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From the Other Side of the Street-A Farewell to Fair Use

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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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Oregon Trails — Electronic Book Hype

by **Tom Leonhardt** (Oregon Institute of Technology)

How would you like to add 5,000 books to your home library? dot.com is pleased to bring you 5,000 of the greatest literary works ever created—by authors such as **William Shakespeare**, **Charles Dickens**, **William Faulkner** and **Edgar Allen Poe**.

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The above ad is just one of the many ads and articles that we are seeing daily hyping the electronic book. Are we to believe, as **Microsoft** believes, that by 2009, the electronic book will have superseded the printed, bound book? I won't worry for myself because I will have plenty of books to read. (I should be retired by then.) I can borrow from libraries (they will still be around in 2009) and I may have my own 5,000 titles on shelves at home, and I will not have spent \$100,000 on them.

In the March 25, 2000 issue of the *New York Times* (the Web edition, alas, because I can't buy my own copy here and must either wait until the Manhattan edition arrives by USPS or go on the Web) Frank Rich's "Journal" is subtitled "Stephen King's Week of Terror." He cites a lot of the current hype about things electronic—books and newspapers, that is—and quotes **Jack Romano**, CEO of **Simon & Schuster**, in response to the popularity of **Stephen King's** electronic book, *Riding the Bullet*: "What shocks me is the number of people who are willing to read for entertainment on the screen."

First of all, we only know that lots of Americans wanted to buy the electronic book. It used to be called keeping up with the Jones but fads are so common, so important to the American economy that we

find other ways to describe them, often giving them an importance, fleeting to be sure, that they really don't deserve. What we don't know is how many of those who downloaded the book actually read it and, of those, how many read it online and how many printed it on 8 x 11 pieces of paper before reading it or putting it someplace safe and forgetting to read it at all.

The assumption never challenged by the journalist writing the article is that people downloaded the book and read it online or at least on the screen. Mr. Romano was shocked at the numbers and was probably drooling, too, at the prospect of selling books without having to print them, bind them, ship them to stores, and have to deal with returns and remainders. It is the best of all possible worlds.

Or is it? The good lord willing and the creek don't rise, I will be around in 2009 to see what happens. My hope for the future (I am thinking of my grandchildren but they are already used to real books so maybe it is their children I should be concerned about.) is that electronic books as a substitute for the codex is nothing more than a fad and a fervent desire of Philistines to destroy once and for all a thinking public. (It has nothing to do with improving reading, writing, or the preservation of our accumulated knowledge and wisdom.) Greed and money, money and greed. That is what is driving electronic books. I will cede that some electronic books, easily read in small chunks, might serve a useful purpose, but I am betting on human nature to reject the electronic machine in favor of that original handheld device, the codex, that preceded the invention of moveable type and that so perfectly replaced the stone tablets and the scrolls. In many ways, even with hypertext, electronic books are a return to the

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paleontology), as well as any other portions of the physical, social and mathematical sciences that are pertinent to the study of cognition.

A question recently bandied about our intra-library listserv centered on the need for a mediator (librarian) to qualify information. Undoubtedly, the growth of the Internet has led to an exponential rise in information and information sources. There are all kinds of sites, official and unofficial. Many of the librarians saw themselves as gatekeepers of "correct and valuable" information in a world burgeoning with inaccurate and inane reference sources. What never was fully discussed was a key ingredient—what does the user want? That is, what do users' perceptions play in the role of authenticating information?

The Internet as a vast land of information has sites like **about.com** and **Britannica.com** that may satisfy the demands of a large base of users. The Academic & Research library might be more apt to provide specific information to its users. However, if the perception exists, especially for lifelong learners, that resources fit their needs, markets will open and be filled by information providers. One such endeavor is that of **fathom.com** which partners **Columbia University**, the **London School of Economics** and

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scroll, a curious relic of the past but discredited as a way to read anything. Talk about linear!

But there is still some cause for worry. Professional educators (schools of education will be our collective undoing yet) and their stress on diagnostic test scores, are creating a market for electronic books that can either be read on the screen or printed out for easy reading. But whole books aren't being read in preparation for these tests, only short selections.

In the April 10, 2000 issue of *The New Republic*, **Jonathan Weisman** has an article called "The Texas education myth: Only a Test." In it he discussed the **Texas Assessment of Academic Skills (TAAS)** and the **National Assessment of Educational Progress (NAEP)**, but he also quotes from some of the findings of **Linda McNeil** (Rice University) and **Angela Valenzuela** (University of Texas) from their study published by the **Harvard Civil Rights Project** in January. There are many causes for concern if we are to believe their findings, but the one that caught my eye in light of the electronic book craze is this sentence in the article that refers to the practice of teaching to the tests: "Students are taught almost exclusively to write standardized, five-paragraph essays with each paragraph containing exactly five sentences, ..." (p. 16)

McNeil and Valenzuela also noted that middle school students have become so accustomed to reading short passages (as on **TAAS**) that they "were unable to read a novel even two years below grade level." (p. 16)

Were they unable or unwilling? In the end, I suppose it really doesn't matter. But if electronic books win out, it may be because of our public school systems driven by the need to teach to state-mandated standardized tests. Then the private schools will extend their advantages (real or imagined) over public schools by continuing to prepare students for college and AP exams that, we can only hope, will expect that a certain number of novels have been read, cover to cover, and understood. And the essays will be longer than five paragraphs and that the paragraphs will vary in length and look.

