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Exploring the Digital Terrain, Together

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Against the Grain

"Linking Publishers, Vendors and Librarians"

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Exploring the Digital Terrain, Together

by Edward W. Colleran (Director, Publisher Relations, Copyright Clearance Center)
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Let's travel back in time for a moment to 1980 and the first Charleston Conference. It was a year before the invention of the IBM-PC and a decade prior to the introduction of the World Wide Web. So, for the twenty inaugural conference participants, digital challenges and solutions were not on the agenda. Now, twenty-three years later, technology and its implications are among the chief concerns of the more than 600 librarians, publishers, and other content professionals. Despite the differences between then and now, the essence of the Charleston Conference — and its value to those who attend — has remained constant.

The same is true for the copyright topics that we address in this edition of Against the Grain. Many of them arise from the digital technology that has transformed the way we access information; many of them took us by surprise. Yet, when we look beneath the surface, we see that the fundamentals have not changed since the debate on copyright compliance originated centuries ago. And chances are, they will continue to challenge us for decades to come.

Regardless of the format that content takes, we will always endeavor to strike the right balance between the rights of authors and publishers and the need for easy access to information. We will explore ways to reward innovation and creativity without stifling the future that depends on those very same innovations. Even when we agree on the parameters of copyright protection, we will continue to seek to apply them fairly and consistently.

The contributors to this edition don’t presume to know all of the answers to these questions. But, in the spirit of the Charleston Conference, we offer our insights on different aspects of today’s electronic terrain. Eric Slater, Esq., Manager, Copyright, Publications Division of the American Chemical Society, reminds us that content in any form is still content, and, therefore, the basic principles of copyright law apply. He also debunks many of the more common misconceptions (hint: information on the Internet is not “free”) and highlights court cases on copyright compliance.

Next, Bill Rosenblatt, President of GiantSteps Media Technology Strategies and Publisher of DRM Watch newsletters, provides an update on digital rights management (DRM), which has been hyped for its applications in the music and movie industries. Less publicized, but perhaps of greater interest to our audience, is DRM’s impact on publishing and the capabilities that could be a boon to research libraries.

If Rumors Were Horses

We told you about the Everett’s/Blackwell’s deal in the September issue. We sent questions to Dan <dan.calloran@blackwell.com> and Colin <colin.harrison@everett.co.uk> for reply. This interview was not able to make it in this issue by press time, but it will be in the December/January issue of ATG. Stay tuned.

Did you see the posting in LibLicense? There’s an interview with Mary Ann Liebert <MLiebert@liebertpub.com>, the dynamo, and Tom Mulak, no slouch himself, from Serials Review. The interview is posted at www.liebertpub.com/about.asp and, guess what, on page 141, the Charleston Conference is mentioned in a forum for keeping on top of things in the publishing arena. Hooyah! www.liebertpub.com/about.asp

And, I can’t resist. Against the Grain interviewed Mary Ann Liebert back in June of 1995, #53, pp.33-36 and she spoke at the Charleston Conference that same year!

Well, sounds like several of us were in Oxford his summer at the Fiesole Retreat and otherwise. Look for Tom Leenhardt’s Lost in Austin, in an upcoming issue. Also, while in Oxford, I ran into several of my other favorite people. Lisa Nachtigal <lnachtigal@oup.com> (Oxford University Press) and Rebecca Seger from OUP as well. These are two bam-zowie women!

Speaking of bam-zowie women, can you believe it? Nancy Stanley <rms2@psulias.psu.edu> is retiring at the end of the first quarter of 2004 and, so, this will be her very last Charleston Conference! Nancy says besides travel and family, she is going to do some preservation work at a local public library and perhaps, working through HABITAT, learn to be a carpenter or any other kind of endeavor that takes her away from the PC. Anyway, she is going to have a blast! Don’t forget us, Nancy!

Gale and Google have signed an agreement that will allow users of select products on Gale’s InfoTrac Web platform to link to the Google Image Search service while searching within the databases. In addition, to ensure that inappropriate

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Copyright Issues & Principles in the Digital Environment

by Eric S. Slater, Esq. (Manager, Copyright, Publications Division, American Chemical Society) <slater@acs.org>

As you are likely aware, copyright issues in the burgeoning digital environment have not been easy to navigate. Users and owners of copyrighted works have experienced what can be a complex process in using or protecting works. Fundamentally, the rule is that the basic principles of copyright law apply, no matter the content format — print, electronic or whatever may come in the future.

This article touches on the issues I face in the digital environment as a manager of copyright for a non-profit, Scientific, Technical and Medical publisher: principles you can employ when dealing with these issues; and lists recent court cases and copyright legislation.

The Internet is Not a “Free for All”

Some general misconceptions about copyrighting and the Internet include “it’s on the net, it’s free,” or “if there’s no copyright notice, it must be in the public domain,” or, “photographs of old artwork are in the public domain, therefore it’s not necessary to obtain copyright permission.” These statements couldn’t be further from the truth.

Under United States Copyright Law, copyright extends to works of original authorship posted on the Internet because it is fixed in a tangible medium of expression. Essentially, copyright protection automatically attaches to electronic documents, just as it does to print. It is, however, recommended that a copyright notice be placed along with documents, advising a particular material is copyrighted. Registering with the US Copyright Office, while not mandatory, is suggested because it affords greater protection to the copyright owner.

The statement concerning photographs of old artwork can be tricky. While old artwork itself is considered public domain and would...