June 2000

And They Were There-Reports of Meetings- ALCTS/AS Preconference

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Recommended Citation

Bordeianu, Sever and Gelfand, Julia (2000) "And They Were There-Reports of Meetings-ALCTS/AS Preconference," *Against the Grain*: Vol. 12: Iss. 3, Article 34.

DOI: <https://doi.org/10.7771/2380-176X.3389>

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And They Were There

Reports of Meetings — ALCTS/AS Preconference

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ALCTS/AS Preconference — Advancing Acquisitions: Services, Standards and Skills (June 24 and 25, 1999)

Report by **Joyce L. Ogburn** (Associate Director of Libraries, Resources and Collection Management Services, University of Washington, Box 352900, Seattle WA 98195-2900 phone: 206-685-2889; fax: 206-685-8727) <jlogburn@u.washington.edu>

This institute was the most recent one sponsored by **ALCTS** on the business of acquisitions. It was structured to offer a choice of concurrent sessions to attendees, ranging from licensing, consortium work with vendors, being an acquisitions ambassador, outsourcing, and tracking staff costs. Additionally, there were three keynote speakers, on whose speeches I will report.

The business of acquisitions opened with **Martha Whittaker** of **Blackwell's Book Services**. She opened with comments on the nonsustainability of the current business models of vendors and posited that they need

to reinvent themselves. Economies of scale and stretching margins are being achieved with a large vendor and a larger market share. Vendors are consolidating just like consortia are forming. Both limit choices, but clearly larger resources stretch farther.

Big changes are needed still. Vendors sell books but give away value-added services (automation, reports, etc.) What are librarians willing to pay for? Blackwell spends \$500,000 a year for paper on notification slips while seeing a low rate of return. If this is a valuable service, librarians need to put money into it. She asked, which services should be

fast tracked and how should they be paid for? Should vendors supply e-books? Vendors will need to team up with these suppliers and take advantage of their infrastructure for approvals, publisher relations, library relations. Book vendors have to stay relevant, which may include fulltext indexing and profiling with e-books. Also, they make preview easier and there are no returns. **Blackwell's** is talking with **Powell's** about some kind of service.

Mike Powell of **Powell's** books followed on the program. He noted that core values still exist in the book business, but customer behavior and expectations are changing. The pace of change is the hardest thing to cope with. Bookselling is the last of the cottage industries. Competition has been ferocious with **Barnes and Noble**, **Borders**, and **Amazon.com**—the casualty rate is high for the small bookstore and their share of the market is dwindling. 52% of books are now

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So what does the **Microsoft** decision mean for the worlds of publishing and librarianship? For many years **Windows** has been the *de facto* standard, with many strong adherents among the **Macintosh** world. Librarians more than anyone else realized the power of the Internet early on, and have invested heavily in Web technology. It is to our benefit to have more operating systems available that will run programs and databases. Although **Microsoft** claims that there are advantages to standardization, what this case really represents is an attempt to foster technology that will run on any platform. Once that happens, the price will come down.

As heavy technology users, it is to the benefit of publishers and librarians to be freed from dependence on a single operating system. The time investment necessary to make **Windows** databases run on the **Macintosh** is prohibitive, which keeps **Macs** from being competitive. Computer technology has become the single biggest expenditure in libraries, in some cases overshadowing book budgets. As serial and book prices continue to rise, a decline in the price of computer technology will provide more money for the hard-pressed libraries.

Of course the **Microsoft** decision is still subject to appeal, but the world of publishing and librarianship should celebrate this decision. Antitrust law is complicated, but ben-

efits consumers. The question is whether **Microsoft's** actions constitute competition, or suppression of competition. As a computer-savvy librarian, I hope that competition will spur price cuts in technology. Goodness knows librarians could use some good news for a change. 🐾

Endnotes

¹ United States of America v. Microsoft Corporation, C.A. 98-1232 and State of New York, ex rel. Eliot Spitzer, et al., v. Microsoft Corporation, C.A. 98-1233 at 9 (D. D.C. filed April 3, 2000) <http://usvms.gpo.gov/ms-conclusions.html> (Hereafter "Case").

² Case at 9.

³ Case at 10.

⁴ 15 USCS § 1

⁵ 15 USCS § 1

⁶ Case at 22.

⁷ Case at 22.

⁸ Case at 11.

⁹ 15 USCS § 2

¹⁰ Case at 13.

¹¹ Case at 13.

¹² Case at 15.

¹³ Case at 15.

¹⁴ Case at 17.

¹⁵ See Case at 15.

¹⁶ 54 Am. Jur. 2d §147 *Monopolies and Restraints of Trade* (1996).

¹⁷ U.S. V. National Society of Professional Engineers, 404 F.Supp. 457, 463 (D.C.D.C. 1975). See, 37A *Worlds and Phrases* 239 *Rule of Reason* (Supp. 1992.).

