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Biz of Acq -- Changes In Workflow Caused By Changes In Technology

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Lithographing Co., 188 U.S. 239, 251 (1903).

Mattel argued that context be ignored, but “in parody, as in news reporting, context is everything.” 510 U.S. at 588.

Mattel marketed Barbie as “the ideal American woman” and a “symbol of American girlhood.” *Mattel v. MCA Records, Inc.*, 296 F.3d 894, 898 (9th Cir. 2002). The little plastic va-va-voom just reeks of excitement, wealth, beauty and glamour.

Tom flips this image by making her oblivious to domestic dangers and putting her in lascivious sexual poses. And thus made his thundering critique of the harm Barbie does to gender roles in our society. Parody is found in this “joinder of reference and ridicule.” *Campbell*, 510 U.S. at 583.

Market Effect

What if everyone made ditzzy Perils-of-Pauline Barbies? Or “widespread and unrestricted” porno Barbies? *Id.* At 590. The less the adverse effect on the copyright owner, the better for the parodist’s claim of fair use sanctuary. *Dr. Seuss*, 109 F.3d at 1403.

Well, of course, parents won’t rush out and buy Barbie with her head in an oven in place of our culturally esteemed Miss B and stud-muffin Ken. Not to mention “Kira,” “Skipper,” and “Teresa” none of whom have yet to be plunged into a blender anyhow. And how could Barbie

in a fondue pot possibly substitute for “Splash Cycle” Barbie riding on her three-wheeled amphib or the greatly coveted “Barbie Dream House,” a battery-powered Victorian doll mansion?

Mattel carped about the impairment of Barbie’s value. But this factor does not consider the possibility that the criticism could be so devastating that folks would begin to shun Barbie and its market value would drastically plunge.

In an interesting parallel case, muse-inspired **Susanne Pitt** dressed Barbies in sadomasochistic outfits and sold them as “Dungeon Dolls.” The S.D.N.Y. court held these cunning little creatures to be both sufficiently transformative and the market harm improbable. The only market invaded was the “adult” doll market, and **Mattel** was certainly not going into that field. *Mattel, Inc. v. Pitt*, 229 F. Supp. 2d 315, 321-22 (S.D.N.Y. 2002).

Now Disney on the other hand ...

And our Ninth Circuit held this wonderful flowering of artistry and social criticism in “Malted Barbie” just too great for mere words to describe.

Well, What About Trademark Then?

The Lanham Act’s limited protection is merely to “avoid confusion in the marketplace.” We can’t have that avid Barbie collector being duped into thinking “Malted Barbie” is a genuine **Mattel** product.

But Barbie’s role in our dare we call it “culture” is an integral part of our vocabulary, a sig-

nifier beyond its identifying purpose on the **Mattel** doll.

Rogers v. Grimaldi, 875 F.2d 994, 999 (2d Cir. 1989) gives us one of those annoying balancing tests between public interest in avoiding consumer confusion and public interest in free expression. Under the *Rogers* test, artistic works do not infringe unless the title “has no artistic relevance to the underlying work whatsoever ...

What would that be? Garbage pail Barbie with no doll in the tableau? Just a bucket of debris?

... or, if it has some artistic relevance, unless the title explicitly misleads as to the source or the content of the world.” *Id.*

The Ninth Cir. found **Tom’s** use of the Barbie mark relevant to the work, and that the photo titles did not explicitly mislead a consumer into thinking **Mattel** had produced these grotesqueries.

Okay, Let’s Try Trade Dress.

The Lanham Act, 15 U.S.C. § 1125 covers trade dress. This involves “the total image of a product and may include features such as size, shape, color or color combination, texture, graphics, or even particular sales techniques.” *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 765 n.1 (1992).

Well, he, of course, did use a Barbie doll with that unattainable figure. But just as in trademark, Barbie holds an icon status that just cries out for parody and social commentary, and there is no likelihood the public will think “Barbie Enchiladas” a **Mattel** product.

Biz of Acq — Changes In Workflow Caused By Changes In Technology

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Column Editor’s Note: *Migrating to a new integrated library system makes it necessary to reorganize technical services work processes. Carla Beasley describes a workflow study in a public library Materials Department following a system migration. Results of the study made it clear that revising the workflow and reallocating staff hours would increase the department’s efficiency and reduce duplication of effort. — AF*

The workflow in our Materials Department was moving like an inchworm — bunching up in one area, suddenly flattening out in another. And like the inchworm, the pace was slowing to a crawl.

A recent online system migration from **Classic Dynix** to **Horizon** had changed daily routines. Workflow patterns that each staff mem-

ber had known so well were no longer getting the job done. In a department responsible for all collection functions, including acquisitions, cataloging, processing, collection development/selection, and interlibrary loan for the system, materials had to move quickly and efficiently.

