February 2000

The Year in Copyright

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Against the Grain

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Against the Grain

"Linking Publishers, Vendors and Librarians"

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The Year in Copyright

by **Laura Gasaway** (Director of the Law Library & Professor of Law, CB# 3385, University of North Carolina, Chapel Hill, NC 27599; phone: 919-962-1049; fax 919-962-1193)
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By taking liberties with what constitutes the year, and there certainly is a model for

such based on when the millennium actually starts, this has been a remarkable year in copyright law. Beginning with the end of October, 1998 until late December, 1999, there have been significant amendments to the law, important government reports, Congressional hearings and court decisions that mark the period.

Statutory Amendments

Digital Millennium Copyright Act

The most important amendment to the Copyright Act since its passage in 1976 is

the **Digital Millennium Copyright Act (DMCA)**, signed into law October 28, 1999, and codified into various sections of the Copyright Act. Most librarians are now familiar with the changes it made to the library section of the Act, Section 108, specifically adding requirements about copyright notice and expanding the provisions concerning preservation and replacement of library materials. These certainly are significant to libraries, but other provisions of the DMCA also have serious implications for libraries: specifically the online service provider (OSP) liability and anti-circumvention provisions.

Most institutions that provide Internet services such as email and WWW server space to students, faculty, staff and/or members of the public qualify as service providers. The institution may or may not decide to take advantage of the limitation on liability for OSPs.

If the institution wants to escape liability for copyright infringement by a user of its system, the institution must first register an agent to receive complaints about copyright infringement.¹ The name of the agent will be listed on the **Copyright Office** homepage² and also the institution must post the name on its homepage. Only an OSP that acts as a passive conduit for materials which pass through its system qualify, and the OSP must not know that the materials are infringing nor may it receive any financial benefit from the

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If Rumors Were Horses

More mergers! **Ingenta** <www.ingenta.com> has merged with **UnCover** <www.uncweb.carl.org>! Under the terms of the agreement, **Ingenta** has purchased 100 percent of **UnCover**'s issued stock, and **Ward Shaw**, Chairman of **UnCover**, will join the Board of **Ingenta**. In addition, **Ingenta** has announced new online services for the US research community including its new **EasyLink** service and seamless fulltext linking from **MEDLINE**. The acquisition of **UnCover** and the new service offerings accelerate **Ingenta**'s overall strategy of providing comprehensive Internet access to scholarly and research information at the desktop. The merger gives one million librarians and researchers using

UnCover's free table of contents database each month access to the fulltext of 750,000 articles from over 2,300 journals within **Ingenta**'s access-controlled article delivery system. Articles are available for free to existing subscribers of the e-journal, or on a pay-per-view basis where publishers permit,

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transmission of such works. When a complaint is received, the institution must investigate the complaint and act expeditiously to remove the material or disable access if it is found to be infringing.

There is a special exemption for nonprofit educational institutions intended to excuse them from liability for some of the actions of their faculty and graduate assistants who are teaching and researching if three conditions are met. First, the activities do not involve online access to instructional materials that are required or recommended within the past three years. Second, the institution has not received more than two complaints within a three-year period about infringing materials concerning these individuals. And third, the institution provides to all users of the system information that accurately describes and promotes compliance with copyright.³

How does this directly affect libraries? Clearly, if the library's own hompages infringe copyright and the institution is notified, it will be liable for infringement if it does not expediently disable access or remove the infringing material. In fact, the library is likely acting as an arm of the university when it creates an official library Website, so the university as OSP is selecting the material sent through the system, and the OSP liability provision would not apply at all. Instead, the university would be liable. Thus, the real application to libraries may be for library staff members' own hompages hosted by the university server. In many institutions, however, a librarian has been named as the OSP agent to receive complaints.

Anti-circumvention is designed to prevent users of copyrighted works from defeating technological measures implemented by the copyright holder to prevent unauthorized access to such works.⁴ This is the one provision not effective until October 28, 2000. The statute recognizes that there are some legitimate reasons for anti-circumvention such as decryption for serious encryption research and for law enforcement. The **Librarian of Congress** is mandated to conduct a study to determine if there are noninfringing uses of certain classes of works by persons who are likely to be adversely affected by the enactment of this section. The **Librarian of Congress** has begun this study and called for comments on November 24, 1999.⁵ The statute then directs the Librarian to publish the classes of works determined to be adversely affected, and for those users of such classes of works, there will be no enforcement of the anti-circumvention provision for three years.

There is also a peculiar exemption for nonprofit libraries, archives and educational institutions. Those organizations will not be

liable for anti-circumvention if the purpose of such is to gain access to a work for the sole purpose of determining whether to purchase the work. Further, any copy of the work thus accessed may not be retained longer than is necessary, used for any other purpose nor used for commercial advantage or financial gain.⁶

Sonny Bono Copyright Term Extension Act

The **Copyright Term Extension Act (CTEA)** was signed on October 27, 1998, and it became effective immediately.⁷ The amendment extends the term of copyright from life of the author plus 50 years to life of the author plus 70 years. For anonymous and pseudonymous works as well as works of corporate authorship, the term is now 95 years after publication or 120 after creation, whichever comes first. Unfortunately, the CTEA was retroactive; thus, it will be 2019 before anything else will enter the public domain. This has tremendous impact on scholarship and research, and concomitantly on libraries and their users.

Digital Theft Deterrence and Copyright Damages Improvement Act of 1999

On November 19, 1999, the **Digital Theft Deterrence and Copyright Damages Improvement Act** was sent to the President for signature. Although not signed at the time of the writing of this article, there is every indication that it soon will become law. These amendments increase the statutory damages for copyright infringement from the

current \$500 to \$20,000 per act of infringement to \$750 to \$30,000. In cases of willful infringement, the cap is raised from \$100,000 to \$150,000.

The 1997 **No Electronic Theft (NET) Act** is also amended to direct the U.S. Sentencing Commission to develop emergency sentencing guidelines under the Act within 120 days. The concern has been the dearth of prosecutions under the NET Act, and the emergency sentencing guidelines will respond to this concern.

Increased Copyright Registration Fees

The copyright registration fees increased from \$20 to \$30 effective July 1, 1999. Pursuant to the **Technical Amendments Act of 1997**, the **Register of Copyrights** conducted a study on the cost of providing services to the public. On the basis of that study, consultations with the public, authors and copyright owners, and based on public policy considerations, fees were raised to support the activities involved in copyright registration.

Government and Government-Related Reports

A number of important government and government-related reports were issued over

the past year dealing with copyright. Some of them may lead to legislative change.

Distance Learning

Educators and librarians called for the **DMCA** to include an exemption for distance education. Although Congress was unwilling to include such an exemption in the **DMCA**, the Act did mandate the **Register of Copyrights** to conduct a study on distance learning and report to Congress within six months. The **DMCA** contained a list of issues that the Register was to address in the report. The **Copyright Office** conducted a series of hearings around the country and produced an excellent report which made several important recommendations. The **Report** was published in May, 1999.⁸ The **Register's Report** contains a number of important recommendations. Of greatest benefit to the education community is the recommendation that the categories of works included in the exemption be expanded to include dramatic, literary and musical works and audiovisual works. The second important recommendation is that the restriction on the place of instruction be removed. The **Register** also suggests retention of the exemption's current limitation to nonprofit educational institutions and governmental bodies. It further recommends that the coverage of rights be expanded to meet technological necessities so that digital copies made incidental to a transmission are not viewed as infringing copies. The **Report** recommends that when the performance of a work is an integral part of the instruction or when the instructor is illustrating a point, the performance be exempted. Educational institutions would also have some responsibilities if the **Report's** recommendations are adopted: (1) apply measures to protect against unauthorized access, (2) provide protection against unauthorized dissemination after access has been acquired, (3) use only lawfully acquired copies of copyrighted works that are performed or displayed, and (4) educate the campus community about copyright.

The need for an amendment to the current **Copyright Act** to facilitate distributed education is clear, at least to educators, librarians and educational administrators. Congress will have to deal with competing interests in fashioning such an amendment.

National Research Council Intellectual Property Report

On November 3, 1999, the **National Research Council** released a report titled "The Digital Dilemma: Intellectual Property in the Information Age."⁹ The report looks at a variety of issues focusing on how to distribute digital information without losing control of it. It addresses the concerns of various "stakeholders": authors, publishers, the general public, the education community, representatives of the technology industry, and policy makers. The basic question is whether the notion of "copy" is appropriate in the digital environment.

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ronment since copying is directly related to the way computers function. Thus, control of copying could go beyond what is intended by copyright law. The report suggests that an alternative framework for understanding copyright law may be needed such as whether the activity is substantially destructive to the incentive to publish on the part of an author.

National Research Council Database Report

The **National Research Council** also released a report, "A Question of Balance: Private Rights and the Public Interest in Scientific and Technical Databases."¹⁰ The report is based primarily on input from representatives of key interest groups during a January 1999 workshop and focuses on balancing the interests between the rights of database owners and users. The conclusion of the report is that the owners of databases already enjoy significant market protections, so there is no need for a statutory amendment to supplement these protections. On the other hand, the report recognizes that perhaps some additional limitations against wholesale misappropriation of databases might be necessary.

Congressional Hearings

Hearings were held this year on a number of important copyright-related issues, but the most important to libraries concerned database legislation and distance learning.

Database Hearings

Two competing database bills were debated this year in the House of Representatives, both of which would extend some protection for databases beyond the copyright law. **H.R. 354** is the most recent version of three years' work by the **House Subcommittee on Intellectual Property**. The competing bill, **H.R. 1858**, came from the **Commerce Committee** and was viewed as much more favorable to libraries and educational institutions.¹¹ The competing bills highlighted the competition between two House committees over which should control electronic commerce, **Judiciary** or **Commerce**. At the end of the session, it appeared that **H.R. 354** would be the bill going forward. However, a concerted effort by library and education associations to postpone consideration was successful. The bill will be taken up next year but there are indications that it will be amended to provide many of the protections for research, scholarship and education found in **H.R. 1858**. Library associations will again be extremely involved in working on this important issue.

Distance Learning Hearings

On June 24, 1999, the **House Subcommittee on Intellectual Property** held hearings on whether an amendment was needed

to the **Copyright Act** for distance education. In addition to the **Register of Copyrights**, five individuals were invited to testify, two from the content provider community,¹² and they were opposed to any amendment. They stated that the current licensing system was working fine. The representative from **Copyright** talked about licensing generally. Two represented higher education and libraries, and they stated that an amendment was necessary to expand the classroom exemption found in Section 110(1) to distance learning.¹³ The major concerns articulated by content providers was the necessity to prevent downstream copying and the fact that there are no technological measures yet developed to ensure that such copying does not take place. Libraries and educational representatives agreed but stated that all institutions should be expected to do is to apply industry standards for technological measures that eliminate downstream copying. To date, no legislation has been introduced in either the House or the Senate, but there continues to be considerable interest on the part of some legislators as well as educators. The library community will continue to push for an amendment in the next session.

Important Cases

Tasini v. New York Times

Decided in September, 1999, the **Tasini**¹⁴ case is discussed elsewhere in this issue (see pp. 26-34 and interview on pp. 42). It is an extremely important case for libraries and could result in the removal of a number of articles written by freelance writers being removed from fulltext databases.

Eldred v. Reno

After the **Copyright Term Extension Act** was enacted, **Eric Eldred**, **Eldritch Press** and others filed a declaratory judgment suit against the government challenging the constitutionality of the 20-year extension of the copyright term. In October 1999, the **United States District Court for the District of Columbia** held that the term extension does not violate the Constitution's copyright clause authority to grant exclusive rights for "limited times."¹⁵ **Eldritch Press** and the other plaintiffs anticipated using works from 1923 that were to pass into the public domain at the end of 1998, but the retroactive nature of the **CTEA** prevented that. Claiming that they use, copy, reprint, perform, or restore works of film, art and literature in the public domain, the plaintiffs believed that they were damaged. Unfortunately, the court found that the **CTEA**'s extension was within the discretion of **Congress**.

No Electronic Theft Act Prosecution

The first person charged under the **1997 No Electronic Theft Act** was a 22-year old **University of Oregon** student who had loaded copyrighted software, music games and movies onto his Website for download.

The Website was hosted by the University which feared liability under the OSP provisions of the **DMCA**, and it was University officials who turned in **Jeffrey Gerard Levy** after it noticed the high volume of traffic that was generated by his Website. Mr. Levy pleaded guilty to posting thousands of works on the site.

Although the defendant faced a maximum sentence of three years in federal prison and a \$250,000 fine, in early December it was announced that **Mr. Levy** had received two years probation and would have only limited access to the Internet during that time.¹⁶

Conclusion

The old Irish toast, "May you live in interesting times!" provides a good evaluation of the year in copyright. Interesting times abound!

Endnotes

1. 17 U.S.C. § 512 (1998 Supp.).
2. <http://www.loc.gov/copyright/onlinesp/list/index.html>.
3. 17 U.S.C. § 512(e) (1998 Supp.).
4. 17 U.S.C. § 1201 (1998 Supp.).
5. 64 Fed. Reg. 66139 (November 24, 1999).
6. 17 U.S.C. § 1201(d)(1) (1998 Supp.).
7. Id. §§ 301-304 (1998 Supp.).
8. U.S. Copyright Office. Report on Copyright and Digital Distance Education (May 1999). See <http://www.loc.gov/copyright/disted/>.
9. The printed report is scheduled to be released by the National Academy Press at the end of 1999. Summaries are published at: <http://www.cstb.org/> and <http://www.nas.edu/>.
10. See <http://www.nap.edu>.
11. For a comparison of these two bills, see <http://www.databasedata.org>.
12. One of the representatives of the content providers was Patricia Schroeder who testified for the Association of American Publishers.
13. Professor Laura N. Gasaway, representing the major higher education and library associations, and John T. Cross, a law professor at the University of Louisville.
14. 192 F.3d 356 (2d Cir. 1999).
15. 1999 U.S. Dist. LEXIS 18862 (Oct. 27, 1999).
16. <http://www.idg.net/idgns/1999/08/20/OregonStudentFirstConvictedUnderETeact.shtml>.

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Supplying Books to Libraries The State of the Industry in 1999

by **Daniel P Halloran** (President and CEO, Blackwell's Book Services)

This has been a year of change for me personally, as well as for our bookselling industry as a whole. Two large mergers in 1999 spawned a new competitive environment for book vendors, and these have resulted in a new set of choices and opportunities for library managers. A technology that only glimmered in 1998, e-books, has emerged as an exciting reality in 1999. An "old" technology, the Internet, is no longer a toddler, and it is speaking to us in fully formed sentences that dominate our personal and professional lives. We have become so used to rapid change that I sense something new in the way we booksellers and librarians embrace, rather than fear, the next new thing. I see librarians initiating new ways of working and providing service, and certainly among my colleagues here at **Blackwell's** the changing environment is viewed as a world of opportunities. I can't imagine a better time to be working in this field.

In the first half of 1999 two major booksellers were acquired. My company, that Barry Fast and I built over the past quarter century, was acquired by **Blackwell's**. I'm pleased that this acquisition of **Academic Book Center** has resulted in the continuing operation of the company as a division of **Blackwell's**, providing all the services that we created, and doing that with the same high quality Academic's customers have come to expect. Barry and I, along with some other key managers, have joined with many of the Blackwell managers to build on this company's 120-year-old traditions of leadership in the academic bookselling community.

Soon after our merger, **Baker & Taylor** bought **Yankee Book Peddler**. **John Secor** and the outstanding team of YBP managers continue to operate YBP as a separate division, providing excellent service to academic libraries. For librarians, an understanding of why these mergers happened, and how they reflect the new ways businesses are operating today, is very important. In each case, the purchasing company used the acquisition as a method of solving problems and moving quickly toward new opportunities. When **Blackwell's** recognized its need for a new CEO, with new strategies and focus, they concluded that I was their choice to lead the company into the next century. Of course I felt honored, and I was immediately energized by the exciting possibilities awaiting me. I knew that I had a great team at both **Academic** and **Blackwell's** to help me, and we

moved swiftly towards a successful sale of **Academic**. In the case of **YBP, Baker & Taylor** recognized YBP's strength in the academic segment of the library market, and the acquisition of YBP immediately positioned B&T as a major vendor to the academic library community.

Each of these mergers was motivated by the needs of the acquiring company to move rapidly toward goals it had identified as important. In each case the acquired companies are strengthened, able to build on past success and continue to meet the ever increasing technological and traditional needs of their customers. For the customers, the mergers will ultimately offer more choices, a wider array of high quality services, and a stronger sense of security and long term commitment from their vendors. I want to emphasize that these mergers were not about cutting costs or dominating markets. They reflect the merger activity that is occurring in all parts of the high technology industry, where agility and innovation are the driving forces. That is why we have a new economy in this country, why productivity continues to rise along with wages, and customers have more opportunities than ever before.

I believe that we will look back at 1999 as the year when the e-book became real. Digitizing text and mounting it on the Internet have been happening almost from the beginning of the Net, but until now the technology had lots of problems. While journal publishers embraced the electronic medium, solving their rights problems with print/electronic subscriptions controlled by passwords and guarded by libraries and consortia, book publishers have largely avoided this technology. In the journal world, immediacy is part of the value, and nothing is more immediate than the Web. So it was a natural transition for journal publishers to move from print to digitized text, and once the controls were experimented with and protocols agreed to, e-journals flourished. But for book publishers the benefits of digitized versions seemed to pale in comparison to the problems. Simply scanning the text into a computer produced sloppy works, author contracts often ignored electronic rights or kept them with the author, copyright controls seemed worrisome where every other 16-year-old is an amateur hacker, and falling scholarly monograph sales added weight to the fears that e-books would cannibalize print book sales.

netLibrary has solved most of these problems, and is close to solving the rest. Book publishers are increasingly comfortable with **netLibrary's** copyright protection system. **netLibrary** has thousands of books online, from over a hundred publishers, and well over a thousand libraries have access to a rapidly growing list of electronic titles that never go out of stock or out of print. This year **Blackwell's** became the exclusive distributor of **netLibrary's** e-books to academic libraries, and we are co-operating with them by identifying books that should be in their database. This **netLibrary/Blackwell** strategic partnership will spur other booksellers to find e-book partners, resulting in a variety of electronic texts for the library community. Most significantly, we can now clearly see that the e-book is here to stay, that it will supplement and, in appropriate ways, supplant printed books. Will you ever read an e-novel on the beach? Maybe, probably, definitely? I'll pick one of these in a year or so, but I'll tell you now that "never" is the not among these choices.

Amidst all this good news for the library community I have to report once again, as I did a year ago, that only **III**, among the ILS vendors, enables booksellers and librarians to transmit orders over the Internet without re-keying. As the Internet has taken a central role in nearly all we do, I find it disappointing that the ILS community has not made this crucial link available to many of its customers. I know that **Endeavor** is working on this, and perhaps others, but why has it taken so long? I doubt there are other enhancements to ILS that will have such an immediate positive effect on efficiency.

Only a few years ago librarians expressed concern about shelf-ready book services. **OCLC's PromptCat** and vendors' book processing services caused librarians to worry about job losses and quality cataloging. Book vendors took these concerns seriously. We all made sure that our shelf-ready services were directed by qualified librarians and were as customized as possible. As library budgets grew along with a stronger economy, the demand for these services kept pace. In 1999 shelf-ready approval plans, with no returns, are becoming routine. But fine tuning approval plans to reduce returns to near zero is anything but routine. The unanticipated positive effect of the popularity of shelf-ready approval plans is that now all approval plans are much more targeted and tightly managed by

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Hallelujah!

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Concerns Carried Into the Third Millennium

by **Karen A. Hunter** (Senior Vice President Elsevier Science, Inc.) <KABowen@aol.com>

I was disappointed at the end of last year when the introduction of the World Wide Web did not make the Top Ten lists of the most significant events of the Twentieth Century. When I think about the third of that century that I spent in scholarly publishing, the WWW is the hands-down winner in its effects on this industry. **Tim Berners-Lee** — we who are about to die, salute you.

Okay, that's an overstatement. (Not the part about the importance of the Web — the "about to die" stuff.) Nevertheless, there is not a single issue among the seven concerns I've lugged in my bundle over into the new century that has not been either created or significantly affected by the WWW. It is not simply that scholarly information is now irreversibly electronic — we've been headed in that direction for 25 years. It is the way in which that electronic stuff is created and made available and the ubiquity of the Web that has made the difference.

Now, on to my fourth annual listing of the journal-related issues that give me reason to pause and reflect in the passing of the last twelve months. These are in somewhat random order.

Electronic journal archiving. This is a perennial, yet I think we are beginning to see a breakthrough. In 1999, there were two serious U.S. meetings (organized by **CLIR** and **CNI** respectively) that brought together senior library and publishing people to get closer to an understanding of what is desired and what is realistic. Neither meeting was as conclusive

as their organizers would have liked, but there was progress. There is some agreement on the importance of redundancy of archives, without consensus on who the holders of those archives should be — except that the archives are likely to be several and be distributed. A similar meeting will occur in Europe in early 2000. The logical next step will likely be one or more prototype projects, initiated by one of the library-related organizations or by publishers. At **Elsevier** in 1999 we announced — and added to our licenses — a commitment to electronic archiving and to the permanent availability of those archives should we leave the business. Other publishers are gradually making their archival intentions known as well. Publishers understand that this is perhaps the single biggest issue standing in the way of a full transition from paper to electronic.

The "journal literature should be free" movement. At one point this year I couldn't resist suggesting to **Stevan Harnad** that he get a puppy, as clearly he has too much time on his hands. He took it very well. My including this issue on my list of concerns, however, is not particularly reflective of Stevan's (and others') Open Archives initiative. That effort will work for some types of information and it will not be widely supported in other disciplines. However, there was a louder trumpet heard from the **National Institutes of Health (NIH)** in the first part of 1999 on behalf of what came to be called **PubMed Central**.

PubMed Central calls for life science journal publishers to deposit articles on its server for free distribution. The publishers would limit their activity to refereeing and would be paid by the authors.

PubMed Central would also welcome the deposit of other papers or reports from reputable sources, with screening sufficient (as **Dr. Harold Varmus**, then head of

NIH, said) "to keep the wacko stuff out."

One doesn't know where this will go with **Dr. Varmus** now having left **NIH** and there seems to have been some cooling off since mid-year. But **PubMed Central** is

certainly not going to (immediately) disappear. Its cousin, **PubScience**, is a less ambitious, low-keyed effort in the physical sciences, but it too could cause some confusion in the journal ranks. In an ideal world, everything of value would be free — water, food, clothing, and, yes, information. But maybe that means I would have to grow grass to feed the sheep that would provide the wool from which I would have to make my own clothes. I don't think that is the best use of my time. And turning all scientists into publishers is also not the best use of their specialized research energy, to say nothing of the importance of peer review — oh, well, you know the arguments (you do, don't you?).

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Supplying Books to Libraries

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vendors. Because librarians demanded new ways of working from us, we ended up improving a traditional service, approval plans, to everyone's benefit.

The Internet makes vendors' online databases possible. In this past year the major library booksellers continued to enhance their Web-based databases, enabling librarians to track orders, order online, and activate forms on their approval plans. We have spent literally hundreds of thousands of dollars printing and mailing paper forms to libraries each year. Online forms not only save money, they save paper, with all the environmental impact that entails. Taken as a whole, the use of the Internet in our daily work must account for thousands of trees still standing, for the reduction of

tons of paper mill air and water pollution.

During my thirty years in the business of supplying books to libraries I've witnessed the role that librarians have taken as innovators within the academic community. Libraries adopted automation before any other campus departments. Libraries were using email and the Internet earlier than their colleagues in other academic environments, except perhaps Engineering or Computer Science faculty. In 1999 we are seeing increasing demand from our librarian customers to enable them to fully utilize the business-to-business capabilities of the Internet. Instead of resisting change, a natural reaction to the new and the different, librarians are driving the process. In the vendor community, we are pouring large amounts of resources into EDI and other commercial development projects that librarians need to make their work more ef-

ficient. The Internet, as a commercial tool for librarians and booksellers, is now as natural a part of our lives as our cars or our telephones.

I shy away from making predictions, but at the end of the 20th century—by far the most bloody and uncivilized hundred years in recorded history, my natural optimism compels me to believe that the next century will be very different. 1999 has been a year of unparalleled economic growth, due in large part to the Internet with all its efficiencies, its communication speed, and its ubiquity. But beyond the commercial aspects, the Internet will help create a better world in the 21st century, a world with more freedom and more accessible knowledge for people everywhere. We will all play our part in this, and it is something to look forward to as this Millenium begins. 🐼

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3 Copyright as a red herring. There is considerable misunderstanding of what rights and activities a publisher needs to pursue to have sufficient incentive to continue in their publishing activities. The same people who argue that, "information should be free," and that publishers should only referee and do nothing else, also argue that publishers should be given very limited (no?) rights with respect to distribution. They argue that a key step in righting the wrongs of the present system is for the author to retain copyright. What is misunderstood here is that copyright is not the key factor — providing a sufficient reason to do the work is the key factor. If the reward in the proposed new systems is to come from the fee paid by the authors to have their work published, it is in the publisher's interest to publish as much as possible, regardless of whether it is good or not. Is that the behavior to be promoted? The more creative and thoughtful publishers would likely move out of this environment into something else (if nothing else, boredom will force them to), leaving only the less innovative to compete for fees. (But perhaps the whole goal is to get some of us to move out!)

4 Copyright as a meaningful protection. As the recent *Tasini* ruling (discussed elsewhere in this issue) notes, copyright is a meaningful right. In *Tasini*, free lance writers who had not transferred copyright and had not licensed electronic rights sued when print publications in which their articles appeared were put online without their specific permission and without paying them additionally. They lost in the initial suit but the decision was reversed on appeal. It is important that all of us respect the need to obtain the appropriate rights before acting. In the case of scholarly publishers, essentially all publishers have been obtaining transfer of copyright and can proceed to make the current information available without the concerns that *Tasini* raises. However, everyone considering digitizing backfiles (e.g., all JSTOR participants) will have to decide whether to take the calculated risk to do this, as few have all of the rights back to vol. 1, no. 1. The *Tasini* case reminds us that authors can legitimately assert their rights when their works are digitized without their explicit permission (where a transfer of copyright is one way of giving permission). In the belief that scholarly authors will likely not react as *Jonathan Tasini* et al did, many commercial and society publishers — as well as some librarians — will decide it is an acceptable business risk and will proceed to convert backfiles to digital form. We cannot but have some concern about the consequences of these actions.

5 "Can't We Ever Cancel Anything?" This was the title of a session at the ALA annual meeting last year. I think this lament reflects two concerns heard by publishers from collection development people: (1) they don't see an early end to having to have both paper and electronic versions (see the archiving discussion above) and (2) they are concerned about electronic offerings that seem to reduce selectors' flexibility to cancel specific titles. My argument on the second issue is that this should be viewed as a "the glass is half full, not half empty" situation. At Elsevier we offer libraries the option to cancel and still get the electronic versions on a title-by-title basis. But we also offer what we believe are more attractive alternatives related to the maintenance of the existing spending level. These options are intended to encourage a broad use of our database of 1100 titles. This is because we have enough data now (including from the PEAK experiment this year) to clearly show the value of access to a wide range of good peer-reviewed journals. The arguments have been hot on the lists this year: the "we know what's best for our campus" versus the "there is no way we can be perfect in selecting" contingents. Our experience sides with the latter. But that doesn't mean I am not understanding of the frustration for the bibliographers, who feel control is somehow slipping away. I believe we have to find a way collectively to focus on getting the most information to our users — and rejoice in that — rather than focus on our individual abilities to make discrete decisions.

6 New definitions of authorized users. I had hoped to get through this year without the need to talk about licenses or license terms. However, I have an uneasiness about the ever-broadening definitions being suggested for "authorized users" in electronic licenses. We're getting used to dealing with corporations wanting a license that includes everyone everywhere in its unitemized offices and its unnamed affiliates and related companies ("any company in which we hold more than 25% of the voting stock — but we're not going to tell you who these are"). In the academic sector, the arguments that are sure to come over distance learning are just starting. Is every doctor who is otherwise unaffiliated with a university but signs up for a \$1000 continuing medical education course offered on the university's Web site an authorized user? What about alumni who take an art history course offered on the Web? Or the university that, after defining all of the normal users ("students, faculty and staff of X university and those who are permitted to use the university's facilities on a walk-in basis"), adds "and all other affiliated students, faculty and staff, wherever located." Hello? Suppose you have a co-operative "sister college" agreement between a school in New York

State and one in Wales. By this language, is all of the Wales college population covered as well? One could certainly argue that this is what is intended. I have heard (but have not verified) that certain Scandinavian universities have been doing precisely that: unilaterally declaring themselves "affiliates" for the purpose of opening up their licenses to one another. This is messy and potentially could unravel some of the real goodwill that has developed over the last twelve months in coming much closer on many licensing issues.

7 The "appropriate copy" problem. Linking has been the buzz word of the last couple of years. As of the end of 1999, sixteen journal publishers had joined together as members in the Crossref initiative, in which they agreed to deposit DOIs for their electronically-available journal articles into a common database. The members and other users of the service can then retrieve these DOIs and embed them in their own articles to permit the link from a reference to the full text. The "appropriate copy" problem reflects the fact that from the end institutional customer's standpoint, there may be several sources for the full text and the institutional customer would like to have the link made — whether a Crossref link or a PubMed link or whatever — to the article copy of their choice. It would be good if the librarians working on this issue and the publishers and others inserting links could find a way to address the problem together.

