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And They Were There -- Reports of Meetings -- Charleston 2002 -- Point/Counterpoint -- Library Director/Acquisitions Librarian Perspectives from Case Western Reserve University

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Should the university be concerned about liability for copyright infringement?

ANSWER: Absolutely! Faculty are allowed to show films in class because of the section 110(1) exemption to the Copyright Act. To qualify for this exception to the copyright holder's exclusive right of public performance, certain requirements must be met. For example, the performance must be in a classroom (broadly defined) and teachers and students be simultaneously present in the same place.

If members of the public are allowed to view the performance, then the performance loses the exemption. The House Report that accompanied the Act (H. Rep. 94-1476) says that the word "pupils" means students enrolled in the class. Thus, to have the films open to the public or even to other students on campus who are not enrolled in the class converts the performance from an exempted classroom performance to a public one for which the institution must have a license. I am surprised that the university attorneys have not put a stop to this!

QUESTION: *The library in a small government agency serves patrons who primarily are at remote locations. The library offers a current awareness service where patrons receive a list of citations to current journal articles of interest, mostly from journals housed in the collection. Individual patrons may request a copy of any of the cited articles to be used for non-profit research. Sometimes the same article is requested by more than one patron, so it would be a time-saver to make extra copies to keep in a folder rather than having to reproduce the article for each requestor. Does this infringe copyright?*

ANSWER: Under section 108 of the Copyright Act, libraries are permitted to make single copies for users under certain conditions. No multiple copying is permitted, however. Section 108(d) allows a library to make a copy of an article from a journal issue for a user. One of the conditions that the library must meet in order to qualify for this exemption is that the copy must become the property of the user. This means that the library may not keep a copy for itself. Therefore, putting extra copies in a folder for the library likely violates the statute. Another condition, found in section 108(g)(1) is that the copying may not be systematic, and it is certainly arguable that by distributing the list of citations and accepting requests for the articles, making multiple copies in anticipation of demand is systematic copying since it is hardly isolated and spontaneous.

On the other hand, it is possible that the agency has a CCC license. Many of the larger agencies do. If the agency has a license, and if the journal titles are covered under the license, then the terms of the CCC license apply. It may permit such multiple copying in anticipation of user demand, but the library should consult its CCC license to make this determination.

And They Were There — Reports of Meetings

Charleston 2002 — Point/Counterpoint — Library Director/Acquisitions Librarian Perspectives from Case Western Reserve University

by **Arlene Moore Sievers** (Executive Librarian for Acquisitions and Electronic Publishing) <axs23@po.cwru.edu>
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22nd Annual Charleston Conference, Issues in Book and Serial Acquisition, "Two faces Have I: One for Books and One for Bytes,"
Charleston, South Carolina, October 30 - November 2, 2002

Reviewed by **Arlene Moore Sievers** and **Joanne Eustis**

Arlene: Two of us from **Kelvin Smith Library** at **Case Western Reserve University** attended the recent **22nd Annual Charleston Conference, Issues in Book and Serial Acquisition**. I, **Arlene Moore Sievers**, being a dyed-in-the-wool acquisitions/serials/collection development sort, always attend and listen avidly to those programs particularly which deal with my issues. These include anything about scholarly publishing, bookselling, subscription agents and the intersection of commerce and libraries. Also, anything having to do with serials and serial publishing, electronic resources in general, and approval plans is of interest to me.

Joanne Eustis, University Library Director here at **Case Western Reserve University**, attended her second **Charleston Conference** this year as well. Her perspective is that of an ARL library director and her interests, while intersecting with my own in many instances, focus more on the big picture issues which affect libraries and universities in general. We both agreed there was plenty for both of us at this year's **Charleston Conference**.

Joanne: Our perspectives on the **22nd Annual Charleston Conference** are very different. **Arlene** is actively involved as a conference participant (serving on two panels at the **22nd Conference**). In addition, as an Acquisitions Librarian and former representative of **SWETS**, she is well acquainted with almost all conference attendees. I am not only a newcomer to the **Charleston Conference**, my only involvement in the **22nd Conference** was as a member of the audience. It seems, however, what delights us both is that at the **Charleston Conference** we return to "our roots," that is a focus on library content, be it print or digital and the intricacies of building collections and assessing the value those collections add to our institutions.

