

April 2010

Biz of Acq -- Video Streaming Services at Indiana University Bloomington

Jo McClamroch

Indiana University, jmclamr@indiana.edu

Monique Threatt

Indiana University, mthreatt@indiana.edu

Michelle Flinchbaugh

University of Maryland Baltimore County, flinchba@umbc.edu

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Recommended Citation

McClamroch, Jo; Threatt, Monique; and Flinchbaugh, Michelle (2010) "Biz of Acq -- Video Streaming Services at Indiana University Bloomington," *Against the Grain*: Vol. 22: Iss. 2, Article 26.

DOI: <https://doi.org/10.7771/2380-176X.5515>

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QUESTION: *What are the copyright rules for downloadable books?*

ANSWER: It is more likely that the downloading of eBooks is governed by a license agreement (contract) than just by copyright law. Copyright certainly applies, but a license agreement most likely covers issues such as access, reproduction, distribution, display, etc.

QUESTION: *When a for-profit company files for approval from the Federal Drug Administration, either for a new drug or medical device, the company must provide copies of all articles and other literature, along with the filing. Now, in Europe, there is a Medical Device directive, MEDDEV.2.7.1 Rev.3 – Guidelines on Medical Devices, that requires all manufacturers who want to sell product in European Union countries to provide a clinical evaluation of their product. Part of the evaluation is a literature search, along with copies of the articles and other materials that support their evaluation. Must copyright royalties be paid for these copies provided in response to a government directive?*

ANSWER: If the company has a Copyright Clearance Center annual copyright license (often called a blanket license), the librarian can provide copies of these articles to accompany federal and international filings without concern. If the company does not have a CCC license, then it should look at its various license agreements for full-text journals to see if this activity is covered by the license agreement. Otherwise, royalties should be paid.

QUESTION: *A librarian with curatorial responsibilities for a university library music collection is making an educational/promotional film about one of the collection's donors, a classical musician of note. As a member a performance group, the donor made many classical music recordings on the Philips label, and the librarian wants to obtain permission from Philips Records to use part of one track from one of these recordings in the film. The film is part of the fund-raising efforts to support the collection.*

ANSWER: Assuming that the music on the recording is under copyright, the right the librarian is seeking is called the synchronization or "synch" right which involves the use of a recording of a musical work in audiovisual form such as in a film. It is called the synchronization right because the music is "synchronized," or recorded in timed relation with the visual images. The music publisher synch rights are licensed by the music publisher (the publisher of the sheet music) and not the recording company. Sound recordings do not have public performance rights, and the synch right is a part of the right of public performance. 🌿

Biz of Acq — Video Streaming Services at Indiana University Bloomington

by **Jo McClamroch** (Librarian for Electronic Resource Acquisitions, Indiana University, Wells Library E350, 1320 E. 10th Street, Bloomington, IN 47405-3907; Phone: 812-855-8097; Fax: 812-855-3072) <jmclclmr@indiana.edu>

and **Monique Threatt** (Media Librarian, Head Media and Reserve Services, Indiana University, Wells Library E044, 1320 E. 10th Street, Bloomington, IN 47405-3907; Phone: 812-855-1650) <mthreatt@indiana.edu>

Column Editor: **Michelle Flinchbaugh** (Acquisitions Librarian, Albin O. Kuhn Library, University of Maryland Baltimore County, 1000 Hilltop Circle, Baltimore, MD 21250; Phone: 410-455-6754; Fax: 410-455-1598) <flinchba@umbc.edu>

Background

Ten years ago, Media Librarians speculated that the DVD would last over the next 100 years. Now it is predicted that the DVD might see the way of the dinosaur within the next ten years. This news is of concern for many librarians since it has only been within the past ten years that many librarians began to convert their VHS collection into a DVD collection. Blogs, RSS feeds, and video listservs discuss trends for the future of video streaming services in libraries. At the same time, free or low-cost video-on-demand services — local cable and satellite companies, **Amazon, Hulu, Internet Archive, Netflix, YouTube, Vimeo** — provide easy and affordable online access to popular television programs, and feature films. In spite of these open options librarians will continue to purchase individual titles as well as subscriptions to collections.

