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Exploring the Digital Terrain, Together

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Against the Grain

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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 copy-

right 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.

continued on page 18

If Rumors Were Horses

We told you about the **Everett's/Blackwell's** in the September issue. We sent questions to **Dan** <dan.halloran@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 p.141, the **Charleston Conference** is mentioned in a forum for keeping on top of things in the publishing arena. Hooray! www.liebertpub.com/about.asp

And, I can't resist. *Against the Grain* interviewed **Mary Ann Liebert** back in June of 1995, #7#3, pp.33-36 and she spoke at the **Charleston Conference** that same year!

Well, sounds like several of us were in Oxford this summer at the **Fiesole Retreat** and otherwise.

Look for **Tom Leonhardt's Lost in Austin**, in an upcoming issue. Also, while in Oxford, I ran into several of my other favorite people. **Lisa Nachtigall** <lisa.nachtigall@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** <nms2@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

continued on page 6

What To Look For In This Issue:

Using Technology to Increase Collaboration	74
Book Pricing Update	82
OCLC, Trademarks, and The Library Hotel	84
The eBook Prospectus: 2004	86
Hyperbolic Browsers: From GUI to KUI	95
CHAOS — Standards Column	99
Profiles Encouraged	
JoAnne Kelley	56
Thomas Gallina	56
John McDonald	56
Interviews	
Andrejs Alferovs	40
Victor Navasky	46
Michael Cooper	54

1043-2094 (200311) 15:5:1-8

Rumors from page 16

grates e-reference books in an easy-to-use database interface. To be released in October 2003, **Gale Virtual Reference LibrarySM** will offer libraries the opportunity to select from an initial collection of more than 50 reference sources — encyclopedias, almanacs, and series — to create a customized, completely integrated online information service. www.gale.com/ebooks

Meanwhile, back at the print ranch, I am looking forward to reading the latest **Nicholas Basbanes** <Nabasbanes@aol.com> book, *A Splendor of Letters: The Permanence of Books in an Impermanent World*, HarperCollins, 464 pp., December 2003. ISBN 0-06-008287-9. Starred review in *Kirkus Reviews* September 15, 2003. Remember when he spoke in Charleston several years ago?

I tell you what. **Norm Desmarais** <normd@providence.edu> is something else. Besides keeping up with innovations (see **Hyperbolic Browsers: From GUI to KUI**, this issue, p.95), he recently participated in the reenactment of the **Battle of Rhode Island** (25th anniversary commemoration). The battle was fought as a running battle over 3/4 of a mile. Norm's group kept ambushing the Crown forces as they advanced from field to field. What can I say? I'm speechless.

Did you read **Mark Funk's** and **Barbara Schader's** <bschader@library.ucla.edu> article in the September *ATG* on "Simultaneous Users vs. FTE Pricing Model — Stairway to Heaven or Jail House Blues?" yet **Barbara** will be in

Charleston for the **Conference** and presenting a paper. FYI, recently, there was discussion on **Liblicense** about usage-based pricing and its perhaps negative implications for research intensive universities.

Communication Abstracts, published by **SAGE Publications**, is now available on the **Internet Database Service (IDS)** from **CSA (Cambridge Scientific Abstracts)**. The IDS platform is the only online service offering the complete **Communication Abstracts** database. **Communication Abstracts**, edited by **Tom Gordon** at **Temple University**, is a comprehensive source of information about communication-related publications on a world-wide scale. www.csa.com

I tell you, **computers are wonderful**, there's no getting around it, BUT, boy, can they be a pain sometimes. For example, downloading and printing *ATG* image files has gotten so much more complicated in the online world than it ever was in the print world. Accordingly, this caught my eye. **ScholarOne, Inc.** has announced that it will integrate **DigitalExpertTM**, the digital image preflighting tool from **The Sheridan Group**, with **Manuscript CentralTM**, the application for online submission, review, and tracking of scholarly content, with more than 425 systems. **DigitalExpert** checks whether image files meet print specifications. If a file does not pass inspection, the system creates a report with detailed suggestions for improving the image. Because **DigitalExpert** will be accessible from within the **Manuscript Central** user interface, **ScholarOne's** customers will not need to download any software or be required to upload additional files to preflight images. **ScholarOne,**

Inc. based in Charlottesville, Virginia, provides comprehensive workflow management systems for scholarly journals, books, and conferences. www.ScholarOne.com

It is very rare for a week to pass without someone wanting to have access to a paper that was given in Charleston at one of the **Conferences**. The **Charleston Conference Proceedings** for 2001 and 2002 — both edited by **Rosann Bazirjian** and **Vicky Speck** — are available from **Greenwood Press**. The 2000 Proceedings are available from yours truly. www.info.greenwood.com

Alexander Street Press has announced the expansion of its business and the creation of a new marketing department. **Jennifer Heffelfinger** has joined the company as Manager of Marketing and Public Relations. A graduate of Medieval Studies from the **University of Victoria** in Canada, Jennifer brings a deep passion for the humanities to the position, as well as nearly ten years of marketing and public relations experience in the academic and educational worlds. Jennifer is also the founder of **Thomas Press**, a scholarly publisher in the fields of history, history in art, literature, religion, and social sciences. <http://alexanderstreet.com>.

Was talking to **Steve Johnson** <johnsos@CLEMSON.EDU> — the fantastic — the other day. As usual, **Steve** is doing yeoman's work in **Charleston** at the **Conference** helping out with the beer and wine tasting. He was telling me that he just got back from **NASIG** where he climbed **Mt. Hood**.

Speaking of refreshments, time to take a break. See you in **Charleston**. — Yr. Ed.

Exploring the Digital Terrain... from page 1

Laura Gasaway, Director of the Law Library and Professor of Law at the University of North Carolina, discusses the effects of copyright term extension and offers her suggestions for ways to ameliorate potential problems. **Bryan M. Carson**, Coordinator of Reference and Instructional Services, Librarian for Philosophy, Religion, & Russian/Eastern European Studies, Western Kentucky University Libraries, then tackles the Technology, Education and Copyright Harmonization (TEACH) Act, highlighting how the Fair Use provision and the Public Performance exception, in particular, positively impact distance learning. Finally, I offer my views on the status of copyright on campus, the impact of digitization, and the valuable role of the college librarian.

We share our perspectives with hopes of advancing the discussion at a time when the subject of copyright is so timely, relevant and visible. Although our opinions may differ, we are in agreement in several key areas: the need to keep abreast of new developments; our excitement at being able to witness and participate in the current copyright debate and the outcome; and our invitation for you to join us in that endeavor.

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

"if 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. Even if there's no copyright notice, it is protected. 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 mandated, 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

continued on page 20