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## Notes from Mosier-Back to the Future, Part 2

Scott A. Smith

*Alibris*, [scott.alan.smith@comcast.net](mailto:scott.alan.smith@comcast.net)

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nize the terms on which e-content can be acquired and used, even to the extent that it has been possible to create the **SERU Guidelines**,

expressing the community's acceptance of custom and practice that is now widely accepted. The adoption of **Creative Commons** licenses is another example of a set of rules that have been widely accepted to govern open access publishing. Both **SERU** and **Creative Commons** show that a particular industry or community can create its own solutions to intellectual property issues.

What the **Hargreaves** inquiry will recommend is anyone's guess. We have been down this road recently, with the Gower Review of Intellectual Property, which reported late in 2006. Both Gower and more recent initiatives in the European Union have tended to tighten copyright law in favor of rights-holders. Just this year the **Digital Economy Act 2010** has enacted measures to make it easier to identify persistent infringers and introduce measures to terminate their Internet connections.

**Cameron's** initiative may be a change in direction. There is a demand for fair dealing to include the right to make personal copies of music and video — which is widespread anyway! The law needs to keep pace with the wider public interest, but still needs to provide for the proper commercial interests of the creative industries. The UK has a range of export-based creative, cultural, and publishing industries that extend well beyond the interests and concerns of small businesses.

It is right that the balance of interest between rights-holders and users should be addressed again as technology and user expectations evolve. Traditionally, UK copyright law has been less generous to users than in the USA. Striking the right balance is always difficult and controversial. If the **Hargreaves** recommendations call for an extension of copyright exceptions, or even the introduction of fair use in UK law, that will be truly radical. 🌱

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## Notes from Mosier — Back to the Future, Part 2

Column Editor: **Scott A. Smith** (International Sales, Alibris; Phone: 503-568-9226) <[scott.alan.smith@comcast.net](mailto:scott.alan.smith@comcast.net)>

In my last column I began a piece on approval plans and their role in the delivery of new print books. I'm intrigued by the inevitable intersection (if not actual collision) of several trends affecting books: declining print runs, scaled-back library approval plans and profiles, and increasingly restrictive publisher coverage afforded by the few remaining domestic approval plan vendors.

One of the major factors driving this process is the current state of library budgets, coupled with the need to attempt somehow to balance demand for print and digital resources. Quite simply, fewer dollars translate into fewer books purchased.

As attention has shifted from predominantly print to a blend of print and digital, various efforts have been undertaken to incorporate eBook discovery and acquisition (or access) into the well-established processes of technical services. Extending the profiling mechanism utilized by approval plan vendors to e-content seems, at first glance, like a natural evolution.

Anyone familiar with the somewhat strangled route eBook development has followed will appreciate that the path has been anything but straightforward. There are a couple of fundamental reasons why this is so: demand for eBooks has been and remains fragmented, and publishers have been uncertain about and inconsistent in their commitment to and delivery of the format.

Let's start with demand, and talk first about aggregators. We'll come back to individual publishers in due course. eBooks arguably emerged not in response to a coherent and focused market

clamor for digital content, but rather because technology had advanced to a point where it was possible to offer *something* — and quite possibly something with some flash. Many early advocates of eBooks exhibited a "if you build it they will come" mentality. Bear in mind the advent of eBooks coincided with the dot com boom, fueled by an excess of venture capital wandering the commercial landscape searching for a comfortable and hopefully lucrative home.

I well recall attending a presentation by an early eBook company's CEO (attempting to secure additional backers) who delivered a very slick multi-media presentation. "Who do we reach?" he asked the audience, "Who do we touch?" He went on to describe a gauzy interchange between the company's headquarters in the U.S. and a village in Borneo. The village library only had Internet access a few hours a week (allegedly supported by solar power), but they were hungry for eBooks. The company naturally came through with just what the happy villagers wanted.

I attended two subsequent performances of this presentation. Somewhat reminiscent of the beggar who switches his cast from one leg to the other, one day to the next, the village re-surfaced in the second presentation in Malawi, and by the third installment it was in Papua, New Guinea. Not to worry, though; all the neo-colonial nonsense was still present in full force.

This early eBook model wasn't helped by requirements that libraries purchase large initial collections, or that access was limited to a single user. The first condition was a reflection of the

pressure early aggregators were under to generate quick profits. The single-user restriction was intended to appease publishers, who had understandable concerns about copyright, fair use, and revenues.