¹⁸ Case at 18.

¹⁹ Case at 25.

Copyright Questions & Answers from page 81

patron to make her own copy, but the library should not make the copy for the user.

QUESTION: *There is a consortium of health facilities that pools its money to purchase videos selected by members of the consortium. Each member contributes a fee depending on bed size. The videos are actually purchased by the library and added to its collection. These videos are then loaned to the members for viewing at their facility at no charge. Is there a copyright problem with this consortial activity?*

ANSWER: There are several issues here. First, when the library purchases the videos are they licensed only to one institution? If so, then the videos can be used only within that one facility. If not, then loaning the videos is no problem. Of course, the videos cannot be duplicated either.

There are also performance rights issues involved, however. If the videos are just used for individual patient viewing in their rooms, there is no problem. If, however, the videos are shown to groups or in public areas, it is a public performance, and the library must obtain the public performance rights for the consortium. When negotiating for the consortium, indicate that the video may be shown within any or all of the facilities of consortium members. 🐾

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sold in drugstores, KMart, grocery stores and **Costco**. If the share is too small, bookstores will lose customers and publisher attention. There is the need to find new strategies. What does a small bookstore have to offer over the Internet? Not much since personal service doesn't translate well over the Internet.

Powell's innovations are to supply used and new books, paper and hardcover together. Their inventory reflects their decision to focus on breadth. They plan to put 2 million titles online. E-commerce now makes up 15% of **Powell's** sales. E-books will become available, loaded onto a reader, easy to use, and clear to read. Seeing, hearing, touch are still powerful means of communication. Books on demand is another growth area. Community roots have not proven to be as important as was once thought. There are now more methods of requests and access: walk-ins, fax, telephone, Internet (which ironically has increased phone use).

Powell concluded by saying that censorship is a challenge, reading is important, and that words still matter.

Ross Atkinson of **Cornell University** delivered the last keynote speech entitled: "Managing Resources Transfer: Some Suggestions for the Recreation of Acquisitions." As usual, he had profound and provocative observations. He started with the premise that the library's role is to reduce time to access information and to provide it in the right time frame. Ac-

quisitions' role is to provide confirmation and identification, location of material and importation into the library.

He argued that the skills required are economic, political, negotiation, ethical. In his view, acquisitions librarians should be honest brokers and representatives to external parties. In the transition from traditional to digital, the hybrid library will not last long with digital formats prevailing. He sees this as a good thing that will bring value to the user.

Atkinson noted that transition is not easy and service professions tend to be reactive. Librarians should move past prediction and get to where we want to be by designing the future. The library profession should take a position and espouse its ideologies, as we will need ideology in our new environment and should emphasize that which distinguishes librarianship.

He posited that most of us are agents and that when resources are scarce, there is a competition for resources and agents help obtain resources. They also compete. Agents have clients, but can also contract with each other. Agents can quickly disintermediate a whole range of intermediaries.

The online world shrinks the space between writers and readers and leaves less room for intermediaries, and as Atkinson said, they will "eat or be eaten." Librarians feel that the first course on the menu should be a few large science publishers, who don't add enough value to reconcile with their high prices. Librarians should step in and take on some of the dis-

semination of scholarly information, making sure it is peer reviewed and certified. Otherwise, publications may go around libraries if economically viable. However, librarians don't know what it takes to publish and the costs involved.

Publication involves information exchange and content. People publish to tell other people about themselves and to draw attention to the writer. Someone needs to bring the writer to the reader's attention. Information chaos is a show stopper, so librarians should draw attention in a normative fashion and prescribe what to read.

He asked, in this environment what needs to be shifted? On a grand scale functions like collection development and selection may actually be an impediment. A new model may be to get the user to the resources and let them choose. Cataloging should be normative, not descriptive and acquisitions should identify, locate, and import information.

Hypermediation is occurring more than ever before. Writers and readers will do more, but mediators will do more also. The concept of anything, anywhere, any time, any place needs a system in place. Examine the complexity of information transfer and content itself. Current information objects are complex, made up of documents, parts of documents, collections of documents, and databases—and many have contracts for use. Someone has to negotiate the process. Librarians need to raise debates to an abstract level to have concepts

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to move through the transition. There are spatial and temporal sides and acquisitions has a role in moving objects in this environment. The boundary is now the workstation, not the building.

He also predicted we will eventually have large warehouses of paper libraries and we may be forced to share resources. We will have to be cheaper and need to negotiate. Digital archiving is a big job with technical and political sides. Technical problems are easy compared to political problems which include ownership of publications by publishers. Publishers don't want to archive these works, but they still want to own them. We need to negotiate transfer back to the academy.

According to Atkinson, the academy is about knowledge production and requires information sources to support it by bringing subjects and objects together. More can be communicated orally than graphically. He predicted that the dominance of graphical (written) information will decline and give rise to multimedia, with voice-activated computers and computers that talk back. It has been said, he noted, that ours is the last generation that will know how to type.

