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Searching for the Seldom Seen: Sources and Strategies for Acquiring Out-of-Distribution Videos

Gary P. Handman

UC Berkley Library, ghandman@library.berkley.edu

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library and a second work-study student would do a title check as the books were selected for possible purchase. This allowed for a single trip, reduced the amount of labor in writing lists and proved acceptable in eliminating duplicate purchases. On average, ten percent of the selected books were already in our limited collection of 39,000 books. During this year, we found that spending more than \$3,000 at one time tended to make the buying trip tedious. We were enjoying the trips enough that we decided to invite a faculty member to join us.

The Dean from Humanities, a historian, was invited in year two to accompany us to the new **Barnes & Noble** store. We generated a purchase order for \$2,500 at the new super store. The Dean selected more than \$2,500 worth of books, but we found ten percent of them were already owned. In year two, several faculty members and two other deans were invited on five trips. Our planning was minimal and invitations often depended on faculty's being in and around the library at the right time. Late in the year, we invited two members of the English Department to accompany us to the **Tattered Cover** bookstore. The faculty invited an English student to help and brought a list of literature books to purchase. This trip took more time and effort on their part, but both were pleased with what they acquired.

Let the Bookstore's Shelves Speak to the Curriculum

We learned how much of a mistake bringing a list of titles can be when the Dean of the School of Music brought a list of 200 music CDs to **Barnes & Noble**. Denver's **Barnes & Noble (B & N)** store claims to stock 40,000 music CD titles. Our experience of searching for specific CDs was slow, tedious and resulted in less than 20 percent success. Display categories used by **B & N's** music department were confusing and lacked consistency. Instead of spending \$2,000 as we had planned, we purchased less than \$500 in music CDs. Our music faculty was frustrated and felt that the retail CDs were overpriced. After this frustrating experience, we changed our invitations.

We told faculty if they had a title list, give it to the library and we'd use a book jobber or CD supplier to buy the materials. Trips to the super bookstores were to be made specifically without a list. The idea was to "let the store's bookshelves speak to their curriculum." This has had an immediate and lasting positive impact by speeding up the purchasing process and reducing work for faculty. Faculty would come back from the store and say they were pleasantly surprised by the variety of academic books on the shelves. We found that faculty needed to be constantly reminded of the importance of simplicity. Our goal was to keep the trips simple and fun, a time for communicating between librarians and faculty, and most importantly, to buy books.

In its third year, the program has become more formal by design, standardizing the process while losing some of its personal touch. A

memo was sent to six CCU Deans offering to purchase \$5,000 for each school. The idea was not to limit each school to this amount but to turn over the invitation of faculty to the deans. Some deans formed buying committees while others divided the funds by departments in the school. Again, we needed to reinforce the fact that retail purchases were to be simple. Due to faculty feedback, we expanded the stores to include a school of theology and a larger university's bookstore. However, we found that becoming more formal and relying on the Deans actually reduced the number of buying trips in year three. Still, in addition to the offer to each dean, we continued to make special trips with faculty for building specific subject areas. In one such trip, our Chairman of the Art Department purchased \$3,800 worth of books in forty-five minutes!

On the other extreme is a history professor who thinks buying new books is a waste of money. Instead, this faculty member selected three metro used bookstores to visit. We generated a purchase order of \$150 for each store and two stores were visited, with the faculty member eventually returning to one of the stores to purchase an additional \$800 worth from this store. We invited the chairman of the art department to visit the same used bookstore because of the extensive collection of art and architecture books. After his visit, the Art chairman has expressed an interest in shopping at this used bookstore.

Lessons Learned

Our experience is that books acquired from retail stores differ significantly from books supplied by our approval plan. Not surprisingly, the approval books are more academic. Yet, we were surprised by the number of "scholarly monographs" which were on the superstore shelves. Another "truism" surfaced from these efforts. It takes six months for the retail stock to change over to make second trips productive by the same faculty members. Another fact,

you can send faculty by themselves and have them simply pull books and leave them at the "institutional" sales desk for later payment. From the library's perspective, retail purchase trips take time, effort and need library participation in order to maximize the benefit. The library, faculty and students all benefit from this method of buying new books.

