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Ed Colleran & Bruce Funkhouser-Copyright Clearance Center

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ATG Interviews Ed Colleran (Director, Publisher Relations) and Bruce Funkhouser (Vice President, Business Operations)

The Copyright Clearance Center

by Katina Strauch (Editor, *Against the Grain*)

NB: *Rights management looks like an area of clear growth over the next decade which will have profound ramifications for the library market. Read on to hear more. —KS*

ATG: *CCC has just announced several "digital rights management" agreements with The New York Times, Barron's and The Wall Street Journal. Can you tell us what this means? What is a "digital rights agreement"?*

E&B: Publishers will use CCC's technology and services to license use of their copyrighted material at the publishers' Websites.

ATG: *What is "end-to-end" digital rights management anyway? This seems to be aimed at the end user rather than at libraries. Is this true?*

E&B: "End-to-end" in the technological sense means that CCC's solution is complete—easy for users, which certainly includes libraries and library patrons, and easy for rightsholders to integrate into their Web publishing activities. Because CCC has had so many years of experience with both users and rightsholders, we were able to address the needs of both communities in our service. The service allows publishers to determine how their copyrighted material will be used and what rights they are willing to grant, for what price. For the user, CCC's system makes it fast and easy to license, obtain, pay for and use copyrighted content taken directly from the publishers' Websites.

ATG: *What does this mean for libraries? How do libraries fit into this process? How will libraries' patrons be able to use this service? Will libraries have to deposit a certain amount of money with the CCC to take advantage of this? How about the role of inter-library loan in this process?*

E&B: No advance deposit is needed. Libraries will only need Internet access, and whenever they want to license the copyrighted material for republication of participating publishers, they can complete the transaction right online, at the point of content. Patrons can license material via their own credit card, and the library in this scenario has no payment obligations or responsibility for the payment and/or collection process. CCC sees this as an extension of our role as a clearinghouse and trusted intermediary between the rightsholder and user.

As we all know, InterLibrary Loan (ILL) practices and conventions grew up in the photocopy world, and the adaptation of the old guidelines to the digital world has not been smooth or noncontroversial. That being said,

the new service is most suitable for uses which are clearly beyond any fair use, and is not especially suitable for ILL. (In the photocopy world, many libraries that clear all permissions beyond the old CONTU 'rule of five' use CCC's Transactional Reporting Service (TRS) for exactly this purpose.)

At the same time, the library itself as publisher or corporate author may take advantage of the digital rights services on, for example, *The New York Times*' site to garner rights for uses not already covered by an existing subscription or licensing agreement. These services are between the rightsholder and the user directly. CCC's software and systems reside at the publisher's site.

ATG: *These are exclusive agreements? Does this mean that a library has to be a member of CCC to take advantage of these services?*

E&B: Libraries do not have to be a member of CCC to use these services, although there are additional benefits related to ease of use. The exclusivity referred to is between CCC and the rightsholder, not CCC and the user. It which means that no other provider of digital rights management systems or services will be used by Dow Jones or The New York Times Company.

ATG: *What happens if a library receives The New York Times, the Wall Street Journal, or Barron's through another aggregator, like Lexis/Nexis?*

E&B: Nothing will change for the library. In fact, it may be that, in the future, libraries and users will be able to access these digital rights management services for the individual works while working through an aggregator. For example, a librarian researching a particular topic might find two articles through Lexis/Nexis—one from a publisher using our services and one from a publisher with no such capability. S/he would be able to license use of the CCC-serviced publisher's article in a matter of seconds.

ATG: *Can you tell us about the reprint service end of digital rights management? Will this help libraries which want to put a particular article on reserve? Currently it can be a nightmare getting copyright permissions from publishers.*

E&B: Because the rightsholder can set different fees for different uses for different users, our digital rights management services could be a boon to libraries looking to put an article on reserve. Many rightsholders have different policies about reprint pricing for not-for-profits and academic institutions versus

commercial institutions. Additionally, we know that processing requests like this can be very time consuming for everyone involved. (Solving this problem is one of the reasons for the success of CCC's academic coursepack clearinghouse—APS.)

