

September 2001

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Recommended Citation

Ferguson, Anthony W. (2001) "Back Talk-Kafka Meets Tasini," *Against the Grain*: Vol. 13: Iss. 4, Article 13.

DOI: <https://doi.org/10.7771/2380-176X.3603>

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Backtalk — Kafka Meets Tasini

by Tony Ferguson (Library Director, University of Hong Kong) <ferguson@hkucc.hku.hk>

Recently I received the following letter from a friend in the States:

"I am sitting in an empty apartment. It used to be full of furniture and things. It used to be full of family and friends enjoying and interacting with each other within the context of my furniture and things. But workers' rights groups little by little descended upon me and took all my furniture and things away.

"First came the chairs. One of my neighbors squealed on me: I had used a chair as a ladder to change a light bulb. Apparently, the department store from which I had bought the dining room, study, and living room chairs had only bought the sitting rights from the builders of the chairs. My using a chair as a ladder constituted a misuse of the chair so the chair maker's union had gone to court and successfully obtained a court order allowing them to remove all my chairs.

"The tables were the next to go. I had unfortunately stood on a table to mount a new lighting fixture — again a new unauthorized and previously non agreed upon use of this piece of furniture. Then in succession I lost my rice cooker when I used it to steam a fish; my radio, stereo, and television when I put small decorative flowerpots on each one; my beds were taken away because they were for sleeping, not for the illegal reading uses to which they had been put; and the last straw was when I went out in my car to buy all new things with the rights built into the purchase price.

"First of all, I discovered that the chair workers now wanted the department store to sell chairs on a per use basis. So when they added a wireless computing device to each chair to measure the number of times someone sat on the chair, the cost to purchase a chair went sky high. Plus I discovered I could only afford to buy a single chair since a ten-year estimate of the number of times people would sit on the chair for sitting and laddering made the cost breath-taking (even though I successfully negotiated for the rights of walk in non-members of my family). I spent a half day with the sales person trying to figure out if it

would be cheaper to buy 50 chairs since the estimated number of uses would go down so far that the chairs would be very cheap. But I was never much good at math so I decided to buy only a single chair.

"On my way home with the chair I was relishing in the thoughts of my family and friends returning to my life — we could all take turns sitting on the chair, thinking of the good old days when chairs were in abundance. But then I was pulled over and my car was confiscated. To avoid delivery charges I had decided to use my personal automobile to deliver the chair myself, a commercial use of my car that was not paid for when I bought it. The assembly line workers union had rightly detected my misuse of the vehicle (their roadside monitoring units are everywhere) and got the police to take it away. A friend told me to cheer up since he doubted if the police would continue to do this sort of confiscation work much longer. Apparently, the police officers' contracts specified they were to catch people committing criminal acts, not acts of industrial misuse, so their unions were demanding a percentage of the value of each article taken from the miscreant buyers. I thought about walking to the public library but they were all closed while my colleague librarians finish renegotiating their contracts: they contended they were hired as knowledge workers, not child care workers, and parents dropping their kids off at the local library constituted a previously not agreed upon area of work. In the end, the fact that the libraries were closed didn't matter: they didn't have any books.


"When I lost all my furniture, I borrowed large stacks of the things to use as ladders, chairs, and beds and so the writers' union had all books confiscated in my city until they could figure out how to monitor this new misuse of their creative talents."

I read my friend's letter with detached amusement until I spoke with a freelance writer over a nice lunch in the **Senior Commons Room** (read faculty house dining room) that has a lovely view of the Hong Kong harbor. I had decided I wanted to outsource the writing

and production of the library's annual report. He asked me what I thought of the **Tasini** decision and went on to tell me that it meant that freelance writers could demand that they be paid for what they wrote if it were republished electronically — republished in an entirely new medium.

I went into my usual diatribe about such a movement making the life of an academic librarian very difficult when it came time to get a gazillion disappeared writers' permissions to do digital reserves. Then I got to thinking, what if we did such a nice job of the annual report that someone found it fun to read? This might constitute the misuse of my annual report. It was supposed to be painful to read. What if it became recreational reading? Would its becoming recreational reading constitute a new medium? Maybe the freelancer was subtly leading up to getting more money for his creative efforts?

Doing a little research, I had read the four commandments for all freelance writers as promulgated by the **National Writers Union** (nwu.org/book/repubstd.htm). They are supposed to get advice from the Union before signing any contract; negotiate for royalties on the basis of retail, not wholesale prices; try to get 50% of the retail price; and if the publisher wants to stick to a percentage of the wholesale price, bury them in paperwork by asking for "a complete itemized list of all deductions." I wonder if the cost of taking library directors to five star restaurants at **ALA** might appear on such lists?

But back to my annual report: I suppose some of the facts in the report might be close to fiction and endanger its reclassification as a piece of recreational reading, but how can I be expected to make sure that the education librarian didn't fabricate the number of reference consultations reported? I think I will go ahead with the freelancer, but I expect that my annual report will be delayed a year or so while our lawyer negotiates the movie and online rights. It will be a lot of work but maybe we can put some streaming video clips of the ocean view from my office showing me meeting with my staff while discussing the implications of **Tasini**. 

Chaos

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and **EDiTEUR** took the same approach originally for **ONIX**. However, there is concern in the **U.S. ONIX International Policy Committee** that this is the wrong approach; that an e-book is simply another version of the text, comparable to the paperback version of a hardback. That concern was supported at the **ONIX International Steering Committee** and the analytic paper authorized.

It is our hope that the analysis will be carefully reviewed by all of the countries implementing **ONIX** that the e-publication additions to **ONIX** can be published before the end of May

2001, and that **Release 1.3** will contain all of the fields necessary to describe an e-publication, including its format, length, and the digital rights management software it contains. Controversy still exists within the publishing supply chain about the need to identify each different version of an e-publication with a unique ISBN to enable current systems to handle the item or whether the approach some publishers have taken to go directly to one **Digital Object Identifier** for ALL formats is currently viable. **Release 1.3** will accommodate both approaches.

Other areas undergoing analysis at the moment include **ONIX** for video products and for serial issue information, including tables

of contents and article descriptions. At the urging of the organizers of the **Frankfurt Book Fair**, the development of an **ONIX** version for expressing subsidiary rights information should be developed soon. There has also been interest in **ONIX** from the music industry. **ONIX International** forms the basis for the metadata associated with the emerging **International Standard Textual Work Code** and will be recommended for the metadata to accompany an ISBN when that standard is revised to include the conversion from 10 to 13-digits.

For more information about **ONIX International**, check out **BASIC** at www.bisg.org or **EDiTEUR** at www.EDiTEUR.org. 