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Desperately Seeking Copyright -- Digital Rights Management: It's Not Just About Security Anymore

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and easier to manage than setting up individual static links and easier to keep information up to date. The first thing a librarian should do is to contact the library's information vendors to have them implement their databases. This is a serials management issue. Then, one sets the logic to determine what appears and what doesn't. For example, a librarian may want to specify that if EBSCOhost appears as a source don't show Gale. If the library subscribes to the full text, don't show the ILL form.

When a journal is bought by a new publisher or there's a change of aggregator, one need only make a change in the **Link Resolver** instead of changing the information for each title affected. The librarian can also customize URLs by determining the text and/or the icon displayed with the link, apply filters to control the display of local and global collections, apply additional rules to control the display such as to specify required fields, or hide resources if the full text is available in the library.

Licensing the software and purchasing and managing the **Link Resolver** can be an expensive proposition, typically running four figures minimum. Smaller institutions might want to consider an option like **Openly Informatics** Icate software (<http://www.openly.com/icate/about.html>) where the **Link Resolver** resides at **Openly Informatics** or **EBSCO's LinkSource**, hosted by **EBSCO**. We can also expect to see many information providers offering their own brand of **SFX** technology such as **WilsonLink's SFX**-powered technology.

Having a **Link Resolver** on site allows customizing which resources are available and setting priorities among multiple resources. It gives the librarian maximum control over those available resources and the appearance of the menus and search options. An off-site **Link Resolver** eliminates the costs of buying and maintaining expensive hardware. On-site support staff is not required, reducing the cost of operation and staff time to only a few hours per month. However, the vendor or information provider configures and maintains the server and decides what resources are available. Librarians may have little or no control over what gets offered to their patrons.

OpenURL linking will eventually find its way into every library. Large libraries may opt to license **SFX** or similar software to allow them the greatest flexibility and control over their information resources. Other libraries may rely on **Link Resolvers** hosted by vendors or information providers. Producers of integrated library systems are also building **SFX** capability into their products. **Innovative Interfaces** offers **WebBridge** which can now link to **OCLC's First Search** and **ILLiad Resource Sharing Management** software in addition to all the **OpenURL** resources available to subscribing libraries. **Endeavor Information Systems** plans to integrate **FAST Data Search** into **ENCompass** by mid year and expects **FAST** to eventually replace the search engine for the **Voyager** integrated library system.

Desperately Seeking Copyright — Digital Rights Management: It's Not Just About Security Anymore

by **Edward Collieran** (Director, Publisher Relations, Copyright Clearance Center, Inc.) <ecollieran@copyright.com>

To appropriate a few words from **Mark Twain** — now safely in the public domain — everybody's talking about **digital rights management (DRM)**, but is anyone doing anything about it?

The answer depends on one's understanding of the neologism "digital rights management." This overused phrase may mean different things in different contexts by different people. What we do know is that these ever-evolving licensing solutions are changing the way librarians and content users acquire the rights to reuse copyrighted materials. It's licensing and content at the same time and place, securely. It's automated reprint fulfillment. It's real-time access to the historical data on your permissions orders. It's convenient, quick and customer-friendly. And it's popping up on more and more online publications.

Only a few years ago, **DRM** was often talked about as either a panacea to all of publishing's ills or as the traffic cop on the information superhighway. It is neither, and it never was.

Early **DRM** offerings, especially in non-text media, focused on controlling access. After all, this was something software could theoretically do, and since sales of these products were initially made to publishers, naturally enough their needs and interests were served first. This model has since proven to be inadequate, because users, either as direct consumers of content, or gatekeepers such as librarians, immediately, and appropriately, raised issues with these solutions, such as losing legitimate access to licensed content, "kludge-y" interfaces, inflexible software models, etc. Providers and publishers needed to revise their expectations, and improve their solutions. After all, if users perceive access to a particular publisher's materials too burdensome, they will move on to other information sources, frustrated. This defeats the publisher's purpose, which is generating greater royalties and lawful use of their content.

DRM has since evolved into technologies and applications that facilitate content distribution, access and, where appropriate, payment, primarily for a Web-enabled environment. **DRM** is not just about locking up content. That is a false impression. Purveyors of these solutions have advanced in recent years beyond offering mere lockdown of information through software encryption, and developed their systems into a smorgasbord of viewing and pricing options to fit differing requirements.

While **DRM** solution providers were adjusting their services to address market feedback, Congress was also paying attention to copyright issues involving digital content. An amendment to U.S. copyright law known as the **Digital Millennium Copyright Act (DMCA)**, was enacted in 1998, and while it represented a valiant effort to keep up with the advance of digital technologies, it also left multiple questions about the downloading of music or copyrighted articles unaddressed. In the years since, courts have been kept busy on these issues.

