December 2011

If Rumors Were Horses

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Against the Grain

"Linking Publishers, Vendors and Librarians"

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Trends in Health Sciences and Biomedical Sciences Information Provision

by **Ramune K. Kubilius** (Collection Development / Special Projects Librarian, Northwestern University, Galter Health Sciences Library) <r-kubilius@northwestern.edu>

According to an ancient Chinese proverb, "All that is constant is change." That is certainly the case in the world of the health and biomedical sciences. Content, services, and efforts continue to be directed to those who are a part of the ever-evolving scholarly communication, research, education, and patient care continuum. A number of issues and trends reported in the November 2008 special issue of *Against the Grain* still resonate today. The 2011 eclectic mix of articles provides a new sampling of successes, issues, trends, challenges, and opportunities for information provision in health and biomedical arenas.

The U.S. National Library of Medicine (NLM) is the largest medical library in the world, one unit in the very large National Institutes of Health. In 2010, at the 10th Health Sciences Librarians Lively Lunch during the 30th Charleston Conference, Dr. Elliot R. Siegel, then recently retired from NLM (and still serving as a consultant) was the invited

speaker. He highlighted NLM milestones and included his personal insights, particularly in the areas of technology and international outreach, of which he was a part, during his long career with the library. In 2011, as NLM celebrates its 175th anniversary, **Maria Elizabeth Collins, John Doyle, and Martha R. Fishel** provide an overview that illustrates some of NLM's more recent initiatives, particularly in forging domestic as well as international partnerships with librarians, libraries and publishers, building and maintaining its own collections, and providing leadership for medical libraries of all types.

On the other end of the spectrum from NLM are the most basic "frontline" local and regional healthcare providing units — hospitals. For a number of years, many, if not most U.S. hospitals operated libraries. The larger hospitals might have had separate libraries for physicians, nurses, and even patients. A 2009 article highlighted survey

results from the time period 1989-2006, and one listed trend continues to this day: "The status of hospital librarians and libraries is still volatile due to the dynamic nature of the health care and financial environments." (Trends in hospital librarianship and hospital library services: 1989 to 2006, **Thibodeau PL, Funk CJ** *Journal of the Medical Library Association* 2009 Oct; 97(4): 273-9.). Contributing to the "volatile and dynamic nature" are library closures and downsizings, changing and expanding duties for hospital librarians, administrations' wide-ranging, often differing perceptions about cost efficiencies and self-sufficiency of health professionals in

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If Rumors Were Horses

Have just learned that **ALA Publishing** has acquired **Neal-Schuman Publishers** effective December 23! **Neal-Schuman** was formed in 1976 by **John Vincent Neal** and **Patricia Glass Schuman**. **ALA** will relocate **Neal-Schuman** from New York City to Chicago over the next three months.

http://www.libraryjournal.com/lj/home/893124-264/ala_publishing_acquires_neal-schuman_publishers.html.csp

We all missed the smilingly earnest **John Dove** at the 2011 Charleston Conference! But he had an excuse. He was undergoing surgery! Ouch! **John** underwent "skull surgery" to relieve a subdural hematoma from a bicycle fall. Thankfully **John** is home and is on the mend and still riding his bicycle!

Is that wise, **John**? Does your mother approve? **John** had told me back in 2005 that **Charleston** was on his permanent schedule so he promises that we will see him next year in Charleston! November 7-10, 2012.

Shown is **Adam Jordan Censer**, **Pam Censer's** grandson. He's a cutie!

Speaking of **Charleston**, we were slammed with attendees this year — a record 1,551 registrants! I am speechless! We missed some of our regulars like **Tony Ferguson** who was attending his mother's 90th Birthday party. But he will be back!

We were so excited to give the **Vicky Speck Leadership Award** to the deserving **Glenda Alvin** (Assistant Director for Collection Man-

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Something to Think About — The Cultural Standard

Column Editor: **Mary E. (Tinker) Massey** (Retired) <eileen4tinker@yahoo.com>

It seems that our days fly by in a mixture of advancements, discouragement, challenges, and changes. Now that I am retired, I have the privilege of visiting many different types of libraries and talking with the stewards of knowledge. You have no idea how important you are to the quality of our culture and the wellbeing of its actuators. Sometimes we come to work looking for those special answers for individuals, not knowing if it will make a difference at all. In academic libraries, it is easier to understand our impact on the success of students and faculty, and some general public. Special Libraries are devoted to the advancement of knowledge in specific subject areas for researchers. School Libraries help those beginning to understand the world and its functions at the base levels. I am particularly curious about Public Libraries. When we dashed into the new millennium, I worked in academic and public venues as a way to earn privileges and money to further my education. I began to understand the interesting association of libraries and the community at large. As the general public used our facility, I saw the way our information specialists influenced and aided each human being. Of course, we helped the children from nearby schools, as our branch endeavored to encourage and enlighten

children of all ages understand all the various subject areas and develop wonderfully creative papers for their classes. But, I also understood the various other community inhabitants who were undergoing different problems. We used to help families look up information on a number of different physiological and health problems that their family members were being treated for in the Veterans' Hospital only a few blocks from our door. We not only found information for them, but we held their hand or gave them a shoulder to cry on when they understood the severity of the diseases.

We have spent time helping teenagers explore grief, bullying, and specialized learning as they strive to understand their roles and new coping abilities. We were always watchful for suicidal tendencies and gave them positive alternatives instead of the more common negatives imposed by families and friends. We were special friends.

We became helpful to those people trying to recover from work shutdowns in nearby industries. People came in depressed and they walked out holding their heads higher, finding reasons to have hope because we helped them develop resumes, get them ready for interviews, or walk them through the establishment of a home business.

I think the hours I spent working in a Public Library were some of the most treasured and satisfying I have ever spent. I established personal relationships with the community and became a valuable resource for people's thirst for knowledge and choices for reading or viewing materials. There was not a day that I didn't feel like a valuable part of this extended family. Over the many years of my library exposure from the age of four to well over sixty, I have discovered that we not only protect the knowledge of the world, but we make it accessible and understandable to the public. We are the cultural standard that others use as a pattern. The freedom to use this material comes with the responsibility for the general public to be mindful of keeping the information in good condition for others to use as well. I think it is important for us to be a positive influence on the general public and to present ourselves as that cultural standard in their lives. Since we have lost the actuality of others being our examples, perhaps we can strive to maintain our presence in their world as the Example for them. Perhaps this is something we should think about every day? 🌱

From Your (riveted) Editor:

I rarely have time to read only for pleasure, especially fiction. This doesn't mean that I don't read; it's just that I seem to always be reading library-related things. You know what I mean. BUT recently, I have been captivated by a series of novels about **Winston Churchill** and **World War II**. Look, my ex-husband was a historian (French history), my father was a historian, my boss was a historian, why did I want to read even more history? Go figure! This series of books by **Michael Dobbs**, however, is excellent. I had to tear myself away from them to work on this great issue of **ATG**!

