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Drinking From the Firehose -- It's Never Too Late: 10 New Year's Resolutions to Suggest to Publishers of E-journals

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Libraries, the Association of American Publishers, and the Association of American University Presses in order to convey their common understanding of copyright's basic meaning and practical significance for the higher education community.

After an Introduction and a statement on the importance and purpose of copyright, the booklet is divided into two parts: "Copyright Basics," and "Institutional Policy Issues."

"Copyright Basics" is a short primer on the aspects of copyright law likely to be of most concern to faculty, students, and librarians, from the definition of copyright and its ownership, duration, and transfer, to the various exceptions and limitations that may apply in higher education, like fair use, distance education, first sale, the library exemptions, and so forth. "Institutional Policy Issues" then addresses the requirements of the **TEACH Act** and the service-provider liability limitations, and then discusses the main hot-button issues a policy should address: faculty ownership of copyrights, fair use and the classroom guidelines, coursepacks, and e-reserves.

I was the **AAUP** representative on the working group that developed the document (the other members were **John Vaughn, AAU, Duane Webster and Mary Case, ARL, and Allan Adler, AAP**; we also had the expert assistance of **Laura Gasaway, well-known to this audience, and Bruce Joseph, Wiley Rein and Fielding, LLP**). So I'm in no position to try to review the booklet; maybe some other **ATG** contributor will. I hope you'll take a look at it.

I would like to tell you a little about the process we went through in order to create "Copyright R&R," as we came to call it among ourselves, because the process taught me a great deal. The earliest draft I have on my computer is dated July 7, 2000; the pamphlet was published in December, 2005. The mills of the gods grind slowly, they say, but they do grind exceedingly fine. Over those five-and-a-half years we met 2-3 times a year, five hours a meeting, in a conference room at **AAU's** offices in Washington. At each meeting we would review a draft document written to capture what we had discussed, argued over, and — most of the time — agreed about at the last meeting to see if we still agreed with it or wanted to argue some more. Only when we had finished that process did we inch forward into new territory, but always with the understanding that exploring the new territory might raise new questions about matters we thought we had settled and require us to revisit them.

This is a familiar process in trying to deal carefully with complex issues; sometimes a step forward is just a step forward, and sometimes it's really two steps back in order to clarify something incompletely understood the last time. Progress isn't made in tidy, measurable increments. It's iterative, but each itera-

tion covers more and more ground. The basic rule for this process, as I've heard it described in another context, is that nothing is decided until everything is decided. That apparent paradox is deeply pragmatic: it's impossible to understand details without a sense of the whole, but it's equally impossible to grasp the whole without working through the details. It's slow, and sometimes tedious, and always messy, but if you stay with it, it works.

I'm now involved in another set of discussions attempting to find common ground among copyright stakeholders — the **Section 108 Study Group**, charged by the **Office of Strategic Initiatives at the Library of Congress** with making recommendations to the **Register of Copyrights** for how **Section 108** might be changed in order to function effectively in the digital age. Almost all the meetings of the **Group** have been for two days, and we've had six of them so far, with four more scheduled. We've also had two days of public roundtables, one in Los Angeles on March 8 and the other in Washington, DC, on March 16, and there will probably be more held in the fall.

The **Study Group** is relatively large and diverse. The nineteen of us come from publishing, libraries, films, music, museums, journal archives, software, and photography, and the conversation, though limited to just one three-page section of the copyright statute, is correspondingly difficult and complex. Some areas of agreement have emerged, though; for one thing, we're all agreed that the purpose of **Section 108**, to allow libraries and archives to preserve and provide access to our written cultural heritage, is important and should be facilitated. How best to accomplish that worthy

end in ways that recognize the rights of all the stakeholders, though, is the question.

We're just a little more than halfway through our review of **Section 108** now, and although I feel reasonably confident that we will be making some recommendations to the **Register** it's impossible to predict what they will be because of the process: nothing is decided until everything is decided.

