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ILL=Illuminating Lessons Learned?

by **Christa Easton** (Head of Acquisitions, Stanford University Libraries, Stanford, CA 94305-6004; Phone: 650-723-7907; Fax: 650-723-4775) <ceaston@stanford.edu>

people profile

BORN & LIVED: Born: Midland, Texas. Lived: Midland and Houston, Texas; rural and Ann Arbor, Michigan; San Francisco Bay Area.

EARLY LIFE: I was the 8 going on 80 type. I attribute this to being allowed to watch *I, Claudius* when I was a child. I was also a total couch potato, which surprises people who know me now.

FAMILY: Mother, **Charlene Brinker**; Sister, **Lael Easton**; Brother-in-law, **Ted Askwith**.

EDUCATION: AB (Anthropology) and MILS, **University of Michigan**.

FIRST JOB: Sewing safety pins on the back of nametags at piece rate (employer, my mother). First faintly lucrative paid employment was as a waitress at the **Osceola Inn** in Reed City, MI. It's left me with a real appreciation for servers and a generous tipper. My first library job was at the **South Quad Residence Hall Library** at the **University of Michigan**. I'm still in touch with my boss from that job, **Cass Hartnett**, who's now a documents librarian at **University of Washington**.

PROFESSIONAL CAREER AND ACTIVITIES: Serials Librarian, **University of Houston**, 1992-1997.

A series of jobs culminating in Head of Acquisitions, **Stanford University Libraries**, 1997-.

Past Member-at-Large of North American Serials Interest Group (NASIG) and many years of program planning for the group. Current Member-at-Large of the ALCTS Acquisitions Section.

IN MY SPARE TIME I LIKE TO: Hike, eat, knit, putter around. Devoted exerciser who's proud to have worked out 315 days in 2003 (good record-keeping is basic to being a librarian).

FAVORITE BOOKS: *My Losing Season* **Pat Conroy**; *Bridget Jones's Diary* and *Bridget Jones: The Edge of Reason* **Helen Fielding**.

PET PEEVES/WHAT MAKES ME MAD: People who clip their nails on the train. Rude cell phone users. And, since I'm a Texan, people who go slow in the left lane.

PHILOSOPHY: [People] are disturbed not by things that happen, but by their opinion of the things that happen. - Epictetus (see pet peeves, above)

MOST MEANINGFUL CAREER ACHIEVEMENT: Converting **Stanford University Libraries'** serials control from 3x5 cards to online. This included sixteen months of software development with **Reggie Wallen** of **Stanford's Law Library** and **Jane Grawemeyer** at **Sirsi**. Three and a half years later we're catching lapsed titles, doing selective automated claiming, and displaying MARC holdings that our patrons actually use.

GOAL I HOPE TO ACHIEVE FIVE YEARS FROM NOW: Articulate and implement a meaningful role for acquisitions departments, staff, and values in the digital environment.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: I see two paradoxical trends—a consolidated vendor industry, but a more heterogeneous publisher industry as e-publishing tools allow more entrants into the field. End-user driven publishing, such as **BEPress** (<http://www.bepress.com/>) and/or open archiving will have some traction, but the tenure system will prevent radical change in scholarly publishing models. As the profession grays, the lack of new entry-level positions in serials and acquisitions in the past decade will make filling jobs difficult.

ILL as a model for digital acquisitions

As the head of acquisitions at a large research library, part of my role is to set the department's strategic direction in light of its mission to acquire and make accessible the material necessary to support the University's research mission. A dominant question at this time is the role that the department will play in the development and population of **Stanford's Digital Repository (SDR)**.

I enter this consideration with a department whose mission is broadened beyond acquiring materials with the addition of traditional cataloging functions such as cataloging and database maintenance. The lines between acquisitions and cataloging have blurred due to workflow reengineering,¹ but insight into cataloging has improved the work of acquisitions. Increased awareness of series improves our pre-order searching, creating **MARC** holdings for multi-volume sets has helped us work with the **MARC** holdings generated by check-in, and the standards of cataloging have whetted our appetite for acquisitions standards.

As acquisitions has learned from cataloging, the nature and context of interlibrary loan point out several areas for consideration in the future of acquisition of digital resources. My consideration of ILL's lessons for acquisitions are based on the literature of ILL, rather than on any one library's practice. My discussion does not include the acquisition of commercial digital works that are available under pre-existing license, but instead focuses on materials made available under copyright, and often only in print.