Speaking of which, this issue is excellent and I became instantly ensconced learning more about trends in health sciences and biomedical libraries, ably guest edited by **Ramune Kubilius**. Papers are by **Maria Collins**, **Martha Fishel**, and **John Doyle**, **Patricia Hammond**, **Sally Gore**, **Stephanie Kerna**, **Heather Stecklein** and **Nathalie Wheaton** and **Leslie Czechowski** and **Nancy Tannery** and talk about assembling orchestras, mobile access, eBooks, and much more!

Our Op Ed this issue is by **David Mash** who

conducted a small, unscientific survey of reading habits in airports. We don't have a back talk this time since **Tony Ferguson** was at a Birthday Party for his Mom but **Greg Tananbaum** has taken his place discussing the excellent discussion at the **31st Charleston Conference** by **Anne Kenney** and **Kevin Guthrie**. And even more is in this issue — how serials departments are changing, **Octavio Paz**, **Occupy Wall Street**, the future of the book conference in Tallahassee, the death of cable and much more.

Oops! Excuse me! I think it's the UPS guy hopefully with my **Atlas of WWII Battles** that I just ordered for my birthday present!

Happy New Year and many good thoughts and love y'all's way! Love, **Yr. Ed.** 🌱

AGAINST THE GRAIN DEADLINES VOLUME 24 — 2012-2013

2012 Events	Issue	Ad Reservation	Camera-Ready
Annual Report, PLA	February 2012	01/03/12	01/23/12
MLA, SLA, Book Expo	April 2012	02/24/12	03/16/12
ALA Annual	June 2012	04/05/12	04/26/12
Reference Publishing	September 2012	06/22/12	07/13/12
Charleston Conference	November 2012	08/22/12	09/12/12
ALA Midwinter	Dec. 2012/Jan. 2013	11/09/12	11/30/12

FOR MORE INFORMATION CONTACT

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agement and Administration, **Tennessee State University**). **Glenda** was telling me that, at the first **Charleston Conference** she attended (back in the **Lightsey Conference Center**) she sought advice from **Tony Ferguson** about being an Acquisitions librarian and he encouraged her! She tells me that there were 400 attendees at that **Conference**. (400 was the number of newcomers in 2011!)

And more about ninetieth birthdays! **Dennis Brunning's** mom turned 90 as well but her birthday did not conflict with the Conference. Whew! Very considerate of her.

I was so looking forward to seeing **Jerry Curtis** in Charleston #31! But **Buzzy Basch**

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Pelikan's Antidisambiguation from page 8

Perhaps here is where the enlightened cable company might find the path to survival: in streaming books, "Quixotic: All Cervantes, All the Time!" Or, "Tonight: Joyce — the Comprehensible Edition."

In truth, I find literacy's prospects a little dismaying at the present time. Can the Great Novel be pounded out on a tablet screen's keyboard? Back in an electronics class I took (in the previous century), the teacher made us use slide rules for the first two months, before permitting us to employ scientific calculators. I'm certain it was good for us, but I haven't used a slide rule since. 🐼

Rumors from page 6

told me in Charleston that **Jerry** had a stroke that affected the muscles on one side of his face. **Buzzy** said that **Jerry** could understand what he said to him. **Mary**, **Jerry's** wife, said that they were doing 10 weeks of therapy twice a week and **Jerry** is doing well. In fact, they expect him to be back at 100% of the same old **Jerry**! **Jerry's** phone number is 781-545-4734.

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Little Red Herrings — Occupy Wall Street

by **Mark Y. Herring** (Dean of Library Services, Dacus Library, Winthrop Univ.) <herringm@winthrop.edu>

Perhaps someone can help me with this. Since the discovery of a library at the "Occupy Wall Street" site in New York, the library press has been nothing short of gaga. Like Neanderthals discovering fire, the library press has been all atwitter about the library, books, donations to same, and, of course, the destruction — OMG, no, please say it isn't so! — of said library when the police moved in. Never in my thirty years in this profession have I seen more ink spilled on so narrow an event in general, and in the library press in specific. Granted, librarians are probably slightly more politically left than they are to the right, but even that doesn't quite explain the insatiable interest in a fringe movement.

Now I do understand the movement, and I get that these folks are very upset about corporations "making out like bandits." What I don't get comes down to two things: one, what do they hope to accomplish; and, two, why is a library all that unusual or even newsworthy?

The what-do-they-hope-to-accomplish part is really puzzling to me. I thought one of the points was the massive and unnecessary spending by corporations. I got that the first few days. We're now going on ninety days, so what's the other point? Corporate greed is always an easy target, but it isn't new. Is there something else? It can't be the banking bailouts, as Congress, more than anyone else, is responsible for that. It can't be the housing mess either, as, again, Congress is the culprit. Maybe there should be an "Occupy

Congress" movement? Perhaps it is the recent interest on the cost of a college education. If so, are we advocating occupying college grounds?

So far this movement has cost American cities \$13 million, and more is being added daily. Yes, of course, free speech and the right to protest are very much a part of the American warp and woof of freedom. But does that include a "right" to tear up public property in the process? Furthermore, the group has not exactly patterned itself after **Gandhi's** passive resistance of late, as fighting is now taking place at more than one location. And it isn't just with the police, but with other participants. In Zuccotti Park, for example, they had to set up a "safety tent" for women being groped by fellow (or felon) occupiers. I won't mention the outbreaks of lice.

The second part of the question is a bit more germane to librarians. Is it really unusual for a library to develop among scores and scores of people sitting about on public property all day with nothing to do? Wouldn't it be *more* unusual had one *not* emerged? Personally, I don't go anywhere without a book. Even when stuck in traffic I pick up whatever I'm reading while waiting for the unsnarling, and I began this habit long before I became a librarian. Wouldn't thousands of folks with nothing to do but sit about all day find reading natural? Not everyone there has a smartphone or an eBook reader either, so naturally print books should, and did, emerge.