I wish there could be more of these difficult conversations about copyright. We all enjoy talking to people we agree with; I certainly do. But we may learn more from trying to understand how and why others disagree with us, and in the process they may learn more from us.

I don't mean to be naïve about this; even where there's disagreement, no conversation progresses without a basic level of reciprocal trust and belief in each other's good faith, and they aren't always there. We've all had the experience of trying to talk to someone who couldn't hear any point of view but his own. But in general, librarians and scholarly publishers already have a lot in common, and I think it would be worthwhile to recognize how much those common aims translate into common ground on copyright. If we start there, then perhaps we can make some headway on the copyright issues that do seem to divide us.

You can download "Campus Copyright Rights and Responsibilities" from the **AAUP Website** at www.aaupnet.org/aboutup/issues/Campus_Copyright.pdf, and information about the **Section 108 Study Group** and its work is on the **Library of Congress Website** at www.loc.gov/section108.

Drinking From the Firehose — It's Never Too Late: 10 New Year's Resolutions to Suggest to Publishers of E-journals

by **Eleanor I. Cook** (Serials Coordinator & Professor, Belk Library, Appalachian State University, ASU Box 32026, Boone, NC 28608-2026; Phone: 828-262-2786; Fax: 828-262-2773) <cookei@appstate.edu>

In this column I would like to suggest some New Year's resolutions for publishers of e-journals. If I hadn't been so busy linking up new e-journals I could have written this column in time for the **ATG** issue that came out in January, hence making the New Year's Resolution theme a bit timelier. But

what the heck, it's never too late to make a resolution to improve something, right?

So here are my top 10 New Year's resolutions for publishers of e-journals:

1. Send/post/display lists of titles in true alphabetical order. This seems like a no-

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in all kinds of *not* alpha order. I recently received a spreadsheet of titles from a large publisher and the list was in order by some code that I never would ever use. The result was a list in "semi" alpha order but just not enough to be very irritating. It was easy enough to re-sort the list for my personal preference, but why on earth would they send it this way? There are several major e-journal publishers who have had trouble with initial articles. That is, filing titles under "The." Didn't we solve this problem years ago? And one of them amazingly explained this failing this way: Well, we are trying to accommodate our non-English speaking clients. So does that mean that we too should coddle our English-speaking audience and use initial articles in other languages to confuse things? I think not. That excuse was a cop-out. Thankfully, this publisher must have realized how silly this practice was, and doesn't do this anymore — if nothing else, such a practice is insulting. We still find subscription vendors who sort later words in a title in a somewhat loose fashion — for example, "Journal of the" and "Journal for the" may not sort perfectly, since their systems may drop all the words between "Journal" and then skip to the next major word. Serials people are used to this but frankly, if everyone would simply let the machine do the work and stop interfering with the order, we would really appreciate it!

2. Put your licenses on a diet. Twelve page licenses are ridiculous and you know it! Stop already! Please fire a couple of the lawyers and hire a couple of serials catalogers instead. The funny thing about these licenses is that the piracy publishers fear is never (or hardly ever) going to be at the hands of librarians, rather, it will be from sources not covered by the license. Pirates don't care about the license restrictions and librarians will mostly bend over backwards to comply. We are way too rule-bound and honest to try to rip you off (see Resolution #1). There are continuing rumblings to change the license landscape and I am all for it — licensing is one of the biggest wastes of time in this environment — keep it simple and you will find more libraries signing up, and being happy about it!

3. Title changes matter. Even if you choose to put all the titles of a historical run on the same Web page, you need to acknowledge title changes. Please. Use OCLC or some bibliographic entity to document these — we didn't catalog all these titles for nothing, you know. The information is there — please use it. There was a survey done recently by **Andrew Shoyer (UCLA)** canvassing catalogers to see if they thought that going back to "Latest Entry" cataloging for serials was feasible. "Latest Entry" means documenting all the title changes on one bibliographic record and "Successive Entry" means breaking each title into separate records. With AACR2, most of us went with "Successive Entry" and that's what most libraries are using today. But with e-journals, "Latest Entry" is looking good again. Maybe we'll do it — who knows. But in the meantime, we just want publishers to understand the concept.