The months of October and November are travel intensive times for some librarians.

Early in October the **EDUCAUSE Annual Conference** is a necessity for librarians who are interested in maintaining current awareness of information technology trends in higher education. In the middle of the month, the obligatory **Association of Research Libraries (ARL)** annual fall membership meeting takes place in Washington, DC. Therefore the prospect of traveling to a third meeting in early November is not appealing. Nevertheless, after listening to **Arlene Sievers** praise the **Charleston Conference** for several years, it was difficult to resist. After succumbing to **Arlene's** enthusiasm, it is difficult to imagine not returning to Charleston every November.

In considering why the **Charleston Conference** seemed so enchanting, I have decided that one reason is the blend of vendors, publishers, scholars, and librarians who find common ground in Charleston. Unlike **EDUCAUSE**, which has the disadvantage of being vastly larger, the **Conference** is structured in such a way so as to blend all three groups. The conference dynamic encourages audience/speaker/panel interaction in a way that is unique in my experience. Perhaps the interaction is encouraged because there is no hierarchy (important people and less important people) at the conference. Speakers and conference goers alike exchange opinions and debate issues with remarkable equanimity.

Arlene: The wide range of programming itself and the conference dynamic, as **Joanne** puts it so well, are what attract me every year and these led to a very successful and memorable **Charleston Conference** again in this year 2002. The panel concept interspersed with single speaker programs and several dual speaker programs worked to promote active listening rather than the involuntary zoning-out experience which can afflict even the most alert and interested conference attendee. The diversity of programming and the depth of programming on important subjects was impressive this

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year. How do the conference directors do it? All the big digital resource issues were treated in a variety of approaches, from **Dspace** and **Digital Archives** to the updated eternal question of how to price electronic journals.

I found it interesting to note that while the Conference Title was "*Two faces Have I: One for Books and One for Bytes*," it was clear to me that the bytes really overshadowed the books in terms of amount of programming and, at least to me, the apparent interest of conference attendees. However, saying that, I have to note that in both programs I participated in, books and interest in them were strong. There were really numerous good programs on print acquisitions, from gift books to vendor status reports on books, a subject always of interest to me.

All of us on the "Weakest Link Two Panel," and the vendors in particular, made note of the fact that a goodly number of people indicated budgets were up and book buying was strong. Still tooting my own horn somewhat, the second panel on which I participated "Is Bigger Better?" led by **Alison Roth** of **Swets/Blackwell**, also dealt with vendor/library issues, and especially those vendors still firmly entrenched in the world of print. We on the panel, which also included **Elizabeth Oktay** of **Vassar** and **Bill Kane** of **Alibris**, expected, frankly a very light turnout for a session scheduled from 5:10 to 6:00 on Thursday before the Conference Social. We thought we might sit around and have a convivial program/chit chat with the half dozen or so who would show up, and perhaps serve wine. This scenario was not to be, since we had a standing room only crowd of around 70. All conference segments were represented but numerous vendors themselves were on hand to hear more about themselves, and to actively participate in the discussion that ensued. Although no firm idea of the optimum size for a vendor emerged, it seemed clear in the end that any size that did the job well, and did it with enthusiasm, creativity and expertise was ideal.

The programs on what I would term vendor and publisher-centric issues, namely the panel "Vendor Marketing Tactics" on Thursday in which a candid **Matt Nauman** of **Blackwell's Book Services** had especially interesting points to make, and the clever "A Glimpse inside the Publisher's Office" with **Barbara Meyers** and **Eric Newman**, among others, were especially illuminating and exactly the sort of thing I like. Learning new things I don't know about these worlds of publishing and bookselling that affect libraries is a benefit to me and our library. These are the sorts of people and perspectives I find especially useful and don't seem to find much anywhere but in Charleston.