A publisher using CCC's digital rights management services can set a fee for reserve reprints—one time—and neither the library, nor the rightsholder, will have to go through that time-consuming process again. CCC handles the licensing and the content delivery to the library. Easy for the library, easy for the publisher.

ATG: *What libraries and publishers beta-tested this service? What sorts of modifications did you make in it based on their comments?*

E&B: Again, as these services are for the rightsholders to use and deploy, it is up to them to determine which of their customers they wish to include in their tests. Due to non-disclosure agreements, we can't say who has beta-tested these services or whether or not they have included libraries in their tests.

ATG: *What sort of pricing are we looking at here as libraries? As individuals?*

E&B: For libraries and users alike, there is no cost to access these services. All you need is Web access.

ATG: *You have said that the digital publishing market is expected to grow from approximately \$8 billion today to up to \$70 billion by 2004. Where does this figure come from and what other publishers are you negotiating with? You only have agreements with three publishers to date? How many separate publications?*

E&B: We hired Bain & Co to assist us in a number of ways during the last few months, including sizing the market. They used information from U.S. Industry Outlook, Euromonitor, CS First Boston, and Simba in their work.

The publications covered by our current agreements with two publishing companies—*The New York Times Company* and *Dow Jones & Company*—are online editions of *The New York Times*, the *Wall Street Journal* and *Barron's*. We're not at liberty to divulge what other publishers are in negotiations, but similar announcements will be forthcoming.

Biographical information:

Ed Colleran manages CCC's publisher relations department, develops new revenue-generating initiatives for the

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From the Reference Desk

Column Editor: **Tom Gilson** (Head, Reference Services, Robert Scott Small Library, College of Charleston)
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Some reference books assume added importance because of the serious nature of the topics they treat. Undoubtedly, ABC-CLIO's *Encyclopedia of Genocide* (1999, 0874369282, \$150) falls into that category. Produced by the **Institute of the Holocaust and Genocide** in Jerusalem and edited by **Israel W. Charny**, this set is a disturbing reminder of the staggering crimes committed as a result of racial and ethnic hatreds. While there is a considerable amount of attention paid to the Jewish Holocaust here, coverage is by no means restricted to it. Editor Charny and his contributors also report on the carnage that took nearly 2 million Armenian lives during and just after World War I, as well as the more recent Khmer Rouge genocide in Cambodia and the retaliatory killings of Hutu and Tutsi in Burundi and Rwanda. There are also articles on the genocide of the Native populations in Australia and the Americas and those that cover broad historical epochs like those on genocide in antiquity, the Middle Ages and the early modern period. In addition, the encyclopedia includes biographical sketches of both perpetrators of genocide and those who have fought to expose and combat it. There are also entries that define terms and concepts and those that discuss various other aspects like

the psychology of genocide, the attempts at genocide denial, the role of film as propaganda and the art of the Holocaust. Reading through this encyclopedia has a mind numbing effect and many of the facts recounted are difficult to comprehend. For example, the Soviet Union, under Stalin, is accused of murdering almost 62 million people. Some 70 countries are held to have had "mass killings and arbitrary executions" of their indigenous populations numbering 350-400 million through recorded history. And, few can claim innocence. In the fight against Indonesian communism, "recently declassified secret government documents show that in 1965 Britain aided the slaughter of over half a million people." Declassified documents also show that the United States covertly supplied many of the weapons.

Getting back to the mundane, the organization of the book is a bit quirky, but a more than adequate index helps make up for it. Nonetheless, a reading of the "How to use the Encyclopedia" section might be a good idea. While the scholarship is undeniable, there are instances where more thorough authentication would be a great help. For example, the information regarding the genocide in Indonesia related above is given in a sidebar and does not cite the source of the "secret documents,"

and the person reporting the information is not identified in the list of contributors. Despite flaws like this, the *Encyclopedia of Genocide* is a powerful work and represents a milestone in genocide studies. It is a reference set that is a necessary and important purchase for both academic and public libraries.