In the seven years that **Forsyth County Public Library** has been an independent system, change has become a way of life. Rapid population growth has brought heavy circulation and increased demand on our library resources. Growth also necessitated upgrading and expanding technology. In one six month period, our department saw major technology changes.

1. We became full cataloging members in **OCLC** in late 2001. This greatly expedited acquiring records for new items.
2. We migrated from **Classic Dynix** to

Dynix Horizon in January 2002.

This resulted in numerous acquisitions changes in the way selections, orders and invoices were recorded and processed.

At the time of the **Horizon** migration, the Materials Department consisted of the following staff:

Acquisitions: a supervisor and two acquisitions assistants

Collection Development: two full-time librarians

Cataloging: one full-time cataloging librarian, one full-time copy cataloger

Processing: one full-time materials processor

Interlibrary Loan: one 20-hour specialist, one 18-hour aide to handle shipping and receiving.

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The pre-**Horizon** staff structure had worked well. New ma-

terials moved in a smooth progression from selection to acquisitions to cataloging to processing, with ILL orders handled separately. Work flowed as efficiently and predictably as in a hive, with new materials moving like bees from station to station and out to the library branches.

But the post-**Horizon** technology changes created workflow nightmares. We found ourselves moving in fits and spurts — too many items waiting in one area, not enough to do in another. After trying to “band aid” the existing structure, we finally recognized that staff time had to be reallocated. However, neither staff position levels nor the number of staff hours allotted per person could change. We had to work within the existing constraints but reassign work duties.

What Did We Do?

We began with a time study. We had a good idea where the “bottle-necks” in the department workflow were just by looking at where most of the carts of books were sitting — in Acquisitions. But we needed objective data for making specific workflow changes.

In 1999 we had done a similar study in preparation for opening a new library branch, which had required hiring temporary materials staff. This study would give us data for comparison, although the department had been smaller and workflow was simpler. Revising the guidelines from the 1999 study, we set up our 2002 study.

Our first task was to devise a worksheet on which to record time and results. Since there were so many different tasks to time, we kept the worksheet general. Recorded on the worksheet were the staff member's name, the task performed, the number of items handled, and the time required. The worksheet is shown to the right.

Each staff member in the department was given several worksheets. One worksheet was to be used for each unique step in handling new materials. Each time a staff member began a new process, or handled items in a different **Horizon** screen, she started a new worksheet. Unpacking new books, balancing invoices, marking selections in professional journals, entering selection data, downloading catalog records, searching ILL requests, and printing spine labels were a few of the tasks studied.

Each staff member chose three different work periods when she handled a “batch” of items (i.e., more than ten items) for the designated task. The work periods could be recorded on the same day or different days. The staff member noted the time she began the activity and the time she finished, computing how many minutes were worked in that period. She counted how many items were processed, then divided the total time by the number of items to obtain an average number of minutes worked per item for that session. After all three sessions were completed, she recorded an overall average from the three individual batches.

Staff had two weeks to complete all worksheets. Then, supervisors tallied the worksheets to obtain an overall average for each department work group (acquisitions, cataloging, etc.).

Comparing the 2002 results to the 1999 study, we found the following changes:

Time for all acquisitions tasks had *doubled*. In 1999, it had taken an average of seven minutes for one item to be selected, ordered, unpacked, received, and invoiced. In 2002, it was taking almost fourteen minutes to move through the process.

For interlibrary loan tasks, the time to handle each item had not changed significantly (an average of fifteen minutes per item), but we knew from monthly reports that ILL staff were handling twice as many requests.

Copy cataloging time was about the same for an individual item (an average of four minutes), and because of **OCLC** availability, most records were now copy cataloged. Original cataloging, which could require up to 40 minutes, was done less frequently than in 1999. Therefore, catalogers showed an overall decrease in time required for a batch of items.

The fourth department work group, processing, showed little change, about four minutes for simple items, with more time required for media formats. Outsourcing some of the processing had helped to balance the time spent working with different formats.

WORKSHEET FOR TASK-TIMING

NAME	_____	
TASK	_____	
DATE #1	_____	
Number of items	_____	
Total time	_____	Item avg _____
Comments	_____ _____	
DATE #2	_____	
Number of items	_____	
Total time	_____	Item avg _____
Comments	_____ _____	
DATE #3	_____	
Number of items	_____	
Total time	_____	Item avg _____
Comments	_____ _____	
Overall avg	_____	

What Conclusions Did We Reach?

Obviously, more staff hours were needed for acquisitions tasks. Interlibrary Loan staff needed additional help, too. The cataloging staff was reaping the rewards of **OCLC** membership and might have time to spare.

What Changes Did We Make?

We looked for duplication of effort. The time study not only gave us average times, but a comprehensive list of steps each staff member took in completing the overall process. In comparing lists, we found that both the Acquisitions Selection Assistant and the ILL Specialist entered **MARC** records into the online catalog through their respective **Horizon** modules.