Publishers also worried that a digital edition of a work would compete with and depress print sales. Consequently many houses imposed an embargo on the digital edition to allow the print product a first stab at the market.

Early publisher participation with aggregators was also an issue with eBooks. Many publishers agreed to furnish some content early on, but instead of releasing their entire backlists they took a title-by-title approach. In many instances this was because publishers either didn't have permissions for use in a digital edition (or they might have rights to text, but not images), or they couldn't readily ascertain whether they did or not. To be on the safe side any titles in doubt were held back. For a librarian, this meant you couldn't be sure that everything from Publisher X was available from a given source, even if the publisher was listed as being included in the aggregator's database.

As content grew, however, various eBook collections began to achieve a certain critical mass. This growth of content coincided with an emerging population of students both familiar and comfortable with electronic resources: the digital natives. As their ranks began to enter college they brought with them expectations about what they'd find.

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Library administrators recognized this demand, and also understood the need to retool their shops in order to remain meaningful and viable within the context of this new world order. Although their development was at times chaotic, eBooks moved into their adolescence (I'm not sure we can say the format is mature as yet).

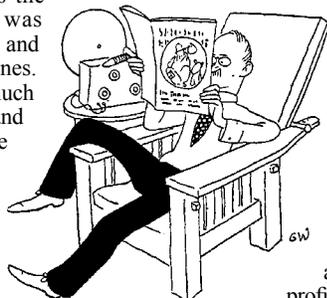
But the aggregators encountered an aspect unusual in commerce, and one that remains in play today. Bookselling is a strange business, and for a lot of reasons. One aspect that's unusual is that book vendors are faced with the unpleasant prospect of competing with their own suppliers. Some publishers seek to sell direct to eliminate the discounts demanded by vendors; others try to bundle their content into packages they feel they can more tightly control. In any event, libraries can choose to buy from publishers, or vendors, or both.

eBooks kicked this up a step. Following as they did in the footsteps of e-journals, eBooks were modeled on earlier delivery channels. Some publishers sought to add such content to proprietary platforms they'd invested a lot of time, money, and staff in developing. For libraries this added the unwieldy aspect of multiple user interfaces for their patron to navigate, as well as all the licensing headaches dealing individually with several publishers can entail.

Oh, and that early condition of starting out of the gate with a large eBook collection, say, 500 titles? Many, many libraries were understandably reluctant to invest a substantial amount of money in what was, in effect, an unproven format. As a result most early adopters came into the fold through consortia. These deals were good for libraries — they lessened the financial exposure of individual institutions — but publishers were frustrated to see the meager sales results consortium buying led to. This experience left a bad taste in the mouths of many publishers.

The aggregators for their part sought to add value by providing a consistent and unified user interface, by streamlining the licensing process, and by integrating their offerings with the services of traditional book vendors. Some platforms included a range of administrative features and usage data. Many enabled individual users to create and maintain personal accounts. Different models supported limited printing and downloading.

Aggregators also looked to the role of print vendors for lessons about how they might serve their library customers. However, eBooks emerged during a period of disarray in library bookselling. The major print vendors all endeavored to incorporate some kind of eBook offering into their portfolios, but most lacked the resources to do so in any kind of truly integrated way. For many booksellers the behind-the-scenes picture was one of manual workarounds and cumbersome exception routines. Field sales reps often lacked much if any home office support, and customer service agents were caught without much training or ability to address customer concerns. For smaller vendors the resources needed to join the eBook party were, and remain, out of reach.



Then there are publishers. The aggregators want to include as many as possible. However, publishers don't necessarily view eBooks in quite the same way, or judge sales performance along the same lines. They can and do choose to participate or not, and can elect to limit e-sales. **Wiley**, for example, allows aggregators to distribute a single-user license version of their eBook product. Libraries wishing to take advantage of the more generous multi-user option must purchase direct from **Wiley**.

As already noted, rights and permissions were an early challenge for publishers, as was the issue of embargoing digital content. These questions have largely been resolved.

**Daviess Menefee of Elsevier** reports that effectively no embargo is in effect for any of their titles; in fact some digital editions make it market ahead of the corresponding print editions. He also notes they've seen little demand for older monographs, whereas journal backfiles have all been digitized. He thinks print-on-demand will likely be the solution for the occasional high-demand backlist monograph.