And that is my list of concerns. (Yes, I have others — like the six hard-working friends who are meeting the new year looking for jobs, the result of corporate or society cutbacks.) But perhaps it is also notable what has not been on my list:

pricing — Is it not an issue? Yes, but there is nothing new to say at the moment. Elsevier put a guaranteed price cap on its paper products. Our competitors think we are crazy. Most of our customers say it was a great step but it is not enough. I'm not going to go here again for a while.

metadata — A word I would be happy never to hear again.

publisher standards — DOI is showing its value in the Crossref project and other publisher-related projects, such as STIX (an effort to create a common STM font set for the Web) need more time. This is an area where publishers contribute without too much being said about it outside.

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Libraries and Lawsuits — The Tasini and Ryan Cases

by **Georgia Harper** (University of Texas System, Office of General Counsel, 512-499-4462 (voice) / 4523 (fax)
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Two recent cases involving authors' rights could indirectly affect library practices where libraries must obtain licenses to make copies (interlibrary loan and electronic reserves) or to access and use electronic works (licensed databases). The cases are *Tasini v. The New York Times Co.*, ___ F.3d ___ (2d Cir. 1999) ("Tasini") and *Ryan v. Carl Corporation*, 23 F.Supp. 2d 1146 (N.D. Cal. 1998) ("Ryan"). In each case freelance authors who wrote articles for periodical publications claimed that the defendants in the lawsuits, the authors' publishers, electronic database compilers or aggregators and a photocopying service, had infringed the authors' copyright ownership interests.

Tasini

In *Tasini*, newspaper and magazine publishers sold back issues and current issues of their publications containing the authors' articles to online and CD-ROM database companies who put them into electronic databases that users could search for individual articles. These companies did not compensate the authors for the use of their articles in this way. The companies claimed that they had acquired the rights to do this contractually, and that even if they did not have contractual rights, they were authorized by Section 201(c) of the Copyright Act to create the electronic databases without permission from the authors. Section 201 authorizes them as holders of copyright in collective works, to reproduce and distribute the articles as part of a collective work or a revision of the collective work.

The companies argued that databases were just such revisions. At first they lost on the contractual arguments and won on the statutory arguments, but the case was appealed. On appeal they lost on the statutory argument too. The court said that in the absence of a contract with an author that clearly gives them the rights, publishers do not have the right under Section 201(c) to place the entire contents of their collective works in cumulated electronic databases, or to license others to do this for them, or to permit users to access individual articles from such comprehensive databases.

Ryan

The defendant in *Ryan* (Carl's UnCover business) wasn't a publisher and didn't have a database of articles. UnCover

had a database of titles its customers could search to identify articles of interest. UnCover would simply go to a library and get a photocopy of whatever article a customer requested and send it to the customer. UnCover paid a copyright fee to the publisher or to the Copyright Clearance Center (CCC) after copying the article. UnCover did not ask permission before making a copy and it did not, in most cases, pay any fees directly to authors or even attempt to identify whether authors were copyright owners. This was the basis for the lawsuit. The freelance authors alleged that they owned the copyrights in the articles in question, that they had not transferred the rights to their publishers (that issue is still being litigated), that Section 201(c) did not authorize their publishers to grant permission to UnCover to make photocopies of these articles and therefore, any permission to be obtained and any moneys to be remitted had to be obtained from and remitted to them, not their publishers.

Ryan's authors won that part of their case addressing the issue of whether Section 201(c) authorizes publishers to grant permission to photocopy individual articles. According to *Ryan*, Section 201(c) says that for-profit document delivery requires permission from and payment to any author who owns copyright in his or her article.

How These Cases Affect Libraries

The facts the *Ryan* authors allege certainly imply that their publishers and the CCC were not properly authorized by the authors to grant permission or receive royalties. But the authors did not sue their publishers and the CCC. They only sued UnCover. UnCover's activities look an awful lot like interlibrary loan, although they were done for a profit, so this case might make libraries a little nervous. Should libraries, like UnCover, rely on publishers and the CCC to have the rights they say they do when they give libraries permission to make copies for electronic reserves or interlibrary loan transactions exceeding the CONTU "suggestion of five"? Why did the freelance authors sue UnCover? Why didn't they sue CCC? What might keep them from suing libraries? I think the answer has something to do with bad faith and

UnCover's alleged willful ignorance of authors' rights. There is some discussion in a related opinion of **Irvin Muchnick's** (an activist author?) animosity towards UnCover. UnCover alleges that Muchnick "stirred up" this lawsuit for personal reasons and for personal gain, even though Muchnick is not a party to the lawsuit. Those of us who rely on others' representations that they have the rights to authorize our activities must hope that good faith makes a difference because *Ryan* shows us that as a technical matter, asking permission from or paying royalties to the wrong person is infringement.

So, good faith. Does CCC have it? Are its activities distinguishable from UnCover's activities that were the subject of the lawsuit? It appears so. CCC handles royalties differently from the way UnCover handled them at the time the lawsuit was filed. It does not presume to have permission and remit fees to publishers only, but gets prior permission by contract with the copyright owner and pays royalties directly to authors in any case where it has been advised that the authors are the copyright owners. CCC actively recruits authors and tries to make it as easy as possible for them to register. The largest part of CCC's licensed works, and the ones most often requested, are works where the copyright typically is owned by publishers. On the other hand, CCC is cognizant of those areas where this is not the norm, as evidenced by its formula for distribution of money it receives from foreign rights collectives, where titles sometimes are not identified. CCC also obtains from each rightsholder a warranty that the rightsholder has the authority to grant CCC the rights granted in the contract. But then, the problem is that these warranties are not always accurate because publishers are not always aware of or right about what rights they have and don't have.

Today, CCC and UnCover are "partners" with the **National Writers' Union** in the effort to make getting permission from authors easier. The climate that brought about the *Ryan* case seems to have changed dramatically, possibly at least in part because of the case.

continued on page 28

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Libraries and Lawsuits

from page 26

Are libraries that perform similar functions to those performed by **UnCover** likely to be targets for a lawsuit? Do we risk liability by relying on the CCC and publishers to tell us that it's ok to make a copy of an article? In all likelihood, the risk is quite small for several reasons: libraries do not make a profit on ILL and they don't have a reputation for ignoring or otherwise harming authors attempting to make the publishing industry recognize their claims to a share of the new revenues coming from electronic uses of their articles.

What about the impact of **Tasini**? Does **Tasini** mean that libraries cannot rely on publishers who license databases of elec-

tronic articles to have the rights they claim to have (the rights to create and license the database) and to appropriately share royalties with authors who still own copyright in their contributions to the publishers' collective works? Need libraries worry about such things?

I think we are much more likely to see some increase in the price of databases to accommodate the required "split" with some authors than to see lawsuits against library licensees of those databases. Further, there may be only a small percentage of material in some databases in which the publisher does not own copyright. Remember, these cases are about the rights of freelance authors only and the issues raised would not apply where an author has assigned his or her rights to a publisher, as is often the case in scholarly publishing, or where the author is an employee of the publisher. Libraries were never in the position of making a profit on activities that ignored authors' claims to a share of that profit. Until these cases went against the various defendants, they did not have the incentive to accommodate the authors' desires. Now they do.

Even though libraries technically might be liable for infringement of the rights of freelance authors when they rely

on publishers and the CCC to have the rights they say they have, the industry conditions that led to these two lawsuits have changed so much that further lawsuits to remedy the problem do not seem likely. Rather, changes in contracting procedures with freelance authors, changes in publishers' record keeping for authors who retain ownership, and improvements in everyone's ability to identify authors who own copyright in their works and make payments to them are more likely than lawsuits against libraries to further the changes that began with these suits.

Section 201 Ownership of Copyright (c) Contributions to Collective Works — Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole, and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

Visit the Copyright Crash Course at <http://www.utsystem.edu/ogc/intellectual-property/cprindx.htm>.

Rumors

from page 14

The **OCLC/WLN Automated Collection Assessment and Analysis Services (ACAS)** now provides comparisons of libraries' bibliographic records with the list of **Outstanding Academic Titles (O.A.T.)** from *Choice* and with the list of titles reviewed in *Booklist* for individual libraries and groups. A library or group receives a list of the titles on the recommended list that are not owned (the miss list). The list is composed of bibliographic records organized in **WLN Conspectus** order. The Conspectus order provides an inventory of library collections in twenty-four subject divisions for **Dewey Decimal** and **Library of Congress** classification. The library can also receive lists of matching titles, with brief bibliographical information from the *O.A.T.* or from the *Booklist* file and the library's file, and a statistical summary of matches and misses by **WLN Conspectus** divisions, categories and subjects. For more information, point your Web browser to: <http://www.wln.org/wlnprods/aca/index.htm>.

As of February 15, 2000, **Blackwell's Collection Manager** will have a whole new look with many new enhancements and features, including an optional single frame interface and a new search form, Visit <http://www.blackwell.com/services/cm/cmnewstuff.html> to learn more!

We are so excited to have **Anna Belle Leiserson** <a.leiserson@law.vanderbilt.edu> of **AcqWeb** fame contributing a new column to *ATG*! We are calling it **Designing Librarians ...** What do y'all think? Read it in this issue, p.80.

continued on page 35

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The Impact of the Tasini Case: A Content Aggregator's View

by Philip Wallas <PWallas@epnet.com>

As head of Content Development at EBSCO Publishing, I have been asked by many people from all sides of our industry about the impact of the Tasini court case on content aggregators. Will products disappear or become full of holes like Swiss cheese? Will prices increase? Why can't we license *The New Yorker*? What follows is my own understanding of the issues from a business perspective and is not meant to represent EBSCO policy except where I explicitly describe such policy. I am not an attorney and defer to others for legal analysis of the cases.

BRIEF BACKGROUND

In 1993, a group of freelance authors sued a number of major publishers and several online distributors of those publishers' content, claiming that the defendants were violating the authors' rights by distributing electronic versions of their works, without permission. In August, 1997, a **Federal District Court in New York** ruled in favor of the publishers, indicating electronic publishing of the entire magazine content was essentially a revision of the original work, as permitted under copyright law and thus did not require a separate permission from the author. At that time, electronic redistribution of freelance written articles in the context of the entire magazine was deemed OK unless the author's contract specifically reserved the electronic right.

The authors appealed. In September, 1999, the **2nd Circuit Court of Appeals** overturned the **District Court**, ruling that such electronic redistribution is not simply a revision of the original work, but a new event, requiring author permission for use of the author's work. The case has been returned to **District Court** for a determination of damages (still pending).

For an overview of the Tasini case, go to the **National Writers Union** Website at www.nwu.org. Scroll down in the left frame to click on *Tasini vs. NY Times*. It is my understanding that the publishers and online distributors plan to appeal to the Supreme Court. Recently, **Jonathan Tasini** has written about the **AOL Time Warner** merger asking whether the large potential Tasini case-related damages faced by **Time Inc.** were disclosed in the merger talks (see "The Time Warner-AOL Merger: Undisclosed Liabilities?" at www.nwu.org).

IMPACTS

What does the Tasini case mean to freelance authors?

Their right to control electronic distribution of their works has been affirmed, but they face pressure to sign contracts which cede those rights to publishers. If they press publishers and online distributors for damages for past infringement, they have the potential to win financial awards, but risk alienating both their potential employers and part of their readership if content becomes unavailable or information prices rise dramatically. Authors' groups have called on publishers to recognize their rights and work with them to develop systems for sharing electronic distribution revenues. The **National Writers Union (Publication Rights Clearinghouse)**, **Authors Registry (Automated Rights Payment System and Licensing Service)**, CCC and others have created processes for collecting and distributing freelance author royalties, but so far only a small number of publishers have agreed to participate. Some authors have contacted aggregators directly, demanding that their articles be removed from online services. EBSCO Publishing's policy is to remove the articles if the author insists, but the result can be a lose-lose situation in which the content is no longer widely available and the author sees no increase in earnings. Despite these obstacles, the courts have clearly said that authors' rights must be acknowledged and respected. The current status of the Tasini decision is a significant victory for freelance authors.

What does the Tasini case mean to publishers?

For many publishers, the decision introduces further uncertainty into the turmoil the Web is already causing. Potential impacts include: huge potential infringement liabilities, time-consuming contract negotiations, heavy administrative burdens required to track myriad rights and payments for hundreds of authors. Yet scholarly publishers are largely unaffected, since it has been traditional for authors to grant copyright to the publisher. Even many consumer and trade publishers are only tangentially involved, since they may rely on freelance authors for only a small percentage of their articles. Staff-written articles are

usually considered works for hire with copyright held by the employer. A few publishers have had a long-standing policy of sharing electronic distribution royalties with authors, though the issue of permission for such distribution has not always been addressed. Finally, some publishers have the market clout to be able to persuade authors to accept contracts which grant the publisher very broad redistribution rights. Publishers who make heavy use of freelance authors will need to respond to the outcome of the case. The authors' groups payment systems may be at least a partial solution for publishers, but to date, no such system has attracted a large number of publishers. Given all the demands for an editor's time and resources, and the fact that such issues are not seen as a direct source of revenue or readers, it is not surprising that dealing with freelance author rights is not a top priority.

What does the Tasini case mean to content aggregators?

The universal answer applies here: IT DEPENDS. First, a digression about "indemnification." As part of license agreements with publishers, aggregators typically include indemnification clauses which require each party to represent that it has the right to do what the agreement says it will do (license content, in the case of publishers, sell and provide information services, in the case of the aggregator).

Further, the publisher agrees to defend (pay legal costs for) the aggregator if a legal dispute develops around, for example, the aggregator's distribution of content which the publisher has represented it has the right to license. Under this indemnification, aggregators could theoretically deflect any author claim of infringement back to the publisher ("you say you can license that article to us and promise to pay our legal costs if any dispute arises-it's YOUR problem"). This finger-pointing approach strikes me as likely to damage the aggregator/publisher relationship, sort of like a claim that there is "no controlling legal authority."

In general, the Tasini decision has had more impact on EBSCO Publishing's discussions with new publishers than on our existing databases. We have seen no change in

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The Impact of the Tasini Case from page 30

our agreements with scholarly publishers, since they typically own copyright in their articles. Most of the largest consumer publishers have modified their standard author agreements to include electronic rights, whether compensated separately or not. But in a few cases our efforts to license a periodical have run into concerns about how the Tasini decision affects their right to enter into a license. Some publishers (**Consumers Digest, Food & Wine, Travel & Leisure, Nature Canada**) use freelance authors almost exclusively and have withdrawn from electronic distribution, even before the Tasini decision, considering the efforts involved in contract negotiation and royalty tracking to be greater than the current potential returns. Other publishers simply have never licensed electronic distribution rights. We are glad to work with publishers to negotiate aggregator license agreements which specify certain regular exclusions, such as freelance articles or photographs. Recognizing publisher concerns, EBSCO Publishing also allows publishers to exclude articles on a case-by-case basis. In the end, in order to add important missing content, aggregators will want to find ways to help authors and publishers resolve these rights issues so their databases can continue to improve and grow.

What does the Tasini case mean to libraries?

For a time, libraries will find that a small but increased amount of certain valuable content is not available online because of author rights issues. Where freelance work is concerned, print editions may continue to be the only complete versions of magazines and journals. For now, libraries are not seeing wholesale removal of content from databases, nor are database prices increasing; if anything, the influence of the Web continues to drive down prices. In the end, if freelance authors are to be compensated fairly, that money has to come from somewhere, so there will be cost/price pressures on all players. The solution that adds the least friction (cost) to the system will appeal to all parties.

How much detail?

At what degree of granularity is it practical to track electronic usage of articles? Who will keep track of the location of all the authors? Which party will assume the cost of cutting hundreds if not thousands of checks? It is easy to be overwhelmed by the size of the problem and the complexity of the issues surrounding compensation for freelance authors: hundreds of publishers, thousands of authors, millions of articles, across dozens of years of online databases (and why should microform reproduction or interlibrary loan of freelance articles not also bring compensation to authors?). While it might be ideal

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to track all usage of electronic content at the individual article level and make payments based on that tracking, until we have widespread systems of digital object identification and perhaps micropayments, there are enormous administrative burdens implicit in this approach. The process of maintaining log files of millions of articles, tracking author identities and addresses and cutting large numbers of small checks will drain money out of the system. If costs exceed benefits, electronic distribution of freelance work will be discouraged.

Partial solutions can be found in nearly every step of the process from the creation of the freelance content to its electronic distribution. More author contracts should include language addressing which rights are included and which are not. Publishers will likely require a grant of rights much broader than authors would prefer, but publishers must have some flexibility in order to respond to a rapidly evolving environment—it simply costs too much to have to ask for permission again and again. If a “low friction” mechanism for sharing compensation for additional uses is available, then that sharing should be as broad as the grant of rights.

Publisher contracts with aggregators and other licensees should address requirements to facilitate compensating freelance authors. The various authors compensation systems are promising developments since they have the potential to provide what one advocate calls “rough justice” in compensating freelance authors while

minimizing friction (the negotiation and administrative burdens on publishers). An approximation of usage (and fairness), such as the CCC uses for photocopying, might simplify the process enough to mean money will actually reach authors. Like many other content aggregators, EBSCO Publishing pays royalties based on the presence of content on the product, not on its use. Given the very skewed distribution of use (a very high percentage of use for a very small number of extremely popular titles), EBSCO Publishing has not been able to develop a viable royalty model which compensates authors individually according to the number of uses of their articles. If we paid based on usage, most authors and publishers would not earn enough to justify the effort involved in working with us. What we can do is cooperate with publishers and authors' groups to provide electronic reports of articles included in our products, so the process of sharing royalties can be automated to a large degree.

I am hopeful that authors, publishers and electronic distributors can arrive at an acceptable way to acknowledge authors' rights. I'm betting that everyone will have to do either a little more work (negotiating, reporting, excluding) or pay a little more money, or both. In the end, what has been settled in the courts is only the beginning. 🌱

Additional resources:

American Society of Journalists and Authors
www.asja.org (especially E-wrongs about E-rights <http://www.asja.org/ewrongs.htm>).
The Authors Registry <http://www.authors-registry.org>.
National Writers Union www.nwu.org.
TERLA The Electronic Rights Licensing Agency (Canada) www.terla.com/.
Philip Wallas pwallas@epnet.com.

POSSIBLE RESOLUTIONS

On the Heels of Tasini: Business as Usual or New Wrinkle?

Publishing Industry Camps Ponder Some Implications in the Aftermath of the Tasini Ruling

by **Ana Arias Terry** (President, Redstone Publishing Consulting)
<ana.terry@redstonepubconsulting.com>

At a glance, many players in publishing seemed to be trotting along relatively contented, perhaps slightly smugly, on the electronic repackaging of print intellectual material path. Bases seemed to be covered. Permissions and author rights seemed well managed. Now that they were a little farther along the Information Age, they had worked out some kinks in their rights policies and agreements.

So they readjusted their sights, as is mandated by the laws of business, competition and survival, and they turned to figuring out the most respected, efficient, and cost-effective strategies for their up-and-coming electronic databases. But before they had fully worked out the path to the golden egg, something made their heads turn. T-a-s-i-n-i.

Let's take a brief look at the case that's received so much attention. Through the eyes of members from the academic and professional publishing community, we learn something about the implications to this industry and whether it's business as usual. Or not.

What's all the Fuss About?

On September 24, 1999, the U.S. Court of Appeals for the Second Circuit ruled that producers of databases and publishers who reuse freelance content and place it in digital databases and CDs without the explicit consent or permission by the authors are in copyright infringement violation.¹

This recent decision overturned the 1997 ruling by a lower federal district court. It was originally filed in 1993 by a contingency of six freelancers and the **National Writers Union (NWU)** in *Tasini et al. vs. the New York Times* (and other plaintiffs such as *The Atlantic Monthly*, former LEXIS-NEXIS database owner Mead Central Corporation, and University Microfilms). Bottom line on the latest ruling? The Second Circuit deemed that a digital collective work and a printed collective are not the same.²

While the decision seems to apply most directly to newspaper and periodical publishing houses, it could have rippling effects for reference content and encyclopedia publishers.³

Views vary on the extent to which inherent risks exist for scholarly publishing. Some say the model is not as applicable because authors of academic works often assign copyright to their publisher or they sign off their rights to have their work published in any media. Still, others perceive this decision as a gigantic neon "heads-up" sign that should encourage publishers and vendors to be extra diligent about their author contracts, and librarians to hold them to the task.

Views from the Field

Head Acquisition Librarian **Rick Anderson**, Jackson Library, UNC Greensboro, has his doubts about the Tasini ruling being upheld on appeal. Theoretically, he contends, libraries could find themselves at risk since institutions that distribute the offending databases could be reasonably perceived to be contributing to the copyright breaches by the accused aggregators.⁴

"In reality, though, I'd be surprised if dire legal consequences actually followed. For one thing, no one wants to take a library to court—it would be like suing your mom," he says. "For another thing, I suspect that the law would see the libraries more as end users than as distributors in this case, since libraries aren't seeking commercial gain in their use of the product." Anderson surmises that the worst-case scenario might be one where the aggregated databases on which librarians and patrons have come to depend would either be removed or become superbly expensive and cumbersome to manage.

Regardless of legal implications, Anderson doesn't think it should be business as usual for libraries. He believes now more than ever that he should insist firmly that his institution be indemnified against third-party claims by the database vendor. While most vendors don't require that, Anderson believes that Tasini offers him sound justification for requesting it. Licenses should clearly state that it is the vendor, not the library that will assume full legal responsibility for the business it does.

"My message during license negotiation is basically this: 'as the customer, it's my job to give you my money and to use your product appropriately. As the seller, it's your

job to make sure you have the right to sell the product and to provide it to me in good faith. My institution isn't going to take the fall, if it turns out that you shouldn't be selling what you're selling."

Lawyer and *Against the Grain* Publisher **Bruce Strauch** strongly advises that libraries not buy any Web-based products that don't contain clear promises of their right to sell the articles. He also encourages libraries to request a hold harmless/indemnification agreement with publishers that includes coverage for all legal defense costs.⁵

Unlike Anderson, Strauch has a different perspective on the potential liability course even for academic libraries. "I think Tasini style litigation will drag on ad nauseam and ultimately a big library will be sued," he says. "The strategy will be to have the end users of scholarly material bring pressure to bear on the publishers to create a group settlement fund managed by the tort lawyers with them neatly taking one third."

Strauch's skepticism doesn't end there. He believes publishers have known for a long while that they didn't have the right to place articles in databases. But, says Strauch, they were caught in a vicious circle, lured by rapidly emerging technology and intense competition. When it comes to copyright and technology innovation, all players would prefer to play it safe, kick back, and let other players make the huge, costly mistakes. The inherent danger in playing it safe, he contends, is that the competition might charge ahead, gain significant market share, and squeeze the rest out into oblivion.

"Of the dangers," says Strauch, "publishers were more focused on the technology angle. They considered the authors of little importance because they were mostly college professors who were being paid nothing to begin with. And no non-lawyer can ever quite grasp how we live in an era of creative litigation. Lawyers do indeed sit around in strategy sessions identifying plaintiffs with small, but slam-dunk claims that can be aggregated into truly big bucks. These lawyers, and ultimately older baby boomer professors, don't particularly care if the sacred library loses some money. If

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On the Heels of Tasini
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they thought about it, they'd figure the publisher actually warranted the right to sell the material, and the library is protected."

For publishers **Greenwood Publishing**, **ABC-CLIO**, and **Choice**, the implications are numerous and their perceptions interesting.

"We have an unusual situation here at **Greenwood**," says **Bob Birch**, Director of Sales. "The gist of the matter is that we have rights to publish our books in all media, as relates to the author." But he adds that Tasini presents a concern in a number of areas. Any work-for-hire arrangement could expose the organization, much as it did the *Times*. "The most immediate problem we face now involves secondary rights. We may have acquired rights for reproduction of images, say, in print, but we may have to reacquire them if we take a product online." Birch adds that contract wording is key in lessening the risks, and Greenwood is being particularly diligent about acquiring all rights when any are required. To do otherwise, says Birch, is to be forever at risk.⁶

At **ABC-CLIO**, contributor and author contracts have moved in a path of evolution along with the development of varying technologies and delivery platforms. The ambiguities inherent in many reuse situations have been filtered out of these contracts by specifically addressing author permissions for multiple uses, media, and associated remuneration.⁷

Such specific components were missing from the **Tasini** case, says CEO **Ron Boehm**, making the circumstances significantly different. Boehm says his organization will continue to ensure that author/publisher relationship ambiguities are reduced, that authors are informed about potential opportunities offered by emerging technologies, and that they are compensated through the company's revenues.

"I have another concern, however," says Boehm. "The most significant development for publishers, hosting organizations, libraries, and authors is the aggregation and linking of content from multiple publishers. These offer significant benefits to end-users. Most publishers and hosting organizations involved in such arrangements rely on the representations of their partner publishers that they indeed hold all relevant rights. That assurance always must be taken with a grain of salt. Given concerns about the very onerous statutory fines for copyright and ambiguity, about which participants might be liable, most of us have to weigh significant potential risks. It's likely that there will be a dampening effect on the de-

velopment of these beneficial arrangements or on the development of new products."

But Boehm also addresses a positive implication stemming from the litigation. "Tasini has been beneficial in that it has raised awareness among publishers that fair contracts that fit their business models are important priorities. There continue to be business risks, which can be mitigated by addressing continuing ambiguities. Ideally, those ambiguities are dealt with by industry wide discussions involving publishers, authors, librarians, and hosting organizations, and not by lawsuits. All our opportunities are linked, and we need to move forward for everyone's benefit."

Susanne Bjørner, special projects editor for **Choice**, thinks that the implications of Tasini on the scholarly com-

"I don't expect book and journal publishers in the academic world to be adversely affected immediately, for the simple reason that the quest for additional payment for additional use, which drove the freelancers in the Tasini case, is not a powerful motivator for academic authors," says Bjørner. "Academic authors publish for exposure, prestige, and self-preservation (it's expected), and they usually receive compensation not from an individual publication but as employees in an academic job, which in turn requires that they achieve publication. What the decision will do, I hope, is to encourage greater thought and understanding on the part of all authors and publishers of the rights they're negotiating through various renditions of publication when they sign a publication agreement."

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munity hinge on the particular segment of this community. CD-ROM and database publishers of compilation works, she says, have significantly more work to ensure that present and past agreements do give them the rights to include all the intellectual property that they've published. She points out that in situations where mistakes have been made in terms of "re-use" content, a cloud of a question lingers above as to what will be done about such mistakes. On an individual basis, who will determine what is an appropriate remedy and who is or isn't liable? Of particular importance, will it be possible to re-negotiate agreements so that the content in question doesn't have to be removed from the product?⁸

The responsibilities for these issues don't rest exclusively with the publisher or the aggregator. Bjørner believes authors should consider in advance the uses that they wish to have of their own material beyond publication and immediate format. While they should ensure some level of re-use rights, authors should also give careful consideration to the importance of permanent record. They should not, Bjørner emphasizes, withhold their own intellectual property from e-collections that seek to reproduce or archive particular print-based collections.

"There's a role here, both in education and in advocacy, for library collection managers, who know that users should reasonably expect to find *all* articles,"

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says Bjørner, "including those written by freelancers, from a magazine or newspaper issue in the electronic database that is designed to duplicate the printed issue of that magazine or newspaper." In addition, Bjørner believes that a newer form of contract negotiation calls for authors and publishers to redefine the concept of "electronic rights," which is so prevalent now in agreements and court opinions to define such wide ranging possibilities.

Although *Choice* will be consulting with legal counsel at its parent **American Library Association**, business will continue to be very much as usual for this publisher mostly as a result of the particular nature of what they publish—generally, brief reviews of e-resources and books. While *Choice* reviewer agreements request that they transfer all rights to ALA, reviewers can use the work as long as it's for a non-profit purpose of their own. For lengthy bibliographic essays, authors are offered one of two publication agreements for either full rights or a limited license, which allows authors to retain copyright.

For **Sandy Gurshman**, director of publisher relations and content development at **RoweCom**, the Tasini ruling doesn't impact the delivery of e-material provided by their **Information Quest** product because their gateway model doesn't aggregate or reformat material. Instead, it delivers the material as is produced by the publisher straight from the publisher's site.⁹

"Of course, IQ and all gateway services would be affected by any limitations on the ability of publishers to enable such delivery and by any changes to the operation of document delivery service," says Gurshman. "But we believe that there are good faith efforts underway to work out any problems resulting from the current decision on Tasini."

Offering insights as an author, editor, and librarian, **Michael Seadle** provides a unique perspective on the Tasini decision and its implications. Seadle, Digital services and copyright librarian at **Michigan State University**, and editor of *Library Hi Tech*, comments first with his author hat on. He's pleased with the way the decision protects whatever rights he holds; though he doesn't have many since most of his publication contracts require that he assign off on copyright. "Since I don't really anticipate retiring on the royal-

ties from my collected works, this has troubled me less than perhaps it should." It's business as usual, he says, in this area though he thinks the decision could make him more aggressive on rights retention.¹⁰

As a librarian, he expresses two areas of concern. The first is whether the prices of e-databases will go up stemming from the cost publishers might incur in contacting authors and paying for copies. The second concern is about the possibility of gaping holes in digital collections because of a lack of appropriate permissions. Here, he says, it's not business as usual. "We need to be involved in how the mechanism for permissions and payments will evolve, because this could have a significant effect on access. The compulsory license/collecting society models have flaws, but so do incomplete voluntary systems. We need to defend fair use, and education and library exemptions."