To reduce duplication, we changed the order in which tasks were performed between Acquisitions and Cataloging and between ILL and Cataloging.

In Acquisitions, we began giving the Cataloging Assistant the list of items to be ordered before they were entered as selections into **Horizon**. After the Cataloging Assistant downloaded the **MARC** records, Acquisitions staff entered selections, linking them to the new bibliographic records. In **Classic Dynix**, the reverse of this flow worked better: Acquisitions staff entered new records, and then catalogers overlaid these short records when items arrived. We had continued this process with **Horizon** but were finding that it could not work the same way.

With the **MARC** records downloaded first, the bibliographic record filled in most of the selection record, saving much manual data-entry time for Acquisitions staff. Time needed for the task was no different for the Cataloging Assistant, whether she downloaded the records before or after Acquisitions orders were created.

In ILL, we began sending the ILL requests to Cataloging first. The Cataloging Assistant entered the bibliographic records before the ILL Specialist processed loan requests and holds. As in Acquisitions, this saved the ILL staff data entry time.

Another area of duplication we found was that two staff members were handling unpacking activities. An Acquisitions assistant unpacked new arrivals to be invoiced. The ILL Aide was unpacking and shipping ILL items. Both jobs required similar skills.

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We decided to have the ILL Aide handle all unpacking under the supervision of the Acquisitions Supervisor, who took charge of all shipping and receiving. The aide also helped with routine clerical jobs, such as filing, which benefited the acquisitions group.

To further assist the ILL Specialist, the Cataloging Assistant took on other ILL tasks, in addition to adding and deleting ILL catalog records. The Cataloging Assistant position was at the same pay level as the ILL Specialist, and both staff members were familiar with OCLC databases. The Cataloging Assistant was willing to do this, and she and the ILL Specialist worked out a suitable division of labor.

Today, materials are moving more smoothly through the department. The time study showed us where time was needed and where it was available. Cleaning up duplication of effort has improved efficiency. The inchworm “humps” are decreasing as staff members get used to the new work patterns. We have realigned our workflow to match the tasks that have to be done, and we have stayed within the existing structure of the department. We can almost hear humming again, like bees around a hive.

Books Are Us

by **Anne Robichaux** (Professor Emerita, Medical University of South Carolina) <awkr772@charleston.net>

Column Editor's Note: *This column covers fictitious accounts of people in our industry — librarians, publishers, vendors, booksellers, etc. — people like us. All contributions, comments, suggestions are welcome. — AR*

The UNC School of Library and Information Science list-serv mentioned a delightful Website, *Library Career Romances* (www.jenw.org/home.htm) featuring career romance or career girl novels published during the 1940's - 1960's. Its author, **Jen Wolfe**, developed the site in part for the M.L.I.S degree (**University of Washington**). Most of the titles in this genre explore the more common place, female dominated professions of those years, including — you guessed it — library science. The site features thirteen examples of these novels, often written by librarian authors, starring heroines “who find love amidst the glamour of card catalogs, microfilm readers, and bookmobiles.” There are descriptive, often humorous quotes from each title, plus a depiction of the cover art. **Jen** writes: “Though formulaic, dated, and varying in quality...the novels help document the evolving image of librarians in popular culture.” She finds underlying the varying heroines’ plights and entanglements that a true love of libraries and librarianship shines through. The site features a bibliography with links and sources, including **Grant Burn's Librarians in Fiction**. **Jen** sent an email that she has more books to add, so we have another source to view how librarians are depicted in fiction!

One of my friends from water aerobics, a retired librarian, told me about *The Cruellest Month* by **Ha-**

zel Holt (St. Martin's Press, 1991, ISBN 0-312-05840-3), a murder mystery set in the Bodleian Library of Oxford University.

This book is one of a series of *Sheila Malory* mysteries, and includes wonderful descriptions of the Bodleian as well as of modern Oxford and war-time England. Two of the characters in the novel are librarians, one being the murder victim, and one who finds the body.

The librarian who finds the body is Tony, the son of a college chum of Mrs. Malory, as well as her godson. He is described as being very good at his job, “conscientious, reliable, and meticulous.” Devoted to the Bodleian, sometimes called the Bodley, he always seemed to come alive there. He's also described as quiet, withdrawn, shy, sweet, and possessing a nice nature. As the story progresses we learn that his fiancé is a young staff member in the library. When Mrs. Malory's son (a student at Oxford) learns this, he exclaims that he can't imagine finding a bride at the Bodleian as the women there “all frighten me to death” giving the reader a fleeting image of stern and unapproachable librarians.

The murder victim, Gwen Richmond, was a retired librarian, a spinster over 70, who returned to the Bodleian to work on the catalogue of a special collection. She called herself an “itinerant cataloguer.” She

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