Faculty win in this process. First, they can build their part of the collection to augment the courses they are or will be teaching. Next, faculty can observe and examine new books which, if valuable, they can acquire on the spot. Finally, faculty gains a better grasp for which books are in the library.

Students win with the book buying trips. Books which are relevant to what the faculty discuss are in the collection. Students are assured that faculty's recommended books have been purchased.

From a collection development perspective, the library also wins. First, the library is assured of obtaining books that are highly useful to the students. Next, our library does not have the staff to specialize in many subject areas and our faculty can provide some relief for this deficiency. Finally, the library is exhibiting its trust in the choices made by faculty and building strong institutional relationships between the library and faculty. The library receives much praise for working closely with the faculty and the relationships we have formed with faculty and administration due to this program have strengthened the institutional support for the library and its budget. We receive a higher rate of faculty input than previously experienced, and from a purely marketing perspective, we get great PR from this effort. While our budgets are not large, we are experiencing a steady increase in levels of support.

Conclusion

Again, these types of programs are not suitable for all academic libraries, but they do demonstrate that there are opportunities outside the traditional channels for smaller libraries to build their collections, save money, and even build political support on campus.

Searching for the Seldom Seen: Sources and Strategies for Acquiring Out-of-Distribution Videos

by **Gary P. Handman** (Director, Media Resources Center, Film Studies Librarian, UC Berkeley Library, Berkeley, CA 94720-6000; Phone: 510-643-8566; Fax: 510-642-9454) <gchandman@library.berkeley.edu>

Is there anything more omnipresent in the consumer marketplace, more culturally ubiquitous than video? Since their appearance on retail shelves in the mid-70's, home video players have insinuated themselves into well over eighty per cent of American households; the sale of

DVD players has been even more precipitous. The explosion of VCR and DVD sales has both fueled and been fueled by analogous explosions in the quantity of video software on the market, ranging from the sublimely engaging to the su-

continued on page 12

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Searching for the Seldom Seen: from page 43

premely schlocky. The per annum rental and sale of pre-recorded videotape materials and DVDs for home use has soared into the billions of units, and the figures continue to climb.

For acquisition and collection development librarians, the "everywhereness" of video and the vigor of video software and hardware industries can, and often do, provide a false and frustrating illusion of easy, endless access to a robust, ever-expanding universe of materials. It certainly doesn't *seem* as if any of the titles produced in such a new and popular medium should go out of distribution (OD); even when a title does go under, those millions of units sold should make it a fairly simple task to acquire an OD copy *somewhere*. Unfortunately, videos, like their counterparts in the venerable and vulnerable land of print, DO go out of distribution, sometimes with perplexing rapidity. Doubly unfortunate is the fact that for many categories of video, materials that have fallen out of the catalogs or off the trade lists do so forever, and are nearly impossible to acquire after the fall. The reasons for these lamentable facts of life in Videoland will be discussed below.

The Shape and Form of the Video Production/Distribution Universe

Effectively negotiating the perilous straits of video acquisition requires at least a basic un-

derstanding of how the video universe is shaped, how it functions, and why it functions that way. Understanding the reasons that videos go out of distribution and where to look for them once they do requires similar insights. The video marketplace is actually made up of a wildly disparate cluster of separate and unequal parts brokered by radically dissimilar commercial enterprises. Charted to scale this motley market would look as follows:

The highly visible, big numbers/big bucks galaxy shown above and described in the introductory paragraphs, primarily comprises video titles produced and/or distributed for mass-market (home video) audiences. Fea-

ture films—THE MOVIES!—obviously occupy the most substantial and economically lucrative slice of this sector, but the home video market also includes a plethora of popular non-fiction titles, as well: everything from to **A&E Biographies**; to popular how-to and self-help titles, to **PBS** home video offerings. Popular kid vid—from **Sesame Street** to **Nickelodeon**—also occupies a sizeable segment of this mass-market universe.