Seadle says that in his role as editor, Tasini doesn't affect him much, given that his publisher already requests assignment of copyright so that it can publish the content electronically. "MCB returns a lot of the rights to the author in its 'author's charter,' which makes it a better deal than at most publishers," he says. "For many journals, the ruling may push them to want full copyright assignment even more. Established authors, big names, have some leverage. Younger writers and faculty whose status and position depend on publication will continue to sign their rights away, as I long have. It's habit forming. The irony is that this victory for writers could leave future writers with fewer rights – without some further action."

Now What?

Hopefully, we learn from some of the costly mistakes so we can avoid at least some of the same errors in the future. The NWU is urging publishers to work through the **Publications Rights Clearinghouse**, which is the first transaction-driven licensing system for freelancers, and its cooperative effort with the **Copyright Clearance Center**. The CCC, of course, is able to process thousands of transactions every day.¹¹

As the colleagues interviewed in this article have expressed, we need to be especially diligent in our publisher/author arrangements. We must provide—and expect—contracts with language to snuff out ambiguities by addressing the specifics of content, medium, distribution, re-purposing, compensation,

and re-use by the author.

It is neither realistic nor wise to presume that the actions by one player in the publishing arena won't have some consequence downstream from others. How litigious we become will depend at least in part on how well (or not) we manage to structure compromises that are acceptable and fair to those providing content and to those distributing that content.

Even in doing business as usual because the long arm of Tasini didn't overtly impact *our* way of doing business, there's definitely a new wrinkle in the face of the publishing community. Let's hope we learn to adjust and innovate the crease, rather than smearing it with a quick-fix cream. 🌱

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Memory Lane ... ATG Millennium Issue

We are planning a **Millennium Issue** of **ATG** with the Dec.2000/January 2001 issue (v.12#6). Have you read about or do you remember the days of manual or electric typewriters, electric erasers, or filing cards in the card catalog? How about carbon paper?

How about the days when librarians "shushed" everybody and we didn't even have Wilson indexes? Or when all we had were punch cards and no PCs.

Or maybe you remember what books were on the bestseller list when you went to library school?

Do you remember someone or something that you want to share with us? Make the Millennium Issue a real treat for all of us by writing down some of your memories or favorite moments! We would even love photographs.

Send memories to:
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<strauchk@earthlink.net>
phone or fax:
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We already have two submissions Where's Yours???

Rumors

from page 28

This is from **Today's Legal News** (2/2/00). One of the 16-year old teen creators of a **DVD Decryption Program** was arrested in Larvik, Norway by agents of the **National Authority of Fraud Investigation**. Read the full story at <<http://www.lawnewsnetwork.com/stories/A14956-2000Feb1.html>>.

Serials specialists are already familiar with her work on **Harrassowitz'** "Electronic Journals: A Selected Resource Guide" <<http://www.harrassowitz.de/ms/ejresguide.html>>!. But now **Katharina Klemperer** <kklemperer@ottosvc.com> is the new Director of Product Development at **Harrassowitz**. Katharina has a strong background in academic library systems and electronic content, and she will be responsible for managing enhance-

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In Memoriam — Kim N. Fisher 1948-2000

by **Nancy L. Eaton** (Dean of University Libraries, Penn State University)

Dear Colleagues,

It is with deep sorrow that I tell you of the loss of our friend and colleague, **Kim Fisher**. Kim was killed in a pedestrian/automobile accident on January 7, 2000 while walking his beloved dog, Laika, near his home in Lemont, PA..

Kim was named the **Paterno Family Librarian in Literature** just this year. He had been at **Penn State** since he joined the faculty as assistant acquisitions librarian in social sciences and humanities in 1984. In 1990, he began devoting all of his time to public services and collection development when he joined the General Reference Department as a Humanities librarian. He was a part of the team creating the Arts and Humanities Library, providing leadership for literature collection development, services and instruction.

Kim was a librarian who made a real difference in the day-to-day lives of the faculty and students in English and American literature and all across the University. He created collections that will shape and inform scholarship at Penn State for generations to come. He contributed in many ways to our profession through his research, scholarship, and service to the profession. Kim responded warmly to anyone he found at his door. He touched many lives through his excellent reference service, instruction, and teaching, and as a generous and caring colleague.

Kim will be greatly missed by the Libraries, by the University, by the Lemont community, and by his many friends in State College. In lieu of flowers, his family is asking for contributions to be sent to the Paterno Library Endowment. (510 University Library, University Park, PA 16802).

Nancy L. Eaton
(Dean of University Libraries
Penn State University)

A Boy and His Dog

*My most vivid memory of Kim is of a few months ago
When he said he was taking a long vacation to be with his new baby
And I said congratulations is it a boy or a girl
And he said no, even better, it's a puppy.
That's where his heart came shining through
He wasn't a man, he was ten years old.
A boy with his puppy on summer vacation
Like a perfect Christmas from long ago.
I remember stopping by his office a few weeks later
And there was this huge pile of library newsletters and publications
on his desk
And he just looked at me with that sly grin of his
As if to say, "Whoever has a puppy can never have too
many newspapers!"
I can imagine him falling asleep in his chair by the fire
His little friend curled up in his lap
Soggy tennis balls all over the floor
Has there ever been a better way to take a nap.
I wish the world was full of puppies
There'd be a lot more comfort and a lot less tears
We get so busy sometimes that we miss love and God
And the peace and purpose of why we're here.
If Kim had even a second of time on that fateful night
I think we all know what he did
He tried to get his baby out of harm's way
It's how he died, it's how he lived.
He sort of adopted us all
One of the library's favorite sons
He treated others with the love and touch
That he had always wished he had been shown.
Laika was his place of unconditional love
But now in God he's no longer alone
Open fields that go on forever
A boy and his dog have found their way Home.*

By Dan Tingue, Library Assistant, Interlibrary Loan

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Once More with Albert

by **Tony Ferguson** (Associate University Librarian, Columbia University) <ferguson@columbia.edu>

Albert [Henderson] (see *ATG*, v.11#6, pp. 32) poses a question and makes a number of points. Let me restate what I believe to be his question and main points and respond.

Albert: How does one justify the deliberate transition from fast dissemination to slow (except as from expensive ownership to cheap access)?

Tony: My son posed this same sort of question to me when I came home with an \$8,000 Kia instead of an \$80,000 BMW. My answers are the same: Both get you from point A to point B, but one does it more cost effectively and I didn't have enough money to do otherwise.

Albert: There is a plot afoot to raise professorial research productivity through the use of information technology.

Tony: This is news? This is a plot? The history of American higher education has this as a central theme and a not totally fulfilled wish.

Albert: "Stunted library spending," responsible for fewer career opportunities for librarians, justified the closing of at least one famous library school, and forced publishers to raise their prices and to narrow their editorial.

Tony: **Buzzy Basch** has made a career of training librarians to cut serials so it helped at least one librarian. Library schools have so many problems, how can we put them all on reduced library spending? As for libraries forcing publishers to raise prices: Albert, I know you get paid to write stuff like this, but have you no shame?

Albert: Libraries began to cut their spending because of the proliferation of the **Xerox** model 914 copier and legisla-

tive support for library photocopying as fair use. The savings went to [university] profits.

Tony: When did we cut spending? As prices grew so did our budgets. Prices (reflecting greed, a failing dollar and more information) have just grown faster than our budgets. As for photocopiers and **Congress** being the culprits, I think it has more to do with the rising price of **Ben and Jerry's** ice cream.

Albert: Government statistics reveal that academic revenues minus expenditures leave a surplus.

Tony: This is perhaps one of life's great mysteries. Maybe it has to do with putting the surplus (gifts) into the bank to build up endowment income—they are saving for a rainy day. At my institution, we take in a lot of money, we spend even more money, and we borrow money annually. If there are great centers of profit out there, please advise.

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ATG Interviews Jonathan Tasini

About Libraries, Publishers, Writers and Electronic Rights

by **Ron Chepesiuk** (Head of Special Collections, Dacus Library, Winthrop University,
782 Wofford St., Rock Hill, SC 29730) <110423.2656@compuserve.com>

On September 24, 1999, the **Second Court of Appeals** made a ruling that will have profound impact on copyright in the cyber age. The court of appeals reversed a 1997 federal district court decision against the plaintiffs in *Tasini versus The New York Times*, ruling that the reuse of freelance work in databases and CD-ROMs without the author's express permission constitutes copyright infringement. In addition to *The New York Times*, other defendants in the lawsuit include **Time Inc.**, **Time Mirror Company's Newsday** newspaper, and **Mead Data Corporation**, which owned **Lexis-Nexis** before selling it to **Reed-Elsevier** in 1994.

The decision was a major victory for freelance writers. The district court judge had ruled that certain kinds of electronic databases amount to nothing more than a revision, but the judges in the appeal rejected that legal interpretation, ruling that even when there is no contact relating to electronic rights, a print publisher may not put the writings of freelancers on databases, such as **Academic Universe**, and CD-ROMs that include the entire textual content of the print publication. To understand the issues involved in this landmark lawsuit over electronic rights, **ATG** talked with **Jonathan Tasini**, lead plaintiff in *Tasini versus The New York Times*.

As an expert on labor issues, **Tasini** has been President of **UAW Local 1981** (better known as the **National Writer's Union**) since 1990. A freelance writer for fifteen years, **Tasini's** articles have appeared in many national newspapers, including *The Nation*, *The Village Voice*, *The Los Angeles Times*, *The Wall Street Journal*, and, of course, *The New York Times*. He is also the author of several monographs, including the recently published *They Get Cake. We Get Crumbs. The Real Story Behind Today's Unfair Economy* (Preamble Center). **Tasini** currently serves on the **National Research Council's Computer Science and Telecommunications Board**, which is studying copyright and the emerging information infrastructure.

ATG: Where is Tasini versus New York Times now?

JT: The other side has made a motion for a rehearing of the case before the full appeal's court. We are now waiting to see if the appeals court will hear it, but we aren't worried about the motion at all.

ATG: Why not?

JT: The Appeals Court made an unanimous ruling in our appeal. It was so one-sided and clear. Besides, the Chief Justice of the entire Appeals Court was on the judicial panel that made the decision. The chance of the full appeals court reversing a decision written by a Chief Justice is zero to nil.

ATG: How long before the full hearing will take place?

JT: It could be tomorrow or it could be six months. We really don't know. If the court decides it doesn't want to hear it, the appeal will go back to the lower court, where it will become a trial for damages.

ATG: What are we talking about in terms of damages?

JT: I don't want to speculate at this point.

ATG: Was it devastating to lose the first time?

JT: No, for two reasons. First, we did get partial victory. The court decision the first time around was very clear. We had not signed away our rights either orally or in writing. Had we lost that argument, then the decision would have been much harder to overturn because that had to do with facts, and an appeals court is supposed to defer to a lower court on the issue of factual determination. But because the judge's ruling turned on a crazy interpretation of the law, I felt very confident that we could overturn the initial decision, and that is why we went forward and appealed. Secondly, the suit is only one tool that writers have to use to get justice. As writers, we can never forget that.

ATG: You said "one tool." What other tools do writers have at their disposal?

JT: Most importantly, writers must build a strong union. That's the crux. I've said it a hundred times: we will never get justice through the legal system. We will never get ultimate power through the le-

gal system. The only way we can get the power we need to survive is through a strong union.

The legal system can give us some hammers and some leverage, but we can't stand around and wait for justice. Our win the second time around won't change the world. We can only do that by organizing.

ATG: Your point of view seems so straight forward and all-American—writers in a capitalistic society wanting to get paid fairly for their labor. Yet you and your associates have been stonewalled by the corporate world. How do you explain that?

JT: It's just greed. In some ways the legalities of our lawsuit are complex, but the bottom line isn't. They do not want to pay us money because they want to keep as much of it as possible for themselves. Their position is as old as the written word. So we have to fight to tear away from them some of that money that is legally ours. That's also as old as the written word.

ATG: So why should librarians care whether freelance writers get their fair share of royalties?

JT: Writers are readers who have an incredible role to play in education and the well-being of libraries. Librarians should want writers to thrive. If we thrive and can make a decent living at writing, then we can create more works. Libraries, after all, are about giving as much information as they can to their patrons. If writers don't survive, then libraries won't have information to give to their patrons. Also, if writers don't have control over copyright, that will mean that the corporate media companies will control all the information and own all the copyright. That will give them even more power, which they can impose on libraries and other institutions. That means higher costs and more control over information. I don't think libraries want that. Librarians should realize that they have common cause with writers in making information as accessible as possible.

ATG: Have you talked with librarians about the issues involved in Tasini versus The New York Times?

JT: The **National Writers Union**

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(NWU) has worked closely with the two main library groups—ALA and ACRL. **ATG** should note that the NWU, alone among author groups, has supported the **Digital Future Coalition** and has stood with the library profession in opposition to the database treaties that the publishing industry is trying to ram through Congress. We are doing it because the Union believes it has a responsibility to take the position that information should not be locked down and under the control of corporate interests. So our solidarity with libraries, I would guess, has gained us some respect in the library community and some sympathy for our cause.

ATG: You have called publishers “lawbreakers.” Are librarians “lawbreakers,” too? They are part of the equation. They use the material that publishers are selling and they are not helping writers recoup the royalties they believe is owed to them.

JT: That’s true, but I don’t think librarians have tried to rip us off in terms of the royalties. Actually, I believe most librarians have a lot of sympathy for us. I think they are caught in between the publishers, who are trying to take all the money being made from electronic rights, and the writers, who simply want their fair share. Our goal in pursuing the lawsuit is not to put librarians on the spot, but simply to make those people who make money from freelance writers pay them their fair share.

ATG: Will your suit impact on microforms?

JT: We are really targeting the commercial arena and cyberspace rights. So microforms is not something we are obsessed about.

ATG: Will the issue of microfilm ever be a part of a lawsuit involving the NWU?

JT: No, I feel confident in saying that we are not planning to seek remuneration from microform use. I want to make that clear. It’s not that microforms aren’t germane to our interests. It’s just that right now we are looking at the more commercial aspects of publishing.

ATG: Will your lawsuit and the issues involved have any impact on the delivery of electronic information by and between libraries?

JT: It would be unfortunate if the publishers try to make up the money they have to give to writers by raising, say, the

price of periodical subscriptions. That would be unfortunate, but I don’t think it will happen.

ATG: Is there a place for fair use?

JT: Of course, we are big supporters of fair use, so we are not raising the issue of fair use in our lawsuit. Again, all we are saying is that, if someone is making money from our writing, then we should get our fair share. Publishers and database providers have been shouting about copyright, but the decision in *Tasini versus The New York Times* has branded them copyright pirates.

ATG: What do you think of what **CARL** has done—photocopying articles for delivery to library patrons. Is **CARL** a target, too?

JT: There is a lawsuit right now in the courts. It’s called *Ryan versus the CARL Corporation*. That’s in the ninth circuit. We chose a few defendants to be included in the lawsuit, but those who weren’t named should beware. That’s all I’m going to say at this time.

ATG: You have appealed to publishers to get together with your side to resolve the dispute. What kind of response have you gotten?

JT: Not a strong one. We are still trying to put out feelers and get the other side to think about working together. All I’ll say is that the other side is going to need a little more encouragement.

ATG: So what’s it going to take to persuade them to consider getting together with your side?

JT: Pleasant letters and appeals to conscience aren’t going to work, so we’ve got some other things planned.

ATG: Can you talk about them?

JT: I can say at this point that we have a lot of options. Although we would rather sit down and negotiate a fair solution than to continue in litigation, we are prepared to pursue some of them.

ATG: So how long will the suit go on before we have closure? Months? Years?

JT: Hard to tell. I really have no idea. But our main objective—to get paid fairly—will always be a never ending fight because the other side is going to always find ways to screw us.

ATG: But what will you have won? Publishers are now getting writers to sign all-rights contracts. Will writers really have any more leverage?

JT: As I have said the fight won’t be an easy one to win. When we are through with *Tasini versus The New York Times*, there will be another battle. Our struggle has to be seen in the context of a battle for justice that’s going to take us into eternity.

ATG: Publishers Rights Clearinghouse, which is operated by the National Writers Union, is central to your position. Can you explain what it involves?

JT: If librarians can understand **ASCAP** or any simple licensing agreement, they can understand the **Clearinghouse**. Every time a song is played on the radio, a songwriter makes some money. That’s what the **Clearinghouse** does for writers. When the work of a freelance writer is included in a database, delivered for a fee via fax or photocopied into a so called “reader” for use in a classroom, the **Clearinghouse** helps get the royalties to the freelance writer.

ATG: What has been the response of the publishing industry to the Publishers Rights Clearinghouse?

JT: It hasn’t been a warm one. It’s really all about power. It means that publishers will have to pay writers more, so they will not embrace the **Clearinghouse** until they are forced to.

ATG: What can librarians do at this point to be heard on the issue of electronic rights and royalty payments?

JT: I would advise librarians to write letters to publishers and providers of information. Tell them they want the information that is contained in electronic databases and created by writers to be used, but they want it to be used legally and to be made available legally. Librarians can also advise them to do right by writers.

ATG: Any parting words of wisdom for our readers?

JT: Librarians and freelance writers are allies. They have similar interests and we should continue to find ways to work together. I hope we can do that. 🌱

Contributing writer **Ron Chepesiuk** is a professor and Head of Special Collections at the Dacus Library, Winthrop University in Rock Hill, SC. He is also a contributing editor to *American Libraries*, a former Editor-in-Chief of *International Leads*, the ALA’s international arm, and the 1999 winner of the Humphrey-OCLC-Forest Press award for “significant contribution to international librarianship.”

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ATG Interviews Charles Halpin

Chief Operating Officer, R.R. Bowker

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

ATG: A lot of librarians are using *Amazon.com* or other Web bookselling sites for obtaining bibliographic data free of charge. Many don't feel that *Books In Print* is necessary anymore. Can you please comment?

CH: There are very real differences between the *Books In Print* (subscription product and book vendor Web sites, and it's important for librarians to understand these differences. Web vendors are in business to sell books, CD's and other products. As with any professional retailer, there is an emphasis on availability, and they work closely with publishers to feature leading titles with the objective of maximizing product sales. A "bricks and mortar" bookstore needs to sell the stock on the shelves; with Web book vendors the same goal exists and, while the means to achieve it are new and less familiar to us, they are every bit as real. You wouldn't consider a trip to a library versus a bookstore to be interchangeable, even though they both stock books. The expectation levels are different, and it is the same with information.

Bowker builds tools for libraries; unbiased, authoritative, consistent data and, increasingly, features that "think" like a librarian, and we've been doing it for 120 years. Our search facility is the most powerful in the industry by a wide margin, giving the user a lot more fields on which to search, and flexibility, so that you can search on anything, in most any way. Our *Books In Print* reviews product has reviews from 14 major sources. You can download record content from booksinprint.com 2000 easily and flexibly in a MARC record format to load into your acquisition system or in ASCII delimited format to load into a spreadsheet or a database program. This is what Bowker professional databases are about.

A librarian should think hard about opting for commercialism over professional reference information, and about the impact of that choice on their library and on their patrons. This is a distinction that will continue to grow.

ATG: How about the library wholesaler databases? Do you see them as competitors?

CH: It's really the same situation as with the consumer Web databases in terms of these companies wanting to sell their stock, which is quite a legitimate aim. This is their business. What librarians need to realize

is that these databases are only a selection and not a comprehensive compilation, as is the aim of *Books In Print*.

ATG: Tell us about the new *Books In Print*. What is different from the *Books In Print* we know?

CH: The new Web version of *Books In Print* is called booksinprint.com 2000, and the first thing that you should know is that it is much more than any *Books In Print* up to now. It includes additionally audiobooks (in print and out of print), videos (in print and out of print), Books Out-of-Print, and the Publisher Authority Database, or PAD. All of the product databases are seamlessly linked, the result of establishing all of Bowker's content databases onto a common relational database platform, an 18-month project completed in 1999. This puts us well ahead of everyone else. This is also the first time that Bowker has enabled direct searching on the PAD database, allowing the user to search by a number of criteria including name, imprint, city, state and ISBN prefix to get complete publisher information, including related companies, on more than 165,000 publishers, distributors and wholesalers in the United States. This is the best Publisher database in the world, and we're making it directly accessible to booksinprint.com 2000 subscribers.

And that's not all. We're adding annotations, book jackets, author biographies, awards for books, audios and videos, as well as two best seller databases, in addition to the full, consistent authority controlled records that are Bowker's trademark. booksinprint.com 2000 will also, for the first time, list wholesaler and publisher availability and stock levels as a part of the title record.

There's also a Fiction Room enabling searches on the name of key fictional char-

acters and real and imaginary settings; a Lists area where librarians and patrons can create and email, print or download (in ASCII, CSV or US MARC formats) for collection development, acquisitions and suggested reading; and Usage Reports based on the **International Coalition of Library Consortia—ICOLC** guidelines for statistical usage measurement. This will all be presented through a sleek, clean, user-friendly interface, an improvement that our customers wanted and that beta testers of the product have stated lends itself to easier functionality, especially in searching. All of these features will be available during the free trial period of the beta version February 1 through February 15.

At the core of it all, there is *Books In Print*, the largest books, video and audio books databases in the world, the most extensive subject classification system in the industry and record consistency and authority across the database. Bowker is on the move with the launch of booksinprint.com 2000, and we're not going to stop here: You will see lots of exciting developments emerging from Bowker in the course of 2000 and beyond.

Have a look at it! Bowker is making the beta version of booksinprint.com 2000 available for all librarians for free trial during the first two weeks of February at <http://www.booksinprint.com> or you can request a trial at anytime from your Bowker representative at 1-888-BOWKER2 (888-269-5372).

ATG: Can you list the new features of *Books In Print* and tell us when each will be widely available?

CH: Coming in February 2000, the following new features will be available: Cleaner, easier, more direct searching; Seamless searching across books, audio and video databases; Direct searching on Bowker's Publisher Authority Database with over 165,000 publishers, distributors and wholesalers.; Stock and availability from major distributors and suppliers; Book cover images; Author biographies; Over 100 years worth of bestseller information; Annotations; Fiction Room that enables searching for titles based on names of key fictional characters and real/imaginary settings; Hyperlink searching on author, subject, publisher or award name; LIST area where librarian/patron can create and email, print, download and customize lists

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of titles for collection development, suggested reading or acquisitions; Ability to limit searches by review sources; Usage reports, based on **ICOLC** guidelines.

Coming later in 2000, the following features will be added: Hooks to Holdings; Electronic Ordering capabilities; Ability to search on fictional characters across media to find, for example, all books, audiobooks and videos in which **Sherlock Holmes** is a character; Recommendations and the ability to filter searches based on popular consumer media sources, such as **Oprah**, *Parenting* magazine and **National Public Radio**.

ATG: *What especially interests us is the "Hooks to Holdings" feature as well as the availability of stock information from book vendors. Can you provide some details and release dates?*

CH: We're very excited about these developments for booksinprint.com 2000, which reflect Bowker's new transaction orientation as we very deliberately move to integrate our products into the library value chain, helping librarians to better do their jobs.

The Stock and Availability functionality works at the title/record level and shows stock and availability of that title by warehouse location (if there is more than one) for each participating wholesaler and publisher, updated on a daily or at least weekly basis. As I mentioned, this feature will be up and running at launch in February, and we expect to have 20-25 of our almost 40 wholesalers and publisher partners up and running by then, with the others following over the coming months. A future enhancement will be the ability to limit search results by the vendor in which you are interested, by adding the preferred vendor to the search criteria. Bowker's objective is to provide as much information about title availability as possible to our library customers. This important new development is an integral part of booksinprint.com 2000.

Another exciting addition to booksinprint.com 2000 is Bowker's Hooks to Holdings. Hooks to Holdings will do just that: provide a link to the library's holdings, allowing the librarian or patron to search and instantly know how they can access an item directly from the results of the search. We plan to launch this feature in summer of 2000.

Later in the year, we plan to launch a statistics package, which will be an enhancement to the usage reporting functionality. The reports will tell the librarian what books and book categories are

being searched, and how often. These reports will aid the library acquisitions process dramatically.

Let me also add that we are now meeting with **ILS** providers to allow their systems to link seamlessly with booksinprint.com 2000 to present Bowker information to their users on the **ILS** interface. It's too early to give you a date when this will be available, but the interface development has begun.

ATG: *How will the new booksinprint.com 2000 be priced?*

CH: We are committed to building value into our products, and making them accessible to as wide an audience as possible. So, despite the substantial upgrade that our customers will realize in booksinprint.com 2000, the price will stay the same as its predecessor released in July 1999. This price will be maintained as we continue to add features throughout the year 2000 like those that we just talked about. Multiple user pricing will be similar to our existing site license and network pricing. As always, our Bowker representatives will be pleased to provide full details.

ATG: *What aggregators/integrators have/ will have [Books In Print](http://booksinprint.com) available? Can you list them for us?*

CH: Bowker will continue to make available our 3rd party partners subscription versions of *Books In Print* as well. These are **OCLC's First Search**, **Gale's Infotrac**, **Ovid**, **SilverPlatter ERL**, **Carl System**, **DRA Web** and **DRA Net**, **EBSCOhost** and **Innovative Interfaces' INN-VIEW**, and we are in discussions with a couple of other major vendors as well. *Books In Print* is also available on a Pay-Per-View basis through **Lexis-Nexis**, **OCLC**, **Ovid** and **Dialog**.

We're currently working with these vendor partners on direct remote database access in order for them to provide the same daily updating as booksinprint.com 2000.

ATG: *We are interested in the new ordering feature of booksinprint.com 2000. How will it work? What role will the book vendor play in this scenario? How about the **ILS** vendor? How about the publisher?*

CH: The Ordering functionality is an important objective for booksinprint.com 2000, and follows logically on from the Stock and Availability information. This feature will provide integration into existing public and academic library systems. It will build on the "List" feature in booksinprint.com 2000, and will function like a shopping basket, whereby a librarian builds a list, specifies quantities and vendor, and uploads the order into his or her acquisition system. We are working with a few of the major vendors

to develop this module, but it is too early to project a release date.

Longer term, we are planning to facilitate direct ordering to book vendors and publishers by passing the orders through electronically to them for fulfillment, at which time the vendor will deal directly with the library. The bottom line is that we want to do what is easiest and most efficient for our customers. Let me encourage anyone with comments or suggestions to contact us through [<info@bowker.com>](mailto:info@bowker.com).

ATG: *What about the print and CD-ROM versions of [Books In Print](http://booksinprint.com)? Will you still support them?*

CH: Very much so. It's very easy to get caught up in the excitement of the Web and its potential, but libraries have widely divergent needs based on their own circumstances. Some libraries don't have Web access, or enough of it, and stability and response time are still two very real issues on the Web. So we will continue to support and develop our CD ROM and print products as well. It's very common for a library to subscribe to 2 media versions of our product, in order to better meet patron needs. In this regard, I'm reminded of a school library that buys mostly print over electronic product, particularly on multi-volume products. With a 9 volume product, 9 students can theoretically be using it at one time. Now that's thinking!

In late 2000, our *Books In Print* CD-ROM platform will get a facelift as we move to an HTML interface that will have the look and feel of our Web product, Booksinprint.com 2000. We'll first be launching that interface on the Ulrich's International Periodicals product, and then move it across to *Books In Print* and other products.

We're also discussing hybrid products and packaging. For instance, what do you think of the idea of a 3-volume *Books In Print* (instead of the current 9 volumes) with the indexes delivered via the Web? These are the kinds of questions that we are discussing with customers through focus groups and our sales and customer service people. We want to work closely with libraries to best meet the needs of librarians and patrons, that's the bottom line.

ATG: *At **ALA Midwinter**, you gave a fascinating historical account of [Books In Print](http://booksinprint.com) and Bowker. Can you retell us some of it?*

CH: Yes, with pleasure. I came across this interesting history while researching the number of titles and publishers that were included in the first edition of *Books In Print*, published in 1880, then called *The American Catalog*. I was then able to draw

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a comparison with *Books In Print* in 2000 for my speech in San Antonio. It turns out that there were 70,000 titles from 900 publishers back then, as compared with 3.2 million titles from over 90,000 publishers in today's *Books In Print*.

In early 1876, a few years before *The American Catalog* was published by The Office (as the Bowker company was then known!), a gentleman by the name of **Melville Dewey** (why does that name sound so familiar?), the librarian at **Amherst College**, contacted **Frederick Leyboldt**, founder of the Bowker enterprise, and his young editor, **Richard Rogers Bowker**, and arranged a meeting at their offices in New York City. They met to discuss the creation of a magazine to serve the burgeoning library profession in the United States. The magazine was *Library Journal*, and Dewey became its first editor, and the first edition of the magazine was published later that year, in September of 1876.

And the story doesn't end there. The three men also thought that a library conference should be organized to bring together the profession, and they duly orga-

nized such a conference in October of 1876. At the conference, the **American Library Association** was founded. So Bowker's association with the ALA really does go back to the very beginning!

ATG: *You are a new face at Bowker. When did you join the company?*

CH: Actually, I'm just celebrating my one-year anniversary at Bowker as well as my return to the U.S. after ten years in Europe, and I can't think of a better way to celebrate than with the launch of booksinprint.com 2000, capping off a year of frenetic development!

But I'm not new to Bowker. In the U.K., I managed **Bowker-Saur**, Bowker's primary international distributor as well as being a library science publisher in its own right—you will know **LISA (Library and Information Science Abstracts)**--a job I started in 1994. It is great to be back in the U.S.; the library market here is experiencing such a renaissance, and Web usage is more pervasive than in Europe.