I have the good fortune to live in a small city with three used bookstores with a surprisingly good stock. The stock comes from the citizens of Klamath County for the most part. The other day I acquired eight paperbacks by authors of literary merit and reputation. It cost me \$15. At that rate, it would cost me \$9,375 to buy 5,000 books. That is really not as far-fetched as it may sound. But even at five times that rate I would still come in at less than half of the \$100,000 that dot.com is quoting. I am not buying new hardbound books, but the paperbacks are of good quality both in manufacture and

content. I buy hardbounds, too, and only occasionally go over \$10, usually when a **Christopher Morley** title has been held back for me by the owner of the store I frequent most often.

The books I buy in Klamath Falls have local provenance as part of their appeal. The **Morley** titles come from the library of a prominent family in town and that makes me feel more a part of the town than if I had found the same volumes somewhere else. Many of my recent purchases are evidence that one of our locals studied comparative literature in college and for some reason has decided to part with them.

I am not waxing sentimental over what some people erroneously believe is a fading technology, I am merely acknowledging the connection between readers through the exchange, however anonymously, of good books. There is also the connection between the reader and the book designer, the typeface designer, the book jacket designer, the book illustrator, the editor, the publisher, and, of course, the author. A book provides aesthetic, tactile satisfaction beyond the textual content and when design, paper, illustration, and type-face are in harmony with the text, we experience a miracle when we take that book in hand.

Anthony Powell died in March 2000 at age 95, but not before he observed with the title of one of his novels, *Books Do Furnish a Room*.

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Political Science, Cambridge University Press, the British Library, the Smithsonian Institution's National Museum of Natural History, and The New York Public Library. The consortium's aim is to create the first home for authenticated knowledge on the Internet, serving a worldwide audience of business and individual users. These globally recognized institutions would be providing both content and courses to satisfy the complex needs of the ever more mobile information gatherers. The consortium's make-up also reflects that brand recognition is a very key selling ingredient in the online market. Also, it is clear that ownership and subsequent reissuing of information is of paramount importance because users' perceptions make information valuable. The laws of supply and demand can then easily accommodate a pricing strategy. Fair use? Hardly, the deeper one chooses to go on an information excavation, the more costly the process.

I recently was the guest lecturer in a copywriting class offered at my home university. The class was made up of about twenty students, all undergraduates, who had an interest in publishing. Ostensibly, I was there to give them an overview of the publishing industry in order for them to be able to un-

derstand what jobs would be available after their graduation. As might be expected, after some discussion of traditional publishing roles, someone asked about the new digital frontier and what to expect. Change, change, and more change was my answer sprinkled with a dose of prepare yourself for the unexpected by becoming your own best consultant. Stay current on technology. Watch what's happening on the Web and which corporations are behind certain ventures. Get a good news browser and have it search for e-commerce, e-books, and e-ventuality. Finally we came to the matter that seemed of most interest to the class—fair use and copyright. Having been well schooled on entering the university of the fraudulent and felonious fibbing named plagiarism, the students had a myopic view of fair use—any use of others' materials was in violation of copyright law and permission was required. I could hear publishers standing up the world over cheering furiously while librarians wept in their drink of choice.

In the next several years, controlled access to information may deny a large portion of the population from using materials that would have previously been available. Freedom to innovate may reside only with those that have knowledge and the digital tools to use it. The mentality that all use must be requested might get reinforced dramatically. We may, in fact, be bidding adieu to fair use.

ATG Interviews Bob Doran from page 66

my fun was largely commuting in and out!! Just kidding. I am an avid runner, coached all kinds of little league baseball, soccer etc. as my daughter moved up the ranks. I am a Vietnam Veteran so I have kept current with all of the Vietnam literature. However, I love the **Robert Parker** stories simply because I yearn for New England. Since moving to Charlotte, coming on three years, my New York born/bred wife, **Sona** and I have been experimenting with sailing, fishing and trying to find a decent slice of pizza. My daughter, **Sonig**, is now in graduate school and tasting the business world in Washington D.C.

ATG: *What events, etc., stand out as the big changes since you have been in the business?*

RD: Wow ... what a question!!! Computers, computers, computers. When the *BIP* print was being challenged by CD-ROM—that was only 12 years ago—now who even thinks of CD-ROM as a technology—the rapid movement in delivery of data is enormous and we have only just begun.

ATG: *What do you think will be the big areas of change in the next five years?*

RD: I guess I see a whole new model of publishing especially in the scholarly, profes-

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