Endeavor Voyager**, **Ex Libris**, **Innovative Interfaces**, **Sirsi** and **Epixtech**. During the breaks, several general trends were noted: Many libraries are migrating to new ILS systems or upgrading their current system. The growth of electronic resources has led to the examination of workflow, staffing, and organizational matrices. Everyone is trying to figure out how to count electronic materials. No one has figured out a good way to do the financial statistics, for example, when you are asked what you are spending on e-resources, how do you count the packages where you pay X for print and get the electronic version at an additional Y %? Is the cost for electronic only the added percent, or is it the entire amount? Linger phrases and images from this conference included, "herding goldfish" leading one to wonder if this is easier or harder than herding cats? Cats herding goldfish??? Another concept was "serials as teenagers." They are often late without notice and although you

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