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The Importance of Intellectual Property Licensing in 21st Century Libraries

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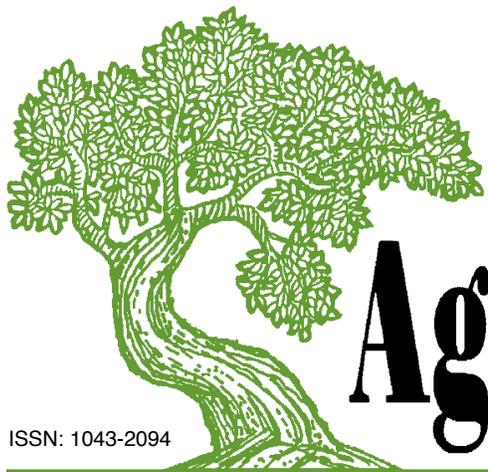
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Against the Grain

“Linking Publishers, Vendors and Librarians”

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The Importance of Intellectual Property Licensing in 21st Century Libraries

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Licensing and intellectual property are increasingly important. Gone are the days when licensing was for lawyers, when trademark and copyright were for specialists, and intellectual property was far away from our lives. Today’s generation of librarians spend large chunks of time working on issues related to intellectual property and licenses. It affects our daily work life, from copyright clearance for reserves to database license agreements, and from streaming audio to trademarks. Libraries are not only users of intellectual property but also creators, and it is not unheard of for a librarian to start the

day as a database licensee and finish it as a database producer.

This special issue of *Against the Grain* deals with licensing from the perspective of libraries. In “Licensing in an Electronic World: A Word of Advice,” **Kara Phillips** writes a letter to her younger self, based on the best-selling book *What I Know Now: Letters to My Younger Self*.² **Kara** discusses how the role of librarians as users of intellectual property has changed over time. She explains licensing concepts that librarians need to know and points out things that she wished she knew at the start of her career.

In the article “Streaming Audio and Licensing: What Libraries Need to Know,” **Scott DeLeve** points out some of the benefits and pitfalls of the new online multimedia world. He explains how rules intended to apply to online broadcasting can also apply to podcasting and streaming audio. **Scott** discusses the *Sound Recording Act* and its descendant, the *Digital Performance Rights in Sound Recordings Act of 1995 (DPRSA)*, which were originally

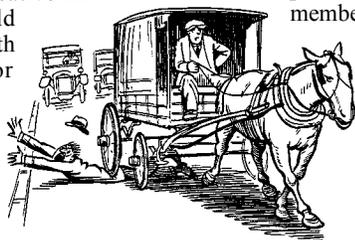


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If Rumors Were Horses

Several big news items this month.

Haworth Press, Inc., will be acquired by **Taylor & Francis**. According to **Haworth’s** Publisher & Editor-in-Chief, **Bill Cohen**: “Discussions with **Taylor & Francis** began modestly with **Christoph Chesher**, in relation to possible book distribution in the UK and Europe. ... Before long, we were talking about ‘Why not include the journals?’ and then the synergies became apparent. Exciting and productive meetings with **Roger Horton**, Chief Executive, and **Kevin Bradley**, President, of **Taylor & Francis**, ensued. ... One factor, in our view, that was in order to grow, **Haworth** needed a consistently creative Internet platform that could compete successfully with other platforms of major houses. **Informaworld** at **Taylor & Francis** was most attractive in this sense. It is a resplendent hosting service, interweaving core journals



along with eBooks, abstract databases, and reference works of historic importance. The stability of a prodigious international publishing house also adds an important dimension in regard to digital permanency. For **Haworth Press** authors and journal editors, the opportunities for increased access to libraries through consortia deals and stronger journal packages foreshadow increased impact, usage, and both subscription and intellectual growth. This is a magnificent development for them.” **Haworth Press** was one of the first publishers to utilize in-house print-on-demand technology for books and journals. While **Haworth** works primarily with academic/professional membership associations and institutions, only one of its 194 journals is society owned. See our interview, this issue, p.40.

<http://www.haworthpress.com/store/AnnounceNews-Display.asp?recnum>

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Silverback Books, Inc. has selected **IPS (Ingram Publisher Services, Inc.)** for exclusive distribution support effective August 27, 2007. IPS provides publishers with distribution support, and sales and marketing services as well. **Silverback Books** publishes books featuring a youthful, lively approach to food, cooking, lifestyle, and wellness topics. **Silverback Books** offers a custom publishing service to interested clients. **Silverback Books** began as a niche publisher and self-distributor of cookbooks in 2000. In July of 2006, **Silverback** acquired **Fitway Publishing**, with titles in the following categories: Architecture and Design, Biographies, and Passions. **Silverback Books** is a privately owned company and is based in San Francisco, California, with a backlist of more than 200 titles.

www.ingrambook.com

Just heard from **Caroline Jenkins** <cajenkins@mail.colgate.edu> that **Colgate University** is dedicating the school's brand-new, state-of-the-art library with a series of lectures, tours, and other activities on campus Oct. 5. The **Case Library and Geyer Center for Information Technology**, as it is called, features a 24-hour study area, audio and video recording studios, a multimedia production suite, classrooms and meeting spaces, additional entranceways, expanded public computing, the high-tech library automated storage and retrieval (LASR) system, and Colgate's complete library collections and services, among other things. It also, for the first time, houses the library and ITS teams together under one roof.