There are several defining characteristics of the video mass marketplace that are significant in terms of library acquisitions. The price per title tends to be relatively low (in the \$10-\$25 range), reflecting in part the spectacular sales volumes for these materials. Most mass-marketed titles are distributed by a wide variety of vendors, jobbers, retailers, and other sources, including mail order catalogs; madly proliferating Internet sites; 1-800 pitches on TV; magazine promotions; and countless "sell-through" venues, from **K-Mart**, to **Toys R Us** to the local drug store, to specialty retail shops, such as museum stores.

continued on page 44

Searching for the Seldom Seen: from page 43

Because the overriding gravitational force holding together and driving this market sector is sales, many mass-market titles tend to have a surprisingly short shelf-life. This is particularly the case for "special-interest" videos (i.e., anything that is not a feature film). Even a seemingly noble home video enterprise such as PBS will quickly pull a video title from distribution once its effective sales life is perceived to be over, or once complex distribution contracts must be renegotiated with filmmakers and producers.

Nor are classic feature films exempt from this disappearing act. Many important features on video have vanished from view due to the vagaries of studio distribution politics and economics (looking for John Ford's "Cheyenne Autumn" [1964], Busby Berkeley's "Babes on Broadway" [1941], or Rainer Werner Fassbinder's epic "Berlin Alexanderplatz" [1980]? Forget it!). Some of these titles eventually come back from the dead, often in restored or augmented versions. Sometimes, as with Disney films, titles are summarily yanked from distribution for a number of years (put on "moratorium") as part of a calculated effort to inflate long-term market demand, or to help support the film's eventual theatrical re-release.

The only heartening news on the OD features front seems to be that the whirlwind entry of DVD into the consumer market holds some promise for the resuscitation of many previously unobtainable titles. Prospects for finding "previously viewed" videotape copies of OD features are also fairly good. Because of the enormous number of feature copies sold, and the equally enormous popular interest in movies, OD feature films are increasingly obtainable through commercial sources such as **amazon.com**, **eBay**, and vendors that specialize in tracking down OD movies (see www.lib.berkeley.edu/MRC/Distributors.html for a listing of some of these).

There are a number of caveats when it comes to trolling the OD feature waters. **Amazon.com**, in addition to serving up new video and DVD releases in abundance, also serves as a gateway to various individuals and dealers trafficking in OD movies. Similarly, new and rare videos can also be had on **eBay**, the great unwashed Internet flea market (along with desert islands, Elvis memorabilia, and virtually every other fruit of material culture). For library acquisition departments, the one big catch is that both sources require a credit card for purchases—a real showstopper for many institutions. While most OD dealers, including those signed up with **amazon.com**, are largely on the up-and-up, **eBay** is really a *caveat emptor* proposition: illegal and/or poor quality copies abound.

Very infrequently, European features that have gone OD in the U.S. can still be found alive

and well in the European market (although almost always in non-U.S. video formats—PAL or SECAM for video, non-U.S. region formats for DVD).¹ The best bet for checking preliminarily on the availability of popular titles in Europe is to search **amazon UK** (www.amazon.co.uk), **amazon Germany** (www.amazon.de) and **amazon France** (<http://www.amazon.fr>). **Facets** (www.facets.org), the redoubtable Chicago cinemathèque and video distributor, also offers a fairly large list of titles imported from Europe (again, mostly in PAL format video).

It should be mentioned as a doleful aside that many feature films—particularly foreign features—never get the chance to go out of distribution: they are never released on video in the U.S. in the first place. The size of the list of notable features in limbo is truly depressing, from Otto Preminger's "Porgy and Bess" (1959), to Louis Malle's moving "Lacombe Lucien" (1974), to Robert Altman's "Three Women" (1977).

While searching for OD features offers the buyer at least some fighting chance, prospects for obtaining OD copies for other parts of the mass-market video universe—special interest videos and kid vid—are not nearly as bright. Except for blockbuster sellers (which tend not to go out of distribution in the first place), it is exceptionally rare to find OD mass-market special interest titles. There are, nonetheless, several companies, such as **DV&A** (www.distributionvideo.com) that will give searching for them the old college try for you.

Outside of the mass-market materials described above are the flyspeck domains of independently produced and distributed documentary and educational

videos, and videos sponsored, produced, and distributed by institutions, organizations, or associations (the tiny constellations on the right side of the chart on pg.43). "Indie" documentary works belong to a long tradition of provocative, committed filmmaking. But while these works are often highly personal and enormously engaging, they tend to have limited or highly specialized audiences, a function of both their subject matter and their price (generally between \$50 and \$400 per title). Successful sales in this tiny corner of the marketplace are measured in hundreds of units, rather than the millions common to home video feature film sales. Sales or rental of these titles is usually handled by one distributor exclusively (you *certainly* won't find them by ringing up **Baker & Taylor**). Similarly, institutionally sponsored videos are almost always available through one source only, although the cost per title is often considerably lower than independent documentary and educational videos.