ATG: *So where were you born and educated?*

CH: I guess I should have made it clear that I am an American, a Connecticut Yankee, actually! I received my BA from

Hobart College in upstate New York and then later, after my first 10 years in publishing, I decided to do an MBA degree. Because I was then doing international publishing and had the great fortune to travel the world on a regular basis, I was looking for an international program and ended up in Fontainebleau, France, at INSEAD. Following my MBA, my wife and I relocated to the United Kingdom, where I went to work for **Robert Maxwell** at **Macmillan Publishing**. But that's another story.

ATG: *What do you like to do for fun?*

CH: Well, as you might expect from someone managing Bowker, I love to read—both books and magazines. Lately, I've been drawn to biographies. I'm currently working my way through a Vintage paperback (UK) about **Paul McCartney** entitled *Many Years From Now*, by **Barry Miles**, though I probably spend more time reading stories about **Mr. Pink-Whistle** and **Thomas the Tank Engine** to my children! My wife, **Stephanie**, and I have two children; **Jake**, now 4, and **Ellie**, who just turned 1 in January. We all love to travel, and we're fortunate to have seen in the new millennium in Australia. I'm also trying to find time to get back to my squash game one day soon! 🏸

From the Reference Desk

Column Editor: **Tom Gilson** (Head, Reference Services, Robert Scott Small Library, College of Charleston)
<gilson@cofc.edu>

Grove has figured out another way to make money from their landmark **Dictionary of Art**. First, they published the 34-volume print encyclopedia in 1996 and then released a Web version in early 1999. Now, Grove has begun repackaging and updating special topic "spin-off volumes" into what they are calling the **Grove Library of World Art**. The Library offers much of the same scholarly content available in the **Dictionary of Art** in "more accessible and affordable one- to three-volume encyclopedias." Plans call for these encyclopedias to be organized in five individual series including one for African, Ancient, Asian, and European art, as well as a series for the arts of the Americas.

The Encyclopedia of American Art before 1914 (1999, 1884446035; \$250) is the first title in the projected 4 volume series devoted to the arts of the Americas. Readers familiar with the **Dictionary of Art** will recognize the page layout and print format immediately. According to the folks at Grove, although the articles here are taken from the Dictionary, "every one of them was sent back to the original contributor for review and updating." In cases where the original author was unavailable a member of Grove's editorial staff reviewed the article. But, a quick look at articles on Louis Sullivan, Thomas Cole, the Hudson River School, Luminism, John Trumbull and the Federal Style shows the text is identical to that in the Dictionary. Articles on broader topics like Impressionism and Industrial Design have been edited to fit within the scope of the present volume. However, there are 30 new articles devoted to 19th and early 20th century California artists not covered in the original Dictionary. Also many of the bibliographies have been updated with 1-2 recent citations and some of the articles have added an occasional new illustration. The most striking departure from the Dictionary is

the 100 color il-

lustrations in the *Encyclopedia of American Art before 1914*. Placed together in the center of the volume, the layout of the color illustrations forms a mini-timeline of the development of architecture, furniture, painting, etc. Grove's plans call for each of the volumes in the Library of World Art to have a similar number of color plates. The inclusion of color plates is a major change from the Dictionary. The entire 34 volumes contain a total of only 400 color plates among its 15,000 illustrations. Libraries that do not already own the **Dictionary of Art** may want to purchase these volumes as they are published. They will give top-notch scholarly coverage of the most popular subject areas covered in the Dictionary, and they are individually indexed so they will stand alone as individual references. In fact, as of this writing, there are no plans for a comprehensive index of the *Library of World Art*. But, the actual updating, at least in this volume, is minimal, and while the added color illustrations are a significant feature, they hardly call for the purchase of these new volumes if a library already owns the Dictionary. At the current pricing, those libraries would be better served by considering a subscription to the online version of the Dictionary, despite its pitfalls. (For more information on the online version see my reviews in the September 1999 issue of *ATG*, p. 50, and the October 1999 issue of the *Charleston Advisor*, p. 29.)

Although it lacks the traditional alphabetical arrangement, Academic Press' *Encyclopedia of Volcanoes* (2000, 012643140X; \$99.95) is thorough, comprehensive and fully deserving of its title. It is divided into nine thematic sections that cover topics like the origin and transport of magma, volcanic interactions and hazards, effusive and explosive volcanism, as well as eruptions and eruption response and mitigation. Interestingly, the Encyclopedia is not confined to earthly volcanoes. There is a section that explores extraterrestrial volcanism on Venus, Mars, Io, and the Moon. Finally, while the vast majority of the Encyclopedia is devoted to the science of volcanoes, there is an added feature, an entire section that covers the economic benefits and cultural aspects of volcanism.

Editor-in-Chief **Haraldur Sigurdsson** has assembled an international cast of contributors to write

the 82 articles in this book. The articles are scholarly and will be of most interest to the student and scientific researcher. However, each article has its own glossary that helps make the book more useful to the general reader as well as a list of further readings, some more extensive than others. There are also more than 800 graphs, charts, tables and illustrations that complement the nearly 1400 pages of text. Pulling the book together is a comprehensive index and the helpful use of cross-references.

The Encyclopedia of Volcanoes is unique in its extensive coverage of this fascinating subject. There is a lot of useful scientific information here for the money. Academic libraries that support Geology and other earth science programs will find it a necessary addition. There is also an associated Website at <http://www.academicpress.com/volcano/>.

The first two volumes of ABC-CLIO's planned 5-volume set, *Encyclopedia of Archaeology* (1999, 1576071995; \$150) have been released. True to their subtitle, the *Great Archaeologists*, these two volumes provide biographical sketches of 58 archaeologists who made "fundamental contributions" that had "the power to transform our ideas about ourselves." From the "first reliable archaeologist" **William Stukeley** to the treasure hunting **Heinrich Schliemann** to the recently retired **Roger Curtis Green**, these volumes offer a historic survey of archaeological accomplishment. The entries are arranged chronologically heightening this sense of historical development. However, there is also an alphabetical list of entries with relevant page numbers as well as a useful index that helps the reader focus on specific issues and concerns. The treatment here is serious, but the essays are clearly written and accessible to the lay reader. Each biography has a helpful list of references to both the writings by the subject of the biographical sketch as well as secondary sources about their contributions. There are also illustrations and photos throughout the set as well as a brief glossary.

The main criticism of these two volumes is one that editor **Tim Murray** anticipates. Murray readily admits that given the history and nature of the discipline "we were likely to produce a volume with a lot of dead white males." And in fact, that is what they have done. Perhaps the inclusion of

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From the Reference Desk from page 42

Gertrude Bell, Margaret Murray and Gertrude Caton Thompson may have helped. Editor Murray points to the limitations of time and space as to why they were not included. But, he is obviously sensitive to this issue, as he is to the past "colonialist" bias of many in the field. Murray ends volume two with an essay that confronts these, and other issues that affect the "art of Archaeological Biography." It is worth reading.

The *Encyclopedia of Archaeology: the Great Archaeologists* is a promising start to this projected set, as well as, a reference that will stand on its own. The remaining three volumes will cover history and specific discoveries, and according to Amazon.com will be released in September 2000. Academic libraries supporting archaeology curriculums, and large public libraries where there is interest, will want to give these first two volumes serious consideration.

ABC-CLIO has also published two more titles in their *Biographical Companions* series: *Helen Rappaport's Joseph Stalin: A Biographical Companion* (1999, 1576070840; \$55) and David Nicholls'

Napoleon: A Biographical Companion (1999, 0874369576; \$55). While there are numerous books about both of these men, an easy to use reference companion devoted to each is a worthwhile consideration. Both books follow a similar format with the entries arranged alphabetically and both have a chronology, a bibliography and an index. Nicholls' *Napoleon* also has an introductory essay that serves as a biographical sketch as well as a brief section of documents related to Napoleon. Although Rappaport's *Joseph Stalin* does not have these features, it has a glossary of terms as an added bonus.

Napoleon: A Biographical Companion tries to "provide the reader with an understanding of Napoleon as a politician, ruler, soldier, revolutionary administrator, dynast and myth." Browsing through the book finds entries on movements like Jacobinism, theories like Counter-Revolution, issues like Propaganda and institutions like the Bank of France. But the focus remains on Napoleon and his relationship to and impact on each of them. Therefore the reader can see Napoleon from a variety of perspectives. For example, while he was a great military genius, the entry on Naval Warfare makes obvious Napoleon's lack of understanding of its difficulties, and the article on Pope Pius VII points out both Napoleon's dominance of the Papacy and

Pius' attempts to fight it.

Arguably, in dealing with Stalin, Helen Rappaport's job was more difficult.

The collapse of the Soviet Union in 1991 and the already simmering revisionist approach in Stalinist studies make Stalin more of a moving target. Rappaport's emphasis is as much on Stalinism as it is on Stalin the man. Of course the facts of his life, and the events and people that helped shape it, are given their just due. As you would expect, there are articles on Stalin's relationship with people like Lenin, Trotsky and Beria as well as those on the Yalta Conference and the Great Patriotic War (the Soviet name for World War II). But, there are also articles that deal with things like Family Life, Art and Architecture, Cinema, Religion, Science, Sport and the Place of Women.

Both books are factual and well written. However, the entries in *Napoleon* are shorter and more to the point, while the articles on Stalin are longer and seemingly cover broader topics. But, these books fit their subjects well. Fascinating lives make fascinating reading and both these volumes are not only useful as references, but they offer interesting insights. Their differences have as much to do with the nature of the men they treat, as they do with the differing styles of the two authors. Both will be

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From the Reference Desk
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of use in libraries where there is demand. And, as with the other books in this series, larger academic and public libraries may want these books in circulation. (See the February issue of *ATG* v.11#1, p. 38, 41, for the titles and reviews of those books)

Reference librarians in all types of libraries, but especially public and high school, will welcome the Gale Groups' *African American Firsts in Science and Technology* (1999, 0787638765; \$60). This is a handy book of "first facts" that highlights the scientific achievements of African Americans. Not only is it helpful in answering specific questions, but it has been arranged chronologically within eight scientific areas giving a sense of the history of that achievement. The subject areas treated include allied health, dentistry and nursing, life sciences, medicine, math and engineering, physical sciences and transportation. Nearly 1200 scientific achievements are documented with 25% attributed to African American women. Each entry contains the facts of the contribution, some brief biographical information and one or two sources of additional information. There are also three helpful indexes, one by year, one by occupation and a general index. This is a nicely researched and convenient reference that will be used heavily for school assignments and at time like Black History Month. A necessary addition for many public and school libraries, *African American Firsts in Science and Technology* will also find a place in some academic libraries where there is interest.

As with most of the historical dictionaries published by Scarecrow, the *Historical Dictionary of the Holocaust* (1999, 0810836114; \$55) could just as easily be placed in the circulating collection. This is especially true in a case like this given the prior existence of a more comprehensive reference. (The four-volume *Encyclopedia of the Holocaust* edited by Israel Gutman comes to mind.) However, author **Jack R. Fischel** does a commendable job in writing a compact and useful book that serves to update and throw added light on a subject of immense importance. He starts with a chronology that records events stretching from the formation of the League of Antisemitism in 1879 through the Holocaust itself and on to the present day questions regarding the actions of the Catholic Church. Fischel then offers an introductory essay that outlines the history of the Holocaust. The dictionary entries follow, and are brief and straightforward, usually less

than a page. However, there are exceptions like the entries on individual countries and their roles, some of the major players and topics like Christianity and Swiss Banks. Unfortunately there is no index but articles are cross-referenced by the use of bold type in the text. Finally, Fischel includes a 45-page bibliography divided into 32 topic areas.

While intended for the non-specialist the *Historical Dictionary of the Holocaust* will also serve as a quick reference for scholars and students. Public, high school and undergraduate libraries should consider its purchase.

McFarland has updated Donald Glut's well-received *Dinosaurs: the Encyclopedia* (1997, 0899509177, \$145). Every bit as scholarly as the original, *Dinosaurs: the Encyclopedia, Supplement 1* (2000, 0786405910, \$60) updates the comprehensive coverage available in the parent volume. In fact, according to Glut, the new, revised and sometime contradictory information that appears in the supplement supplants the information that was previously published in the *Encyclopedia*. Obviously readers will want to use them in tandem to obtain the most reliable information. Like the original, most of the supplement consists of an alphabetical compilation of dinosaurian genera ranging from the *Abelisaurus* to the *Zuniceratops*. There is also a section on Dinosaurian systematics or the classification and naming of dinosaurs as well as a useful introduction in which Glut discusses the newest discoveries and unresolved controversies. The information in this book is informed by recent scholarship as evidenced by the extensive bibliography of the papers, articles and monographs that are referred to in the text. There is also generous use of black and white photos and illustrations that complement the text.

Supplement 1 is the first in a planned series of irregular supplements and it continues author Donald Glut's commitment to providing a "handy reference tool for professional paleontologists and students while also offering less technical information of interest to the amateur." Regarding the latter, it will have to be the informed amateur. The text is punctuated by parenthetical citations and has a tendency to read like a scientific paper. While there is a glossary of terms at the back of the book that assists

the more casual reader, serious students and scholars will benefit most from this book. Libraries that already own the original *Encyclopedia* will definitely want a copy of the supplement. Other libraries needing a comprehensive and scholarly treatment of the world of dinosaurs should seriously consider both volumes.

Sara Knapp has just updated and expanded her *Contemporary Thesaurus of Search Terms and Synonyms: A Guide for Natural Language Computer Searching*. (2000, 157356107X; \$125). Published by Oryx Press, the second edition of this handy and useful search tool includes terms related to business and humanities, as well as updating the social science coverage of the first *Contemporary Thesaurus*, published in 1993. The new edition contains "more than 20,000 entries for over 8,500 concepts representing thousands of words and phrases." As the subtitle indicates, this book is not another "controlled vocabulary" thesaurus. It offers suggested terms for the "free text" searching or "natural language" searching that researchers use when keyword searching in databases or when using their favorite Web search engine. But not only does it provide the searcher specific terms--additional features of the *Thesaurus*, aside from the suggested synonyms, are the "choose from" or "consider also" notes that suggests other possible combinations of phrases or words, as well as "see also" references to related terms within the *Thesaurus*.

However, for the librarian or expert searcher, the *Contemporary Thesaurus of Search Terms and Synonyms* provides another plus. While it is not a substitute for existing controlled vocabulary thesauri, it can be a highly useful complement to them. Used in combination with controlled vocabulary searching, "natural language" or "free text" searching is a powerful method of narrowing and focusing on specific information. Knapp's *Thesaurus* gives the searcher an excellent tool to find contemporary terms for the "natural language" part of that equation. Given its usefulness, there is little doubt that the *Contemporary Thesaurus of Search Terms and Synonyms* will find its way on to the "ready reference" shelves of academic and public libraries, as well as, the personal offices of librarians and other information professionals.

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Book Reviews — Indexes of Ancient Authors

Column Editor: **Tom Leonhardt** (Oregon Institute of Technology) <leonhart@oit.edu>

Die Fragmente der griechischen Historiker. Indexes of Parts I, II, and III. Indexes of Ancient Authors, by **Pierre Bonnechère**. Leiden: Brill, 1999.

Vol. I. Introduction. Alphabetical List of Authors
Conserving Testimonia and Fragments. xlviii + 186 pp.
\$73. ISBN: 90-04-11389-4.

Vol. II. Concordance Jacoby - Source. 424 pp.
\$109. ISBN: 90-04-11390-8.

Vol. III. Alphabetical List of Fragmentary Historians
with Alphabetical List of Source-Authors for Each.
426 pp. \$127. ISBN: 90-04-11391-6.
(3-volume set ISBN: 90-04-11392-4)

Reviewed by **Darryl A. Phillips** (Program in Classics,
College of Charleston) <phillipsd@cofc.edu>

Only a fraction of the writings of the ancient world has survived to the modern day. Although many works are lost, some are not forgotten; references to hundreds of authors are found in extant sources. Felix Jacoby dedicated much of his career to collecting scattered citations of more than 870 ancient writers whose works have not survived intact. The result of his labor is a massive collection of more

than 12,000
fragments
and over
14,000 refer-

ences to ancient historians, published as *Die Fragmente der griechischen Historiker* (Berlin: Weidmann, 1923-58). Unfortunately the *Fragmente* themselves remain fragmentary. Before his death in 1959 Jacoby saw to near completion three parts of the work, (I) Genealogy and Mythography, (II) *Zeitgeschichte* (political-military history), and (III) *Horography* and *Ethnography*. His work has won universal praise and has become an indispensable reference tool for scholars studying Greco-Roman antiquity. An international team of scholars is now at work completing the remainder of Jacoby's project: (IV) *Biography*, *Literary History* and *Paradoxography*, and (V) *Historical Geography*. New fascicles are beginning to appear through Brill Academic Publishers. The continuation of the *Fragmente* should prove to be a most welcome addition.

Despite the unquestionable importance of Jacoby's collection, the volumes have frustrated historians and students for decades. The organizational principles employed by Jacoby were rather idiosyncratic and his notations and abbreviations are sometimes inconsistent and often obscure. Furthermore, Jacoby offered little guidance to readers of his work. Pierre Bonnechère was among many who "wasted numerous hours, while a student, hunting in the *Fragmente der griechischen Historiker* for a certain fragment" (Bonnechère, preface to Vol. 1). Bonnechère's frustration ultimately led to three years of

continued on page 54

work compiling comprehensive indexes to Jacoby's original collection, an effort that will save others similar experiences. The indexes are available in three volumes through Brill. Bonnechère's efforts deserve the highest praise and any library possessing Jacoby's *Fragmente* should immediately acquire these new volumes.

Three distinct indexes are included in Bonnechère's three-volume set. Volume I begins with an overview of the indexing project, an explanation of abbreviations (p.XXI), and lists of fragmentary historians collected by Jacoby. The bulk of this volume consists of *Indexes of Ancient Authors*, an alphabetical list of authors who preserve evidence of lost works. This volume will allow readers to locate quickly Jacoby's discussion of passages they encounter while reading ancient works. This index, like the others in the companion volumes, is divided into two sections, *Testimonia* and *Fragmenta*, following Jacoby's classification system (generally, *testimonia* are mere mentions of works, *fragmenta* are quotations). Volume II, *Concordance Jacoby - Source*, lists authors of fragments in numerical order based on Jacoby's numbering system (from historian #1, Hecataeus Milesius, to #856, Dionysophanes). For each author a list records every citation with full and precise references. Volume III, *Alphabetical List of Fragmentary Historians with Alphabetical List of Source-Authors for Each*, permits a quick check of the sources for authors of fragments. Throughout the three volumes, Bonnechère has expanded and clarified Jacoby's abbreviations. He also indicates texts that Jacoby included in addenda and corrigenda. This is particularly useful and should prevent scholars from overlooking information that was not included in Jacoby's primary discussion of an author.

One example may help to illustrate the usefulness of these indexes. At the end of his biography of Marcus Brutus, Plutarch reports that Porcia, Brutus' wife, is said to have committed suicide by swallowing hot coals after learning of the death of her husband. Plutarch specifically names "the philosopher Nicolaus" as one source of this tale. By looking up Plutarch in Index I, one learns that Nicolaus is Jacoby's fragmentary author 90, Nicolaus Damascenus, and this passage is fragmentum 99. The reader can now quickly locate the relevant section in Jacoby's work. An interested reader can learn more about Nicolaus by looking up author 90 in Index II or Nicolaus Damascenus in Index III. Both indexes summarize the extent of our citations of this author, pointing out that Plutarch once again refers to this author in his *Quaestiones Convivales* (8.4.1.723d) and identifying all appropriate sections in Jacoby's *Fragmente*. After consulting the indexes for just a moment, the reader can navigate Jacoby's volumes with great speed and confidence.

The primary goal of Bonnechère's indexes was to make the *Fragmente* more accessible, and this is admirably fulfilled. Bonnechère also hoped to facilitate the study of the "reception of ancient historians, now reduced to fragments, by other writers more fortunate" (Vol. I, p.VIII). Indeed, the indexes may prompt new explorations of the use of quotation in ancient writing, and will certainly reduce the labor involved in any such exploration. It is now a simple process to locate citations of lost works in extant writers. While this does not necessarily reveal the reading habits of ancient authors or tell us the contents of their libraries, it does move us one step closer.

Compiling an index is not glamorous, but Bonnechère can rest assured that his labor will not be thankless. He has produced a most valuable reference work.

Military Religion in Roman Britain

by Georgia L. Irby-Massie. Leiden: Brill, 1999.
xv + 385 pp. \$103. ISBN: 90-04-10848-3.

Reviewed by Darryl A. Phillips (Program in Classics,
College of Charleston) <phillipsd@cofc.edu>

The Roman military and Roman England have long been favorite topics for lay readers, undergraduate students, and mature scholars alike. Irby-Massie combines these two fields in a new monograph published as part of Brill's series *Supplements to Mnemosyne* (Vol. 199). The subject warrants interest as Roman soldiers were not just conquerors, but were also ambassadors bringing new cultures with them to Britain. Legionaries and auxiliary recruits came from all corners of the Roman Empire, from as far away as Spain and Syria. The customs of these soldiers gradually combined with local traditions resulting in a rich blend. Irby-Massie looks at religious practices, especially those documented by inscribed dedications, to understand this complex interaction.

Irby-Massie's study is divided into two parts, a narrative discussion of military religion in Roman Britain and an extensive catalog of inscriptions that document religious activity. The two sections are of different quality and value. In the first part she surveys the deities worshipped in Roman Britain, categorizing them as part of Roman State religion, Eastern cults, or Celtic religions. Throughout this section, it is unclear whom the author envisions as her audience. Often she seems to assume no prior knowledge, discussing the basics of each god to an extent that serious students and researchers are likely to find distracting. For example, in preparation for her discussion of Jupiter (p.55ff), she rehearses the history of his worship beginning with the first temple to Jupiter built in Rome by king Tarquin in the 6th century B.C. This background information, common knowledge among scholars, is not necessary to explain Jupiter to a general audience, and such detail is only tangentially related to the cult of Jupiter in Britain six centuries later. At the same time the author quotes lengthy passages in Latin without offering translations, making much of her work inaccessible to all but the expert. More troubling problems appear as Irby-Massie becomes too focused on Britain, and fails to consider larger trends throughout the Roman Empire. Thus she concludes that the large number of dedications to the emperor Septimius Severus found in Britain indicates that "the troops and officers in Britain felt obligated to demonstrate their loyalty to Severus after the civil wars of the 190's" (p.203). This would be a reasonable conclusion were the trend limited to Britain alone. However, the Severan period has furnished an extraordinary number of inscriptions empire-wide. Changes in epigraphic habit and chances of survival are better explanations for the British dedications.

The strength of the book, and an aspect that may warrant its purchase, is the annotated catalog of inscriptions presented in the second part. The author has brought together epigraphic evidence for religious cults in Roman Britain from scattered sources that are available only at top research libraries (*Corpus Inscriptionum Latinarum*, *Roman Inscriptions of Britain*, and *Corpus Signorum Imperii Romani*). Furthermore, she has incorporated other evidence published in the *Journal of Roman Studies* and *Britannia*. The result is a useful reference work for scholars researching a particular cult in Britain. It will reduce the time and frustration of any future study. The collection is easy to use with a table of contents summarizing the entries. References to Irby-Massie's catalog numbers are included in the general index to the book. Scholars will likely skip the first part of the book and use the evidence contained in the second section to draw their own conclusions. Catalogs and indices of this type are much needed in many areas of Classical Studies. Some researchers are certain to thank Irby-Massie for her contribution.

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Fluid Mechanics: An Interactive Text and African-American History and Culture

Column Editor: **Norman Desmarais** (Acquisitions Librarian, Phillips Memorial Library, Providence College, Providence, RI 02918; ph: 401-865-2241; fax: 401-865-2823) <normd@providence.edu>
<http://www.providence.edu/pml/pmlhp1.htm>

Fluid Mechanics: an interactive text by **James A. Liggett;**

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ISBN: 0-7844-0310-4 Price: \$100.00; \$75.00 students and ASCE members. Windows 3.1, Windows 95, Windows NT; 30 MB available disk space, 16 MB RAM; 4X CD-ROM drive; VGA graphics (640 x 480 256 colors); Microsoft-compatible mouse or pointing device. Macintosh System 7.5, including QuickTime 2.0 or later; 30 MB available disk space, 16 MB RAM; 4X CD-ROM drive; 640 x 480 or better monitor with support for 256 colors.

Reviewed by **Norman Desmarais** (Providence College)
<normd@providence.edu>

Fluid Mechanics: an interactive text is the CD-ROM version of **Liggett and Caughey's** textbook, *Fluid Mechanics*. The CD runs under Windows 3.1, Windows 95, Windows NT, or Macintosh. It covers basic considerations, fluid statics, integral and differential descriptions, dimen-

sional analysis and similitude, laminar and turbulent flows, incompressible pipe flow, potential flow, boundary layers, flow past bodies, compressible flows, open channel flows, fluid machinery, and transport. It also includes an extensive glossary and many illustrations.

The book won **Choice's** Outstanding Academic Book award. This award already attests to the high quality of the text; so we shall not pursue it any further here. Instead we shall concentrate on the features of the CD-ROM. The material is organized into three text levels. The basic level, level 1, deals only with very simple mathematics. Level 2 adds quantitative information to help solve most problems in fluids engineering at an introductory level. Level 3 adds more specialized information aimed at a more technical audience and details regarding derivations of many of the equations presented in level 2. The authors hope that level 1 readers will skim through the material at other levels a) to get a better understanding of the behavior of fluids and see what the mathematics

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TestDriving CD-ROM
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can and cannot do for us. It is important for students of any subject

to have a basic appreciation of what they do not understand as well as what they do understand; b) readers can change the text level at any time without changing the default level selected in user preferences. There are ample examples, figures, graphs, tables, equations, and formulae to illustrate the points thoroughly. There are also about 100 movies which are mostly animations with no audio. Students can view the table of contents of either the book or the figures. They can also search for particular text or figures by selecting one or more chapters to search. However, while the results of a text search remain easily accessible, the results of a search for figures disappear upon selection of a figure for viewing. One must go to the Contents button on the toolbar and select Find Figures to get back to the results.

The toolbar has two very helpful buttons: Data and Tools. The Data button provides a number of tables and utilities to illustrate concepts and to facilitate computations. These include airfoil characteristics; drag coefficients for cylinders, spheres, and miscellaneous shapes; Hagen Williams coefficient; Manning's n for pipes and channels and rivers; Molec prop gases; an interactive Moody chart; pipe data; SAE viscosities; standard atmospheres; surface tension; vapor pressure; and properties of water. It also contains a fluid properties console that shows the conductivity, density, and viscosity of several common gases and liquids at standard conditions.

The Tools button provides several computational utilities to calculate area flow, axial flow, boundary integral equation, channel capacity (circular, trapezoidal), channel profiles, dimensional analysis, and pipe flow. It also includes EPANET, a program to calculate flows and pressure in pipe networks; a plotter; an integration solver; a transcendental solver; and worksheets to calculate frictional flow, pipe flow, Prandtl-Meyer function, and heat addition. There's also a conversion screen to convert units of mass, force, length, and time.

By making these tools and utilities available on the toolbar, the CD lets students access all kinds of data without having to fumble through tables and appendices or locating a calculator to perform the math.

The text is clearly designated in outline form both in the table of contents and in the screen headers. However, there is no indication of the length of each section or chapter. A red slider bar appears at the bottom of the screen to indicate one's relative position in a chapter; but most readers, accustomed to the slider bar along the right margin, will overlook it.

The text appears as an image which means that students cannot select text portions for copying or printing; but they can create and manage bookmarks and personal notes. Selecting the print option prints a screen image, including icons, buttons, etc. Students can toggle very easily between the text and any graphics, notes, or related material.

Fluid Mechanics: an interactive text makes very good use of the CD-ROM medium and enhances the contents of the book. Except for the limitations on printing and copying and the likelihood that a reader might have difficulty determining one's relative location in a topic, this is a well-executed CD. It capitalizes on the medium, offers easy navigation, and locates desired material quickly.

African-American History and Culture: CD-ROM Encyclopedia
Facts on File, Inc. 11 Penn Plaza New York, NY 10001-2006
tel. 212-967-8800 fax: 212-967-9196

<http://www.factsonfile.com> ISBN: 0-8160-3898-8 \$299.95;
\$599.95 (lab packs of 5 CD-ROMs and network, up to 10 users)

Reviewed by **Norman Desmarais** (Providence College)
<normd@providence.edu>

African-American History and Culture: CD-ROM Encyclopedia contains a vast amount of material on African-American history and culture. The main menu offers the following features: timeline,

biographies, encyclopedia, historical documents, history books, gallery, maps and charts, audio and video, and **W.E.B. DuBois's Exhibit of American Negroes**.

The timeline is a hyperlinked timeline that covers the major events in the past five centuries of African-American history. It serves as the main organizational structure for the CD as most of the entries on the main menu are subdivided by historical eras: 1400s-1775, 1776-1819, 1820-1860, 1861-1865, 1866-1876, 1877-1928, 1929-1940, 1941-1954, 1955-1971, and 1972-. Readers have the option of selecting a particular era or all entries.

The biographies section includes 1600 biographies of historical and contemporary figures selected from twenty-two **Facts on File** print titles. The encyclopedia contains 400 entries, definitions and descriptions of terms, events, and topics culled from *The Encyclopedia of Africa-American Heritage* and other **Facts on File** print titles.