However, the library may be a place where people come together to work with information objects and to provide personal interaction. In the future, the line between classroom and library will get small. Distance learning involves both instruction and information objects; their conveyance includes instruction and publication. Atkinson asked a series of questions: Who does this? Do they need to be on site? Should librarians perform distant information services? What is best for the user? Perhaps we should get out of the way? And if not, why? He further noted that users are our focus and we work for them, whereas companies work for shareholders and for themselves.

He argues that whoever owns information controls access. How the owners use technology to control access depends on their clientele. Why doesn't the academy take back publishing (i.e. ownership and control)? Publishers are competitors with universities; however, universities see their competitors as only each other. Libraries are used as leverage in this competition. We should limit areas where institutions compete and information access should not be one of those areas. Everyone needs access: the competition should be in how information is used.

There needs to be a shift from institutions to the discipline, and accordingly, there needs to be a designated channel which is certified and discipline-based. Librarians are needed to bring order. Atkinson thought that it is less important that we agree with his position than that we have a position, a vision, and work actively toward it.

He ended with the upbeat note that it is a privilege to be a librarian now; it's our turn and a special time. Librarians understand the key issues for transition and have the right ideologies. It's time to stand up and pull together to put together services and open access to materials.

From the Other Side of the Street — A Farewell to Fair Use?

by **Thomas Bacher** (Director, Purdue University Press; ph: 1-800-933-9637; fax: 1-765-496-2442) <bacher@purdue.edu>
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Beginning in the last year, rapid developments in content control software have made publishers and information providers more willing to digitize their content within a distinct framework. Part of this trend can be attributed to financial realities, but another part must be attributed to the greater control that information providers feel in vending secure content on the Web and the terms that they can get from end users via licensing. For example, university libraries now sign contracts that limit the use of digital information to particular IP addresses or user logins. This shrinkage in public access is a serious blow to fair use and could lead to some disturbing consequences including lessened knowledge growth in disciplines, increased disparity in those that have information and those who cannot gain access to it, and a fundamental change in the anthropology of creativity.

In the world of printed information, public institutions placed limited restraints on persons wishing to photocopy articles for their own use. The container (book or journal) of information, if not checked out, was on a shelf that allowed someone to grasp it, browse it, and copy parts of it. However, in the future (even today), information might be held in a container that is itself protected in a way to limit access and track usage. **The Digital Millennium Copyright Act (DMCA)** prevents circumvention of technology that protects the copyright of material. A professor in the Department of Philosophy might be restricted from viewing the contents of a publication because the institution has licensed the use of the particular information to members of the Biology Department. Further problems could arise if departments, or even individuals, acting unilaterally entered into agreements with information providers that had clauses determining access by others at the institution.

The rise of digital rights management vendors, like **qpass.com** and **recipricol.com**, as well as related organization like **digimarc.com** (digital watermarking), **microsoft.com** (Microsoft reader) and **xerox.com** (ContentGuard), represents clear warning signs that digital content with controls is becoming a profitable alternative for the information provider. As digital knowledge appliances become more ubiquitous, information providers will not be compelled to provide

printed content. The burden to print will fall to the information user, and the content provider could even limit and charge for that usage. Knowledge indeed may be power, but power only for those who can have access to the information.

A slightly different trend, and one that at first glance seems to foster fair use, is the recent movement for university presses to be housed under their home institutions' libraries. Most recently **Stanford University Press** and **MIT University Press** went this route. Educational organizations can see the great benefits in this arrangement as it impacts the flow of scholarly information. In this set up, the university press becomes the seeker and manipulator of scholarly information and the university library becomes one part of the distribution chain of that information. The benefits of this Library-Press arrangement include (1) universities can stop the process whereby they pay faculty to create information and then pay outside providers to repackage the information; (2) universities will be able to maximize the use and sale of their information; and (3) ownership of the information will cut out a significant part of the apparatus for tracking down rights and permission. Consortia could be developed that allow the free flow of information from institution to institution under a structured document delivery system. Early experiments in this area can be seen in the practices of the **Los Alamos Eprint Archive** (<http://xxx.lanl.gov/>), an electronic archive for papers in the areas of physics, mathematics, nonlinear sciences, and computer sciences; and **CogPrints** (<http://cogprints.soton.ac.uk/>), an electronic archive for papers in any area of psychology, neuroscience, and linguistics, and many areas of computer science (e.g., artificial intelligence, robotics, vision, learning, speech, neural networks), philosophy (e.g., mind, language, knowledge, science, logic), biology (e.g., ethnology, behavioral ecology, sociobiology, behavior genetics, evolutionary theory), medicine (e.g., psychiatry, neurology, human genetics, imaging), anthropology (e.g., primatology, cognitive ethnology, archeology,

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