Unlike mass-market titles, videos in these

domains tend to stay in distribution for years. Unfortunately, if these videos do go OD, or if, as is not uncommon, the distributor goes out of business, they generally disappear for good (the trade lists of dearly departed **Films Inc.** and **Coronet Films** are lamentable examples). In over twenty years of trying, this author has never been successful in obtaining a single out of distribution copy of a video from this sector of the video marketplace.

The Videographic Run-around

One of the key problems in identifying sources of OD materials is the egregious lack of a reliable videographic apparatus for determining what's currently in distribution. For non-features, at least, there is nothing even vaguely like a **Videos In Print**. Videographic sources that do exist tend to be poorly maintained and unreliable—an indication in part of the small size and anarchic nature of the documentary and educational video production and distribution worlds. Still, there are a number of useful, if imperfect, videographic tools that can be consulted:

- **OCLC/First Search** by virtue of its bibliographic authority and size alone is a good place to start a search for videos by title or subject. But beware! Imprint information in the cataloging record very often reflects the producer, NOT the distributor, of a work.
- **AV-Online**, a large database compiled by the **National Information Center for Educational Media (NICEM)** available on CD-ROM or on the Web (**OVID/SilverPlatter** www.ovid.com), includes distribution sources for educational media on videotape, film, audiocassette, and other formats. It includes listings of many titles no longer in distribution, but does not identify these OD titles as such.
- **The Video Source Book (Gale)**. An annual print guide with listings for more than 130,000 complete program listings, encompassing over 160,000 videos. Like **AV-Online**, the **Video Source Book** contains many entries for long-gone titles without indicating their status.
- **Media Review Digest (Pierian Press)** www.pierianpress.com). Available both in print and online (1989—), MRD includes more than 375,000 reviews for approximately 100,000 media titles, with selectively accurate producer and distributor information.
- **Google**. Occasionally (very occasionally) it is possible to dredge up information on obscure, independently produced video titles by diving into the yawning maw of **Google**. Self-distributing filmmakers are increasingly developing their own Websites as marketing tools, and **Google** isn't half-bad at ferreting these out. **Google** also sporadically turns up links to vendor catalog information for videos handled by independent distributors.

Printed and online information regarding feature films on video is an altogether different and more satisfactory matter. The big business

continued on page 46

Searching for the Seldom Seen: from page 44

nature of the industry means big marketing, and information overload, particularly on the Web. If I were stuck on a desert island populated by video-hungry cineastes, I could probably handle the job of collection development with just two resources (assuming, of course, my island had a T-1 connection to the Internet):

- **FACETS** catalog (www.facets.org) for the best single collection of international cinema on video. A particularly valuable resource for foreign cinema titles.
- **Amazon.com** for impressive access to mainstream Hollywood offerings on tape and DVD, and many international titles as well. It should be noted that **The Internet Movie Database** (www.us.imdb.com), a key online film reference source, links entries for individual feature titles to **amazon** and **amazon Europe**, when the film is available from these sources on video or DVD.
- **Movies Unlimited** catalog (www.moviesunlimited.com). Now a quarter of a century old, Philadelphia-based **Movies Unlimited** offers one of the largest catalogs of features and pop non-fiction for the home market. The printed catalog is enormous (over 800 pages!), and the online catalog is helpful, if somewhat quirky.

Although there are feature niches not completely covered by the above (Third World cinema and Asian cinema, for example), most everything else currently in distribution in the U.S. is.

Learning from the Listserv

One of the most valuable resources for locating hard-to-find videos, both in and out of distribution, is the collective wisdom of informed colleagues. The **American Library Association Video Round Table** sponsors a long-running, online discussion list, **VIDEOLIB**, dedicated to issues related to video collection development and use. **VIDEOLIB** members regularly submit queries related to finding the strange, the obscure, and the missing in action. In a rather remarkable number of cases, promising leads are forthcoming. Information about the list and subscription instructions are posted at <http://www.lib.berkeley.edu/VideoLib/> or contact the author, <gchandman@library.berkeley.edu>.