This isn't just true of the STM publishers. **Brill's Ellen Endres** says not all of their titles are presently available simultaneously in print and as e-editions, but that's their goal. **Brill's** list is heavily weighted to the humanities and social sciences, although they do publish some biological sciences titles as well. As a result their concerns with currency of information have a greater depth.

**Brill** issues around 450 monographs a year. They work with all of the usual aggregators, and also offer packages direct to library customers. **Ellen** says market demand for digital content comes primarily from North America; other regions remain more willing to wait for print.

University presses face the same issues, and most have arrived at similar solutions. I spoke with **Erin Igoe at Cambridge University Press**, who repeats the objective of having everything available as print and digital. Although there are a few exceptions, notably textbooks or heavily-illustrated works (where the additional permissions of artists must be obtained), she says the only real issues still to be resolved in achieving this have to do with workflow.

**Katherine White of the University of New Mexico Press** reaffirms this from the viewpoint of smaller university presses. **New Mexico** currently has several hundred eBooks available through **netLibrary** and **Questia**; in the months ahead she expects they'll expand the number of partners through whom they'll deliver content. She also observes it can be a resource and manpower issue for smaller publishers.

From the library's position, it often can come down to how well the digital offerings really fit with the larger collection development objectives of the institution. **Tom Leonhardt, of St. Edwards University**, says he wants to be sure the eBook collections they purchase will be used by his patrons. He also wants to ensure content can be downloaded for use on portable devices.

How then to go about selecting and buying eBooks? For some time the idea of an eBook approval plan has been on the table. The notion is pretty straightforward: as mentioned above, use the same profiling methodology applied to print

books to match descriptions of new titles against profiles of interests maintained on behalf of participating libraries. When you get a match, you take some designated action: alert the library to the availability of the eBook, populate their **OPAC** with a **MaRC** record, etc.

This would be perfect if there was a one-on-one correspondence between print books and eBooks, and if everything were issued simultaneously.

Ah, but alas, it's not that simple. There isn't a tidy correspondence between print and e, and there may still be a lag between the availability of the print and the subsequent availability of the e.

According to ebrary it's getting better than it used to be, though. Their data claim that 70% of the titles processed through **Yankee's** print approval engine become available as an eBook within eight weeks. **Yankee** offers an option modeled on the "paper-preferred" idea, wherein the vendor monitors profile "hits" for up to eight weeks after the original processing date. If a subsequent e edition is rendered, libraries who have indicated a preference for e get notified in turn.

Well, OK, but what about the other 30%? Presumably some of those titles surface in e editions sometime later. If a library elected to order the print they might end up inadvertently acquiring both editions. This could prove troublesome if such duplication were widespread and created a substantial drain on the budget.

More worrying to me, though, are those titles that never re-appear as eBooks. The library can't know eight weeks after print publication whether a subsequent e edition may become available. If they don't choose to purchase the print now, and only identify some compelling demand much later, what happens copies are no longer available? They've got a hole in their collection, and quite possibly a permanent one.

This points to a gap that's only likely to widen in the months ahead — the divide between e and print. Will one effect of reduced library monographic spending coupled with this gap mean that some manuscripts that would have seen the light of day in days gone past simply won't be published at all? Can a POD model work for books that otherwise have very limited market performance?

I think print books are here to stay, at least for a while. I equally believe eBooks are here for the long run as well. I'm not as certain about how they'll be delivered in future, but that's a topic I'll cover in greater depth down the road.

And, for the moment, let's revisit the question of discovery and collection development. Much discussion of late regarding selection has revolved around patron-driven acquisitions, and I don't know that I really have much to add to that conversation. I did put the question to **Michael Gorman**, who replied, "Libraries have always made patron-driven acquisitions (it's like so many things now — old wine in shoddy new e-bottles) — anyone who knows what's what about academic libraries knows that such acquisitions have to be fitted into long-term collection development strategies and policies."

**Michael** also offered the following: "I think reading is reading, whether on a screen or from a page, and I am all in favour of reading. Of course, they are not eBooks but e-texts = digital texts. As long as people are really engaging with texts (print *or* digital), all will be well."

That's probably enough for now. I hope you've all had a great holiday season, and here's wishing you a great 2011! See you next year! 🍷