And yet none of this explains why so much ink has been spilled about this library. I'm glad

the library is there, and I'm glad these folks are reading. I hope some of the books have to do with economics, and democratic capitalism, too. Perhaps their reading will help them understand why running up a \$40,000 college debt on street theatre and puppetry may not yield the highest career return, but that's not exactly Wall Street's fault.

This leads me to a final observation. Is this the movement to which the library profession should suddenly attach itself? I understand that librarians have something of a chip on their shoulders about their image and will do almost anything to be seen as something other than librarians. But seriously, is this Marxist-laden movement the right one? Given that our future largely depends on "evil" corporations like **Microsoft**, **Apple**, **Wal-Mart**, **Sears**, and **McDonald's** (not to mention many of those 1%) throwing a few dollars our way, should we be so quick to bite the hand that feeds us, or feeds our organizations? I'm not advocating a pass for corporations, but we can't be like the guy who shot his parents and then threw himself on the mercy of the court because he was an orphan.

It's hardly fun, I know, but perhaps we should take a breath and occupy reality for a bit? At the very least, can we all agree that libraries are not all that unusual, and their emergence is as natural a part of life as eating and drinking? 🐼

5. Journals must have all of their parts in place including covers, tables of contents, advertisements, and administrative matter.

6. Commitment data will be recorded in the institutional section of **DOCLINE**, NLM's online request routing and referral system.

As **MedPrint** participation grows, NLM will work with **OCLC** on exchanging print retention information between **WorldCat** and **DOCLINE**.

More information about **MedPrint's** programs and services are available at <http://www.nlm.nih.gov/psd/printretentionmain.html>.

Digital Developments

NLM's Digital Repository — by John Doyle

The **National Library of Medicine** launched its new digital repository, **Digital Collections** <http://collections.nlm.nih.gov>, in autumn 2010. **Digital Collections** allows rich searching, browsing, and presentation of monographs and films from NLM's historical collections. Users can perform full-text and faceted keyword searching across the range of content in the repository. **Digital Collections** uses a suite of open-source and NLM-created software, with the **Fedora Commons Repository** as the underlying framework. The repository facilitates the long-term preservation of the content by describing, verifying, and managing the ingested files using XML and RDF technologies. The repository also makes use of NLM's offsite co-location data-center for redundant storage and distribution of access services.

Digital Collections contains a growing number of digitized books in the Public Domain, which are therefore freely available to read and download. The books are currently presented in two collections: **Cholera Online**, consisting of 518 monographs dating from the 19th century about cholera pandemics of that period, and **Medicine in the Americas**, NLM's in-house digitization project which will eventually number approximately 6,000 volumes, demonstrating the evolution of American medicine from colonial frontier outposts of the 17th century to research hospitals of the 20th century. The books are displayed through an integrated viewer which provides within-book search, thumbnail preview of all pages and page zooming/rotating. **Digital Collections** also contains 29 historical films which can be downloaded in a variety of video formats to accommodate a wide range of playback devices, including mobile devices. The films are also playable via an integrated, Flash-based video player which allows full-text search of a film's transcript and graphically displays where the searched word or phrase occurs within the timeline of the film. Additional content, including other format types, will be added over time.

against the grain people profile

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PROFESSIONAL CAREER AND ACTIVITIES: Masters in Information from **University of Michigan**, working at NLM for ten years; currently project manager for digital repository and ERMS admin; also worked in interlibrary loan automation, archival processing, and sys lib supervision.

PHILOSOPHY: Go forward in all your beliefs, and prove to me that I am not mistaken in mine.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: Existing trends will continue — i.e., increased open-access publishing of STM content, decreased demand for resource sharing of STM content among libraries, centralized discovery of licensed and free resources, and consolidation of digital libraries into multi-institutional projects with shared responsibilities. 🐼

PubMed Central

PubMed Central (PMC) is a free archive of biomedical and life sciences journal literature at NLM. In keeping with NLM's legislative mandate to collect and preserve the biomedical literature, **PMC** serves as a digital counterpart to NLM's extensive print journal collection. Launched in February 2000, **PMC** was developed and is managed by NLM's **National Center for Biotechnology Information (NCBI)**.

Free Access: A Core Principle of PMC

As an archive, **PMC** is designed to provide permanent access to all of its content, even as technology evolves and current digital literature formats potentially become obsolete. NLM believes that the best way to ensure the accessibility and viability of digital material over time is through consistent and active use of the archive. For this reason, free access to all of its journal literature is a core principle of **PMC**.

How Journal Articles are Provided to PMC

PMC is a repository for journal literature deposited by participating publishers, as well as for author manuscripts that have been submitted in compliance with the Public Access Policy mandated by **NIH** and similar policies of other research funding agencies. **PMC** is not a publisher and does not publish journal articles itself.

A number of journals that joined **PMC** prior to 2008 benefited from NLM's back issue digitization project, offered to publishers whose archival content was not yet available in electronic form. By scanning back issues from Volume 1 that were available only in print,

NLM has helped create a complete digital archive of these 90 journals in **PMC**.

International Collaboration and Durability

NLM is collaborating internationally with other agencies that share the goals of **PMC**. Maintaining copies of **PMC's** literature in other reliable international archives that operate on the same principles provides greater protection against damage or loss of the material.

Conclusion

NLM's rich collection of print and digital resources has grown significantly over the past 175 years, and the Library looks forward to the next 175 years and more of collecting, providing access to, preserving, and recording the world's most important materials in medicine and health. 🐼

Rumors from page 10

Some more non-attendees updates. **Arnaud Pelle** <APelle@emeraldinsight.com> couldn't make it but he was following the **Conference** through **Twitter** and the **Conference Website**. Technology! BTW, did you see the great interview **Arnaud** did with yours truly? <http://www.emeraldinsight.com/librarians/info/interviews/strauch.htm>

Arlene Sievers Hill wasn't at the **Charleston Conference** either. She tells me that she had surgery and was out for six weeks! Plus there was a reorganization at **Case Western**. On the plus side, **Arlene** says she spoke at the **ALPSP International Conference** in Oxfordshire about changes in acquisitions and university libraries and how these changes are affecting publishers. She may be writing a book soon!

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Assembling the Orchestra ... from page 28

librarians to step in and provide services and support. Given the sheer size of some of the data sets in question, libraries may not be as well-suited for long-term storage as computing centers; however, the task of insuring their existence for historical purposes is one in line with the long-standing mission of libraries. As the future unfolds, we should observe the historical value of data, and the role of librarians, in this new world of e-Science.