Our **Video Streaming Service** is a suite of applications and utilities that facilitate the digitization, metadata entry, and online delivery of videos. What began as a pilot in 2006 spearheaded by the Media Librarian has since grown into a full production service serving 40,000 students and faculty. A lifetime of experience teaches librarians that new initiatives traditionally require long-term planning and collaboration between key library staff and faculty. Without full cooperation between key personnel, a successful project cannot be fully realized. Our video streaming service is a partnership of four units in the library: Media Services, Acquisitions, Digital Library Program (DLP), and Cataloging.

Standards and policies, archives and preservation, preferred file formats, tiered pricing, and the availability of titles used to support teaching and research are issues we have had to address. The final product of any video streaming service should be user-friendly, easily accessible, and functional in order to ensure the project's success. A team might be formed to assign responsibilities, to problem-solve the acquisition process, equipment needs, and logistics/workflow, and to develop policies and procedures. Technical Services staff should be knowledgeable, capable, and willing to tackle the many issues associated with the acquisition and cataloging of digital files. We hope our experience will be helpful to those colleges and universities that are considering implementing a video streaming service.

From Pilot to Production

In 2006 the Media Librarian collaborated with 15 faculty members from the Departments of Communication and Culture, Fine Arts, Gender Studies, and History who were experienced users of media and routinely incorporated media into the curriculum each semester. The Media Librarian then met personally with each faculty member to discuss copyright issues, logistical procedures, and criteria needed to ensure a successful pilot. The criteria which were developed by the Media Librarian and Digital Library Program staff included:

- Students were enrolled in a credit course
- Class enrollment exceeded 50 or more students (large lecture-hall classrooms provided the libraries with a large pool in which to gather feedback about the streaming project)
- Films were required viewing directly related to a class project
- Films had the potential to serve faculty in other disciplines
- Students had to download digital files either via **QuickTime, Real Media, or Windows Media**
- Students could reside either on or off campus, and
- Faculty and students were required to participate in a survey

The next step was to identify those distributors who could provide digital content to meet the needs of faculty members based on subject area specialization. Working with several distributors, such as **California Newsreel, Films Media Group, Media Education Foundation, and PBS**, the pilot provided access to 50 streaming titles to nearly 800 students via electronic reserves. After two years of testing, it was determined that the libraries had enough support and feedback from faculty and students to fully implement digital streaming broadly.

Since 2006, the number of streaming titles has increased from 50 licensed titles to over 1,160 licensed titles (<http://www.libraries.iub.edu/index.php?pageId=7092>). Of these 1,160 titles, approximately 90 titles are now available for use via the electronic reserve system only. Statistics from 2008 through June 2009 indicate that the majority of students access digital streaming files via electronic reserves:

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- Access from links on the Media Services library page: 496
- Access from e-reserves: 5,613
- Access from other sources (IUCAT, Google, IU Scholar Works): 151
- Number of titles: 160
- Average size of streaming video file: 110 gigabytes

The Media Librarian works with her staff to ensure effective marketing of the streaming program on the IUB campus and works with the library’s marketing office to promote the video streaming service to faculty. The Media Librarian is regularly invited by the Teaching and Learning Technology Center to provide presentations to incoming and returning faculty members which are another avenue to promote this innovative service.

Acquisitions and Workflow

Though there are dozens of media providers, those we worked with on our pilot project continue to meet our instructional needs as our primary vendors for streaming. Though the Media Librarian initiates the majority of purchase request, all librarians select media for their subject areas. Purchase requests are referred to the librarian for Electronic Resources Acquisitions who manages the acquisition and licensing process. Similar to the acquisition of other electronic resources, streaming media also requires a license agree-

ment for use. The standard contractual language regarding number of simultaneous users, permission for remote access, and the like are included in these agreements. In addition, there is an emphasis that the streaming media can be used only for educational purposes and not for public showings.

Vendors provide the option to lease short-term access (generally for a 3-5 year period) or to purchase perpetual access. When leasing is the only option, vendors have provided timely notice when our lease is reaching expiration; therefore leasing agreements have not been a problem. When streaming files are provided by the vendor, they are either external hard drives or MPG4 files.