The second general category of discussion that I found fascinating, and **Joanne** did as well — here worlds did collide, or rather converged — were the sessions dealing with usage statistics for digital resources. We both thought this

programming was truly excellent and the number of different presentations produced something like a catalytic effect. The knowledge and experience of those who spoke on the topic, **Ann Okerson** of **Yale**, **Tony Ferguson** of **The University of Hong Kong**, **Chuck Hamaker** of **University of North Carolina Charlotte**, as well as **Peter Shepherd** of the publisher initiative **COUNTER**, produced very different but intersecting presentations that all together amounted to a solid mini-course on the subject. Since returning from the **Charleston Conference**, this is one program which has influenced our perspectives on what we should be doing at our library.

Networking with vendors, publishers and fellow librarians is always one of my chief and most valuable activities at Charleston. The conference always manages to draw many new people as well as the "lifers" of which I am one, so to speak. Making contact and exchanging opinions and ideas with interesting and knowledgeable people new to me from places as widely dispersed as Connecticut and South Africa was a highlight this year. Specifically, I enjoyed meeting **Charles Marlor** of **Central Connecticut State University** and **Digby Sales** of **The University of Cape Town**. A new-to-me European vendor present at Charleston this year was **Michael Galda** of **Galda Library Services**, Berlin.

Charleston also presents opportunities to meet new managers and representatives of com-

panies with whom one does business in a convenient and convivial location. Often representatives have changed jobs and companies during the past year in a vendor equivalent of musical chairs and it is useful to sort out the names and new affiliations face to face. There were a number of these this year. I'll name the ones I know — **Alison Roth**, from **Franklin Books** to **Swets/Blackwell**, **Bob Schatz** from **Everett's** to **Franklin Books** and **Sherry Sullivan** from **Swets/Blackwell** to **H.W. Wilson Co.**

Willem-Jan Hooijmans, Sales Manager of **Nedbook International**, Amsterdam, was a new and welcome addition to Charleston this year. He is not new to the vendor world however, having previously been an extremely capable account executive at **Swets** in Lisse and in Exton, PA.

Joanne and Arlene: There were a lot of other programs, people, events and experiences at Charleston we enjoyed and benefited from, too many to mention. I, **Arlene**, really enjoyed **Steve Johnson's** beer selections at the **Gibbes Museum Conference Social** as usual, as well as **Jack Montgomery** and his group's marvelous music. (I won a copy of his CD — *Onward to Avalon!*) Our final word on this subject is the observation that few library conferences and programs other than Charleston appeal to such a diverse audience as ourselves. It is our strong intention to return repeatedly, and to recommend the conference to our friends and colleagues. 🐼

Best Sellers — Publishing and Library Science

by **Françoise Crowell** (Manager, Collection Development, International Sales Division, YBP Library Services, 999 Maple Street, Contoocook, NH 03229; Phone: 800-258-3774 x.3270; Fax: 603-746-5628) <fcrowell@ybp.com>

What do librarians buy on their nearest and dearest topic: libraries? The list below shows YBP's bestsellers on libraries and publishing for the year 2002. The subjects are as varied as our own jobs. No one topic dominates the field; no one publisher takes the leading role, though the predictable Scarecrow and American Library Association lead in top sellers. Copyright, Censorship, Metadata, Information Retrieval. Hope this list gets you through your work day.

Action Plan For Outcomes Assessment In Your Library. Hernon, Peter. Amer Library Association 2002 \$49.00 Paper 191 P. 0838908136.

Author's Due: Printing and The Prehistory of Copyright. Loewenstein, Joseph, 1952-.

Univ of Chicago Press 2002 \$45.00 Cloth 349 P. 0226490408.

Banned In The U.S.A.: A Reference Guide To Book Censorship In Schools and Public Libraries. Foerster, Herbert N. Greenwood 2002 \$54.95 Cloth 296 P. 0313311668.

Cataloging Nonprint and Internet Resources: A How-To-Do-It Manual for Librarians. Weber, Mary Beth. Neal-Schuman 2002 \$59.95 Paper 379 P. 1555704352.

Cataloging The Web: Metadata, AACR, and MARC 21; Ed. By Wayne Jones. Scarecrow 2002 \$39.50 Paper 199 P. 0810841436.

Censorship of Historical Thought: A World Guide, 1945-2000. Baets, Antoon De, 1955-. Greenwood 2002 \$109.9 Cloth 694 P. 0313311935.

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