Building Networks

Besides data, the second most prominent feature of e-Science is networking. As it has advanced the creation and sharing of data, computer technology has also made creating and sustaining networks of people and resources both different and plentiful. One need only to think of the many different ways we communicate today — phone, email, Skype, Webinars, smart phones, electronic notebooks and tablets, social networks — to realize we are more connected with friends, family, and colleagues than ever before.

For science, networks make collaborative work much easier. Technology allows for the easy development of networks not limited by geographical constraints. Science, like many other aspects of life today, is cross-disciplinary and global, and our technological networks foster and reflect this environment. Helping researchers find collaborators is a large part of e-Science and one where librarians have taken a role. Working in the development and training of semantic Web resources like VIVO (<http://vivoweb.org/>), librarians assist computer scientists and other information specialists pull together biographical and bibliographical information about researchers so that they can better identify future research partners.

While the technological tools of e-Science are quite impressive and their newness can be glamorous, when it comes down to it, these tools are about bringing people together. Thus, e-Science, for all its emphasis on technology and data, is also about people — and people are the business of libraries and librarians. Libraries have the history of being the non-biased, neutral hubs of information. While this physical image might be fading, the work remains the same.

By the nature of their work, librarians know

institutions in ways that scientists often don't. They see them from the level above the silos. Librarians have a wealth of information and knowledge they can harness to bring people together and foster collaborations, and the networking tools of e-Science allow librarians to do this much easier than in the past. Today, one librarian can push information out to a hundred researchers via a posting on a blog or an interactive Website. S/he can build small networks, real and virtual, to bring people together. These are skills we have always had and work we have always done. We just have different tools now.

Moving Forward

Successfully assembling the orchestra for our future in e-Science involves recognizing what we do well now, noting which of these skills will continue to be useful, and realizing the areas we must learn and/or improve in. Librarians are skilled in information management, cataloging and metadata, searching, archiving, and delivering resources. We also possess the intangibles like objectivity, as well as both a sense and a mission of providing service and support.

What some of us lack is subject knowledge. Is being a generalist enough to effectively communicate with researchers about their information needs? We also need a better understanding of the research process, of research methods and statistics. Finally, we can practice those entrepreneurial skills — sales and marketing and creative problem solving — that scientists have honed over the years. Researchers are often entrepreneurs, securing their own funding, planning their own “business” strategies, hiring their own staff, etc. Librarians can perhaps better work in this world if we adopt some of the same patterns and behavior.

I have an old college sorority sister who is a concert flutist. She recently posted a status update on her Facebook page saying, “Holy Toledo! My flute is AMAZING!” She'd recently picked it up from a technician who'd given it a good tune-up. “It's better than when I bought it. Some stuff I thought was MY issue turned out to be the flute's and is now GONE!” I thought of this post as I was writing this article and using the orchestra metaphor to describe e-Science. An orchestra is made up of instruments and people. Bringing them all together to make beautiful music requires a lot of practice and fine tuning of both — the people and the instruments.

The same can be said for e-Science. It too is an orchestra made up of researchers, computer scientists, librarians, and publishers, all with different instruments to play. We've also all been practicing our roles a certain way for a long time. Now we face a bit of retuning, and we have some new music to learn, perhaps we might even need to change instruments, but it is not a situation we haven't addressed successfully before. The curtain is merely rising on a new performance.

Some Helpful Resources:

- **e-Science Portal for New England Librarians** (<http://esciencelibrary.umassmed.edu/>) — The Portal is a collaborative project initiated at the **University of Massachusetts Medical School** through funding from the **National Network of Libraries of Medicine**. It is “designed for librarians working in research organizations that generate, share, store and/or use data for basic scientific research in the health, biological, and physical sciences. Bringing together resources on education, outreach and collaboration, current practices, and e-science news — the portal provides librarians with the tools, knowledge, and skills to effectively participate in networked science.”
- **e-Science Initiative of the Lamar Soutter Library, University of Massachusetts Medical School** (http://library.umassmed.edu/escience_symposium09.cfm) — The Initiative includes several annual events including an e-Science Symposium, professional development day, and Science Boot Camp for Librarians. Information on each is available on the Library's Website.
- **e-Science Institute** (<http://www.arl.org/rtr/eresearch/escien/index.shtml>) Association for Research Libraries site (Highlights, Overview, Support for Outreach, Articles, etc.) 🌐

Endnotes

1. **Gustave Flaubert**, letter to **Louis Bouilhet** (2 June, 1850), Correspondence, Vol. 1 (Paris: Gaillimard, 1973), 627.
2. **BioMed Central**, *GigaScience* journal homepage, “Aims and Scope,” <http://www.gigascejournal.com/> (accessed July 14, 2011).

Rumors from page 20

John Long WAS at the **Charleston Conference** and he tells me that he swam laps at the **Medical University of South Carolina Wellness Center pool** while he was here. That's a great place and I highly recommend it. I walk the pool at least three times a week myself.

Speaking of the **MUSC Pool**, I wonder if **John** ran into **Pam Cener**, retired from the **University of Florida**, Gainesville? **Pam** was in town for the **Conference with Michelle Crump**, but she was really sick! Anyway, **Pam** loves to swim and

many times we have tried to get her in the **College of Charleston** pool. Stories to tell! Oh! And see the pic of **Pam's** grandbaby in this issue, p.1.

Just learned that the impressive **Selden Durgom Lamoureux** will be leaving **NCSU Libraries** with great affection and appreciation after three and a half excellent years. **Selden** will be freelancing and remaining involved with professional commitments, including **SERU**, **Kuali OLE**, and teaching. Oh! And Rumor has it that she'll be returning to her previous life as a potter! Good Luck, **Selden**! And keep in touch with all us working stiffs out here!

Did y'all happen to meet the gorgeous **Roula Awad-Harb** <rharp@ndu.edu.lb> (Head, Acquisitions, Gifts & Exchange Dept. **Notre Dame**

University-Louaize, Lebanon) at the **Charleston Conference**? She flew a long way to come but she says it was well worth the time and expense! She says she is giving a talk at her library about the **Conference** and what all she learned that will be of interest to her colleagues. We hope that **Roula** will be back next year and tell us about libraries in Lebanon.