Another ABC-CLIO title deserves discussion. The *Constitutional Rights Sourcebook* (1999, 1576070611, \$75) is a handy introduction to the Constitution and the rights it protects. Written by **Peter G. Renstrom**, the emphasis is on the "currently existing doctrine" as elucidated by 175 landmark **Supreme Court** cases. Renstrom has organized his book by what he considers to be relevant constitutional amendments including the first, fourth, fifth, sixth, eighth and the fourteenth. He further organized each chapter by significant concepts accompanied by an explanation of the cases that address the concept. For example, in the chapter on the fourth amendment, concepts like third party searches, probable cause, the exclusionary rule, and drug testing are explained with references to cases like *Zurcher v. Stanford Daily*, *Draper v. United States*,
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to create with the other players a standard, a means of identifying what we are all talking about. The work that **Glen Secor** has done with **YRM** and the **DOI** is really important here. We have to have a place to store the metadata about the products and to store the products themselves. Obviously, we need to acquire the content from the publishers, get the rights to it. This is all so new; we are going to have to experiment, be willing to change, be flexible. But overall, these are just products, like we've been distributing for nearly a 100 years. Baker&Taylor has established a brand name in the market place and has, for years, served the Library and the Retail. We plan to continue to provide the same service and earn the same respect that have made **B&T** a trusted partner. We have to think this through carefully, but I've no doubt we will continue to satisfy our customers. And I can tell you we've been in contact with all the major players. We are open to work with any company and will consider any potential relationship. I guarantee that there will be some partnerships announced that will be wild and crazy—look at **AOL** and **Time-Warner**.

ATG: What role, if any, does **George Coe** play in all of this? Is this why he left **Brodart** after over twenty years?

RD: George brings such a wealth of experience and customer knowledge to **B&T**. His role is **President of B&T Institutional** so he will not have an immediate impact on **Informata.com**, but, of course, his insights and thoughts on the marketplace will help us move forward. We are so proud to have someone of George's status join the executive team of **Gary Rautenstrauch**, **Arnie Wight** and **Jim Ulsamer**.

ATG: Tell us about yourself, What do you like to do for fun? What do you like to read? Tell us about your family.

RD: Let's see ... I grew up in New England and graduated from **Bowdoin College**—seems like ages ago—after 4 years of service, Marine Corps, I joined **Prentice-Hall Publishing** and marketed college textbooks before moving on to run **Macmillan Publishings'** College Sales Department. My first move into database and library work came when I joined **R.R. Bowker** where I headed up sales and became the Publisher of *Books In Print*. I did two years at **Barnes&Noble** working on the database which drove **bn.com**. **Craig Richards** and I met up and we both shared a vision which has come to reality in **Informata.com** ... talk about coming full circle!

I did live outside NYC for 25 years, so
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company's participating publishers, and manages the digital rights management sales effort. Colleran has over 17 years of experience in the communications industry, having spent the majority of his career in the advertising/marketing communications profession. Most recently, he was Vice President/Managing Director of **Larry Miller Productions** (now **ixl, Inc.**), a firm specializing in Web strategy and the development and design of Websites for the Internet and intranets. Prior to **LMP**, Colleran was Director of Account Services at **Quantic Communications**, a marketing and communications firm specializing in new and traditional media.

Bruce Funkhouser manages CCC's business operations department, supporting all licensing and rights management services. He is a member of the International Federation of Reproduction Rights Organisation's (IFRRO) Musical Works Committee and Data Exchange Committee as well as the National Academy of Recording Arts and Sciences. Prior to joining CCC, Funkhouser served as Vice President, Programming, Licensing and Sales Support at **Muzak Limited Partnership**.