4. If you sell the title to another publisher, we need to know — before the fact, not after the fact. This is really a big problem. We find e-journal titles all the time that stop working and end abruptly with no information about where the title has moved. You know who you sold the title to, so please tell us and give us someone to contact. Communication in this area needs vast improvement.

5. Give us (OUR) detailed coverage information up front and easy to find. We are often provided spreadsheets that tell us the year that our coverage starts, but then we have to go dig to find the exact volume and number. Please give us the detailed information in an easy to find place. This is especially necessary when the title changes in the middle of a volume (see #3). I had one publisher's customer service person tell me, "Oh, your coverage starts pretty much always in 1996." I pointed out to her that wasn't the least bit true,

brainer, but again and again I receive or view lists of e-journal titles

and she admitted as much, without having a clue as to why this was a problem! Of course, there is also the little problem of when coverage changes, and of course, no one bothers to report this to us ...

6. Don't overly complicate URLs. There is an editor of a certain journal devoted to kinesiology that required us to change the year of publication embedded in the URL every January. This was his way of controlling his subscription renewals! I am happy to report that he now understands why this is a problem for us. Publishers: Yours is NOT the only journal we are managing, and your universe is not the only one we care about.

7. Work with subscription agents. Subscription agents have been a tremendous aid in helping us manage our e-journal subscriptions. They can make sense of the mess you often make, and their billing systems work with our library accounting units. Don't cut them out of the loop!

8. Don't tie us to historical print subscription lists.

Many of our e-journal packages are somehow tied to the print subscriptions we used to receive. In many cases, these are the titles for which we actually get billed — with everything else "thrown in" for good measure. It is probably time to stop this practice, as it simply makes no sense. After a couple of years of online-only usage data is collected, we should be able to build lists of online journals that are most relevant to our library without having to shoulder the burden of maintaining links to other journals that are never, or rarely used. Which leads to #9 ...

9. Give us consistent, logical use statistics. This is a topic we could discuss in a whole separate column, and it continues to be discussed everywhere. More and more, these statistics are going to be critical to our decisions about which journals we need to continue to subscribe, since the day will come, probably sooner rather than later, that we must face the hard cold truth that we can't continue to subscribe to all of the titles that come in some of these humongous packages.

10. Be open to new pricing models. See #8. Also, we know that some publishers prefer working with consortia, while others are loathe to dealing with them. Regardless, we want fair, uncomplicated pricing models. This is another one of those topics that deserves far more discussion than I have time to devote here.

Now that I have all this off my chest, I feel a lot better. To be fair, there are a number of publishers who should receive kudos for either getting it right the first time or

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2006 Conference is **Unintended Consequences** (thanks to **Bob Molyneux** <drdata@molyneux.com>). Visit our Website and see what's happening so far, www.katina.info/conference. And see this issue, p.8.

And speaking of **Dr. Data** above, guess who came to visit the other day? An ex-student and protege of **Dr. Data** himself, **Michael Cook** <mnc2@cornell.edu>. Besides singing the **Dr's** praises, **Michael** was looking over the **College of Charleston Library's Computing Facility** for ideas. **Michael** was vacationing on Folly Beach with his wife and two little girls. The weather was beautiful if a little cold for a swim. Anyway, it's been a few years since **Michael** left collection development for Coordinator, Public Computing at **Cornell**, but he is getting ready to turn in a proposal for the **2006 Charleston Conference**. You can do the same! Send in your ideas to <beth_bernhardt@uncg.edu> or <kstrauch@comcast.net>.

Come on down! And, in the meantime, happy spring. 🌱

IT'S TRUE!!!!

ATG FICTION CONTEST— \$250 prize *How many of you are working on the Great American Novel, Short Stories, Poetry?*

Here's your chance to get into print and reach thousands of readers starved for fiction that tells the story of libraries and librarians, publishing and bookselling, but we're open to any original works—your imagination is the limit.