Springer Science+Business Media has agreed to purchase **Wolters Kluwer's** pharmaceuticals-focused marketing and publishing services (**MPS**) unit. The deal is pending regulatory approval. According to a statement by **Wolters Kluwer**, “proceeds from this divestment are expected to be used for general

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The mobile marketplace is designed for the individual purchaser, and most companies treat these downloads in the same way, even if the library is purchasing it for the end user. There are two models for libraries to purchase mobile downloads at this time. One is an add-on to a Web product that the library has already purchased, where the end user downloads the app to their mobile device. The other is where the library specifically purchases the mobile products for the end user. The add-on model is acceptable provided what you want on your handheld is part of the library's Web collections. It is not acceptable if you simply want the mobile product and the publisher is trying to make you buy something you don't want to get something you do. Nor is it acceptable if you don't want the mobile product and the publisher charges you for it anyway.

The preferred model is the one where we purchase individual titles in mobile format, treating those titles just as we would any other title. This gives us greater control over our collections, allowing us to respond to user needs, and permitting us to control costs as much as possible. These titles are just like any others, and it's best if publishers treat them as such. As with any collection, we want to be able to control what we offer to our users, respond to what they ask for, what is required in the curriculum or in our particular clinical specialty treatment areas, and respond to our particular technology environment.

The other key issue when it comes to purchasing by libraries is to have site licensing available. Most of these apps are marketed to individuals and are available for purchase individually. Very few companies who do sell to libraries change their business model to adjust for our needs to control costs and to easily manage user subscribers by providing site licensing. At the **Galter Library** we can only consider titles we can purchase in this way because we cannot maintain individual user logins that would be required without IP authentication. For budget purposes we cannot consider titles that are priced by individual download. With that model, we cannot control for costs since we don't know how many people will choose to download an individual title. Because this is not how any other electronic title is priced, it doesn't make sense to do it for a mobile title simply because of the platform. The technology is available to allow for IP authentication and site-licensed pricing, so more publishers should allow libraries to do this with their purchases.

Another issue involving these titles is accessibility. Some publishers put the content of the

against the grain people profile

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Stephanie Kerns

BORN AND LIVED: Originally from Indiana, I've lived in Washington, DC, California, and Illinois.

PROFESSIONAL CAREER AND ACTIVITIES: I've been in medical and science libraries my whole career, primarily as in reference and teaching roles.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: In five years I think the industry will continue moving more toward electronic content with the silos for format not mattering as much as it does now. I think the market will adjust to the technology needs of our users, and there will be more alignment within our environment. Mobility will become more the norm in healthcare, and libraries will respond to that need with the appropriate collections. 🐾

app on the device itself, which means the user can access the content no matter where they are. This is appealing because many hospitals have restrictions on their wireless networks, and 3G networks are often inaccessible. The downside of this is that the content can take up a lot of memory, limiting how many apps a user can potentially download. And if they are putting this on a smartphone with other objects like audio and video competing for that memory, it may not be the optimal situation. Therefore, some publishers keep the information content in the cloud. The app is installed on the device, but to access the information, the user must have an active wireless or cellular connection. This can be good in that it allows for more apps to be installed on one device, but as pointed out above, many hospitals restrict access to their wireless networks.

Deciding on the best way to support these titles is also an important consideration for any library. Most universities have departments to provide technical support, but when providing these kinds of titles, you should be prepared to answer specific questions about the kinds of mobile operating systems your users may have. We have found that the generic questions like those about connecting to the university wireless network can easily be passed on to the technical support department. But we answer the questions specific to downloading the software we purchased and how that is done. This requires

that that at least some reference staff be familiar with some of the more popular mobile operating systems. This has not been a problem since we all use smartphones in our own lives, and learning how to use the mobile software we purchased was just like learning how to use any other resource we buy for our users.

Conclusion

Constant changes with mobile technology are allowing our library to become more relevant to our users' lives by bringing resources to where they need them — at the bedside and in the classroom. Reform in medical education will hopefully make the needed funding available for this and other library collections as well. If more publishers are willing to work with the mobile platform, and make that content available on a site-licensed basis, we would be better able to support our users with the resources they need in the format they want. 🐾

Endnotes

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3. **Netter, Frank H.** *Atlas of Human Anatomy*. 1 vols. 5th ed. Philadelphia, PA: Saunders/Elsevier, 2010.

Rumors from page 30

corporate purposes including the reduction of debt levels in line with the company's stated objectives and investments in the business." <http://www.bookbusinessmag.com/photo/springer-logo>

Hope y'all will read the interview with **Springer's Thijs Willems, Wouter van der Velde, Jennifer Kemp** in this issue, p.47. As we all know, **ProQuest** has reorganized into six business units focused on specific customer needs. There are a lot of people we know in leadership positions. One of my all-time favorites
continued on page 40

Mutual Advocacy ... from page 38

The fifteen **Rush** employees present represented a wide range of departments and surprised **Nathalie** when they used their own introduction opportunities to ask her questions about the **Rush** Archives. One woman thanked her for assistance the Archives provided her with a genealogy request several months before. She recalled the emotional response her relative gave her when she presented him with reprinted material from the **Rush** Archives' collection. Another attendee asked if a collection in his own department would be suitable for donation to the Archives. In this group setting, all of the participants heard the conversation between the Archivist and other employees. Consequently, everyone present learned about the variety of ways they could make use of our research skills and collection initiatives.

These fruitful encounters with other employees are not possible if we don't venture out of our office. Each campus event provides opportunities to interact with different segments of the institutional community. In many cases, it is the first time some of our fellow participants have heard about the Archives. We rarely leave one of these events without a fresh reference request, an offer of materials to transfer to the Archives, or a request for information about our outreach events and tours.

Creating our Own Contributions to Existing Events

Finally, the **Rush** Archives has created its own contributions to existing campus events. In several instances, we have made note of new ways that our department can enhance existing annual events. Each year, **Rush University Medical Center** encourages its employees to participate in the **American Heart Association's** Heart Walk. The major city-wide event takes place in Chicago's Grant Park, but many employees do not have schedules that allow them to travel to that location. Instead, the institution's Heart Walk committee created an on-campus alternative walking route. When the **Rush** Archives recognized that this event was taking place on campus each year, we proposed that the **Rush** Archives could incorporate a historic walking tour of campus into the route. In response, event organizers modified the route to represent a walking tour that incorporated many of the older buildings on campus. Now, on-campus walkers learn about the history of **Rush** as they raise money for charity each year.