Historical documents includes 150 primary source documents, such as the **Supreme Court's** decision in *Brown vs. Board of Education*, The Reconstruction Acts, and Sojourner Truth's speech. It even includes the closing arguments in the O. J. Simpson trial (September 26B28, 1995). Many of these documents come from **Facts on File's Landmark Documents in American History CD-ROM**. History books include the full text of thirteen **Facts on File** books. These books do not seem to be arranged in any particular order. They are not in alphabetical order by title or in chronological order by date of publication.

The gallery contains 770 photographs, paintings, cartoons, portraits, and other images that depict key figures and events. A caption explaining its historical significance accompanies each image.

Maps and charts includes 130 annotated graphs, tables, maps, and charts that present geographical and statistical data about the past and present African-American population.

The audio and video section includes twelve audio clips and seventeen video clips of significant historical and cultural moments. There's the expected "I have a dream" speech as well as four excerpts from **Thurgood Marshall's** November 10, 1966 speech at a symposium on "the role of the Negro lawyer in the context of social change" and four clips of **Louie Armstrong**. The video clips include the famous **Joe Louis vs. Max Schmeling** fight (June 22, 1938), **Jesse Owens** and **Cornelius Jordan** at the Berlin Olympics (1936), and two clips of the Alvin Ailey American Dance Theater. However, we could not get the videos to play properly and sometimes encountered erratic performance problems when attempting to do so.

W.E.B. DuBois's Exhibit of American Negroes is an archival reconstruction of **W.E.B. DuBois's** exhibit on American blacks at the 1900 **World's Fair**.

The product uses the **Logos Library System** as its search engine and interface. This is a powerful text engine that was designed for biblical studies. The toolbar consequently has View options (*Bible* Reference Browser and Sync Browser which allows viewing several Bible versions simultaneously and synchronizes scrolling of the text to keep all the versions in sync) that don't make any sense with this product. Also, the Tools option lists Unlock Books or Collections which was designed to control the licensing and use of biblical concordances, dictionaries, histories, commentaries, etc. Logos Library System supports interactivity between all books in a library when searching and linking across multiple books. Because it uses Unicode, it also supports Eastern and Western languages and the embedding of

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LEGAL ISSUES

Section Editors: Anne Jennings (A.Jennings Legal Research and Information) <a.jennings@mindspring.com>
Jack Montgomery (Western Kentucky University)

Legally Speaking — From Concept to Working Model

Generic licenses effort for e-resources provides more than flexible templates

by Ana Arias Terry (President, Redstone Publishing Consulting)
<Ana.Terry@redstonepubconsulting.com>

The virtues of reducing time and money spent on individual license negotiation, agreement development, and institutional and legal compliance¹ have been highly regarded commodities in the publishing industry. Thanks to a suite of generic license models designed to accommodate the needs of librarians and publishers in the electronic resources environment, the desired virtues now reside in a practical and attainable realm.

This article will provide an overview of the model license initiative not just in con-

text of its simplification factor for publishers and librarians, but also in relation to its implications in building community among the diverse publishing constituents. The piece will offer views from the field and conclude with some thoughts on the next steps.

The Models

The US generic licenses initiative evolved in part from an effort by the UK Publisher's Association and the Joint Information Systems Committee of the Higher Education Funding Councils. After a two-year collabo-

ration, the effort culminated in a model license for electronic resources.

John Cox of John Cox Associates used this license as the basis for developing a suite of licenses that would offer an international scope and the flexibility needed to fit the need of diverse scenarios, publisher policies, and customers.

Like many successful initiatives, this one benefited from meaningful collaborations. Funding the effort were five subscription

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agents—Swets, Harrassowitz, EBSCO, Dawson, and Blackwell. The American Library Association et al's *US Principles for Licensing Electronic Resources* and the International Coalition of Library Consortia's (ICOLC) *Statements of Current Perspectives and Preferred Practices for the Selection and Purchase of Electronic Information* provided important concepts as did the LIBLICENSE Website.² Librarians, publishers, and subscription agents worldwide were consulted along with professional and trade associations.³

According to Cox, it was determined early on that four licenses would be needed to cover individual universities, academic consortia, corporate and special libraries, and public libraries. To have developed one all-purpose license would have been too cumbersome and confusing. Still, says Cox, each license is similar in format, and they share numerous "boiler plate" provisions. These models are publicly available at www.licensingmodels.com. "These licenses are not 'off-the-shelf and oven-ready'," says Cox. "They are a resource to be used to construct license agreements. They simply contain the words needed to express what has been negotiated. Think of them as a toolbox."

Sally Morris, secretary-general for the Association of Learned and Professional Society Publishers and primary drafter on the UK's PA/JISC model license effort, offers similar advice. "In principle, my view on model licenses is that they should not be used prescriptively, but rather as source material from which people can draw a number of features, all of which will aid consistency (and accelerate eventual convergence)."

Among the license features whose active use she does encourage are: definitions—where all parties define words to have the same meaning; general order of clauses—where parties can locate the same items in approximately the same location in every license; useful wording—although potentially only very small publishers with no internal experts would use the entire template without modification. "If these elements help to move both publishers and libraries towards a shared understanding of what is fair and reasonable for both sides, that will be a bonus!"

Perceptions from the Trenches

Thus far industry reaction to the generic licenses has been generally very positive. According to Cox, **Purdue University** is using the models to create a Purdue license for obtaining electronic resources. He adds that the **Chesapeake Information and Research Library Alliance (CIRLA)** is modeling its own consortium license based on the generic standard versions.

"So far I have heard nothing negative from librarians," says **Eleanor Cook**, seri-

als specialist at **Appalachian State University**. "The point is to allow continued commerce and not be bogged down with licenses that are impossible to enforce and unwieldy to review. What would be really great would be if a library could sign a single standardized license that would allow a subscription agent to then set up electronic journals on their behalf. Why have to do the same thing over and over and over? I assume that is what this initiative is striving to achieve."

"In quickly reviewing the license for single academic institutions, I find it to be quite impressive, and I particularly like the way it defines terms. I love the concept, and I'm pleased that these licenses have been made available. I applaud the efforts of the people who got together to make these available."

According to **Trisha Davis**, head of the Serials and Electronic Resources Department at **The Ohio State University Libraries**, these initiatives represent the first go at meeting the needs of both librarians and publishers. "Finally, the issues important to librarians are on the table for discussion," says Davis. "These licenses give all parties a starting point for negotiation. No longer should publishers have to start from scratch, or worse, turn over the responsibility to lawyers who know little of the process or the libraries' needs. For librarians, these licenses provide language that can be used to modify poorly written licenses, as well as the support needed to negotiate for the rights they desire."

"I have been working with librarians for over three years now on how to modify and negotiate licenses. This effort is a major step toward standardization, without forcing everyone into a one-fits-all situation. The subscription agencies should be strongly congratulated for their support of this effort."

In the subscription agent camp, satisfaction with the standard models is also evident. **EBSCO Information Services** Vice President and General Manager of Publisher Services **Frank Mapes**, representing one of the supporting agents, is highly pleased with the initiatives.

"The major strength of this effort is the pulling together of a document that has the key elements in it and can be customized without going to a lot of effort. [As] agents, we have always been in the business of helping libraries and publishers with the ordering process. Agents handle the financial transitions, and the license generally is part of the ordering routine. We want to support a standard that reduces the labor intensive review which must occur many times over, if each publisher license is different."

Publishers such as **Lippincott Williams & Wilkins** and **MCB University Press** have been amongst the first to adopt the

licenses. **MCB** was also one of the initial publishers consulted from the early stages of the process. Through the efforts of **MCB Director Bev Bruce**, these licenses are being employed in their negotiations with universities, library consortia, and special libraries. "Besides the important implication to standardization with customization that is inherent in these models," says Bruce, "what is perhaps more significant is that it has been agreed upon by the various bodies in the publishing chain."

Building Community

Agreement is often a precursor to community building and development. While progress can still occur through respectful disagreements between all parties, it is usually at some level of consensus or at least an agreement to disagree that issues can move forward.

There is no question that the generic license models have introduced a much needed and improved dimension to the logistical chess game of license negotiations. Efficiencies in terms of saved money, time, and aggravations are worth their academic weight in gold. But so are the interactive exercises that brought subscription agents, publishers, librarians, and aggregators to the same table for a common goal.

"Whilst not as tangible a benefit as a process that can potentially reduce the amount of negotiation from days to hours," adds Bruce, "it is worthwhile to consider that a qualitative byproduct was strengthened. However unintentional, building community amongst such a diverse group of academic and professional publishing constituents ought to be embraced, noted, and, if possible, recreated, albeit in the new context."

There is comfort in knowing that the generic license initiatives will be kept up-to-date by John Cox Associates and through the suggestions and comments of the industry to reflect the changes in the business environment. But we must also ensure that the interactive process of building community maintains a focus that is just as legitimate and pursued as its more tangible cousin. 🐾

Endnotes

1. Cox, John. "Generic standard licences: Cooperation and competition." (Accepted for publication in *Serials Review*, v.26, no. 1, January 2000).
2. Ibid.
3. Cox, John. July 7, 1999. "Generic standard licensing: At last, model license agreements for use by the journal community." Press release.

Questions and Answers — Copyright Column

by **Laura Gasaway** (Director of the Law Library & Professor of Law, CB# 3385, University of North Carolina, Chapel Hill, NC 27599; phone: 919-962-1049; fax 919-962-1193) <laura_gasaway@unc.edu>
<http://www.unc.edu/~uncclng/gasaway.htm>

QUESTION: *As a librarian who has been hired to create a Webpage for a business that provides costumes, I am interested in using images from 1930s-50s Montgomery Ward's catalogs on the Webpage. Can these images be used on the Internet, or are they protected by copyright law? The complicating factor is that Wards is no longer in business.*

ANSWER: The photos may or may not still be protected by copyright. It depends on whether they were registered for copyright and then whether the copyright was renewed. Consult my chart at <http://www.unc.edu/~uncclng/public-d.htm> to determine when works go into the public domain.

Assume that the photographs were registered and that the copyright was renewed at the end of the 28-year period. Therefore, the photographs may still be under copyright. When **Montgomery Ward's** went out of business, it would have transferred assets to someone else, and copyrights are considered assets. Photographs are registered just like any other copyrighted work, so one would have to search the **Copyright Office** records to determine if the copyright was renewed and/or transferred. The records are online only since 1978. For these earlier works, one would either have to hire the **Copyright Office** itself to do the search or engage a private search firm.

Another possibility is simply to assume the risk of going ahead and using the photographs. The risk is probably slight that anyone would complain because: (1) the age of photos, (2) they were used in widely distributed sales catalogs, and (3) Wards is no longer in business. This does not mean that using the photos is risk free, but just low risk. One can always remove the image if the copyright owner complains. A complicating factor, however, is the fact that the use to which the photographs will be put is commercial rather than nonprofit.

QUESTION: *The principal in a small private school wants to photocopy a musical play that is permanently out of print. The school would also like to perform the play. Would the school have to pay royalties, too?*

ANSWER: Just because the play is out of print does not mean it is out of copyright. The school needs to contact the copyright holder for permission to reproduce copies of the play if the work is still under copyright. Additionally, if the school wants to perform the play, it will also need the performance rights.

QUESTION: *Some faculty members have developed a multimedia PowerPoint presentation as a workshop for high school students who have been suspended from school for aggressive behavior. The presentation was very well received by students and by colleagues when it was presented at a conference. This also generated a number*

of requests to purchase the presentation for use elsewhere. It uses a Star Wars theme and the photographs, music and sound effects were found on the Web at <http://www.starwars.com>. Is there any problem with selling the presentation?

ANSWER: Certainly either the faculty or
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Best Sellers in Anatomy & Physiology 1999

by Françoise Crowell <FCrowell@YBP.com>

Column Editor: Bob Nardini (YBP) <rnardini@YBP.com>

We are not sure which is the bigger mystery on YBP's list of 50 best-selling titles for 1999 in Anatomy and Physiology—why we've sold one copy more of *Comparative Hearing: Fish and Amphibians* than we have for *Comparative Hearing: Insects*, or why this pair of Springer-Verlag titles landed on the list in the first place.

It's no surprise at all, though, that the predominant topics on the list reflect our customers' interests in sexual differences, mind and memory, and aging, all universal areas of human concern, of course, which far outnumber topics such as the musculoskeletal system, or NMR spectroscopy, or cellular signal transduction. The American Psychological Association's *Male, Female: The Evolution of Human Sex Differences* has been our top-selling Physiology title for the year, edging out, again by a margin of one copy, Houghton Mifflin's *Woman: An Intimate Geography*.

We hope this best-seller list, which we've arranged in descending sales order,

helps readers of ATG to identify a few titles useful to their own collections.

Geary, David C. *Male, Female: The Evolution Of Human Sex Differences*. Amer Psych Assn 1998 \$49.95 Cloth 1557985278

Angier, Natalie. *Woman: An Intimate Geography*. Houghton Mifflin 1999 \$25.00 Cloth 0395691303

Squire, Larry R. *Memory: From Mind To Molecules*. Scientific American 1999 \$34.95 Cloth 0716750716

Fruton, Joseph S. (Joseph Stewart), 1912- *Proteins, Enzymes, Genes: The Interplay Of Chemistry And Biology*. Yale Univ Press 1999 \$45.00 Cloth 0300076088

Biochemical Pathways: An Atlas Of Biochemistry And Molecular Biology; Ed. By Gerhard Michal. Wiley-Liss 1999 \$115.00 Cloth 0471331309

Kirkwood, Tom. *Time Of Our Lives: The Science Of Human Aging*. Oxford Univ Press 1999 \$27.50 Cloth 0195128249

Allman, John Morgan. *Evolving Brains*. *Scientific American* 1999 \$34.95 Cloth 0716750767

Spitzer, Manfred. *Mind Within The Net: Models Of Learning, Thinking, And Acting*. MIT Press 1999 \$27.50 Cloth 0262194066

Watkins, James, 1946- *Structure And Function Of The Musculoskeletal System*. Human Kinetics 1999 \$49.00 Cloth 0880116862

From Brains To Consciousness?: Essays On The New Sciences Of The Mind; Ed. By Steven Rose. Princeton Univ 1998 \$29.95 Cloth 0691004692

Jouvet, Michel. *Paradox Of Sleep: The Story Of Dreaming*. Translated By: Laurence Garey. MIT Press 1999 \$25.00 Cloth 0262100800

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Q & A Copyright Column from page 53

the institution may sell the presentation (depending on the agreement between the school and the faculty members). However, if one looks at the starwars.com Website and reads the terms of use, commercial use of the images and sound is prohibited. So, while use for the workshop presentation may have been fair use, selling the presentation makes it commercial. If there is broad distribution, even if the sales price is only cost recovery, the best course is to contact Lucasfilm and seek permission.

QUESTION: The X corporation libraries want to harmonize the way they maintain interlibrary loan records. Corporate counsel has advised that only loans between the corporation and outside libraries are defined as interlibrary loans. Further, librarians have been told that it is not necessary to keep records of photocopies obtained from any of the 13 X corporation libraries as these are covered by its Copyright Clearance Center

agreement. The same instruction was provided as to not keeping any records of photocopies obtained from an outside, for-profit photocopy vendor. Complicating this issue is the fact that some of these libraries work with vendors that send itemized bills showing separate copyright payments, while other libraries work with a vendor that has sent a letter saying that they will pay the royalties to the CCC. So, is it necessary to keep ILL records?

ANSWER: The only records that must be kept are ILL for which none of the corporation X libraries pays royalties, that is, library to library loans. If the copies come from a vendor that pays the royalties, no records are necessary. This activity is not ILL and royalties are paid. However, it is a good idea to use only authorized document delivery services that pay the royalties for the copies.

If the library obtains a photocopy from a university library, then that is an ILL. If the corporation pays royalties for all ILL also, then no records are required, but libraries may want to do so to provide documentation of compliance. It is a corporate decision.

TestDriving CD-ROM from page 56

words and phrases of right-to-left languages like Hebrew into left-to-right text such as English. The very powerful search engine locates words or phrases anywhere on the CD and highlights the results.

A topic browser window appears to the left of the main window. It is organized both by era and by topics, with entries listed beneath the topic window. The installation recommends setting a screen resolution of 800 x 600; but the 9-point type can appear too small for easy viewing. One can change the font by editing the user preferences; but this does not change the size. One can change the size from the View option on the toolbar or use Control-Shift-< and Control-Shift->. One can also use the product at 640 x 480 resolution and close the topic browser window. It can be activated at any time and overlays the main window.

African-American History and Culture: CD-ROM Encyclopedia is a thorough subject encyclopedia in coverage. Many entries are brief; but the synergy of all the various components from a variety of sources and the links between related entries provide students and researchers with a rich web of information. The powerful Logos Library System search engine is a good selection for this well-executed product.

Bestsellers in Anatomy
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Hormones, Health, And Behavior: A Socio-ecological And Lifespan Perspective; Ed. By C. Panter-brick. Cambridge Univ Pr 1999 \$69.95 Cloth 0521573327

Carter, Rita. **Mapping The Mind.** Univ Of California Pr 1998 \$29.95 Cloth 0520219376

Fain, Gordon L. **Molecular And Cellular Physiology Of Neurons.** Harvard Univ Press 1999 \$65.00 Cloth 0674581555

States Of Mind: New Discoveries About How Our Brains Make Us Who We Are; Ed. By Robert Conlan. John Wiley 1999 \$24.95 Cloth 0471299634

Samuel, David. **Memory: How We Use It, Lose It And Can Improve It.** New York Univ Press 1999 \$19.95 Cloth 0814781454

Males, Females, And Behavior: Toward Biological Understanding; Ed. By Lee Ellis. Praeger 1998 \$69.50 Cloth 0275959414

Latchman, David S. **Eukaryotic Transcription Factors.** Academic 1998 \$59.95 Cloth 0124371760

Protein Targeting And Translocation; Ed. By D.A. Phoenix. Princeton Univ Pr 1998 \$85.00 Cloth 069100901

Hughes, Howard C. **Sensory Exotica: A World Beyond Human Experience.** MIT Press 1999 \$26.95 Cloth 0262082799

Consciousness And Human Identity; Ed. By John Cornwell. Oxford Univ Press 1998 \$24.95 Cloth 0198503237

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Cantor, Charles R. **Genomics: The Science And Technology Behind The Human Genome Project.** Wiley-Liss 1999 \$125.00 Cloth 0471599085

Wilmore, Jack H., 1938- **Physiology Of Sport And Exercise. Human Kinetics** 1999 \$59.00 Cloth 0736000844

Palmer, Stephen E. **Vision Science: Photons To Phenomenology.** MIT Press 1999 \$70.00 Cloth 0262161834

Modern Nutrition In Health And Disease; Ed. By Maurice E. Shils. Lippincott/W&W 1999 \$106.00 Cloth 068330769x

Pattern Discovery In Biomolecular Data: Tools, Techniques, And Applications; Ed. By Jason T. L. Wang. Oxford Univ Press 1999 \$55.00 Cloth 0195119401

Warshofsky, Fred. **Stealing Time: The New Science Of Aging.** Harpercollins 1999 \$26.00 Cloth 1575000458

Barash, David. **Mammal In The Mirror: Understanding Our Place In The Natural World.** W.H. Freeman 1999 \$24.95 Cloth 0716733919

Strand, Fleur L. **Neuropeptides: Regulators Of Physiological Processes.** MIT Press 1999 \$65.00 Cloth 0262194074

RNA World: The Nature Of Modern RNA Suggests A Prebiotic RNA; Ed. By Raymond F. Gesteland. Cold Spring Harbor 1999 \$129.00 Cloth 0879695617

Rosenzweig, Mark R. **Biological Psychology: An Introduction To Behavioral, Cognitive, And Clinical Neuroscience.** Sinauer Associates 1999 \$76.95 Cloth 0878937919

Comparative Hearing: Fish And Amphibians; Ed. By Richard R. Fay. Springer-Verlag 1999 \$89.95 Cloth 0387984704

Scanlon, Valerie C. **Essentials Of Anatomy And Physiology.** F.A. Davis 1999 \$33.95 Paper 0803604076

Mackinnon, Laurel T. **Advances In Exercise Immunology.** Human Kinetics 1999 \$49.00 Cloth 0880115629

Mcree, Duncan Everett, 1957- **Practical Protein Crystallography.** Academic 1999 \$89.95 Cloth 0124860524

Glezerman, Tatyana. **Language, Thought, And The Brain.** Kluwer 1999 \$79.50 Cloth 0306460963

Drubach, Daniel. **Brain Explained.** Prentice Hall 2000 \$30.67 Paper 0137961944

Comparative Hearing: Insects; Ed. By Ronald R. Hoy. Springer-Verlag 1998 \$89.95 Cloth 0387946829

Advances In Synaptic Plasticity; Ed. By Michel Baudry. MIT Press 2000 \$65.00 Cloth 0262024608

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Other Side of the Street — A Response to Peter Givler's "Point of View" (Nov. 22, 1999)

by **Thomas Bacher** (Director, Purdue University Press, Phone: 765-494-2038, Fax: 765-496-2442)
<bacher@purdue.edu>

Metaphor has a great way of decoding a writer's stance. As a university press director and an AAUP member, I was overcome with images of the crusades and knights as I read **Peter Givler's**, *Scholarly Books, the Coin of the Realm of Knowledge*. (The title would have been better displayed as *Scholarly Books, Coins of the Realm of Knowledge* or *The Scholarly Book, Coin of the Realm of Knowledge*.) I was struck by the reliance on the past — the coin, the bulwark, the familiar, the book — as opposed to the future — electronic cash, the multi-use facility, the unfamiliar, the digital collection. Let me put my metaphor front and center — the e-revolution is not coming; it is here.

I respect **Mr. Givler's** position. Surely economics is a key factor in the scholarly process, but throwing coins at problems enables inefficient and outdated practices to continue. Between 1987 and 1998, university press book sales increased by 56%. Only adult paperback and juvenile hardbound sales increased at a greater rate, 62% and 71% respectively. In 1998, the average net sale on a university press volume was \$21.18. Since others in the publishing industry were not shutting down their businesses, what scenarios were sounding widespread alarms in the distribution of scholarly information?

True, vaccines against technology costs were not available over the last decade. To keep up with the rapidly exploding flow of information, companies were impelled to buy computers, open up their information databases, retrain or replace their staffs, and merge their capabilities with like-minded organizations. Publishing companies began a series of mergers and acquisitions during this time to increase productivity and create leaner organizations. University Presses, on the other hand, weren't as effective in reorganizing themselves. Even library communities built consortia, limited in some cases, to maximize resource use. Presses had opportunities to consolidate some tasks, marketing and distribution, for example, but were not as willing or interested in creating economies of scale. Although new scholarly information networks were growing, due to a lack of funding or foresight, presses failed to take leadership roles on their campuses to usher in this new era.

Perhaps, in the next decade, the paperback book could become an economical option, a great thing to have and read at any place and anytime with an appropriate light source. However, this does not lead to the conclusion that the book is and will be the cornerstone of scholarly communication. Quite the opposite, the new arrivals of scholarly information sources with their myriad of searching capabilities has given faculty an advantage that they did not have previously. Once the viability of a research source is proven, older methods of investigation became less appealing. Between 1989 and 1993 computer use at all levels of education increased from 46% to 59%. In a recent poll, 81% of the respondents said that they use a computer at home, work or school. Scholarly culture with its unique reading and research habits does not mirror the leisure reading habits of the general public. This differentiation must be accounted for prior to making sweeping generalizations about scholarly communication realities.

Already, we are seeing a move to larger containers of information, Web sites (for example, the Victorian Web, <http://landow.stg.brown.edu/victorian/victov.html>), as the environment that contains the compendium on a given topic. With the advent of e-tags (small, cheap chips that can be inserted in almost any product and are then readable by electronic devices attached to computers), outlines or executive summaries of scholarly research can be distributed in very compact formats that will allow linking with Web sites and other documents associated with the research. Entire revisions of works and the resulting updating of information will be able to be carried out in cyberspace.

Excursions to Los Angeles for the **Book Exhibit of America** and Frankfurt for the **Frankfurt Book Fair** would have provided considerable evidence that electronic publications were making significant advances in all markets. Yes, there had been previous talk about the issues surrounding the

move to digitization, but the most recent efforts (among them the **Microsoft Reader**, **NetLibrary.com**, etc.) are different because the players in the field seem to have the needed resources to bring significant progress to the electronic information frontier. Publishers are finally realizing that as the Internet market matures, more revenue connections will be available.

The linearity of the book has always been a comfortable educational pillow. Reading material from front to back along a numbered path mimics the Newtonian cause-and-effect *Weltanschauung*. Unfortunately, multi-tasking processes of present undergraduates and their successors will bring changes in the way in which we deal with teaching and distributing information. We have finally caught up with the Einsteinian principle of relativity.

Knowledge is the current position of various theories in space. Since we have the tools, we can alter these knowledge points and make our research even more robust and vibrant. Newtonian frameworks narrowed our vision about indirect consequences of our investigations. Einstein's relativity

inspires more interdisciplinary research and results.

A distinct and problematic concern for e-publication consumers is a lack of standards in the way materials are presented. Books have always been quite easy to recognize across cultures and languages. E-publications, however, come with varied interfaces and searching parameters. A common portal, through which motley arrays of information could be funneled, would give the user more confidence in the materials behind the access utility. New standards, customers' demands, and technology advances should lead to a better container for e-information.

The book, with its long research cycle, long writing cycle and long publishing cycle, does not lend itself to today's educational milieu in all fields. The rapidly changing areas of scientific and business research require quick information turnaround cycles while humanities and the social sciences are able to

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Other Side of the Street from page 62

withstand longer development and publishing paths. While not diminishing the scholarly vitality of these fields, the collection of metaphors that faculty in these areas use to talk about their disciplines is different and has a significant effect on how educators in these "fuzzy" areas view scholarly communication. Longer treatises with significant academic apparatus are expected to be part of the package that tenure candidates bring to the table. The norm in these areas is reflected by the painstakingly long hours of research spent alone over stacks of books. The educational fodder of these areas is the past. What more is there to discover about Plato unless something old is found and brought into the present, introduced into a fixed system, to cause reevaluation and review and hopefully some chaos? Yet, the world is a richer educational agora because Platonic study is extremely important.

Vacuums are wonderful devices to clean the carpet, but they hardly provide the best surrounding for inspired research. Genius necessitates a thorough understanding of the current parameters of a given field. Genius also requires a Kierkegaardian "leap of faith" to a new framework. The e-revolution allows for a quicker, cooperative, and

more global way in which to conduct investigation. Just as the electronic market is putting pressure on manufacturers to unify pricing (due to the ease of checking prices across internet time and space), the electronic scholarly community will put pressure on researchers to take into account a much larger information view before dispensing results.

The book should not stand as a bulwark against progress in an area, scholarly com-

munication, where change is the norm and innovation the key to educational development. The next several years will bring new challenges and opportunities. A recent grant by the **Mellon Foundation** provides the capital for a reevaluation of scholarly communication and the university press. The timing could not be better. We must get ourselves out of the current information container before we find out that it's been closed for the good of all.

Bestsellers in Anatomy & Physiology from page 61

Fundamentals Of Neural Network Modeling: Neuropsychology And Cognitive Neuroscience; Ed. By Randolph W. Parks. Mit Press 1998 \$60.00 Cloth 0262161753

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Introduction To Cellular Signal Transduction; Ed. By Ari Sitaramayya. Birkhauser 1999 \$75.00 Cloth 0817639829

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Group Therapy

Column Editor: **Rosann Bazirjian** (Penn State University) <rvb6@psu.edu>

GUESS WHAT? WE HAVE TWO GRIPES IN THIS ISSUE! READ ON! — KS

Gripe...Submitted by **Keith Clouten**

(Library Director, Andrews University)

We've recently acquired **JSTOR** and for space reasons we would like to pursue the physical removal of the journals from our shelves. We will, of course, maintain our subscriptions and retain copies beyond **JSTOR**'s "Moving wall."

I would like to know how other libraries have dealt with this issue, and the rationale for whatever decision was made.

Response...Submitted by **Bonnie MacEwan**

(Asst. Dean for Collections, Pennsylvania State Univ.)

Many libraries are struggling with this issue and it is one of the most interesting aspects of **JSTOR** that it has done so much to change the scholarly communication environment and not made nearly as much progress toward changing the paradigm it was created to change, storage. **JSTOR** is conducting a survey on this issue right now.

At Penn State we are just beginning to struggle with these issues, and we have an interesting twist on the usual questions around storing and discarding titles. Our libraries are scattered around the state of Pennsylvania. We try hard to minimize duplication, but some redundancy in our holdings is inevitable given our geographic organization.

We believe this organization may provide some opportunities to use **JSTOR** as a storage model. We to look at the duplicate holdings of **JSTOR** and investigate opportunities to reduce our holdings to a single paper copy. This will free a significant amount of shelf space in the small libraries located around the state while insuring paper access to back up the electronic version.

We are, also, beginning to think about the remaining paper as an artifact and discuss a storage plan that recognizes this fact. We are investigating the implications of using a part of our large storage facility as a journal storage and delivery area. The paper copies of journals available in electronic formats could be stored in this facility. There is much to suggest that the public will usually use the electronic format even when the paper copy is shelved in our libraries. If a patron needs the journal as an artifact, the electronic version on **JSTOR** or any other service will not be a substitute. When we receive such requests, we will make arrangements to give the patron access to the paper version without regard to location.