Congress probably had rights management technologies like **DRM** in mind when it passed the **DMCA** in 1998. Certainly some of the language about "copyright management information," "circumvention of technological measures" and "encryption technologies" leads in the direction of enshrining file security techniques and giving the old "lockout" idea the sanction of law. Many librarians and groups representing content users' interests, such as the **Electronic Freedom Foundation**, believe that the **DMCA** went too far in restricting access to information, instead shifting the balance in favor of publishers while leaving unresolved questions about consumers' rights to download and use digital information.

What might the congressional intent have been here, as far as a social policy purpose? Although the **DMCA** has become controversial in the years since its passage, considering that the constitutional purpose of copyright is "to promote the progress of science and useful arts" by securing "for limited times and purposes," arguably Congress in this act was attempting to maintain the balance of interests envisioned at the heart of copyright law.

While debate over the **DMCA** continues, **DRM** technologies are moving forward to attempt to meet the wants and needs of both rightsholders and content users. A breakdown of both groups' expectations follows:

Rightsholders. Either authors directly or through agents and representatives, such as publishers, continue to need and expect:

- Some degree of control over the distribution of their content;
- Often, but not always, a monetary return;
- A mechanism for updating the ownership of the rights; and
- A way of monitoring the integrity of their work when it appears in new venues.

Information Professionals. Need and have a right to expect:

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- Broad availability of premium content;
- Fast and cost-effective ways to redistribute content lawfully;
- Understandable, and, where possible, uniform licensing agreements; and
- Centralized clearance mechanisms.

Are these perspectives on **DRM** really at odds? Arguably not. The publishing game is several centuries old now (at least), and **DRM** is but the latest addition to the ways to get quality content to interested consumers. This technology, as any adjunct to any publishing system, must address the needs on both sides of this relationship.

Successful **DRM** technologies are about providing access tools and license management information—business intelligence about content, if you will. Even aside from the financial transaction, the value of capturing this business intelligence about content lies in publishers and library managers knowing how well the licensed material is performing. For example, it can tell publishers whether they are distributing useful content to their customers. It can also help library managers decide whether or not they are getting good value out of the time and money they invest in licensing certain material. Both sides need to know: “Are we serving

our customers well?”

So what’s on the horizon for such technology that could further benefit information professionals and publishers? “Superdistribution,” a term coined by **Brad Cox**¹ several years ago, envisions continuous reuse of content by users, while maintaining content integrity and rights management information. This is becoming possible, as metadata becomes part and parcel of digital content. Additional superdistribution functions might include: the ability to forward content to additional project participants, possibly prepaying for colleagues. Superdistribution functionality like this will enable content to travel to users who need it, without loss of its commercial value.

Other up and coming **DRM** features, such as persistent usage tracking and event logging (on forward, download, print, etc.) are additional functionalities that will enable publishers to see how well their content is doing. Like record charts and box office numbers, this will help print publishers identify “winning” content, in order to produce more and market better.

These functions will not be in place for all content, nor should they be. Privacy protections, including what author **Julie Cohen**² has called the “right to read anonymously” will also persist.

Similarly, library and information center managers have long sought better, and more standardized, tracking information on the use of content and databases licensed through the library. Such

information enhances the services of the library, and indicates the value the library adds to organizational or project performance. Some examples of this “library manager” functionality could include: the enabling of price formulae for volume (corporate-wide) discounts; the creation of additional licenses on-demand; adjustment of content access levels; and subscription management. Better search functionality will also become a must-have. Finally, usage reports that show cost, usage patterns, popular content and laggards will help inform content decisions. Shortly, then, functionalities such as these will begin to round out the standard **DRM** offering from the library manager’s point-of-view.

Ultimately, the publishing equation is an economic one. The perception of value on both sides must be roughly equal, or at least equitable. **DRM** systems, now and in the near future, should and must provide efficiencies and greater value to both sides in this equation.

Perhaps in a few years, the answer to **Mark Twain**’s question will be: Everybody’s doing something about **DRM!**

Endnotes

1. Brad Cox, *Superdistribution: Objects as Property on the Electronic Frontier* by Brad Cox, (Addison Wesley, 1996).
2. Julie E. Cohen, “A Rights to Read Anonymously: A Closer Look at ‘Copyright Management’ in Cyberspace,” *Connecticut Law Review*, (1996).

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<vspeck@abc-clio.com>, **Katina Strauch** (College of Charleston) <strauchk@earthlink.net> or www.katina.info/conference.

Some tentative topics to be discussed this year are: “Alternative Models of Scholarly Communication/Publishing Alternatives,” “Fair Use in the Electronic Environment: Odyssey or Oxymoron?,” “Improving Communication Between Publishers and Librarians,” “License Agreements: Ten Years Later,” “Problems With the Persistence of the Electronic Article,” “The Library As Place: From the Inside Looking Out and From the Outside Looking In,” “To Boldly Go Where No Librarian Has Gone Before,” and “Update On Project COUNTER.”

Send ideas by June 30, 2003, to any of the Conference Directors listed above.

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