Rumors from page 34

ites **Rod Gauvin** is Senior Vice President and General Manager of **ProQuest Information Solutions**, responsible for all library markets. **Tim Wahlberg**, Senior Vice President and General Manager of **ProQuest Corporate Market Solutions** leads the corporate market business, including **ProQuest Dialog**. **Michael Gersch** continues in his role as Senior Vice

President and General Manager of **Serials Solutions** while now also overseeing **ProQuest's** affiliated business, **Bowker**. **Rich LaFauci**, Senior Vice President and General Manager of **ProQuest Research Solutions**, leads the consumer business as well as product brands **RefWorks** and the recently launched **Pivot** for research development professionals. The awesome **Kevin Sayar**, is President and General Manager of **ebRARY**, and the resourceful **Boe Horton**, Senior Vice President and Managing Director of **ProQuest East Asia**, continues his

focus on developing products and services for customers in that region. Whew! Hard keeping up with all the innovations at **ProQuest!** <http://www.proquest.com/en-US/aboutus/press-room/11/20111109.shtml>

Listen up!!! The 2009 Charleston Conference Proceedings are FINALLY OUT!!!! 2009 Charleston Conference Proceedings, Electronic Copy (PDF, 27.9 MB) in Dropbox: <http://db.tt/yBvmrZb7>. Print copies are available for purchase at the following retailers

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against the grain people profile

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BORN AND LIVED: I was born and raised in Iowa. The most exotic place I have lived is Juneau, Alaska, and I have lived in Chicago, Illinois for eight years.

PROFESSIONAL CAREER AND ACTIVITIES: I have been a Librarian/Archivist at the **Rush University Medical Center** Archives in Chicago for six years. Before I came to **Rush**, I was an Archival Assistant at the American College of Surgeons, The Iowa Women's Archives, the Center for Dubuque History, and the Illinois Regional Archives Depository.

I serve on the Steering Committee of the Chicago Area Archivists, and I'm a member of the Chicago Area Medical Archivists.

FAMILY: I'm celebrating my fifteenth anniversary with my husband, **Geoff Osterhaus**, this year. Our daughter, **Amelia**, turned two in December 2011.

IN MY SPARE TIME: I love to get outside whenever I can. I enjoy hiking, geocaching, and exploring new cities. I love photographing everyday life, and I always have a camera with me.

FAVORITE BOOKS: I love non-fiction and biographies. I recommend *The Alex Studies*, by **Irene Pepperberg**, which details her investigative work with the speaking capability of an African gray parrot. I also recently read **Alison Arngrim's** *Confessions of a Prairie Bitch: How I Survived Nellie Oleson and Learned to Love Being Hated*, which was a fascinating memoir.

PET PEEVES: Defeatism and avoidable miscommunications.

PHILOSOPHY: There is always a way to move forward.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: The industry has to continue to build a digital presence. Our users will increasingly develop the expectation that they do not need to travel to obtain the information they seek. 🐼

Conclusion

As **Rush's** archivists, we are responsible for accessioning and processing collections, working with external researchers, assisting **Rush** departments with projects, and archiving born-digital documents. We interpret our collections by organizing our own outreach initiatives, including exhibits, presentations, and tours. However, as a small staff, it is important for us to prioritize building our image on campus. We encourage our fellow archivists and

librarians to attend other departments' events and contribute content to existing blogs and newsletters. Participate in your institution's initiatives — even when a connection to the archives or library is not immediately clear. Sometimes to see and be seen is a goal in itself. Your status as a familiar face on campus can go a long way toward achieving your department's future goals. Every time you introduce yourself to another participant at an event, you can create a potential user or donor. 🐼

Op Ed — The Death of the Bookless Library

by S. David Mash, Ph.D. (Dean of Library Services) <dmash@lander.edu>

I recently flew through Atlanta and Dallas to visit my family in Texas. At both airports — each a teeming anthill of travelers — I had a good amount of free time between flights. I decided in advance to do a brazenly unscientific study of the reading habits of people at airport gates. Taking special care not to draw attention to myself, I adopted a data collection method I will call “observational strolling.” I took no notes, and I certainly did not gaze at anyone, lest I be taken for something other than a librarian. I “observationally strolled” past gate after gate with three research questions in mind:

- 1) of those reading to pass the time, what proportion were reading digital formats versus paper formats?
- 2) what was the general age range of those reading digital formats? and
- 3) what was the general age range of those reading paper formats?

I observed many hundreds of readers representing a phenomenally broad demographic profile. For the sake of full disclosure, I own an eBook reader, *and* I believe in the enduring value of print media. But what I saw surprised even me. First, of those reading to pass the time, the proportion of digital to paper was at best two digital readers for every ten paper readers. Second, the general age range of those reading digital formats was over thirty. In fact, *everyone* reading digital formats appeared to be over thirty. Yes, what I am saying is that *everyone* in the preschool through the twenty-something group was reading paper media. This included parents reading to very young children, grade-school children reading children’s books, and college-age adults reading novels. Just to keep myself honest, I began *looking* for young-in-appearance people reading digital media. I saw plenty of these young people with tablet devices and laptops, but all the screens that I could see were filled with entertainment and social media. There’s nothing wrong with any of this, of course, but the absolute lopsidedness of it all gave me pause.

My last observations were made on the final flight home. It happened that the person on my right (someone over fifty) was reading a paper book and the person on my left (someone nearing forty) was reading from one of the best-selling eBook readers. The person on my left read from the device, from ephemeral page to ephemeral page, in stillness and calm. The person on my right actively marked sections of text,

wrote notes in the margins, and flipped back and forth at times. Dare I suspect that she was *interacting* with the *paper* text? Dare I suggest that the format has a tangible effect on the kind of reading that is possible and the quality of retention that is achieved?

It would be irresponsible to draw grandiose conclusions from my airport observations. But the death of print, the tipping point into that transformative print-less future, has been “immanent” for decades. It has been right around the corner for my entire professional life. Let’s give it a rest. Research has begun to emerge which suggests that eBooks are far less adequate than print books for substantive reading and comprehension of long and complex texts. Incessant multitasking and ubiquitous digital immersion may have a costly dark side: habituation of the mind into a rigid bias against protracted complex thinking. The stakes are monumental. Students with this kind of bias — a sort of cultivated simplemindedness — may be able to graduate from high school or college, but they will not have the mental habits and intellectual discipline necessary for protracted attention to the complex problems that plague us.