Lesson 1—The “copy” in copyright

Acquisitions functions are rarely concerned with copyright since the majority of our purchases are of physical objects and governed by the doctrine of first sale. While we purchase these physical objects for their copyright-protected content, “transfer of the physical copy does not include transfer of the copyright to the work.”² Copyright appears as an issue only occasionally when we request microfilm reproductions or when we search to determine if a book is available on the market before creating a replacement copy for our collection.

As we acquire materials for the digital repository, copyright will be a concern in almost every case since inclusion in the repository implies reproduction, a right of the copyholder. It is simpler to list the cases where copyright will not be an issue—works in the public domain by default, such as government documents; work which is not copyrightable (perhaps because it is purely factual); and work for which rights are clearly ceded, perhaps through **Creative Commons**.³ For all other works to be added to the **SDR**, library staff must determine if a given work is still under copyright and then take steps to ensure copyright compliance, as well as the often daunting task of locating the work itself.

In cases where a physical object is lent, ILL relies on the first sale doctrine in the same way acquisitions does, as the physical object is loaned. Because ILL is often accomplished through making a copy which is forwarded to the borrower, it is based on a more nuanced view of copyright than acquisitions has been in the past. Copying a work for a patron is expressly permitted under Section 108(d) of Title 17.⁴ The broad outlines of the US Code have been supplemented by more specific guidelines of the **National Commission on New Technological Uses of Copyrighted Works (CONTU)**. These guidelines include suggested limits on borrowing from a single journal and record keeping practice to ensure these limits are not broken, and point to the two remaining lessons of ILL for digital acquisitions.

Lesson 2—In certain circumstances, it is actually better to ask permission than forgiveness

Once the **CONTU** “suggestion of five” is reached, a library has some options it can select from to ensure it remains in the **CONTU** “safe zone.” These are: purchasing a physical version of the title; finding another version of the work that is not under copyright; obtaining it through a document delivery service that pays royalties to the copyright holder; or seeking permission directly from the copyright holder or via the **Copyright Clearance Center**.⁵

Placing copyrighted works into a digital repository immediately triggers some of the same issues as making multiple copies from a single journal. Copying a work for the digital repository may be a low risk if the library can show that the copy was

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made for preservation reasons. Along with preservation, the point of placing works in the repository will generally be to make them available to our patrons. Without physical transfer and the first sale doctrine, making a work available via a network (including the Internet) can be construed as distribution—one of the rights of the copyright holder. Clearly, acquisition for a digital repository will involve seeking permissions and perhaps the payment of royalties. My department spent several years in the latter half of the 1990's working as partners with our vendors to create an outsourced acquisitions-to-ac-

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of digital collection development, have become part of our continuing efforts. We have acquired and developed more automated scanning technologies that have dramatically increased the volume of digital surrogates we create from our print collections. But among the first projects undertaken in our high-volume scanning operation was a collection of "top-circulating" titles from our print collection in the public domain—a democratically selected collection that is being digitized for open access, just as the **dd-ILL** collection was. The principle delivery format, at least for the time being, is still the page-image-plus-hidden-text flavor of PDF. And although we have moved somewhat away from simple direct access on a Web server to more sophisticated delivery environments, even here we continue to emphasize the importing of links to the digital surrogate from the print title's catalog record as the primary discovery tool.

Stanford's **dd-ILL** program was a brief but important effort to combine innovative ILL services with innovative collection development principles—particularly for digital collection development. We are proud of the popularity of the service, of the populism of the collection it created, and of its lasting impact on our expanding digital collection efforts.

Endnotes

1. Contrary to our expectations, we discovered, both through occasional problem reports and via an end-of-project questionnaire, that a significant portion of our patrons did, in fact, print out the books we had scanned.
2. The choice of file format has important long-term implications for the digital collection development aspect of this project: PDF has, as a proprietary and evolving file specification, had known longevity and obsolescence issues. Still, certainly over the course of the **dd-ILL** project and since its end, the files we've created have remained readable in current versions of Adobe Acrobat. We hope that Adobe continues in its course of backward compatibility. But for preservation purposes, we scanned at minimal best-practices resolutions, and archived all original tiff files. We believe that the creation and retention of both file formats has allowed us to serve both short- and long-term access needs.

cess flow for monographs.⁶ In the case of permissions, ILL's lesson to acquisitions is that existing services such as **Ingenta** and the **CCC** are in place and have permissions and royalties flows that may be adapted and applied to the work of clearing copyright for works that will be placed in the repository.