Our acquisitions policy for video streaming access is listed in order of preference:

1. Remote access streaming media files via an external vendor-supported service
 - **Films Media Group** is now offering this option for large subject collections.
2. Digital files and streaming rights (files via FTP, MPEG, hard drive) for which the library is not required to own the physical medium (DVD/VHS)
 - This option is not currently available from our primary vendors.
3. The physical medium (DVD/VHS) plus digital files for perpetual streaming rights



- In this option, we purchase both the DVD/VHS and perpetual streaming rights at the same time. The streamed files are in MPG4 format compatible with FLASH drive.

4. Digital files for perpetual streaming rights for a physical medium the Library already owns

For those items where we do not receive an MPG4 file, Media Services uses programs developed by Digital Library Program staff to convert the DVD into a streaming file. The role of DLP cannot be underestimated because without the support of their staff and programmers, streaming on the **IU Bloomington** campus would not exist. (For complete information about guidelines and procedures, visit the Video Streaming Service Wiki: <https://wiki.dlib.indiana.edu/confluence/display/INF/Video+Streaming>.)

When a DVD is purchased along with streaming rights, the streaming file is delivered to Media Services, and the physical item is delivered to Cataloging. Staff in Cataloging follow national standards to create two bibliographic records — one for the DVD/VHS, one for the streaming rights. The final step is to deliver the DVD or video to Media Services.

Future Direction

A recent survey conducted by distinguished research specialists at **The Pew Internet and**
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American Life Foundation (<http://www.pewinternet.org/Reports/2009/Generations-Online-in-2009/Generational-Differences-in-Online-Activities/5-Video-downloads-are-now-enjoyed-more-equally-by-young-and-old.aspx?r=1>) concluded that video downloads are now being done equally across all generations. The study suggested that downloadable video not only attracts Generation Y, but non-traditional students and senior citizens feel at ease in using the latest technology due to greater access to the Internet. The survey also suggested that online movie watching has doubled in the past two years which has led to even greater access to books, movies, and video games. The Media Librarian consistently receives requests from both faculty and students to purchase more downloadable multimedia formats.

Opportunities for librarians and technical services staff to explore streaming options on their campus is varied, all of which are intended to satisfy faculty and student requirements. Online access should not replace the physical DVD/VHS format. Streaming serves to supplement in-class viewing, provide a review for exams, eliminate the need for students to wait for the return of a film that is checked out to a different student, and to be easily accessible via the OPAC.

Some faculty will still request delivery of the DVD or video to their classroom because of their familiarity with the physical format. Although online streaming may be the wave of the future, we recognize that it may not be the solution for all libraries and all faculty. Familiarity with physical formats, technophobia, unknown bandwidth, and the availability of educational streaming content all contribute to why some faculty may be hesitant to implement or support streaming in their curriculum. It remains the responsibility of the Media

Librarian to bring the availability of streaming options to the attention of instructors, and to collaborate with faculty to identify and incorporate streaming titles into the curriculum. To meet this demand, we are currently purchasing individual educational titles, as well as subscription collections such as those available from **Films Media Group Films on Demand Master Academic Collection**.

Our partnerships with library staff and teaching faculty are the foundation for our success. We developed a practical approach to provide faculty and students with an affordable digital streaming program. With their ongoing interest and support, we will continue to build the video streaming service at **Indiana University**. We understand that not every library will have the funds to mount an aggressive streaming production service, nor will every faculty member feel at ease with handling digital files. In our case, it has been well-worth the effort. 🌐

From the University Presses – Why I Hate the BISAC Codes

Column Editor: **Sanford G. Thatcher** (Director, Penn State Press, USB 1, Suite C, 820 N. University Drive, University Park, PA 16802-1003; Phone: 814-865-1327; Fax: 814-863-1408) <sgt3@psu.edu> www.psupress.org

In my column for the December 2009 issue about “**Google 2.0: Still a Mixed Blessing**,” I referred at the end to the criticism that has already been made of **Google’s** decision to use the BISAC codes for identifying books by subject category by, among others, **Geoffrey Nunberg**, who said: “The BISAC scheme is well-suited for a chain bookstore or a small public library, where consumers or patrons browse for books on the shelves. But it’s of little use when you’re flying blind in a library with several million titles, including scholarly works, foreign works, and vast quantities of books from earlier periods.” And I concluded: “**Google’s** decision to employ BISAC codes is yet one more glaring revelation of how skewed the Settlement is toward the interests of trade-book authors and commercial trade-book publishers rather than academic authors and academic presses.”