Out of Distribution — Out of Copyright

Given the ease of copying videotape (and, increasingly, DVDs) and the huge frustrations of not being able to acquire important materials suddenly gone OD, the impulse is naturally to reach for an ILL form or head for the rental store, warm up the VHS or DVD recorder, and grab a blank tape or disc. Whenever the impulse hits, push PAUSE! One thing that is absolutely essential to understand about

OD video materials is that out of distribution does not mean out of copyright. U.S. copyright law considers reproduction of a copyrighted video—duplication in the same format, or from one format to another—as making a derivative of the copyrighted work. Making derivative works is designated by the law as one of the exclusive rights of the copyright owner.² Even when a title has fallen out of distribution, these exclusive rights generally remain in tact. While the duration of copyright varies depending on the production date of the work or its constituent parts, it is fairly safe to assume that, with very few exceptions, the great majority of documentary or feature work currently on video are probably still under copyright.³

The above discussion concerns the question of copying OD materials as an acquisition strategy. What about copying as a preservation strategy?

There is a general sense that making a replacement copy of a physically at-risk or deteriorated OD video title that has been legally acquired is permitted under the conditions of the current copyright law (see Section 108: Limitations on Exclusive Rights: Reproduction by Libraries and Archives www4.law.cornell.edu/uscode/17/108.html). Although this exemption refers specifically to phonorecordings, it has been interpreted by many librarians and lawyers to also extend to videorecording. Furthermore, the **Digital Millennium Copyright Act (1998)** has extended this provision to include making digital copies in some instances.⁴ It is clear, then, that while copying for the purpose of adding “new” OD materials to a collection is not an option, copying to preserve titles already in the collection but on the verge of physical extinction might be.

Conclusion

Over the course of the past thirty years, the universe of pre-recorded video has continued to expand and evolve—a virtual cinematic Big Bang of both feature films and non-fiction films. Like the heavenly cosmos, however, the video universe is not without its stellar casualties. Videos (and even DVDs) go out of distribution with fair regularity for a variety of complex and often mysterious economic reasons. For the librarian involved

in video collection development and acquisition, the process of tracking down these “dark stars” requires a basic understanding of how the video market works. It also takes perseverance, creativity, connection with professional colleagues, and a realistic understanding that, despite best efforts and professional savvy, in the video universe, you simply can’t always get what you want or need.

Endnotes

1. See <http://www.erasofelegance.com/palsmap.html> for a map of international video formats; see <http://www.unik.no/~robert/hifi/dvd/world.html> for a map of international DVD regions.
2. See <http://www.bitlaw.com/source/17usc/101.html> for a definition of “derivative” and <http://www.bitlaw.com/source/17usc/106.html> for a list of exclusive rights.
3. See <http://www.bitlaw.com/copyright/duration.html> for a discussion of copyright duration. There are a number of video distributors that claim to sell public domain videos (see, for example, Festival Films www.fesfilms.com/masters.html). The buyer should be exceptionally wary of such claims.
4. Crews, Kenneth D. 1998. “Copyright and Higher Education: Announcement of Recent Development: New Copyright Legislation Directly Affects Teaching and Research Congress Enacts the Digital Millennium Copyright Act.” <http://www.iupui.edu/~copyinfo/dmcamemo.html>. Crews comments that:

The amendments to Section 108 of the **Copyright Act** offer good and bad news for libraries. First, they clarify and assure that preservation copies of unique or deteriorating works may be made in digital formats; however, the digital version may be used only on the library premises. Second, they allow the library to copy works if the works are currently in formats that have become technologically obsolete. Finally, the amendments address a long-standing controversy in Section 108 by specifying that all copies made by the library under Section 108 must include the formal copyright notice, if available, or a specified statement about the applicability of copyright to the work.

Recommended Reading

- Albitz, Rebecca. 2002. “Video Reference Tools and Selection Aids.” In: **Video Collection Development in Multi-type Libraries: A Handbook**. 2nd edition. Edited by Gary P. Handman, pp: 343-55. Westport, CT: Greenwood Press.
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- Tafari, Narda, Seaberg, Anna, Handman, Gary. **Guide to Out-of-Print Materials**. Association for Library Collections and Technical Services. Forthcoming, 2003.