We are taking this conversation a bit further and discussing using the space to scan and deliver little used paper materials not yet available in electronic formats. The article could be scanned locally or purchased from a document delivery service. We will investigate the cost effectiveness of both approaches. — *EC h. JC*

Gripe...Submitted by **Susan Mueller**

(Director of Technical Services, The Univ. of Montana)

At my institution a few years ago, we in serials were told that we had to split one subscription cost in order to be paying for our sub-

scriptions in the same year that we received them. In other words, our fiscal year runs from July 1 to June 30 but our subscriptions run from Jan. 1 to Dec. 31, so half of the previous year's bill (Jan. 1 to June 30) and half of this year's bill (Jul. 1 to Dec. 31) are combined to come up with our payment to our major vendor. We pay the vendor the actual amount, but on the books we show the two halves. These don't equal the billed and paid because of inflation, change of titles, etc. It is also very confusing when reconciling our local online system with the university's system. Does anyone else have to it this way—especially state-funded libraries? We were told to do this because of an auditor's recommendation. If that were the case I would think other libraries would have to also. Any insight would be helpful.

Response...Submitted by **Roy Reinalda**

(Executive Vice President, RoweCom, Inc.)

Shakespeare wrote that the first thing you did to improve society was to shoot all the lawyers. I'm sure auditors would have been next on the list.

In almost all institutional accounting regulations, the limits attached to fiscal year spending are meant to preclude expenditures of funds (or obligation of funds) that have not yet been encumbered or approved through the varying governing bodies. However, there are many such purchases that, by necessity, must be handled this way. For a typical library, this could include, but are not limited to, computer equipment, installment payments, licensing, maintenance of equipment, etc. The multiple year contracts held with various library supply agents are in this grouping. While no one (especially state institutions) wants to deal with expenditures crossing fiscal years, there are accounting rules that allow this to occur, based on certain criteria.

- 1) Does it have ongoing value that can be capitalized? (Computer equipment is a prime example.)
- 2) Does it have enduring value that is sustained? (A rare book collection is an example.)
- 3) Is the purchase of a service or product that is extended over multiple fiscal years, front end loaded from a payment standpoint and free of any additional monetary obligations in year two and beyond? This fits prepaid subscriptions. (This does not fit standing orders where a commitment to buy may be in one fiscal year and the pricing and payment in another.)

The suggestion the auditor made in this particular case is one that may make it easy to account, but hell to administer. While most subscription agencies can help split funds (or provide files that can be split) they must pay, and be paid, at the start of the subscription.

I suggest that the library go to accounting and request an accounting alternative that will be less obtrusive to the day-to-day administration of their funds.

Response...Submitted by **John Blosser**

(Head, Serials Department, Northwestern University)

Our library follows a September through August fiscal year, with the bulk of our subscriptions renewed through vendors in the fall for the following January through December period. We do not have to split payments to associate half-year subscription payments with a

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They Used to Call It Publishing — Electronic Business XML

by **Sandra K. Paul** (President, SKP Associates, Managing Agent Book Industry Study Group, Inc.) <Sandy@SKPAssociates.com>

In previous issues of *Against the Grain*, we have addressed XML in the Chaos column (see *ATG* v. 10#6 p. 75 ff.), touting its benefits and describing the many players attempting to use it for electronic data interchange (edi). The result, as we feared, was a wide variety of XML/EDI formats, no two of which looked or functioned exactly alike.

As reported, a sub-group of **American National Standards Institute (ANSI)-Accredited Standards Committee X12** finalized a report on how one should approach the development of XML tags for the existing **ANSI X12** standards, while groups as well known as **Microsoft** and as unknown as an individual in Germany developed their own tagging structure.

On November 17- 19, 1999 a meeting was called which, I hope, will end the confusion and create a set of meaningful XML/EDI standards. The sponsors of that meeting are the United Nations sub-group that is responsible for the **EDIFACT EDI** format and **OASIS** (the **Organization for the Advancement of Structured Information Standards**) with a mandate to undertake a 15-18 month program of work. Their "Agreement" states:

"The purpose of **ebXML** initiative is to research and identify the technical basis upon which the global implementation of **XML (Extensible Markup Language)** can be standardized. The goal is to provide an open technical framework to enable XML to be utilized in a consistent and uniform manner for the exchange of Electronic Business data in application to application, application to person and person to application environments.

The scope of **ebXML** initiative is to develop and publish, in the public domain, relevant and open technical specifications in support of domestic and international EB exchanges."

Delegates from over 120 standards organizations and companies from 17 countries participated in the meeting, which took place at the San Jose, CA offices of Sun. As a result of two days of intensive interaction, 8 working groups were formed with the goal of bringing this all together into an integrated global XML solution for the exchange of all electronic business data.

I am one of those who hope that the results of this effort will be the standards that we've all been waiting for. To keep up with their progress, take a look at www.ebxml.org or www.ebxml.com!

Group Therapy from page 64

current year of receipt, but we do need to reconcile payments, including supplemental payments, within the fiscal year ledger. The local online system ledger is separate from the University's ledger from which the actual payments are expended. We have been paying one-line renewal invoices to our major vendors for several years.

If your institution cannot change from this auditor's suggestion of paying for subscriptions in the same year you receive them, perhaps your vendor could help by billing you for all supplemental charges before the end of your fiscal year. In addition, include an inflation amount with your annual payment to the vendor. These two procedures may bring the annual payment closer to what the two halves of the fiscal year will equal. This

may result in a credit for you with the vendor. We have ended with credits in some years. The credits were easily applied to cover supplemental charges, or applied to the next year's invoice.

It would seem very difficult to be exact in your accounting without being in control of supplemental charges, inflation, cancellations, and new titles added. Short of the vendor allowing you to pay in July for the **previous** January to June and the current July to December periods, it may be worth pointing out to the University's Finance Officer the imperfections of the auditor's recommendation. The lack of control over extra costs, and the impossibility of balancing the local books leaves me feeling more insecure than paying for a calendar year's subscription from the fiscal year ledger that started six months earlier. This recommendation shows no real appreciation of the business of library acquisitions.

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sotto voce — Reading Hope into the Actions of One Individual

by **Bob Schatz** (Manager of North American Sales, Everetts)
<everbob@yahoo.com>

fields of Guatemala, he instead became a teacher. But his story doesn't end there.

Rigoberto Charuc is not a wealthy man, yet he has dedicated his life in a unique way to making Guatemala a better place to live. While it would be natural to assume that Charuc is working to build more schools and bring more education to his country, his work, instead, centers on the creation of new libraries. Seven years ago he founded **PROBIGUA: The Library Project of Guatemala**, whose motto is **Changing Guatemala One Book At A Time**.

Guatemala is a place that can use some change. It is one of this hemisphere's poorest countries. Half the population cannot read. That number is closer to ninety percent in rural areas. One-third of the population never even begins schooling of any kind, and more than another third drop out before completing high school. Fewer than two-percent of Guatemalans make it to a university, and fewer still obtain their degree.

Amidst this bleak picture, Charuc's foundation has been quietly building libraries in parts of Guatemala far from the metropolis of Guatemala City. To date, eight libraries have been built in areas that previously had no access to books of any kind. Additionally, an old school bus has been converted to a bookmobile, which makes weekly rounds of ten rural schools. In those places where **The Library Project** has built libraries, more children are starting school and fewer are dropping out, reinforcing the idea

that libraries help overcome illiteracy in many ways.

To maintain a flow of funds, **PROBIGUA** maintains an in-country, Spanish-language immersion program, mainly for Americans. Proceeds after expenses are devoted to the building of libraries. The organization has set a goal of opening ten new libraries every five years, and adding to the stock of existing project libraries. The first **PROBIGUA** library, opened in 1992, started with just 75 books. Today that library has over 1000 volumes available to local villagers. While this is tiny by American standards, these libraries represent a wealth of knowledge to communities that have never had books available to them.

In recent years, Charuc's organization has teamed up with SoundAid, a Portland-based charitable agency. In 1996, **SoundAid** worked with **PROBIGUA** to distribute more than 60,000 new, Spanish language textbooks in a variety of subjects. Charuc hopes to find other organizations to partner with in the coming years.

It is heartening to see how one man of modest means has set out to make the world a better place. At a time when so many people worry that a meaningful role for libraries in modern culture will disappear, **Rigoberto Zamora Charuc's** work brings a message of hope to the profession. He could have focused his attentions on any number of other worthy causes that would have benefited his impoverished country: healthcare, hunger, economic opportunity. The fact that he chose books and libraries should remind all of us that libraries and librarians do, indeed, make a difference.

Thanks to **Osker Spicer** of the *Oregonian* for providing some of the background information about Rigoberto Charuc and **PROBIGUA**. Those wishing to find out more about Charuc's work can log onto to: <http://PROBIGUA.conexion.com/morlibinfo.htm>

Everyone wants to make a difference--librarians perhaps more than some others, since no one goes into librarianship for the wealth or power it is likely to bring. There are varying degrees, though, of making the world a better place. Some of us try to accomplish this by giving an honest day's work for an honest day's pay and raising our kids to be moral, upstanding citizens. Some people go to greater lengths.

One such person is a man named **Rigoberto Zamora Charuc**, a Guatemalan of Mayan descent. In a country where it is rare to rise above the circumstances of one's birth, Charuc, at fourteen, was given a scholarship to attend a Catholic school, and later, college. It changed his life. Where he was once destined to work for a lifetime in the coffee

Did you know?

While university presses publish few textbooks, they do publish many scholarly books that are appropriate for classroom application.

And They Were There — Reports of Meetings

U.S. Librarians Visit Cuba

Column Editors: **Sever Bordeianu** (U. of New Mexico) <sbordeia@unm.edu
and **Julia Gelfand** (UC, Irvine) <jgelfand@orion.oac.uci.edu

Delegation of U.S. Librarians Visits Cuba Report of the First Meeting Among Librarians, Cuba-- United States, September, 1999

Report by **Lynne Lysiak** (Appalachian State University,
Boone, NC) <lysiakld@appstate.edu>

On September 11, 1999, a delegation of U.S. librarians sponsored by U.S. Exchanges arrived in Havana, Cuba for a first meeting between Cuban and U.S. librarians hosted by the **Biblioteca Nacional José Martí National Library of Cuba**. The group represented a broad background of U.S. librarianship. Members of the delegation were: leader **Tom Wilson** from the **University of Houston**; **Dannelle Crowley**, **San Antonio Public Library**; **Carlos Delgado**, **UC Berkeley**; **Allan Lanham**, **Eastern Illinois University**; **Laurie Linsley**, **Seminole Community College**; **Lynne and Robert Lysiak**, **Appalachian State University**; **John McManus**, **Pearland High School (TX)**; **Carolyn Meanley**, **University of Houston**; **Rachael Naismith**, **Springfield College**; **Kenna Noone**, **Seminole Community College**; **Derrie Perez**, **University of South Florida**; and **Terry and Ruth Walton**, **Lee County (FL) Library System**.

Having flown in from Mexico, the delegation was greeted at Havana's International Airport by **Eliades Acosta Matos**, Director of the **Cuban National Library**, who introduced himself to each delegate and distributed the agenda for the week. The group met with Cuban librarians at the **National Library** for working sessions on three days, visited the library program at the **University of Havana's School of Social Communication**, and the **Technical Training School for Library Personnel (Escuela de Técnicos de Bibliotecas)** in Havana during the ensuing week. A professional translator, as well as students from the **University of Havana's School of Foreign Languages** were provided to facilitate communications.

In the aftermath of the Spanish American War, American General **Leonard Wood** served as governor of Cuba. He was responsible for reforming the educational system, and issued a U.S. military order to create the **Cuban National Library** in October, 1901. The Library occupied a number of homes over the years, and in 1957, it moved to its present eighteen-story facility on the **Plaza de la Revolución** in Havana, funded by a sugar tax. The building was projected to accommodate forty to fifty years' growth, but was filled rapidly in the early years after the 1959 Revolution.

The **National Library** falls under the auspices of the **Cuban Ministry of Culture**. The

current Director, **Dr. Acosta**, was appointed in 1997. There has been some recent reorganization, and the Library is now divided into six basic divisions: economic management, public services, promotions/development, public libraries, technical processes including automation, and research. The network of public libraries in the country falls under the jurisdiction of one of the **National Library's** divisions and is further divided into 13 provincial libraries, and below, municipal and branch libraries employing over 3,600 librarians, technicians and other personnel. According to **UNESCO**, Cuba enjoys the highest literacy rate in the hemisphere. After the Revolution in 1959, a concerted effort was made by the government to improve the literacy rate and maintain it. Public libraries play an important part in that effort and are expected to maintain programs

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And They Were There
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and activities to promote literacy in the society.

As of September 1, three distinct levels of service were identified and prioritized for the **National Library** to maximize access to the collections: professional researchers, professionals, and students. Public libraries will be required to utilize these levels as well by December, 1999.

While touring the Library we saw only a small percentage of its three million holdings spanning six centuries. There is a small, circulating collection of some 75,000 titles that has its own card catalog. Those items circulate for fifteen days and there is a two-item limit. Current reading is available by the **Minerva Club**, which charges a small fee to belong. A children's room, and a limited music area permit access to materials. Other than those areas, stacks are closed and noncirculating. Library holdings include some twenty-six thousand maps, over two hundred thousand photos, and over eleven thousand posters that were integral to communicating with the populace during and immediately after the Revolution in 1959. ILL is available, and a union card catalog is maintained of journal holdings throughout the country.

Perhaps the most intriguing collection was the rare books area, containing, amongst other items, over two thousand items from the 15th to 17th centuries. We saw priceless world class treasures, including hand-drawn Spanish navigators' maps from the 15th century.

The physical conditions within the building were appalling from a preservation standpoint. The building is open to the outside, so that temperature and humidity, as well as pests, are virtually impossible to control. Some staff areas have air-conditioning, and **Dr. Acosta** hopes to move forward with completing more staff areas by year's end. Overall, though, it is almost impossible to completely seal this building to accommodate air-conditioning. And even if this were possible, sporadic electrical outages such as

we witnessed while we were there would render this only a partial solution. Working conditions are cramped, often windowless, and for the most part hot and humid.

With limited resources, it is no surprise to find that automation is developing slowly at the **National Library**. For a staff of 375 people, there were 39 PCs used for staff activities. The week we visited, the first public access microcomputer was installed for word processing for researchers. There are no other public access computers. The largest and looming automation task is the retrospective conversion of some three million items, with no apparent fiscal support to aid that effort. The Library uses the **UNESCO**-distributed **ISIS system**, and has this last year's acquisitions accessible via

ISIS. Meanwhile, the Library's systems staff is moving forward with Web development, and has a site available at <http://binanet.lib.cult.cu>. In bridging the technological gap caused by an unconverted collection, access to holdings can be gained by researchers consulting the Web page and emailing reference librarians about the

collections. The reference librarians then check the card catalog and email results back.

BINANET is the libraries' network used to communicate between the provincial libraries and the **National Library**. Internet access is available to staff. The Cuban government is the only ISP, and as much as we could determine, filtering of sites deemed pornographic or of sensitive political nature does occur. Email is a norm and the preferred method of communication, and most people at the **National Library**, at the **Ministry of Education**, and our student translators at the University all had access to it.

The **Cuban National Library** is looking for collaborative efforts with sister libraries. The acquisitions librarian is actively seeking journal exchanges, and while these take some time to effect, they are dependable and do eventually make it to this country. Books are not covered by the U.S. embargo, so donations are permitted, actively solicited and very much appreciated. We were given a list of desired topics while there. Not surprisingly, anything having to do with Cuba or Cubans, by Cubans, reference works, bilingual dictionaries, and recent scientific and technical works in English or Spanish top the extensive list of needed materials. All members of our delegation brought books to donate to the **National Library** and collectively we gave hundreds of books. Our group is working to find an expeditious and hopefully inexpensive method of delivering donated materials to the Library.

The biggest problem is a lack of resources to develop and modernize. The building is burgeoning with materials, but has few recent acquisitions due to lack of resources and difficulty in obtaining materials. Even the most mundane items such as pens, pencils, and paper are in short supply and are needed.

This was a fascinating and interesting trip. Our Cuban colleagues were warm and welcoming and eager to tell us about their libraries, their collections, and services. We had many vitally interesting conversations. The delegation returned home committed to helping our peers in Cuba and is now working on various projects to that end. Other librarian delegations to Cuba are planned for this coming year, sponsored by different groups.

A number of photos of the delegation and our Cuban colleagues can be viewed at <http://www.angelfire.com/tn/librarians>. For further information on any of the above, including donations, please contact any of the members of our group, or **Lynne Lysiak** at lysiakld@appstate.edu.

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Column Editor: **Pamela M. Rose** (Web Services and Library Promotion Coordinator, Health Sciences Library, University at Buffalo) <pmrose@acsu.buffalo.edu> <http://www.acsu.buffalo.edu/~pmrose>

Birth Control for Chinese Journals by **Pamela M. Rose** (SUNY at Buffalo)

The status of domestic journals in China has not kept pace with the tremendous scientific advances made by Chinese scientists. **The Institute for Scientific Information (ISI) Impact Factor**, or IF, for Chinese journals has steadily declined over the past 15 years, not because of the quality or validity of articles. Chinese

scientists and editors have suggested birth control for China's 4000+ journals, and financial support is being provided for 100 of the highest academic standard journals. See — **Shengli Ren, Pin Liang, and Guang'an Zu**, "The Challenge for Chinese Scientific Journals" in *Science*, p.1683, Nov. 26, 1999.

Not Far Afield From Garfield? by **Pamela M. Rose** (SUNY at Buffalo)

Academic Press and **Wiley** have teamed up with 10 other organizations to mount a private alternative to **PubMed Central**. Designed to cross-link journal articles through their reference lists [sounds like **Science Citation** to me! — your ed.], researchers will be able to locate and retrieve referenced article text through the Internet while publishers retain access control. The key to this new digital information service is a "tag" or universal identifier for each article, which will require adherence to a standard data for-

mat. PubMed's chief, David Lipman, applauds the effort. See — **Eliot Marshall**, "Journals Launch Private Reference Network," in *Science*, p.1459, Nov. 19, 1999.

100 (or so) Books That Shaped a Century of Science by **Rick Heldrich** (College of Charleston)

What do "Surely Your Joking, Mr. Feynman!", "A Field Guide to Birds", "One, Two, Three...Infinity", "Nature of the Chemical Bond", "The Right Stuff", "The Hot Zone", "The Beak of the Finch", and "Cat's Cradle" all have in common? They are, of course, all book titles that are included in this intriguing list of the centuries best science books. Does anyone have a library that can list all of these titles? Does anyone know of a library that doesn't? The listing is grouped by category (biography, field guide, exploration, evolution, novels, etc.) and is, at the least, an interesting compilation. See — **Philip and Phyllis Morrison**, *American Scientist*, Vol. 87, No. 6, page 542, 1999.

Perfumes: A Wiff of Chemistry by **Rick Heldrich** (College of Charleston)

You might expect perfumes to be formulated from flower fragrances or even plant extracts, but whale vomit? Well, not exactly but perhaps the idea does get your attention, and yes, material disgorged from whale inards that washes up on the shoreline, called ambergis, is used in scent manufacturing. And how about the power of scents? Pleasant enough to bring you to tears? Vile enough to make you eat human flesh? Mystery writers have not caught up to science in this arena. Scientology has no less art or nuance than vinology. It might take a decade to train your nose to nature's palette. Where will new

scents come from? Rain forests, computer screens, outer space, flowers yet examined. What makes perfumes so expensive? The natural extracts that people like the most require lots of raw material. A killogram of the oil of jasmine is made from 7,000,000 handpicked in the pre-dawn hours blossoms, is a bargain at \$3,000 per kg. Oil of Iris root costs \$38,000 per kg. So if you buy or get a bottle of perfume, know that you are getting your money's worth. See — **A. Maureen Rouhi**, *Chemical & Engineering News*, October 25th, 1999, pages 38-46.

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Tiny Coded Files by Phil Dankert (Cornell)

The answer to the question posed by the title of this brief article, "Do 'Digital Certificates' Hold the Key to Colleges' On-Line Activities?," is probably "yes." A digital certificate is a tiny, coded file with identifying information about an individual or institution. They are nearly impossible for hackers to tamper with. These "portable electronic identifiers are highly efficient at proving to other computers that people are who their computers say they are." For this reason, they have many potential uses. It is noted that research librarians may have the most pressing need for certificates--to help their users gain access to databases, etc., outside of their campus collections. Several other issues raised are: (1) most research institutions are not yet issuing these certificates because publishers of electronic data bases don't have their servers set up to accept certificates, (2) "to realize the full po-

tential of digital certificates, institutions will need standards for managing different levels of access to digital information," and (3) cost, at least initially, could limit use of the certificates to a small number of well-heeled re-

search institutions. See — **Florence Olsen**, "Do 'Digital Certificates' Hold the Key to Colleges' On-Line Activities?" in *Chronicle Of Higher Education*, Dec. 10, 1999, p. A47-A48.

Bull & Bear Tussle by Bruce Strauch (the Citadel)

Digital Lightwave makes testing equipment for fiber optic cable that makes the internet flow. It's a very hot stock going up 2,600% last year with no significant profits. It would have to turn in a super performance to justify the price and a lot of bears are short selling in anticipation of a bloodbath.

The bulls say new products and markets are coming so fast that normal valuation is out of the question. They note some famous names that were once small stocks — Microsoft, Cisco Systems, Dell Computer, MCI WorldCom. If a decade ago you

had evaluated Dell based on the belief that just maybe one day everyone would own one computer, you would have way underestimated the market.

The bears retort for every Microsoft, dozens fell by the wayside. Technology companies don't need the massive long-term capital infusions of the 19th century industries like railroads and steel.

See — **E.S. Browning**, "How High Is Too High For Stocks That Lead A Business Revolution?" *The Wall Street Journal*, Jan. 10, 2000, p.A1.

Which Leads to the AOL Time Warner Merger by Bruce Strauch (the Citadel)

STANDARD WISDOM had it the next big techno transition. Telegraph was replaced by telephone; radio by t.v.; t.v. by cable. Time Warner's old wine was being put in AOL's new bottles.

AOL swallows Netscape and now Time Warner. It will "oper-

ate a platform on the Web at least as commanding as Microsoft's platform on the desktop."

See — **Peter Huber**, "The Death of Old Media", *The Wall Street Journal*, Jan. 11, 2000, p.A26.

Others were more skeptical: Bundling Has Its Limits by Bruce Strauch (the Citadel)

In the late 1980s, Time and Warner merged to ignite a frenzied series of deals that left four entertainment behemoths: Time Warner, Viacom, News Corp and Disney. They now had vertical integration of movies, t.v., cable, magazines, books, theme parks and retailers. But they were groaning under piles of debt.

And forcing bad content down a distribution pipeline didn't work out. Disney bought ABC but the network did so poorly Disney had

to "make-good" with advertisers for not delivering the promised audience.

Where content is good, the net is often not the delivery system. It's too slow to deliver movies or t.v. shows. And Time Warner failed to convince consumers to read magazines on the net.

See — **Christian Hill and Laura Landro**, "Does Everybody Have to Own Everything?" *The Wall Street Journal*, Jan. 12, 2000, p.B1.

Mirage by Bruce Strauch (the Citadel)

"Jeff Bezos of Amazon.com has built a business model on this [misplaced confidence]: borrow and borrow, invest and invest, and skip the profits indefinitely."

AOL was selling for a dollar a share a week ago; now it's at \$70. "AOL has benefitted from the public's willingness to believe the Internet will cure cancer, walk

your dog and everything else ..."

Federal regulators may delay the deal by as much as a year. If the investors start thinking real hard on the topic, the deal has a high chance of blowing apart.

See — **Holman Jenkins**, "The Last Crazy Internet Valuation?" *The Wall Street Journal*, Jan. 12, 2000, p.A23.

Irritating by Bruce Strauch (the Citadel)

Bill Buckley bemoaned the "torpor" of AOL in putting data on the screen and "the problem of the neighbors" tuning in and making it even more sluggish.

"If you frequent a library, you know that the time required to reach into a shelf and pull out a

book will never reduce."

And he liked that world of certainty. As opposed to the high tech promises that just result in a smaller airline seats.

See — **Wm.F. Buckley**, "Who Benefits?" *Post & Courier*, Jan. 15, 2000, p.15-A.

Folly & Boondoggle by Bruce Strauch (the Citadel)

Liars' Poker author Michael Lewis sees AOL squandering billions buying "thousands of journalists and movie executives whose talent is getting attention rather than making money."

This will change a fast-growing company the market loves into an investor disdained slug.

"The best a big company can do is set itself up as an artful thief, and hope no one sues it." He says Microsoft is a master of letting the dust of technology wars settle and then buying or taking what it wants.

And he got in some fabulous quips. "...the brains of the [internet

boom] tend to be out on the fringes, creepy little critters whom no one except perhaps a few venture capitalists takes seriously."

This kind of talent is highly mobile and will change jobs in an instant, particularly when stock options are available.

He predicts a decade hence, investment bankers will make a fortune breaking up and selling off AOL Time Warner.

"Meanwhile you can almost hear the brains drain."

See — **Michael Lewis**, "AOL: Almost Obscenely Large", *The Wall Street Journal*, Jan. 13, 2000, p.A22.

Innovations — Books on-Demand: The Lightning Print Story

On-Demand Printing and Distribution Offer Book Publishers An Alternative Business Model.

by **Ana Arias Terry** (President, Redstone Publishing Consulting)
<Ana.Terry@redstonepubconsulting.com>

On demand. If word-associations were solicited for this term, it would probably produce descriptions such as “accessible,” “fast,” “when needed.” If we narrowed this association to book printing and distributing, the associations conveyed would probably be a tad more cautious.

But, in fact, on-demand print technology today is no slouch. At **Lightning Print Inc. (LPI)**, an Ingram Industries subsidiary, they’re close to having their 6,000th book in their digital library available for the on-demand print and distribution program.¹ As of September, when they surpassed their 5,000 title mark, they had already printed and shipped 500,000+ books to customers.²

What Does On-Demand Offer Publishers?

On-demand technology at **LPI** means that titles can be submitted in either hard copy format or digital form. They’re electronically stored and printed, a book at a time, as they’re ordered by librarians and booksellers, through wholesalers.³ The customer decides the size of the order. New, front list, back list, out-of-print, and out-of-stock titles are candidates for the program. Lightning can handle ultra-short runs, galley proofs, drop shipping, and large print.⁴

While the delivery of a book varies on bookseller shipping criteria or wholesaler parameters, a book of 300 pages can be churned out in less than 60 seconds. The majority of titles are printed within 48 hours of order placement and then shipped to Ingram for regular distribution. The printing of hardback books and titles bearing the largest trim sizes can take as long as a week.⁵

Publishers, who remain responsible for paying author royalties and establishing the suggested retail price, retain all rights to the titles. For every net sale,

the publisher receives a wholesale price minus a printing fee, and they receive payments monthly.⁶ **LPI** claims that the quality of their books is almost indistinguishable to the offset original counterparts.⁷

According to Vice President and General Manager Larry Brewster, what’s at stake for publishers is a printing and inventory management issue. If demand drops below a level to which it’s economical to do a re-print, on-demand printing offers an attractive option. By using the services offered by Lightning, says Brewster, publishers don’t have to deal with billing, shipping and handling issues, or the cost of excess inventory. Instead, they could invest the savings in new titles and content.⁸

More than 250 academic publishers have chosen **LPI** to process nearly 6,000 books. **University Presses**, including **Cambridge**, **Johns Hopkins**, **Louisiana State University**, **New York University**, **Oxford**, **Princeton**, **Stanford**, and the

University of Chicago, have played an active role in submitting over 1,000 titles.⁹

Cambridge University Press was an early participant and will soon have up to 500 books within the **LPI** distribution system. **Michael Holdsworth**, Press business development director, notes, however, that Cambridge is continuing to take short-run stock of all their titles into their Cambridge, UK, and Port Chester, NY, distribution facilities for fulfillment parallel with **LPI**.¹⁰

Holdsworth would like to see some additional services, some of which will no doubt be along this year anyway: affordable color, distributed printing (internationally and within the bookstore), improved hardback finishing, and higher print resolution on halftones. But his assessment of **LPI** remains very positive. Holdsworth sees access to quality ultra-short printing as the primary advantage to the Press. By being able to use **LPI**,

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Cambridge—is able to keep paperbacks available longer than they could with traditional lithography. And approximately 25% of Cambridge LPI titles are “back-in-print” previously out-of-print titles, something from which both sides of the market are clearly benefiting.¹¹

For Librarians & Vendors

The benefit to the library is that no special sign ups or paperwork is required by LPI. The library simply places its orders for LPI titles along with its standard Ingram order.¹²

Actually, in most instances, the process is transparent to both librarian and bookseller, who may not even know that the title being ordered will come to them thanks to on-demand technology. So in this context, no news is good news because it means the process is working without glitches or issues. Brewster knows this first hand. When a customer complains, it’s because some part of the system didn’t operate as it should have. But this appears to be the exception rather than the rule. “The best thing for me to hear from a bookseller or a librarian is nothing,” says Brewster. If the process goes well, as it usually does, there’s no complaint. And that’s a win scenario for all involved, he adds. The publishers sell more books, the author is able to see his book stay in print longer and collect royalties, the wholesaler sells, the bookstore can get what it ordered, the librarian is able to provide the material requested by patrons, and the end-user gets what he or she wanted.¹³

Perhaps one of the most interesting

challenges for LPI has been reckoning and reconciling with the bookseller internal systems that were originally designed and set up to run on the premise of book inventory. Publisher systems were designed to track inventory based on sales. Fortunately, Brewster says the systems to handle the on-demand processes are beginning to change and become more compatible.¹⁴

A Peek at the Future

For a company that got its start in the summer of ’98, LPI is turning heads. Brewster was instrumental in building a business case for it and implementing the vision. With the likes of IBM as the technology partner to

whom LPI outsources the printing at LPI’s own facility, it’s in good company.¹⁵

Brewster sees a future that will continue to offer growth opportunities for LPI. Even the advent of e-books on the horizon doesn’t phase him. “I don’t think the printed word will go away,” says Brewster. In no way does he see e-books replacing on-demand printing of hard copy books. On the contrary, he believes on-demand printing will be enhanced by e-books because the number of books will increase dramatically. Why?