It is encouraging to see the new **Joe and Rika Mansueto Library** at the **University of Chicago** described not as “another ‘bookless library’ for the digital age” but as “an \$81-million bet that researchers still need ready access to print.”¹ Librarians, educators, and administrators who stay on point with the script that print is second-class may not be acting in the best interest of the people we serve. It is time to apply some rigorous scrutiny to one-dimensional polemics about the inferiority of print. It is time to ask new questions about the limits of digital media. It is time for the digital prophets, pundits, and product pushers to scale back on extreme anti-print caricatures and anecdotes. In fact, I think it is time to declare the death of the bookless library. The social and cultural benefits will not be insignificant. 🐼

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Endnotes

1. Parry, Marc. 2011. “A High-Tech Library Keeps Books at Faculty Fingertips — With Robot Help.” *The Chronicle of Higher Education*, July 24. <http://chronicle.com/article/A-High-Tech-Library-Keeps/128370/>.

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from page 40through the **Lightning Source Distribution Network**:**Ingram Book** — www.ingram-book.com/default.aspx**Amazon** — www.amazon.com/Charleston-Conference-Proceedings-Katina-Strauch/dp/0983404305/ref=sr_1_1?ie=UTF8&qid=1322491921&sr=8-1**Barnes and Noble** — <http://www.barnesandnoble.com/w/charleston-conference-proceedings-2009-katina-p-s-trauch/1105847152?ean=9780983404309&itm=1&usri=2009+charleston+conference+proceedings>**Baker & Taylor** — btol.com**Espresso Book Machine** — on-demandbooks.com

HOORAY! HOORAY!

Moving right along, the **2010 Proceedings** are in press, and we expect that they will be available no later than the end of January 2012. We will again send a free electronic copy to all 2010 attendees, and print copies will be available for purchase at the same locations above.

Still more! The **2011 Proceedings** will be published in partnership with **Purdue University Press**, and will be available in October 2012. We hope to also be included in the **Project MUSE/University Press Content Consortium** as well. More information will be sent to 2011 attendees in the spring of 2012.

And now — on to 2012! **The 2012 Charleston Conference** theme “**Accentuate the Positive!**” will be held **November 7-10, 2012**, in historic and beautiful Charleston (voted the #1 tourist city in 2011)! <http://www.charlestoncvb.com/>

The **Conference Directors** will be having a conference call to discuss the 2012 program. In fact, we just heard from **Darcy Dapra** (Partner/Manager, **Google Scholar**) who said that **Google** was so sorry to have missed the **2011 Conference**. **Anurag Acharya**, the founder of and lead engineer on **Google Scholar**, will present a talk entitled, “Integrating Access and Discoverability in Scholarship: Successes and Failures,” which aims to touch upon some very fascinating trends in the scholarly content ecosystem that **Google** has identified over the nearly eight years since **Scholar** has been in existence. Ready to sign up? Registration will be up in March! Stay tuned!

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Rittenhouse

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**R₂ DIGITAL
LIBRARY**

Interview — Springer from page 48

ematical Programming. Users can search on an equation, article title, or DOI, and equations that are similar (or even exactly the same but written slightly different) will also appear under the “Similar Results” tab. This ability to provide a comprehensive set of results is unique to *LaTeXSearch.com*.

Exemplar (www.springerexemplar.com) is a free linguistic tool designed to aid the publishing process for authors, editors, and the scientific community at large. Exemplar allows researchers to quickly see how a particular term or phrase is used in peer-reviewed, published literature. This is a tool to help consolidate the use of subject-specific terminology and facilitate the communication of scholarly information through standardization.

Also, this year, **Springer** launched a network of job sites, with over 5,000 up-to-date listings. *ScienceandHealthcareJobs.com* is the main site and includes linkouts to two other sites. *StethoscopeJobs.com* is the

“daughter” site for physicians, and *LabratJobs.com* is the site focused on scientific researchers.

The sites in the network include:

- www.ScienceandHealthcareJobs.com
- www.LabratJobs.com
- www.StethoscopeJobs.com

A timely and well-received set of sites in this economy!

ATG: *That is an impressive list of resources that will definitely enhance the scholarly efforts of your users and other interested readers.*

Jennifer, Wouter, and Thijs, *we want to thank you for taking the time to talk to us. Getting your individual perspectives has been both fun and very informative.*

JK & WvdV: Thank you for the opportunity to bring this information to your readers.

TW: It's been our pleasure to inform you about this new **Springer** initiative. Please don't hesitate to contact us in case you have any further questions. 🌿

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Dave Nicholas' and **Ian Rowlands'** paper, “Coming of Age: Strategic Directions for Digital Repositories (CIBER Research) was selected as HOT on **LinkedIn** since it was being talked about on **LinkedIn** more than anything else on **SlideShare** so they put it on the homepage of **SlideShare** (in the “Hot on **LinkedIn**” section). Congrats, **Dave** and **Ian**!! <http://www.slideshare.net>

While we are talking about **Dave**, we just learned that he has accepted an adjunct chair

in the **School of Information Sciences at University of Tennessee Knoxville!** **Dave** will continue to be based in the UK but he will be seeking grants in partnership with the outstanding scholar **Carol Tenopir!** Ho ha!!

After 18 years, the magnificent **Bob Kelly** (Director, Journal Information Systems, **The American Physical Society**) is retiring. “What a long strange trip it has been,” he says, quoting from the **Grateful Dead**. He continues: “Together we, APS, SSP, and others, had the opportunity to kick off and participate in the evolution from print journals, limited to one user at a time reading, generally, a few years of a subscription to

many users at a time reading the full corpus of a publishers' journals back to volume one. We had great discussions, talked and experimented our way into the concept of reusable XML, open access, accessibility, new deliverables and linking. We lowered our costs, expanded our reach and set the stage for the future.” **Bob** also invites us to visit him on **Facebook** where he will be posting some of his “street photography.” Sounds like a great retirement occupation!

Way back when in another life I was a medical librarian (and did you know that **Dan Tonkery** was too, albeit at a much higher level?).

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Interview — Alison Mudditt
from page 55

(CALSO) on the UPSO platform with its first four collections in March 2012, and we are also an active member of the consortium working to develop **Books@JSTOR**. I'm excited about the potential for these initiatives not only to create new revenue streams, but also to help libraries broaden patron access to content and to make scholarly discourse more accessible than it has ever been — a vibrant hub of information and debate that serves not only the academy, but a much wider audience seeking answers to many contemporary problems.