I want in this article to expand on that critique and demonstrate more fully why the BISAC codes so ill-serve the academic community and the scholarly publishers that support it. At a very general level, it must be said that, just as the interests of the STM journal publishers mainly determine what positions the AAP takes on issues in journal publishing, so too the commercial trade publishers so dominate the AAP’s board that their interests come first whenever new policies are adopted. Scholarly book publishers (not including here college textbook publishers, which form a subindustry of their own) constitute a very small minority of AAP members and have little chance to exert much influence over decisions made, such as the choice of what metadata to use. Although the **Book Industry Study Group (BISG)** is an independent nonprofit agency that presumes to serve all sectors of the book industry, and that was created in 1975 by a number of trade associations besides the AAP (such as the **Book Manufacturers Institute** and the **American Booksellers Association**), it is very much a

stepchild of the AAP, and those who serve on its various committees reflect that influence.

As **Wikipedia’s** entry for **BISG** notes, “Through BISAC (Book Industry Standards and Communications), **BISG** has been on the cutting edge of technological advances with the development of bar-code technology standards and electronic business communications formats. BISAC has been instrumental in developing many of the electronic standards that have reduced operating costs for members of the industry. BISAC Subject Codes, for example, are a mainstay in the industry and required for participation in many databases.” They work in conjunction with the ONIX system of data interchange that major vendors have increasingly come to demand that all publishers use. ONIX, which is the acronym for ONline Information eXchange, is described by the organization that created and oversees it, EDItEUR (established in 1991), as “an XML-based family of international standards intended to support computer-to-computer communication between parties involved in creating, distributing, licensing, or otherwise making available intellectual property in published form, whether physical or digital.” ONIX for Books, the most widely-adopted of EDItEUR’s standards that was initially released in 2000, “is now firmly established around the world as the book-trade standard for the communication of ‘rich product metadata’ — the type of metadata that are needed to support the sale of books in the supply chain, not least for online retailing” (<http://www.editeur.org/74/FAQs/#q2>). Even from this brief description one can get a sense of how crucial BISAC codes are for the smooth functioning of commerce in the book-trade today.

So, how well do the BISAC codes work for academic books? Not well at all, in my opinion, based on my more than forty years’ experience as an editor in university press publishing. The examples I will provide of their dysfunctionality

come from the fields of scholarship I know best: Latin American Studies, Philosophy, Political Science, and Sociology. Of these four fields, it should be noted at the outset, the BISAC coding system recognizes only Philosophy and Political Science as major categories. Perhaps it is understandable that no regional field of study is given this pride of place in the BISAC system, even though area studies have long been prominent in higher education, but it is surprising that not even Anthropology and Sociology are accorded a primary category. Instead, these two are lumped together under a generic Social Science heading. Is one to infer that neither Economics (which exists separately only as Business and Economics) nor Political Science nor Psychology (which gets its own separate heading) are social sciences?

How does one identify books in Latin American Studies, then? The BISAC system requires one to scurry around looking for appropriate codes under a number of other categories, including Art, Business and Economics, History, Law, Literary Criticism, Religion, and Social Science. For a title about economic development in Latin America, for instance, one can find a subcategory called Business and Economics/Development/Business Development, which seems presumptuous in pigeonholing all of economic development as business development, but no regional identifiers under Business and Economics. Looking under Social Science, one finds a subcategory for only Third World Development in general, not for any specific region. The best one can do to add a regionally delimiting identifier is to resort to History, where there are plenty of regional subcategories. Interestingly, among the subcategories specific to Latin America there are four: Central America, General, Mexico, and South America. (In an earlier version of the codes, South America was absent.) Why separate out just Mexico? In terms of salience in U.S. history, if that is the criterion, Cuba has been equally prominent. But a book on economic development may be an econometric analysis, highly mathematical,

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