Because the Web is dropping the barrier of entry for books. “With the advent of e-books, this means more low-volume books will be needed.”¹⁶

When asked if he saw LPI joining the e-book bandwagon, Brewster said this was a space that a lot of companies are pursuing right now. They’re observing the developments, he added, but their focus is to continue to work on building a significant title base.¹⁷

While on-demand printing and distribution services may not be the right answer for all book publishers, it’s clear that such services do offer some attractive benefits and savings. Given the increasing expectations of end users due to technological advances—and as such of the library institutions that must support the information needs of those constituents—on-demand printing appears to be carving out an interesting niche in the techno-publishing environment.

Endnotes

1. Brewster, Larry. 1999. Telephone interview by author. La Vergne, TN., December 16.
2. “LPI print on demand distribution program passes 5,000 title milestone.” Lightning Print news flash. Nov. 23, 1999, vol. 1, issue 7, available at http://www.lightningprint.com/press/vol1_7.asp
3. Lightning Print, Inc., website, available at <http://www.lightningprint.com/>
4. “How it works [for publishers]” available at <http://www.lightningprint.com/Publishers/Default.asp?nav=publishers>
5. “Frequently asked questions [for publishers]” available at <http://www.lightning-print.com/Publishers/faq.asp?nav=publishers>
6. “How it work [for publishers]” available at <http://www.lightningprint.com/Publishers/howitworks.asp?nav=publishers>
7. (See 5)
8. (See 1)
9. “University publishers give lightning print high marks for print on demand distribution, drop-shipping services for the academic press.” Press release, September 30, 1999, available at http://www.lightningprint.com/press/09_30_99.asp
10. Holdsworth, Michael. 1999. Email interview by author. Cambridge, UK, December 17.
11. Ibid.
12. “For bookstores & libraries” available at <http://www.lightningprint.com/Bookstores/Default.asp?nav=bookstores>
13. See footnote 1
- 14-17. Ibid.

Did you know?

Presses represent a broad array of universities — large and small, public and private. The largest American university presses publish nearly 300 book titles each year; the smallest may publish less than 5 titles. Most presses fall somewhere in between.

Oregon Trails

BUZZWORD BINGO AND NEWSPEAK SYNDROME

by **Tom Leonhardt** (Director of the Library, Oregon Institute of Technology)
<Leonhart@oit.edu>

Recently a friend introduced me to **Buzzword Bingo**. The rules are simple: For those of you who attend a lot of meet-

ings, this should make those meetings go faster! If you don't attend lots of meetings, consider yourself lucky. How to play: Simply tick off 5 words heard in one meeting from the following list and shout out BINGO! It's that easy!

Synergy	Gap Analysis	Bandwidth	Movers and Shakers	Knowledge Base
Proactive, not Reactive	Best Practice	Hardball	Ball Park	Total Quality
Win-Win Situation	The Bottom Line	In the Loop	Fast Track	Mindset
Think Outside the Box	Core Business	Out of the Loop	Result-Driven	Put The One to Bed
Take That Offline	Lessons Learned	Go the Extra Mile	A Done Deal	Quality-Driven
On the Same Page	Touch Base	Benchmark	Empower Employees	Move the Goal Posts
Client-Focused	Revisit	The Big Picture	No Blame	Peel the Onion Back
Strategic Fit	Game Plan	Value-Added	Stretch the Envelope	

Testimonials from other players: "I had only been in the meeting for five minutes when I yelled BINGO."

"My attention span at meetings has improved dramatically."

"The facilitator was gobsmacked as we all screamed BINGO for the 3rd time."

"I feel that the game has enhanced the overall quality of meetings per se on a quid pro quo basis."

"People are even listening to mumblers, thanks to **Buzzword Bingo**!"

Why is this game funny? Why is this game sad? Are you contributing in the wrong way to this game? When in charge of a meeting do several people yell **Bingo** before you even finish your opening remarks? If so, then you might have **Newspeak Syndrome**. Its onset can come from too many meetings, too many memoranda, and increasing pressure to respond to the latest management fad or the emergency of the day. Is there a greater tendency for you to take refuge in cliches, buzzwords, euphemisms? Are you hiding more than you are revealing in your comments, your memoranda? Are you mixing metaphors that you have made up yourself with words you picked up on "Meet the Press" and "Monday Night Football?" If you answer "yes" to any of these questions, you may be suffering (and causing others to suffer) from **Newspeak Syndrome**. Isn't it possible to say what you mean in clear, concise English? Can't you be understood without being blunt, offensive, and equivocating? Of course you can and as your reward, you can play and enjoy **Buzzword Bingo** with a clear conscience. But who can you play the game with and enjoy it with impunity?

Buzzword Bingo is best played in a group of peers with a sense of humor, or, if you are in charge of a group and want to be kept honest, you can develop your own list of words and let your subordinates play against you. That is, you play against them and they play against you. You use their words in your quest for Bingo and they use yours.

Prizes? I suggest that the winners don't yield a Bingo and a job well done is reward enough. The game itself got me to thinking, first about the richness of the English language and why we have to resort to cliches, buzzwords, euphemisms, "Newspeak," and even silence. Is the sin against

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Vendor-Library Relations — Hitler and Lennon

by **Barry Fast** (Vice President Strategic Business Development, Blackwell's Book Services; 718-885-9563/ 800-326-3080 (voice) 917-862-8526 (cell) 718-885-9562 (fax) 186 Cross St, City Island, NY 10464) <barryf@acbc.com>

Imagine a world with no countries. **John Lennon** wrote the song, and now we are creating it with the Internet. A new world is dawning at the beginning of the 21st century where borders have no meaning. Because of this, for the first time in history we can dream of a world without tyrannical governments, without censors, without restrictions on trade and information. Those of us in the information industry have a large stake in this new world order.

I have no doubt that we will quickly solve the technical problems that restrict Internet expansion, as well as the economic constraints on wiring the whole world. Petty money issues, like collecting sales taxes on Internet purchases, are mere potholes along this road. Now that Y2K has come and gone, there is a huge demand for technology solutions that were on hold while business and government focused on getting through the 2000 problem. In a few years we'll look back at this time and wonder why all the fuss about technological obstacles to Internet expansion. Right now 100 million Americans have Internet access; in a few years everyone will, everyone in the world. The real obstacles to a world without borders are the institutions that are the most threatened by the Internet, because of the science, knowledge, information and learning freely available through the Internet.

Increasingly, the way in which traditional, non-Internet information is assembled and distributed is concentrating in fewer, larger organizations. This trend poses a greater threat to intellectual freedom and the right to learning than economic or technology gaps. When the Kansas state school board required the curriculum to include the so-called science of Creationism, they did not just establish a narrow religious doctrine. They are now forcing textbook publishers to adhere to this particular religious dogma, as opposed to lots of other religion-based stories of human origins, and to the exclusion of the real science of Evolution. If this political event in Kansas spreads, the few textbook publishers will have sound commercial reasons for including Creationism in their science books for all schools in America. All our children will learn science from the Bible. The more enlightened citizens in Kansas and other states will lose control over

what their children learn, despite the political will to maintain high standards for scientific teaching. With limited textbook choices, the average citizen has no choice.

In November, **Amazon.com** reported that it's number 2 bestseller in Germany was *Mein Kampf*, **Adolf Hitler's** autobiographical discussion of his struggle to make a world free of Jews and other problem people and ideas. We can reflect on what this may say about modern Germany, but all countries have their haters and neo-fascists. Of more importance is the fact that *Mein Kampf* is banned in Germany as hate literature, so a most convenient source for curious Germans who wanted to read this book was **Amazon.com** in America. (The German-based **Amazon.co.de** will not sell it in accordance with the local law.) Within a week of this report in the *New York Times*, **Amazon.com** announced that it would no longer sell *Mein Kampf* in Germany. **Barnesandnoble.com**, which is 40% owned by the German information giant **Bertelsmann AG**, said that it will continue to ship *Mein Kampf* to German buyers, but Bertelsmann itself urged B&N to halt the shipments (according to

t h e

Times) and it removed *Mein Kampf* from **Bertelsmann's** own online bookstore. If **B&N** decides that discretion is the better part of valor, and stops selling *Mein Kampf* to Germany, the only widely accessible copies of the book will be e-books on the Internet.

I read *Mein Kampf* in high school when I was in a phase of reading everything I could on World War II and its origins. I was also a firm believer in "know thy enemy" and could think of no better way to understand **Hitler** than to read his book. I handed in a book report on this work, which my history teacher firmly rejected, including a note to my parents, chastising me for reading such garbage. My history teacher would have been very comfortable in Kansas in 1999. My par-

ents, fortunately, would not.

German kids with the same curiosity that I had as a teenager can't buy *Mein Kampf* anywhere in Germany now. Only the Internet connects them to a possible English language print copy and certainly many online electronic sources of the book. The German politicians, like the Kansans, who decide what is suitable to know, can't stop the Internet. But they will try, as would Hitler if he were running that country today.

Information providers will always have governments to contend with, as surely as we have taxes to pay. Political and theological institutions have always been, with rare exceptions, the enemy of free thought and ideas. There is no such thing as a government that, given the power, would not attempt to stifle ideas that it deems harmful to itself. Wherever in the world churches have had unfettered power, from 12th century Europe under the popes, to 17th century England under **Cromwell**, to 21st century Afghanistan under the **Taliban**, they have imposed their beliefs on others. Even in our own country, the freest in the world, an elected school governing body in Kansas is trying to eliminate scientific inquiry into the origin of species. Because its

members believe a story sponsored by one of the world's many diverse religions, they arrogantly deter-

mine that this specific tale is the only one the children of Kansas will learn. In Germany, one of the freest countries in Europe, the writings of the most significant political figure in its history are banned. The sourcebook of Germany's agony and shame is closed to its own people. In each of these cases, because the information providers are few, and concentrated among even fewer owners, the governments can enforce these restrictions on intellectual freedom.

But they can't stop the Internet, and this is their great fear. They know that ultimately all information will be available on the Net, and that's why we will see governments and other threatened institutions attempt to restrict the Internet. We all have a stake in keeping it free, because an English pop singer had a better idea than a German politician did.

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Oregon Trails from page 73

language more egregious the more education one has? For example, is it (should it be) more forgivable for a sports announcer saying that a player has "impactfulness" than for an academic librarian to suggest that a new strategy will "impact" morale or productivity? Having just had oral surgery to remove a wisdom tooth that was deeply embedded in my jaw and no longer under the influence of pain medication, I can't help but wonder how painful it would be to remove that impacted strategy from wherever it ended up. Years ago I used to see an ad, I think it was in *The Saturday Review*, for a desk ornament that said, "Eschew obfuscation." I regret not ordering one. Imagine the fun I could have had explaining it to people who did not see the humor in it or even understand the literal meaning. "Well", I would say, "it means to avoid confusion."

"Then why don't you just say what you mean?"

The very phrase, eschew obfuscation, points to the richness of the English language and its preciseness, too. There really is no excuse for resorting to sloppy language as a substitute for thought just because we have taken on more responsibility, have to attend more meetings, and have to produce more memoranda. And it is no more defensible to abuse the language in order to avoid a truthful response or in order to cloud our meaning (because we don't know what we mean?) than to simply avoid having to think. **Buzzword Bingo** is probably not going to cure a serious case of **Newspeak Syndrome**, but there is a cure and there is a vaccination, although neither is 100% effective. The earlier the vaccination, the greater the chance that one will not be stricken with "Newspeak Syndrome." The earlier one is afflicted, the less chance there is for cure. The first step

towards a cure is recognition that one is, indeed, afflicted, and therein lies the rub. The more advanced the disease is, the less likely it is that the patient will recognize the symptoms, and, sadly, the less likely that the patient can be cured.

Learning to read a text closely, learning to write well, learning to be one's own editor, in speech and in writing, reading good writing are all ways to be inoculated against "Newspeak Syndrome." Booster shots to keep oneself free from this disease include listening to political commentators, politicians, and sports announcers and trying to understand what they said, trying to understand how they avoided saying anything of substance at all, or trying to understand how they avoided answering any questions at all. And finally, the booster shot that amuses and edifies, **Buzzword Bingo**. But before you play, be sure to add your own pet words and phrases that offend your ear. And above all, eschew obfuscation! 🌳

International Dateline — Views on a Range of International Topics

by **Martin White** (Managing Director, Intranet Focus Ltd, 12 Allcard Close, Horsham, West Sussex, RH12 5AJ, UK; tel: +44 1403 267030) <martin.white@intranetfocus.com> www.intranetfocus.com

Ed. Note: British spelling has been retained. — KS

After the rather solid column on electronic copy right in the last issue this one is a collection of items of news, and some views, on a range of topics that have caught my attention over the last few months. I'll begin in Canada, where there is continued progress in the **Canadian National Site Licensing Project (CNSLP)**. In early December it was announced that **Ms. Deb deBruijn** had been appointed as the Executive Director. She has been the Manager of the **British Columbia Electronic Library Network** in Burnaby, and has considerable experience in library information systems. The scale of **CNSLP** in terms of both geography and financial scale is huge, as is the amount of work that has to be accomplished in 2000 to get the project rolling. I hope I am proved wrong, but I have a feeling that the level of staff resource being allocated to this project is not adequate, even with the experience that **Deb deBruijn** brings with her.

In looking at activities in the UK I first need to address a letter from **David Ball**, University Librarian at **Bournemouth University**, who wrote "You do the UK great disservice in ignoring the existing high level of organisation and activity, and the effects of consortia on the market. In a recent study we estimated that, at the end of 1998, 75% of HE expenditure on books and 53% of HE expenditure on serials were covered by consortium agreements. Annual savings ascribable to consortia were of the order of £2.8m, well over 1% of total HE library spending (including staffing). Coverage and savings have increased this year as new contracts have been awarded." **David** is also Chair of the **Libraries Project Group of the Southern Universities Purchasing Consortium**, which has been in operation since 1974.

David makes his point well, and I accept that I rather skated over the consortia issue in my column in *ATG* (see *ATG* v. 11#2, p. 85). Indeed one of the issues in the UK has been the overlap between the activities of the numerous consortia and the **National Electronic Site Licence Initiative (NESLI)**. The project that **David** refers to was funded by the **Library and Information Commission**, and is due to be published in January 2000 by **Capital Planning Information Ltd**. Enquiries should be directed to enquiries@cpi-ltd.com, but there will be a charge for the report. I have been promised a review copy, so I will come back to this subject in due course.

For your diaries there is to be a major international conference on purchasing consortia in London on 29 February/1 March. Entitled **Consortia Purchasing - The Next 10 Years?**

More information can be obtained from **Rollo Turner**, at the **Association of Subscription Agents** (Email rollo.turner@onet.co.uk; Tel and fax +44 (0)1494 534778) who are running the conference in conjunction with the **National Group for Consortium Purchasing by Academic Libraries (NGCPAL)**. According to the announcement about the conference the topics addressed will range from "The impact of consortia on journal packaging and pricing, the increasing scale of the operation and the main players, the role of publishers both large and small, intermediaries and agents in the future and what new roles need to be filled. Discussions will take place on the opportunities and challenges of the current rash of corporate integration, the new publishing models now under consideration and whether purchasing consortia really can survive and flourish in such a complex world."

As an agenda for consortia issues over the next few years that is about as good a list as you are likely to get, but the chances of solving them in a couple of days are remote.

One of the well-established group of libraries in the UK is **CURL**, the **Consortium of Research Libraries**, which includes within its membership the national legal deposit libraries and the libraries of the major research led universities. They have recently (December 1999) endorsed the July 1999 policy statement from the **UKB** consortium of leading Dutch national and academic libraries (<http://www.uba.uva.nl/en/projects/journals-pricing-ukb/policy.html>) on the approach that the **UKB** has decided to take in response to increases in prices for journals. The **UKB** five-point Action Plan includes: giving member libraries information on the reasonableness of particular price increases, getting endorsements from fellow organisations internationally, educating academics about their policies and seeking their help and promoting dialogue with publishers. **CURL** has announced that it fully endorses the initiative of **UKB** and will be actively considering its own contributions to this endeavour. More information can be obtained from **Chris Bailey**, Executive Secretary, **CURL**, **Glasgow University Library** (Email: C.A.Bailey@lib.gla.ac.uk).

Incidentally there was a meeting of the **International Coalition of Library Consortia** at **Cranfield University** on 11-12 December. Two delegates I have spoken to have had quite different views of the success of the conference, with one feeling that it was a good exchange of views and a chance to talk about European issues, with an opposing view that the papers were predictable, and many were just sales presentations from publishers.

The reference to **NESLI** above leads me neatly into bringing you up to date with the merger between **Swets** and **Blackwell's Information Services**. The formal agreement was signed in late November, but is still technically subject to approval of the merger by the Office of Fair Trading, which has to take a view on whether the merger is in the best interests of the market. This is only a problem in the UK market, as this is the only country where the two companies each have substantial customer base, and at worst **Swets** might have to divest some of its UK customers. The situation should be clearer by February 2000. A number of staff have already left **Blackwells**.

Earlier this year, as noted in this column, **Rowe.Com** acquired the subscription agent business of **Dawsons**, and this is now beginning to shake down, though there was considerable surprise at the announcement in early December that **Rowe.Com** had also acquired the business news information vendor **NewsEdge**. Clearly **Rowe.Com** is targeting the corporate market, and this will definitely be a company to watch in 2000.

Meanwhile periodicals and acquisitions librarians are finding that, in the new world of electronic journals, there is very little experience in the UK that they can call on for ideas about how to manage electronic material. Two new email discussion lists have been set up recently, one for electronic journal acquisition, and one for more general electronic media management. So far there have been very few postings, so I will reserve judgement on their utility for a future column. As you might expect the management of electronic journals features heavily in the programme of the **UK Serials Group** annual conference which takes place at the **University of Keele** on 10-12 April (www.uksg.org) One particular subject that has been the subject of much discussion in the UK is that of monitoring e-journal use,

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where currently much depends on server/network architecture, which publishers are involved, how the journals are accessed through an **OPAC** (for example) and the time involved to do the processing and analysis of the transaction logs.

A recent request on one of the list-servs in the UK just about sums up the current situation (the names have been changed to protect the innocent):

"Here at **University A** a small working group made up of Library Services staff is considering how best to take forward our e-journals policy. There has been a considerable element up until now of 'wait and see,' and it may be that we are not alone in this. We are reluctant at the moment to go for electronic only, not least because of problems over archiving and access for users who are not academic staff or students."

"In common with other institutions, we are now faced with increasing costs combined with continuing demand from users. We should like to find out how other institutions are tackling this dilemma.

- Have you conducted any formal surveys amongst your users?

- Are extra funds being made available? If so, has this policy been driven by library staff or by library users?

- If extra funds are not forthcoming, are you re-distributing your existing budget? If so, which areas are being squeezed?"

It is not just academic libraries that are concerned with these questions, but also major corporate and public libraries, publishers and subscription agents. But probably not authors! I am writing this column at the end of 1999, and you are reading it at the beginning of 2000. By the end of the year ahead we may be in a better position to answer these questions, and just as important start to understand what the impact of the answers is going to be on all the participants in the long chain from author to reader. In the meantime I hope that you have found something of interest from time to time in this column.

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Chaos — Scanning the Bar Code on Serials

by **Sandra K. Paul** (President, SKP Associates, Managing Agent Book Industry Study Group, Inc.)
<Sandy@SKPAssociates.com>

At the November 19, 1999 meeting of **Book And Serial Industry Communications (BASIC)**, a result of the merger of the **Book and Serial Industry Systems Advisory Committees — BISAC and SISAC**, a noted bar code film master manufacturer reported that a major serial publisher had questioned the utility of printing the **SISAC Bar Code Symbol** on their journals. In an attempt to document the need for that bar code, I sent a message out on Serialist on November 21, asking those scanning the bar code to say so. The following is a summary of the responses.

Librarians told us that the following American ILS systems CAN scan the SISAC Bar Code Symbol: **ExLibris; Horizon; Innopac; Innovative's Millennium Serials; NOTIS; and SIRSI's Stilas**. We also were told that the Pica system in Germany can do so. We hope that this prompts the other ILS vendors to provide this capability as well.

Elna L. Saxton, Head, Periodical Services Department at University of Cincinnati Libraries said, "I recently found that in a sample of 925 periodicals, 32% had a SISAC bar code," a fact we did not know before. Thanks, Elna.

Comments in support of the benefits of scanning include the following: "Not all titles have it, but we appreciate it when it's there." **Nancy Cadmus**, Serials Assistant, Grinnell College Library.

"I use them when they are available, it makes check-in a breeze. I wish more publishers would use them. If there is anything else that can be done to help influ-

ence publishers to use them, please let me know." **Deej Baker**, Periodicals Coordinator, Alderman Library, **University of Virginia**.

"We'd *love* to have this functionality, and are looking for it as we search for a new ILS. Please tell this publisher to keep those bar codes on there!" **Kim Maxwell**, Serials Acquisitions Librarian, **MIT Libraries**.

"At **University of California, San Diego** we are upgrading to a new system with the capability to scan SISAC codes. Wouldn't it be tragic if we acquired a system with that capability just as it disappears?" **Crystal Graham**, Head, Digital Information & Serials Cataloging and Serials Librarian, **University of California, San Diego**.

"I asked the two women who check in all of our serials what they thought and they were aghast that it would be removed. They really like it and makes checking in so much easier." **Susan Mueller**, Director of Technical Services, **The University of Montana, Mansfield Library**.

"It speeds up our processing and we really like using them. We wish more of our journal publications used SISAC codes!" **Sharon Wiles-Young**, Team Leader for Information Organization, **Linderman Library, Lehigh University**.

My thanks to all of those quoted above and the others whose support for the bar codes have resolved the question of their utility and convinced the journal publisher to keep them on their serials in the future!

Not Go To Charleston?

by **Heather S. Miller** (Assistant Director for Technical Services, SUNY Albany) <hm766@cnsvox.albany.edu>

When I moved from Head of Acquisitions to Assistant Director for Technical Services, my boss said that I needed to "move on," leave acquisitions behind and focus on assistant director activities. This included the expectation that I would leave **The Charleston Conference** behind and find other more suitable venues for professional participation. Nevertheless, more than a year has passed and I have just returned from my 11th **Charleston Conference**. I've been asking myself whether I am simply a stick in the mud, unable to move on. Am I still attending the conference because Charleston in November is so delightful, the food so plentiful and good, the faces so familiar, the habit just too strong to break? Two things struck me at the 1999 conference. One, this conference is not just about acquisitions as much as it once was. The scope has widened considerably over the years, in part a reflection of the blurring lines between collection development, acquisitions, cataloging and user access issues in libraries. Second, despite the fact that others can boast longer attendance records (some since the very first **Charleston Conference**), I've been attending and working at **The Charleston Conference** long enough that it has become a marker in the passage of the year much like New Year's Day, July 4 and the arrival and departure of Daylight Savings Time.

Automation has come a long way in the nineteen years since the first conference, both in terms of the publishing industry and in the form of library management systems. That automation has knit together formerly separate activities. Formats have proliferated, complicating the acquisitions process. Licenses have brought a whole new area of concern to the entire library, affecting selection decisions, ability to purchase, equipment and software choices, questions of interlibrary loan, user education and enforcement of license terms, the latter also forcing us to confront the intrusion of contract law into library activities. In our headlong rush to embrace electronic information sources, we are occasionally reminded, by decisions such as *Tasini*, that there might be holes in that electronic record. Cataloging has crept into the acquisitions process, not just in terms of acquisitions personnel cataloging materials at point of receipt, but also in the general use of a MARC record as the order record. In some systems, anyone updating

such an order record is updating the MARC record and that's what catalogers do! Technical services has discovered the need for new positions with exotic sounding titles like Electronic Information Services Manager, some sort of latter day super person who negotiates license agreements, educates library staff about their terms, creates Web pages, and catalogs electronic resources so they will be accessible through those Web pages as well as through the library's online catalog.

Just eleven years ago, book and serial prices loomed large, the conference days were shorter, and the Meeting Street Inn offered a lovely room for \$46.00 per night. I still travel with a small remnant of the Inn's glycerine soap, carefully conserved, from one of those early affordable visits. By contrast, this year's program featured programs that reached into many areas of librarianship, some unheard of at that time. Among the most memorable, to me, partly because of their current validity and partly because they strike at librarian blind spots, were **John Secore's** discourse on booksellers' need for a new business model as a result of blending book delivery with the effects on booksellers of librarian demands for technical services and **Stephen Rhind-Tutt's** plea for a focus on content when selecting resources. Such a thought would have been ludicrous only a few years ago. What else would a bibliographer think of but content? Isn't that what we have been buying all along? Now, it is undeniable that the electronic band wagon has put software and hardware issues ahead of content. Libraries buy what they have the means to use. That went without saying when content was inside books, but now it can mean not selecting a title just because the library will not support the technology it requires.

No fewer than 33 technical services heads and 24 few library directors or associate directors,

not to mention several electronic resources coordinators and at least one head of cataloging, were among the 1999 attendees.

This indicates a scope much beyond the original fo-

cus. People at this level must find meaning in the conference given the many demands on their time and the many other conference opportunities available. I certainly did. Issues discussed at this conference impinge on every area of technical services and beyond as well.

I'm certainly not one of the conference "originals," but it has been sufficient to firmly cement this conference into my life. When I think seriously about not attending, I realize that I cannot pass it up! Not only is there too much good information and the priceless networking with colleagues, but it has become a personal seasonal marker. There are certain things I need to do before I head for Charleston: move the sheep to winter quarters, get in the winter's supply of hay, collect pine needles for garden mulch, make the autumn visit to Vermont, mail holiday gifts to England, hunt down the elusive Wolf River apples so I can make and freeze applesauce, find the winter curtains (but delay putting them up as long as possible), get my vehicle inspected. Having checked these items off my list, I can head south.

There are not such seasonal chores in the office. There is instead a layer of routine punctuated by fairly frequent crises. The most noteworthy seasonal event is the end of the fiscal year in June, the big moment when all budgets, acquisitions, student payroll, supplies, equipment, must all be spent down to zero. Of course, it is always helpful to know what the budget is by early November and see the figures in the university's system, but that didn't happen this year.

In the fall, the weather rules. Before Charleston it often holds pretty well with warm, golden days still possible even after the loss of Daylight Saving Time. After Charleston, we are nose to nose with the middle of the month, the weather rapidly deteriorates into cold, dark, ice and snow and it's a straight run to Thanksgiving, the holidays, the darkest time of the year, New Year's.

Sometime along in there, a box arrives with a Charleston return address. It will contain the evaluation forms from the conference. Having been perused by Katina, they are ready for input into software that will spit out numbers and assemble comments to help us analyze what it all meant. Planning for the next conference had already begun. One of the first years that I handled the conference evaluations, my son thought that this box, which arrived a few days before December 25, was a Christmas present. I've never quite been able to see 100+ forms in quite that light, but perhaps I should!

Web sites selected for broad appeal, depth of information, and ease of access. Sites are organized by broad subject area and visited just prior to publication. Please let the editor know of any sites that are not accessible. Comments and suggestions welcome to Pamela M. Rose, Health Sciences Library, University at Buffalo, 3435 Main St., Buffalo, NY 14214-3002 716-829-2408 <pmrose@acsu.buffalo.edu>.

Unless otherwise noted in square brackets following the description, Internet addresses were published in Science, NetWatch column edited by Jocelyn Kaiser.

Alzheimer's Disease

The **Alzheimer Research Forum** was "established for the purpose of enhancing information access and promoting collaboration both within the traditional Alzheimer research community and across the numerous scientific disciplines." Maintained by a full-time manager and team, the extremely well-organized site offers numerous links under three major categories: The Research Front, including latest news, journals, drugs in clinical trials, and a diagnosis and treatment guide; On-line Forums, including live discussions, virtual conferences, and Alzheimer Hypotheses; and Resources, including patents, conference abstracts and calendar, electronic journals, research grants, and antibody and drug company directories. The On-line Tools link alone (under Resources) opens access to the **Alzheimer Disease Mutation Database**, the Whole Brain Atlas, and neuroscience sites. Also included are the usual About and contact us links, as well as advertising GIFs to biomedical and health sites. The opening screen does ask users to identify themselves as belonging to one of three groups, but users can go directly to [/members/index.html](http://www.alzforum.org/members/index.html). <http://www.alzforum.org/>.