Lesson 3—When blazing a trail, it can be important to leave one, as well

Acquisitions departments are familiar with the responsibility of maintaining an audit trail in which expenditures can be tracked back to receipt and an order by an authorized person. In general, integrated library systems (ILS's) and campus financial systems are configured so that necessary audit elements are created as part of routine work. **CONTU** guidelines create a need for a detailed audit trail for ILL, one that goes well beyond bibliographic and expenditure information, in order to monitor the "suggestion of five." At a minimum, **Nixon** suggests that:

...to comply with the guidelines, a library would have to keep track of the date of a request, the requesting patron's name and institutional affiliation, and distinguishing information on the article and serial or monograph being copied from."⁷

Acquisition of copyrighted material for a digital repository will require a number of data elements not currently included in ILS records. These include: determination of copyright status, copyright holder(s), attempts to obtain permission, and permissions obtained. Permissions obtained may be particularly complex, for example a library may have permission to digitize copyrighted information in a manuscript collection but to distribute it only after time has passed or to certain people. Ideally, many of these data would be recorded in semantic fields so that determinations about access by patrons could be made automatically, rather than looked up and determined by human intervention. Existing ILL software, along with standards initiatives such as the **Digital Library Federation's Electronic Resource Management Initiative**,⁸ can provide a point of departure for libraries and software vendors in this effort.

Signposts by the roadside, or don't reinvent the wheel

The creation of digital repositories will require acquisitions departments to develop new processes to meet institutional needs. Acquisitions, along with ILL, is a high-production environment, and acquisitions managers and staff are skilled in developing and implementing work flows which ensure consistent handling and outcomes. With the need to add digital works to library collections, acquisitions departments are challenged to include a new attention to intellectual property and particularly copyright issues. This attention to copyright as part of a high-production, service-oriented flow, has been built into ILL departments, making them a useful case study for acquisitions managers to consider as they prepare for increased engagement in digital acquisitions.

Endnotes

1. *Stanford University Libraries Redesign Report* at <http://www.sul.stanford.edu/depts/ts/about/redesign/report/index.html>. Accessed January 18, 2004.
2. *Copyright Tutorial* at <http://www.lib.ncsu.edu/cc/tutorial/basics2a.html>. Accessed January 18, 2004.
3. Creative Commons licenses allow the creator of a work to permit others to copy and distribute his or her work on certain conditions. Sample licenses are available at <http://creativecommons.org/licenses/>. Accessed January 18, 2004.
4. *US Code Collection*, Chapter 17, Title 1 at <http://www4.law.cornell.edu/uscode/17/108.html>. Accessed January 18, 2004.
5. Nixon, Donna. "Copyright and Interlibrary Loan Rights." *Journal of Interlibrary Loan, Document Delivery & Information Supply*. Vol. 13(3) 2003.
6. "Schematic Redesign for Monographs" in *Stanford University Libraries Redesign Report* (<http://www.sul.stanford.edu/depts/ts/about/redesign/report/sect7.html>). Accessed January 18, 2004.
7. Nixon, 64.
8. *DLF Electronic Resource Management Initiative* at <http://www.diglib.org/standards/dlferm02.htm>. Accessed January 18, 2004.

Acquisitions and Interlibrary Loan Together: Good Marriage or Will George W. Bush Object?

by Joe Badics (Acquisitions Librarian at Eastern Michigan University)

Eastern Michigan University is a comprehensive institution with slightly less than 20,000 FTE students. It plans to soon offer its third doctorate program. The library has over 750,000 volumes, with over 3000 paper periodical subscriptions and access to thousands of others electronically. We purchase over 16,000 monographs each year. During 2003 we initiated approximately 2100 borrowing requests while receiving almost 8500 lending requests.

The staff members of the Circulation Depart-

ment at the library performed all interlibrary loan duties for many years. In September 2000 the borrowing function was transferred to the Acquisitions Department to ease the load on the Circulation staff. We decided to implement the **ILLiad** software in January 2003, and the lending component was transferred to the Acquisitions Department since we were successfully handling the borrowing end, and splitting a commonly traditional library department was causing some confusion.

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