A fiction page will become a regular feature of **ATG** after this contest, so sharpen your pencils and tell us your story.

Submission lengths, generally, should be 1,000 to 2,500 words. Deadline for entries is October 15, 2006.

ATG LAUNCHING NEW FICTION PAGE

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at least for having vastly improved their e-journal management and/or access. Since the "Worst Serial Title Change of the Year" Committee has been disbanded, perhaps instead we should be giving prizes (both complimen-

Something To Think About? — Where Are the Shelves?

Column Editor: **Mary E. (Tinker) Massey** (Serials Librarian, Embry-Riddle Aeronautical University, Jack R. Hunt Library)
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Shelf, Shelves, Shelving, Shelver, Shelves! Anyway you look at it means a home to so many periodicals. As I prowled the journal stacks yesterday, I suddenly noticed how few shelves we have available for shifting. That means the big "W" word will have to be brought to realization. You got it, "weeding!" So many times we are forced to do weeding by virtue of the no shelf syndrome. Our library does not, as a rule, actually bind our periodicals in the general stacks. They are housed in pamphlet boxes that sometimes take up more space than we would like. For instance, there are some title changes or ceases that have very few issues housed in their boxes, perhaps one to five, so that space is occupied or lost, whatever your philosophical persuasion. Sometimes we have actually procured microfilm to cover that period and gotten rid of the issues themselves. It appears that we are having a giant influx of new titles in the **ACS**, **ASME** and **IEEE** sections. There is nowhere to go but the weeding process now. I have tried to envision more shelving, a dream, because there is no more floor space. Sometimes I get greedy and try to encourage administrators to usurp the student study space, but alas, they are dedicated to the teaching aspect of the institution. The shelves have already maximized the unit space as much as possible, because the boxes are as small/short as we can make them.

I shudder at this summer's weeding project, but a modernistic display of "floating" shelves is just not possible, even though we have a "soaring" plane in that position near the journals. We will try to replace as many older issues with microfilm, since we have some bright new cabinets for that purpose. Then, we will evaluate the circulation records of the other titles, and perhaps delete some titles that are not being used anymore. That

will probably be very few. We will also evaluate the online access to full text for these titles. Not just full text, but those that also include diagrams, tables, charts and photographs. That will be a necessary pain, because there are some online sources that only give you the actual text (words). Do we have perpetual access to the full text? Do we have these articles available 24/7? Since our campus consists of three arenas which cover the entire world, it is impossible to accept one time zone of 8-5 access as a replacement for the real print issues. Having a very lively ILL section that supplies over a 140 small corners of learning around the world, we have to keep pace and places open for all the information.

Do I dare think about Plexiglas shelving? Pull out shelving, so we stack double? Chipping away at the concrete block to insert shelves? No, I think we have to actually remove some of the old to make way for the new. Perhaps we can remove some of the old browsing journals and make new rules to keep only the latest ten years or so. That would make a lot of room fast. Perhaps we can begin to build shelving on the moon. Mars is too far for adequate retrieval, but we could do some fairly good turn around time for the moon, if **NASA** will help. They are just down the road, and I'm sure they wouldn't mind a little payload difference. Hmm, that would be something to think about?

Keep posted as we move closer to the summer. We might have some new alternatives for you. In the meantime, perhaps you would like to send me suggestions for the weeding? Did I mention I was a packrat? That does hamper my lifestyle. Decisions? Always decisions! We'll talk about the journals next time and how they fit the library's personality. Deciding the titles you will keep and why. 🌱

tary and booby) to publishers for their either fabulously easy to navigate or impossible to work with e-journal systems. Hmmm, maybe this should be my next column!

I supposed I should also invite a publisher representative to guest write a column here on top ten complaints about librarians. I suspect we drive them crazy with all our quirky

demands, bizarre consortia arrangements, slow payment systems, etc. Yes, I am sure they could tell some tales on us librarians too. 🌱

Thanks to **John Abbott** and **Beth Bernhardt** for their feedback on the creation of this column. — **EC**