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International Dateline — German Copyright Developments Worry Publishers

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German Copyright Developments Worry Publishers

Those of us on this side of the pond do not always find the Chronicle of Higher Education very sensitive to developments in Europe and it is interesting that no university libraries in the U.K. had ongoing holdings of the journal last time I looked. However on April 14th there was a fairly sensible article by one Burton Bollag (at http://chronicle.com/free/2003/04/2003041407m.htm) entitled New German Copyright Law Pleases Scholars and Angers Academic Publishers. There is probably some doubt about the claims explicit in the title as far as the reaction of scholars in general is concerned, but Mr. Bollag is certainly right that publishers are upset. The German legal scene does upset publishers. They were upset over developments in German contract law not long ago (when it seemed that authors would have to right to renegotiate contracts). They were also upset by the activities of the State sponsored document delivery service SUBITO (http://www.subito-doc.com/) that is still very much under scrutiny by U.S. publishers—and if you look at their site you can see why.

I have seen a translation of paragraph 52a of the new copyright act, which, under the heading of Communication to the Publie for Tuition and Research, provides for free communication of:

(Published parts of works, of works of small size, as well as individual contributions from newspapers and journals, solely for a distinct circle of persons for their own scientific research; to the extent that communication to the public is necessary for the purpose and justified for the non-commercial ends concerned.

To the lay eye there do seem to be restrictions to the exercise of this right. For those in European publishing circles, keen on preserving the balance that may or may not be inherent...

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in the European Union Copyright Directive (see http://www.alpsp.org.uk/EUDirrff), alarm bells are ringing, because Germany is the first big country to implement the Directive. The U.K. Patent office, charged with drawing up the British implementation, is still hesitating to produce a final draft at the time I write this. It is possible that the German example could well impact on the U.K. and, because we share a very similar legal system, eventually the U.S. understanding of what fair use means in the digital environment.

Small U.K. Non-profits Get Together to Form an Offering to Library Consortia

Many readers of ATG will be familiar with the Association of Learned and Professional Society Publishers (http://www.alpsp.org.uk) and its indefatigable secretary-general Sally Morris. Unlike the Society for Scholarly Publishing (SSP), the ALPSp is a membership organisation representing non-profits, or as we prefer it across the pond, not-for-profits. Mrs. Morris has managed to get together a grouping of those of her members who are too small to manage their own Big Deal to form the ALPSp learned journals collection. This is a rescue bid as to a large extent BioOne could be said to have been there. There is no Allen Press as a white knight. Even SPARC has yet to appear on the scene. Swets Blackwell is the marketing agent and it has offered discounts to enable hosting on its subsidiary, Extenza, to those not yet online. I cannot see this as necessary to many of the publishers likely to come in on the deal.

We do not know yet who these publishers are and how many and which journals will be in the Collection—or rather collections as there will be subdivisions by subject area. However 20 publishers have jointly offered 100 journals and it is the view of Mrs. Morris that seriously more journals may be made available when those who hesitated see that the show is on the road. The pricing model is print based, which will not please everyone, but it must have been very difficult to get any sort of agreement on the nature of the deal and what participants would get out of it.

An informed commentator, the consultant Chris Beckett now trading under the name of Scholarly Information Strategies Ltd, greets the announcement in the UKSG Serials eNews:

If the thousands of small publishers that publish some of the most important journals are to survive as independent entities, then they not only need to be online, they need a route to market. This recent announcement will be welcome news for the ALPSp members and the wider library community.


The amount of support for the older initiative is formidable. Will ALPSp get the same level of take-up?

The British Library is Developing a New Image

Actually the British Library (BL) is changing and has changed, but it is becoming good at projecting this. At the April annual conference of the United Kingdom Serials Group (UKSG), both Lynne Brindley, the CEO, and Natalie Ceaney, who is not called the COO but might be, gave major presentations. For the Powerpoints see http://www.uksg.org.uk/events/previews.aspx. UKSG is the British equivalent of and indeed the forerunner of NASIG and this was the BL in scholarly communication mode. The remit of the BL, as the national library, is much wider (see http://www.bl.uk/about/annual/latest.html) and in the past the BL has distanced itself from the rest of the U.K. library sector including the academic libraries. This distancing has been reinforced, both by the fact that the BL is funded, not out of national education provision but by the Department of Culture Media and Sport (DCMS), but also because the hierarchy at the BL were almost (to a man) resolutely non-academicians. Lynne Brindley has a distinguished academic library career, and she is also something of a pocketbook turned gamekeeper. In the 1990s, she ran the JISC eLib project, the documentation for which seems to have vanished from http://www.jisc.ac.uk, during which the government poured large sums of money into experiments some of which involved alternatives to the BL, for example in the central area of document delivery, where the BL is the biggest international player. In parenthesis, the BL, as Ms. Ceaney explained, spends more collection building than any other library in the world.

Ms. Brindley has, since her appointment, conducted a root and branch evaluation of all areas of BL activity, which is now bearing fruit in some serious new policies. In particular there is a very strong digital strategy based on cooperation. This cooperation includes cooperation with the publishing community, where relations between the BL and the U.K. Publishers Association have been very good over, in particular, the extension of the legal deposit system into the digital world. Currently the big news is the role, apparently chosen for the BL, of a new leadership in projected "U.K. wide strategic framework and coordinated delivery mechanisms for research information provision." This is set out in the report of the so-called Research Support Libraries Group, to my mind a somewhat flawed document, which is available at http://www.rslg.ac.uk/

Lynne Brindley's presentation, in a series of keynotes which also included presentations by Jay Jordan (OCLC) and David Seaman (Digital Library Foundation), was magisterial but it was also concrete and covered digital acquisition, including Web harvesting plans, digital article provision, digital preservation and archiving and digital infrastructure development. The BL works closely with Elsevier (and others) over document delivery and is trying to protect PDF among other options. It was, however, of course hybrid. As the holder of one of the great collections of books and manuscripts from the past, the BL could not be anything else. There were some provocative suggestions (see the "slide" on strawmen) that for the future publisher pricing will be based on fixed price rather than usage, that commercial publishers will absorb more of scholarly publishing, and that the large publishing consortia will dominate the scene. Finally, she spoke about standards, particularly metadata to achieve interoperability—all good buzz words. The most interesting thing is that a lot of what is proposed is actually likely to happen—given funding.

Innovations Affecting Us

XHTML Facilitates the Transition from HTML to XML

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We discussed the eXtensible Markup Language and its benefits in the April, 1999 issue (pp. 86-89, B). We focused on its applications for e-commerce and its relationship with UN/EDIFACT; but its possible applications are much broader because it is designed to be both human-readable and computer-readable.

XML is a subset of the Standard Generalized Markup Language (SGML) (ISO 8879:1986 as amended and corrected). Initially conceived for use on the World Wide Web, XML can be used for any type of electronic publication. While SGML is a text processing standard that describes how a document should be laid out and structured, XML is a dialect of SGML that describes the information content of a document.

SGML didn't catch on very well because it was too complicated and required a steep learning curve that corresponded to high costs. People were also reluctant to incur the expenses of hiring a consultant to implement and manage SGML. Instead, they focused on using the HyperText Markup Language (HTML) which, in its pure form, is an application of SGML with a Document Type Definition (DTD). HTML, as originally conceived, was to be a language for the exchange of scientific and other technical documents, suitable for use by non-docu-continued on page 101

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