Environmental Science Understanding

The basic concepts behind environmental issues is the focus of this site by the **Environmental Literacy Council**. Quality filtering has produced an incredibly useful site full of links organized by major environmental categories: air, water, forests, climate, food, biodiversity, energy, population, waste, economics, and risk. Each opening page in-

Webworthy

Column Editor: **Pamela M. Rose** (Web Services and Library Promotion Coordinator, Health Sciences Library, University of Buffalo) <pmrose@acsu.buffalo.edu>
<http://www.acsu.buffalo.edu/~pmrose>

troduces the topic, including pros and cons, and offers links to further research and discovery. Teachers of introductory level college environmental science courses can share labs, field studies, and innovative teaching methods with colleagues at the **Environmental Science Labs and Field Studies** link, and complete reviews of textbooks are provided through an Adobe pdf file. <http://www.enviroliteracy.org/>.

Reference Conceived

By html and web creator **Tim Berners-Lee**, the **WWW Virtual Library** is maintained by hundreds of volunteers around the world. One of the highest quality guides to selected sections of the Web, the site will undoubtedly improve with its recently adopted set of bylaws and plans to elect a council to oversee a revamp and subsequent expansion. The main page is currently organized into 14 broad categories from Agriculture to Society. Each subject section of links has been carefully collected and screened by someone knowledgeable in the field, and is often among the most authoritative in its area. VL invites lurking experts to join! <http://www.vlib.org/>.

Seismology

Providing a special page of New Users was mandatory for the **Incorporated Research Institutions for Seismology**. The complex site, which

is grouped into 5 sections, is overwhelming even for an experienced seismologist! The page does, however, offer quick links to Workshops, What's New, Publications, and a Search feature. To start, click on the Seismic Monitor world map, which links to a dynamic, graded listing of worldwide seismic events, with further detail, including downloadable seismograms and tectonic graphics, available for Richter 6.0 and higher. The Education & Outreach section is geared to IRIS programs designed for K-12 applications. <http://www.iris.edu/>.

Teaching

"Created, owned, and run by students," **teacherreviews.com** is just one of several sites on the web that post unedited, narrative reviews by students of classes and teachers that are also graded from A-F, and can include instructors' statements. Users can click on "who's making the grade" and "who's not cutting it," as well as retrieve listings by department, class, and instructor. Originating at the **City College of San Francisco**, one CCSF professor has sued the site alleging false and defamatory statements, but other instructor feedback is positive and encouraging. The site offers pages for over 2000 schools in the U.S. and other countries, but many lack reviews (**State University of New York at Buffalo**, for example). Other similar sites are **grade-it.com** and **come.to/collegepronet**. <http://www.teacherreviews.com/>.

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Designing Librarians — On the Web

by Anna Belle Leiserson (Vanderbilt University Law Library)

Welcome to a new column on designing for the Web — a skill that's increasingly useful to all of us — librarians, publishers and vendors alike. Learning how to set up a Web page is a breakthrough; honing your skill becomes, in time, an art. My hope is to pass some of the pleasure I get from doing Web design on to you.

I must also confess to a secret agenda. After looking at thousands (no exaggeration) of publisher Web sites, I have some, um, constructive criticism to offer. I can't tell you how many grindingly huge graphics, cranky search engines, bogus internal links, seriously out-of-date pages, and just plain confusing sites I've seen in the past few years. One can only wonder why some publishers put sites on the Web at all.

Then there are library sites. While as a general rule they are more reliable and navigable than publisher sites, they do tend towards the dull. Our entrances and reading rooms are as a rule attractive, so why not our home pages? More and more, Web pages, not front doors, are the main entrance to our world. By the same token, there are a significant number of absolutely fabulous publisher and library sites, and my plan is to regularly highlight one or two of these in the Thumbs Up section of the column.

In future issues we can discuss the nitty-gritty of mark-up, getting graphics, managing Web sites and more. For this first column let's start with the basics: how does one design a good site? While it's possible to write several books about this, there's a straightforward procedure which for a simple site should be a good enough to start with.

1 Be clear on your primary audiences and what they need most from your site. Are they patrons, staff, librarians, vendors? Do they want price information, maps, policies, news? If you're not sure of the answers to these questions, that's fine. Many people who know they need a new or better Web site aren't clear on these most basic issues initially. The trick is to find potential users and then pick their brains — briefly. Since I design for a law school, my favorite ploy is to ask a few students. One doesn't have to go into full-blown questionnaire mode to get tons of useful feedback.

2 Next it's time to map out the structure of the site. I usually do this on paper, rather like a quick blueprint. A general rule of thumb is to confine the main menu to eight very succinct terms. To find out more on how to do this, see *Information Architecture for the World Wide Web*, by Louis Rosenfeld and Peter Morville (O'Reilly & Associates, 1998) — not only the definitive book on the topic, but also written by two librarians.

3 Then come up with a look. I think this is the most difficult part for librarians. For a good-sized company or library, it's worth hiring a professional graphic designer. But for those who can't afford a pro or like doing this kind of thing, go for it. There are a few simple principles:

Place menus at the top or left, where users tend to look for them.

If you have a logo, lucky you. Use it, though be prepared to adapt it. Keep graphics small.

Avoid free clipart Web sites. Most are a waste of time, not to mention that many have illegal copyrighted images. It's better to use photos or clipart that costs a little.

Use the 256 Web-safe colors. (If this means nothing to you, see books by Lynda Weinman, such as *Coloring Web Graphics*).

Avoid light print against dark backgrounds. Most users can't print pale letters correctly.

When in doubt, err on the simple side.

I do this stage entirely in Photoshop, tinkering with the shapes, color, white space, etc., and only later work with HTML. You can do it on paper too.

4 Combine your text and the graphics you've developed above (if any) in Web form. The scary way to say this is "do the HTML markup." I expect at least one or two of you are going to say, "I can't possibly do that." Actually these days this is a bit like saying, "I can't word process." There are a growing number of decent WYSIWYG Web editors which put the actual HTML code in the background. **Microsoft FrontPage** generally gets the best reviews in this category. Be forewarned, however, that not all Web servers can handle "FrontPage Extensions." Just be cautious about relatively high-end features of FrontPage, in particular forms and database-to-Web models. For free Web authoring, you can always use **Netscape Composer**, though it does trash code and has a number of other peculiarities. **Evrsoft's** 1st Page 2000 <<http://www.evrsoft.com/>> is also free. I've just started using it, and so far am very impressed. However, it's code-based, not WYSIWYG. In other words, you will need to learn some HTML. My opinion is this is still the best way to go. Basic HTML just isn't that hard and there are any number of good books on the subject (e.g. **Jennifer Niederst's** *Web Design in a Nutshell*; O'Reilly & Associates, 1999).

5 Finally, test and talk to potential users at each of the stages above. It improves the site and saves heartache, not to mention extra work, in the long run.

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<<http://www.against-the-grain.com>>

Designing Librarians on the Web from page 81

One great strategy is to start by designing a page for yourself — a true home page. Heaven knows you're well acquainted with your audience. Whatever you do, don't be intimidated. Just let it rip.

Thumbs Up!

A Great Library Web Site

The home page of the **Caltech Library System** <<http://library.caltech.edu/>> is clean but colorful, with easy-to-read fonts and attractive small graphics, a clear easy-on-the-eye (though not boring) layout, and a elegant faint background that doesn't interfere with either reading or printing the page. It also has a few news items and links to trial subscriptions at the top — a great location for such items.

When I say library sites tend to the "dull," I don't mean to suggest we go overboard with animated graphics, day-glow colors, etc. Heaven forbid. Better dull than garish. They just need some polish — like this lovely site.

Fun Site

TipWorld <<http://www.tipworld.com/>> emails daily helpful hints. It's particularly good on software (e.g. **Windows 98** and **Microsoft Office 97**), but also covers subjects ranging from book reviews and litera-

ture trivia to car care and better sleeping. One caveat: the advertising in the daily email is a bit thick.

Web Book

Designing Web Usability by Jakob Nielsen (New Riders Publishing, 2000) ISBN: 156205810X \$45.00

Currently number one on Amazon's computer bestseller list, **Designing Web Usability** is a must-read for anyone serious about Web work. Nielsen is widely hailed as the expert in this field, and his book lives up to that reputation. You can see his weekly columns at his own Web site: <<http://www.useit.com/>>. Ironically the page itself is no visual tour de force, though of course it is quite usable. It's obvious he favors function over form. However his suggestions are astonishingly sensible and thought-provoking. Also, they are backed by hard data (e.g. typing and counting pixels of screen real estate), many helpful examples, and clear illustrations. 🐘

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Why Do We Still Buy Books?

by David H. Stam (University Librarian Emeritus, Syracuse University)

The following paper was delivered as the keynote address at the 19th Annual Charleston Conference and is presented here much as it was presented with minimal editing and a few sources added.

David H. Stam is University Librarian Emeritus at **Syracuse University** and is currently editing an **International Dictionary of Library Histories** to be published by **Fitzroy Dearborn** in 2001.

My first reaction to **Rosann Bazirjian's** invitation to speak at this conference was the typical victim's re-

sponse of "Why Me?" I was already happily retired, engaged in several other projects, unconcerned about tenure or promotion, devoid of ambition, tired of travel, and eager to enjoy whatever leisure my preoccupations allowed, including reading. But I was and am concerned about books and I could only assume that Rosann and the program committee were looking for the oldest and grayest defender of that outmoded commodity whom they could find; I had to admit that I fit the profile in every respect and I accepted the invitation.

But I expect some empathy for a tough assignment. The topic seems a lonely one on this program—even though the Conference title is "Issues

in Book and Serial Acquisition," I have looked in vain for any other title among the fifty odd papers of these three days which even mentions the word, apart from e-books. My wife charitably suggested that you acquisitions librarians have the book business so well mastered that you have to turn to new and knottier problems for your electronic survival. Another difficulty is in trying to balance the onslaughts of the doomsayers of the book against the sentimental claptrap of its defenders. We've heard so often for so many years that "you can't curl up in bed with a computer" that it becomes a challenge to try. Just yesterday I heard a variant new to me and a refreshing change: "you can't take a computer to the bath-

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tub." For better or worse, I accepted the invitation in hopes of consolidating some thoughts after a forty-year career of dealing with books and eventually bits and bytes.

Let me start with a story I read in an English magazine many years ago. It concerned a woman who was apprehended while peeling an orange in the **British Museum Reading Room**. A guard approached and said: "Madam, I'm afraid eating is not permitted in the Reading Room." Her curt reply: "I'm not going to eat it, you fool, I'm going to squeeze the juice on the books" [laughter]. (*The Listener*, 1950s.) I use this story as a litmus test; if none of you had laughed I would give up hope and we could move on to the next session right now. It isn't just the clever retort that makes the story funny, but the incongruity of the response, the respect we all subconsciously share for these objects. One just doesn't do that to books, and if you did laugh, even quietly, you betrayed some of that respect which I believe binds us together, if you'll forgive the pun.

Despite the need for increased library allocations for very necessary electronic resources, we continue to buy books because they are useful. We'll try to get into that in more detail, but since I was asked to tell some stories for this early morning audience, let me demonstrate some odd examples of such utility. The learned librarian, bibliographer, and collector, **A.N.L. Munby of St Johns' College**, Cambridge, tells a youthful story of his purchase of two medieval manuscripts sold a year later to help purchase a 1925 Bugatti which regularly needed roadside repair. "Its mechanical eccentricities involved me in a small piece of vandalism which I recall with shame. One of its gaskets, which kept blowing, was finally found to be responsive to vellum, and a thick leaf from a water-stained and ruined Antiphonal was cut up for the purpose; and this, when enthusiasts asked the Bugatti's age, enabled one to indulge in a little piece of lifemanship and reply nonchalantly, 'Parts of it date back to the fifteenth century.'" (*Essays and Papers*, ed. by **Nicolas Barker**. London, Scolar Press, 1977, p. 220-21.)

A more sentimental if not maudlin story comes from the folk-lore of the **Newberry Library** in Chicago where I once did time. The tale involves a well-known scholar-librarian, a Shakespearean by the name of **W. W. Willoughby**, who, for whatever reasons of incompetence or insubordination, was fired by the Library some time in the 1920s. For years on the anniversary of his termination, he felt compelled to give the Library increasingly valuable books, culminating on the 25th anniversary when he presented an incunable, rebound in the cloth from the tie he was wearing on the day of his sacking. It presumably joined a notable collection of bindings including such memorable spine titles as *Bourbon Works* and *Hare on the Stomach*, not to mention a volume bound in human skin.

But these stories are mere diversions to avoid the difficult topic of why we still buy books. The question is intended as institutional rather than personal--the public and even many librarians continue to buy books for themselves in record numbers. Last month a bibliomaniac friend of mine drove

from Syracuse to Ithaca at 6 am to get to a used book sale by 7 where he was fortunate to be number 287 in the line, and therefore among the limited number admitted at 8 am. He claims to have come home with over 200 books. If the book is dead more and more people are attending its memorial services. A whole new field of book history has emerged. Societies such as **SHARP** (the **Society for the History of Authorship, Reading, and Publishing**) are growing. Web pages and listserves devoted to the book use electronic media to debate and promote the printed book. Bibliophilic book clubs are thriving, as are social reading groups. Social action groups such as TV-Free America promote reading over television and other screens. The individual bibliomaniac is far from dead; its anatomy is complex but the phenomenon remains fairly pervasive. For an

account of some of its extremes you should read **Nicolas Basbanes' *A Gentle Madness***, itself a bestseller in cloth and now in paper. The more recent phenomenon of cybermania is perhaps equally interesting and deserves a similar study. Judging from some recent reports, it is not quite so gentle a madness.

Institutionally, by contrast, we have been under immense pressure to divert more and more of our acquisitions dollars and compelled to devote a greater proportion of our budgets to electronic resources. The book budgets themselves are under attack as wasteful excesses on materials that nobody will use, though that argument often seems forgotten when it comes to serials and in any case is a red herring. Our campus administrators have been misled by

advertised visions of electronic utopias, the **Library of**

Congress in a shoebox (where some people say it belongs), and often the technology moguls at our institutions would love to get their hands on our acquisitions budgets. What a splendid setup for self-fulfilling prophecies of the end of the book!

It does seem important to say, however, that attacks on books and our accumulation of them are nothing new. Many over the centuries, from **Seneca** and **Caesar** to **Nietzsche** and **Shaw**, believed that the burning of the **Alexandrian Library** was a good thing. Shaw's *Caesar* says "Let it burn." **Ecclesiastes** implies there are too many. My favorite bit of library bashing is in **B.F. Skinner's *Walden Two***, a utopian satire on many aspects of American society, and forgive me if this passage is overly familiar but I'd like to quote it in full:

"As to a library, we pride ourselves on having the best books, if not the most. Have you ever spent much time in a large college library? What trash the librarian has saved up in order to report a million volumes in the college catalogue! Bound pamphlets, old jour-

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nals, ancient junk that even the shoddiest secondhand bookstore would clear from its shelves--all saved on the flimsy pretext that some day someone will study the "history of a field." Here [in *Walden Two*] we have the heart of a great library--not much to please the scholar or specialist, perhaps, but enough to interest the intelligent reader for life. Two or three thousand volumes will do it."

"The secret is this," he continued. "We subtract from our shelves as often as we add to them. The result is a collection that never misses fire. We all get something vital every time we take a book from the shelves. If anyone wants to follow a special interest we arrange for loans [Skinner doesn't say from where]. If anyone wants to browse, we have half a barnful of discarded volumes." (*Walden Two*, New York, Macmillan, 1976, p. 111-12.) Presumably Skinner's views were not widely shared by his **Harvard** colleagues with their unparalleled access to one of the world's largest collections.

Indulge me in one more diversion on the decline of the book before I finally get to the topic and some brief remarks on why we still buy books. "A whole generation of young people are growing up, to whom solid books are unknown, to whom the great historic names of the past are but a sound, and whose ignorance of the world of fact is poorly compensated by their acquaintance with the world of dreams." That sounds strikingly like a contemporary jeremiad against the evils of MTV, but in fact was published in 1869 in *Popular Amusements*, by **Jonathan Townley Crane**, father of **Stephen Crane**. More recent obituaries have come from the technologists who have consistently, and not without self-interest, predicted the death of the book and the maturing of the paperless society for several decades. Some aspects of the information revolution may be seen as fore-

shadowing that death, with the construction of virtual towers of Babel, the decline in reading skills, and the pervasive assumption that everything worth knowing will be digitized. An almost millennial fervor accompanies the prediction of the demise of the printed page. Yet the ubiquity of computers certainly hasn't diminished the need for paper, and judging from my own experience in libraries, the increase in electronic resources often leads to greater reliance on the printed archive.

Who was it that said prediction is a tricky business, especially about the future? I once predicted in print that in the near future most research collections, for reasons of space and security, would be housed in closed stacks (*ALA*

World Encyclopedia of Library and Information Services. Second ed. Chicago, 1986, p. 732). Though

the **Library of Congress** did tighten security in its stacks a few years ago, I was wrong with my prediction and I'm not now inclined to make predictions on the survival of the book. But I do want to offer a few comments on the continuing utility of books in a schizophrenic period of tension between traditional and innovative technologies.

Like most of you, I too am enamoured by the potential of automation for teaching and research, yet suspicious of the uncritical and often unhistorical acceptance which both students and faculty display toward an undifferentiated mass of information indiscriminately assembled on the World Wide Web. The absolute necessity of keeping abreast of changing technology, just to remain competitive, is obvious to us all. But its distortion of other priorities and the need to balance new developments with traditional roles disconcerts us all, including our users, who collectively want more and more of both.

Transitions are seldom complete and irreversible: script to print; telephone to email; horse transport to air travel--none completely replaced the other, though smoke signals and horse-drawn

carriages have been largely superseded. Let me give a few random reasons why I think this particular transition from print to screen should continue for a considerable period. I said earlier that we still buy books because they are useful. They provide a textual fixity that their electronic counterparts often do not. The content of books obviously can be changed, but it is much easier to observe their alteration than it is with electronic texts. In certain disciplines, such as fine arts and medicine, the visual imagery works much better in print than in digitized form and is less easily manipulated as "true" images. Books last fairly well, while we have yet to solve the problem of archival survival of electronic information. (Years ago I started a speech on preservation issues by mentioning that **Penguin Books** and I were born in the same year and that I had outlived many of them. Almost immediately a friend in the front row said he had lots of Penguins in better shape than me.) A great deal of work has so far addressed that survival problem but very inconclusively. Even within that context the survival of the commercially viable is much more likely than the more ephemeral materials of both general and scholarly appeal, the obscure detritus that Skinner evokes. Nor have the more non-commercial products of research library digital initiatives yet guaranteed their survival. Most digital products end up being printed in any case. Why? Because print on paper is easier to read. Although this may change, the battle of the new digital technology versus the old "reading" technology still compels the survival of the book. Unlike their electronic counterparts, their cost is relatively cheap and predictable. Besides, a lot of our users want them, perhaps to take them to bed or the bathtub. So we end where we began: never under estimate the comfort factor, however sentimental it might sound. (For a recent defense published after this paper was written, see **William Gass**, "In Defense of the Book," *Harper's* [November 1999] p. 45-51.)

The last word goes to **Richard de Bury**, 14th-century Bishop of Durham who in his *Philobiblon* says: "Whoever" claims to be zealous of truth, of happiness, of wisdom, of knowledge, aye, even of the faith, must needs become a lover of books." I rest my case. 🐾

Adventures in Librarianship: You May Have Already Won

by **Ned Kraft** (Order Librarian, Ralph J. Bunche Library, U.S.
Department of State) <kraftno@state.gov>

Dear Mr. **Order Librarian**,

Congratulations! To promote a better understanding of our products and services, Niche Enterprise Publishing has personally selected your name, **Order Librarian**, for a random drawing at the upcoming ALA Conference! What's in it for you? Plenty!

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What else can you win **Order Librarian**? As you've probably heard, Niche Enterprise Publishing recently branched out into the world of literature. To promote this bold and risky venture, we'll be giving away copies of our beautiful chapbook *The Poetry of Mrs. Ernie Dalton*. Hey, take three or four copies! Your patrons will love the folksy insights and simple rhyme schemes that Mrs. Ernie's husband, who generously paid for the publication, has called "a lot better than most of that modern so-called poetry." And, **Order Librarian**, when you drop by our booth to take part in the prize drawing, you'll have a chance to see all of our latest products.

For instance, have you heard about the 1999 *Directory of Listing Changes*? Are you tired of making phone calls only to find that the number has changed? With a copy of *DLC* your patrons can now come to the library before making phone calls to confirm that the number they have is still correct. If that doesn't boost your usage statistics, nothing will!

Not to be outdone on the technology front, Niche Enterprise Publishing is now selling its videotape version of *Silas Marner*. That's right! Every page, every word of this timeless, public-domain classic has been filmed and compiled by our engineers to slowly scroll across your television screen as you relax and read! *Wired* has called our videobook concept "inventive" and "creepy."

Then there's our ever-popular *Transportation Statistics*, now in its 12th edition. Our trained, meticulous researchers have found the most important government compilations of traffic statistics and have reprinted them verbatim! Yours for only \$150 — that's half off the cover price. Want to know how many vehicles are likely to pass your house on any given Tuesday evening? Find out!

At the conference, Sales Manager Rick Gorky will be demonstrating our newest product, a CD-ROM version of *Old Software for Dummies*. If your library has a lot of old software around, software unsupported by any known help desk, then this product is for you. *OSD* was developed by some of the best retired software designers in the business! (Single and multiple user licensing fees will be based on credit rating, multiplied by your institution's tax ID number, divided by the age of your director.)

So, **Order Librarian**, be sure to visit booth Z3251 in the far southeast corner of the Convention Center — that's the dim area next to the large trash receptacles, just to the left of the fire exits. We'll have flashlights. See you there!

Sincerely,
Gary Plush
President, Niche Ent. Pub. Inc.

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and were running out of space. A helpful UMI representative introduced a solution: microfiche islands. The idea was you substituted a Wilson index and microfiche copies of five to ten years of the journals indexed for all the stack space that would have been taken up by the bound journals. You could subscribe to paper or not. We chose to continue with paper, but planned to discard the temp bound issues after their heavy use period was past. At the time I was a new assistant head of collection development with a little authority. That, combined with the microfiche island idea, was truly a dangerous combination. Did I work

through the three R's of relevance, readiness, and resources? I did OK on resources, since UMI was willing to pay for everything on an experimental basis. But I failed to work through the relevance and readiness phases and discovered only after the fact that the faculty felt that it was a very dumb idea. We were weak on implementation as well. In the end the islands disappeared and my learning experience caused a great deal of grief. I try not to repeat such errors. I have had a cognitive restructuring.

So, change is pervasive in our lives, but to be successful we have to do much more than wander into the workplace with authority and ideas. Otherwise, we may be on a street corner asking for a different kind of change. 🌱

Rumors from page 35

ments to customer access systems and for developing offerings in electronic content.

Did you know that the **Association of American University Presses (AAUP)** has 120 members which annually publish more than 12,000 books and 900 journals worldwide? Anyway, AAUP has launched a new campaign to promote the work of university presses. The primary goal of this campaign is to demonstrate the vital role played by university presses in selecting, shaping, and disseminating the results of scholarly research. Another important goal is to illuminate the needs and economic concerns of university presses.

Got a great note from the patient and caring **Barbara Henn** (Indiana University) who I remember so fondly from earlier **Charleston Conferences!** Anyway, Barbara is retiring later this year she says, and, though she is no longer in acquisitions and collection development she says that **ATG** is a great service to all of us! What a great comment. Thanks, Barbara!

I understand that the awesome **Mary Reichel** (Appalachian State) is running for president of **ACRL**. Good luck, Mary!

The warm, wonderful, and winning **Marietta Plank** (Executive Director, Chesapeake Information and Research Library Alliance, CIRLA) <mplank@deans.umd.edu> is recovering from triple bypass surgery. They didn't keep her in the hospital long! Go girl!

And isn't **Acqnet** and its editor **Eleanor Cook** <cookei@appstate.edu> fabulous?! Recently, I did a survey on licensing agreements: how libraries keep track of them, who signs them, how statistics are kept for evaluating electronic products, etc. I will be writing this up for **ATG** in the next issue (renew your subscription, don't forget!) as well as posting the results to **Acqnet**. Hooray for Eleanor and all the **Acqnet** gang!

And **Jill Carraway** (Wake Forest University) writes that though she missed the conference in November of 1999, she will be back in 2000. How about you? November 2-4! Put it on your calendar!

There's so much to say and so little time to say it! See y'all in April. 🌱

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Information

Tom Leonhardt <leonhart@oil.edu> got word from **Lisa Nachtigall** (Grove's Dictionaries) that she was delighted to see that *the Truth and Reconciliation Commission of South Africa Report* was reviewed in December's issue of **ATG** (see pp. 50-51). Lisa asked that we print a note indicating that the book is published by **Grove's Dictionaries, Inc.** in the US, not Macmillan, at a price of \$250. The ISBN is 1-56159-245-5.

Back Talk — Buddy Can You Spare Some Change?

by **Tony Ferguson** (Associate University Librarian, Columbia University) <ferguson@columbia.edu>

Lately, it seems to me that my life is centered on change. Trying to change the behavior of others or trying to repel attempts to change me. Here are some of the library change experiences I have encountered during the past few days. Our library systems officer wants digital publishers and vendors to move beyond IP address authentication. With advances in Web technology we just can't seem to keep our proxy servers working for every title. He would also like to change how our Electronic Resource Liaisons (selectors with their digital information hats on) interact with these vendors. They are to demand that the vendors/publishers shape up or our money will ship out; I would like to change my supervisor's mind about what constitutes an acceptable library materials fund increase—8% is just not enough; she doesn't think the Provost's mind can be changed since he believes 8% is already more than generous. I would like to get the very talented middle managers with whom I work to change from whining about their level of poverty to working with me to figure out how we should reallocate our funds. I have worked on three license agreements during the past 48 hours and each of these cultural experiences included "us" and "them" opportunities to change the other's minds; and finally I have been mulling over why I can't get library materials selectors to change from a reactive to a more proactive collection assessment mentality.

But getting anyone, particularly oneself, to change seems very difficult. I know I should lose about 50 pounds of corpulence, but all of this thought about change makes me hungry for a slice of my wife's birthday cake plus ice cream.

What has to happen before people will change? For a class on educational administration I have been reading a number of the classics in this field and I thought I would share a few ideas from them about change, plus bore you with stories of my own failures and success. **Edgar Schein**, in his *Organizational Culture and Leadership* (paperback 1997) suggests that people need to "unfreeze" before they can change. I am not sure where this metaphoric expression originated, but for me it is reminiscent of seeing deer or rabbits seemingly "freeze" in the beam of your headlights; they just can't seem to get moving. They have to unfreeze before they can get going out of

harm's way. Humans are the same. They have to unfreeze before they can get going. Schein suggests that unfreezing involves three steps: First they need to be shook up to the point that they recognize that there is a problem and something will have to change. Second, they have to recognize this problem is their problem to the point that they experience some sort of anxiety or guilt which will motivate them to want to solve the problem. At this point, the person in need of change could still refuse to deny the facts or their responsibility to do anything about them so third, there must be enough "psychological safety" present for them to see that they can solve the problem, make the change, without a loss of "identity or integrity" (pp. 298-299). To go back to my deer in the headlights metaphor, the deer has to come to grips with the idea that something has to change, that it has to move, and that the particular move under contemplation will allow it to survive.

Schein suggests that two more steps are involved in truly changing. The person or group experiencing change has to undergo "cognitive restructuring," that is, they have to start thinking differently. They have to internalize the lessons of their unfreezing experience. Finally, they "refreeze" the new ways of thinking and doing things. A library example that all collection development librarians can identify with relates to the idea of access instead of ownership. After being knocked down by 1980's serials inflation a few years in a row, it dawned on me that there was a problem. Failed attempts to annually get extra money told me that it was my problem, or at least that as the head of collection development, I had to do something to fix the problem beyond telling others to cut serials. Telling others to cut serials was causing me significant anxiety. So in addition to cutting titles, I underwent a "cognitive restructuring" and realized that what the user wanted was the information, not the bound volume. I am now a firm, not reluctant, believer in the value of document delivery services that deliver in a matter of hours or minutes. This same

cognitive restructuring has helped me to identify with the virtues of electronic journals which provide information instantaneously. I don't, on the other hand, feel anxiety about not having bound volumes. This new way of thinking is now refrozen in my approach to collection development. In a few years things will change and it will be time to thaw out again. These are only a few of the many ideas that are in Schein. It is well worth the time you will spend reading this book.

Another good book on change, one that is not all that optimistic about the number of times change really takes place in education, is **Fullan** and **Stiegelbauer's** *The New Meaning of Educational Change* (1991).

They note that most researchers believe there are three main phases in the change process. In the first, the decision to adopt a change is made—this is where Schein's unfreezing takes place. The second phase includes the initial implementation steps and in the third phase the change becomes institutionalized. Changes fail because the ball is dropped during one or more of these stages. The first phase is fraught with danger. As a wise man once noted, "an idea and a little authority" are a dangerous combination. Managers, like me, see a problem, hear about a solution, and try and force the two into a happy marriage. Fullan & Stiegelbauer suggest that "the best beginnings combine the three R's of relevance, readiness, and resources. Relevance includes looking at both the practicality of the change, the degree to which all involved understand what is being changed, and the need for it. Readiness refers to the ability of those implementing the change to "initiate, develop, or adopt a given innovation" and again there is a perceived need for the change (p. 63). Resources refers to that which is needed to carry forward with the change. If I had a dollar for every change that I have initiated without doing all of these things, I wouldn't be here writing for Katina. Implementation is another critical phase. Ideas come easy; implementation is difficult.

In the 70's while at **BYU** I chaired a committee on shelving space. We had a problem. We were buying too many books

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