www.colgate.edu

The fantastic **Herman A. Pabbruwe** (CEO) sends word that **Brill's** revenue grew during the first six months by 5% and reached €11 million. Increases in Costs of Goods Sold and Costs for selling and distribution were off-

set by a decrease in other operating expenses. As a result EBITDA increased by 7% from a year ago. A favorable development of the tax burden resulted in an increase of profit by 22%. The number of (certificates of) shares grew by 2.5% as a result of stock dividend. Fully diluted EPS grew by 19% to €0.42. Cash flow showed a favorable trend as working capital increased only modestly. During the first half of this year no major investments have been made. In July Brill closed on the acquisition of publishing assets from **Koninklijke Van Gorcum BV** and a swap of journals was negotiated with **Sage UK** early in the second half of the year. **Brill** maintains its outlook as published earlier this year; provided that no unexpected circumstances develop, revenue will continue to increase. **Brill** maintains its earlier outlook of a 10% increase of profit for the year. This outlook is in line with **Brill's** strategic goals. Founded in 1683 in Leiden, the Netherlands, **Brill** is an international academic publisher in the fields of Ancient Near East and Egypt; Middle East and Islamic Studies; Asian Studies (incl. Hotei imprint); Classical Studies; Medieval and Early Modern Studies; Biblical and Religious Studies; Social Sciences; Biology; Science (VSP imprint); Human Rights and Public International Law (Nijhoff imprint). With offices in Leiden and Boston (MA), Brill publishes more than 100 journals and around 600 new books and reference works each year.

www.brill.nl/

Copyright Clearance Center (CCC)'s Rightsphere, the rights advisory and management service, has been named a **Trend-Setting Product of the Year** by **KMWorld** magazine. The award, announced in the September issue, recognizes innovative products that have had the most impact on the knowledge management industry over the past year. Introduced in 2006, **Rightsphere's** rights repository enables knowledge managers to organize and manage all of their company's content usage rights in a single location. A growing list of corporations, including **Novartis, Astra Zeneca, Boeing** and **Eli Lilly**, have purchased

and implemented **Rightsphere** across their organizations. **KMWorld** covers Content, Document and Knowledge Management and informs more than 50,000 subscribers about the components and processes and subsequent success stories that together offer solutions for improving business performance.

www.copyright.com

Well, word is that **Emerald Group Publishing** is expanding and has just recruited four new members of staff for the Americas team as **Customer Marketing Executives** to support their Regional Business Managers across the USA. **David Birkinshaw** will be supporting **Anne-Marie Freeman** in Canada and the Western States, **Nazish Saleem** will be working with **Sue Holley** in the Mid-Western States, **Mark Palfreeman** is working with **Richard Burkitt**, covering the East Coast of America, and **Emma Williams** will be working with **Louise Walsh** and **Andrew Allan** in Latin America and the Caribbean. And word is that ALL of them will be on the **SpiritLine Boat Cruise** in Charleston on Friday, November 9. Gosh! The cruise is filling up fast! Make your reservations!

And, speaking of **Charleston**, hotels are filling up and registrations are flying in. Have you sent yours in yet? The full (tentative) program is loaded at www.katina.info/conference

The Institute of Museum and Library Services (IMLS) has made an award of \$499,702 to **The Wolfsonian-Florida International University** to plan and co-host the **2008 and 2009 WebWise Conferences on Libraries and Museums in the Digital World**. **The Florida Center for Library Automation (FCLA)**, which serves Florida's institutions of higher education, is also a partner. Each year the **WebWise Conference** brings together approximately 350 representatives of museums, libraries, archives, information and systems science, and other fields interested in the future of high-quality online content for inquiry and education. The annual conference

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adopted for broadcasting. **Scott** also explains how the **Digital Millennium Copyright Act (DMCA)** has been applied to the world of online broadcast media.

Jane M. Larrington tackles the **DMCA** in her article "Impact of the Digital Millennium Copyright Act on Libraries and Library Users." She discusses digital material, digital rights management, and the anti-circumvention provisions of the **DMCA** in the context of Fair Use, section 108 library exceptions, and section 110 education exceptions. **Jane** also provides an overview of the **Commission on New Technological Uses of Copyrighted Works (CONTU)** guidelines.

And finally, I have a word to say about electronic reserves, copyright law, and licens-

ing. Libraries and publishers are currently at loggerheads over the issue of e-reserves, with the **American Library Association** saying the practice is legal and the **Association of American Publishers** maintaining that copyright law is being violated. I'll explain the legal background of academic library reserves, explain the ill-fated **Conference on Fair Use (CONFU)** guidelines, and discuss the role that licensing agreements can play in alleviating this dispute.

There is no doubt that the world has changed, and that our new online information brings unique challenges. However, there are also unique opportunities available in our new digital world. Knowledge of copyright and licensing will help librarians understand and control these changes and to shape them to meet the needs of our libraries and our users. 🌱

Endnotes

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2. **Ellyn Spragins, ed.**, *What I Know Now: Letters to My Younger Self* (New York: Broadway Books, 2006).