ATG: *Why is partnering with OUP to launch California Scholarship Online (CALSO) on the UPSO platform more attractive to you than joining forces with the Books@JSTOR or Project MUSE?*

AM: We're still an active member of the JSTOR consortium and are, like the other members, currently reviewing the revised agreement, so it's quite possible we will sign with both. We know that our library customers want and need options in terms of platforms and business models, and are committed to meeting those needs. As we've been evaluating potential partners, we've been considering platform and functionality as well as business models and sales capacity, and feel that UPSO and JSTOR will best meet both our needs and those of our library customers.

ATG: *Alison, thank you taking the time to speak to us. We know that our readers will appreciate your many insights.* 🐾

Alison Mudditt

against the grain
people profile

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BORN AND LIVED: Born Exeter, UK. Lived Exeter, Bath, Oxford, Washington, DC, Philadelphia, Thousand Oaks, CA, the Bay Area.

FAVORITE BOOKS: Almost impossible to answer — there are way too many. Instead, I'll mention my favorite fiction and non-fiction books I've read recently. I loved everything about **Barbara Kingsolver's** recent novel *The Lacuna*, an epic and moving story, but particularly delighted in the vivid portrayal of 1930s Mexico and its most colorful figures (**Rivera, Kahlo, and Trotsky**). And **James Gleick's** *The Information* is the kind of non-fiction I really enjoy — encompassing science, history, and biography, it's an engaging synthesis of a huge amount of material that stimulates new ways of thinking.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: I'm reiterating the obvious to say that our industry continues to be driven by rapid technological transformation, and that significant parts of the agenda have been taken over by large technology organizations. Within five years we'll be in a world where digital editions and business models are primary. While print will continue to exist, it will be more of a luxury item for those who can and want to pay a premium. The technology giants will continue to make significant plays in traditional publisher markets — the K12 and college textbook markets seem to be obvious next candidates. Budgets and markets across higher education are likely to remain tight, and it remains to be seen if the current model of higher education in the U.S. is sustainable — all at a time when education is more important than ever for the U.S. to remain competitive in the global economy. But I remain optimistic about the future of publishing and publishers, as long as we can embrace the discovery of new ways to apply our skills in content development and marketing to emerging technologies. For a relatively small player on this global stage, this means that we will need to be highly focused on our core competencies and highly integrated with our customers' and users' workflows. 🐾

Interview — Knut Dorn
from page 53

an early adapter. The Internet still holds many secrets for me and I want to use my free time finally to catch up. While at the office at **HARRASSOWITZ** I could not find the time for creative experimentation and was glad that I had a chance to organize an economic way to participate in electronic communication without putting an undue burden on the company. Now as of next year, there will be the chance to engage in a learning process for which there also has never been the time.

Will I have the drive to do some writing? There are lots of ideas and some sketches for projects that go back to my years in academia. When I started at **HARRASSOWITZ** I had the idea of doing the writing for the topics of my interest on the side, expecting that my commitments at the company would allow me to do that. What a misconception that was! The job at **HARRASSOWITZ** took more than what I ever imagined a full-time job would do to you. I do not regret this since I can say that I fully lived up to the expectations of the company and of our customers, and the fun part was that I

thoroughly enjoyed it. So no regrets that I had what you might call a full professional life. Will I be able to muster the energy to go back to what I had intended to do in my formative years at the university? I will have to see.

What I definitely will enjoy is living at a more leisurely pace. It is exactly that leisurely pace that I plan to introduce into my life. For once to fully enjoy the summers in my "club of early morning swimmers" in the fantastic open-air swimming pool on the hill over Wiesbaden very close to my home, without having to rush back for breakfast at 8:00 a.m. and to try to be able to be at the office in time to fit into the schedule of meetings and daily routines. For once it will be time management for me under relaxed circumstances, or so I hope. Even if it is only to watch a soccer game without feeling remorse later that you have again lost two hours that have set you back with your professional reading or with composing texts for correspondence or marketing purposes.

And I will be able to devote more time again to my circles of friends, go to the theater, and arrange for wine tastings and outings with them, all things I used to do but that had taken second place when business trips and professional duties in general had to be accommodated first.

Naturally, my wife **Renate** has ideas for me to devote more time to our grandchildren, **Lavina** and **Helena**, the two daughters of **Nadja** who I have to admit have not been given the amount of attention and time that they deserve. How good I will be at that, will have to be seen. It will definitely be children's books and fairy tales for a while before in a couple of years they will be ready for ball games, swimming, and track and field. I expect that my educational skills will be tested! 🐾

Rumors
from page 49

Things were different. This issue, ably guest-edited by the fantabulous **Ramune Kubilius**, certainly illustrates the massive changes in that world and indeed in our world as well. These are great articles. I love music (classical and rock and country, you name it, but not modern) so I was intrigued and fascinated by **Sally Gore's** characterization of librarians assembling an orchestra, this issue, p.25). Don't you love it!

Our **Op Ed** this issue is near and dear to my heart! Reading habits. Anyway, when I am in an airport, a library, a doctor's office, a train station,

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LEGAL ISSUES

Section Editors: **Bruce Strauch** (The Citadel) <strauchb@citadel.edu>
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Jack Montgomery (Western Kentucky University) <jack.montgomery@wku.edu>

Cases of Note — Copyright

Flunking the Incredibly Low Feist Test

Column Editor: **Bruce Strauch** (The Citadel) <strauchb@citadel.edu>

Charles Syrus v. Clay Bennett; Oklahoma City Thunder, UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT, 2011 U.S. App. LEXIS 22304.

Oklahoma City Thunder is a pro basketball team previously the Seattle Supersonics but now in OKC, hence the new name. It's an interactive age, and **Thunder** put out a request for fans to "share ideas" with the team. Quick to respond, songwriter **Syrus** wrote a song for them and registered it for copyright. In a self-promotion, he gave a copy to the mayor, an unnamed coach, and the team's head cheerleader. No one showed much interest.

However, the phrases "Thunder Up," "Go Thunder," and "Let's Go Thunder" were used in ads, on banners, and were chanted by cheerleaders and crowd at games. A miffed **Syrus** said these were taken from his lyrics and violated his copyright. Naturally he sued. And not shy in his demands, he wanted "20-30% of net gross" of the team's revenue as damages.

Yes, you can see exactly where this is headed. But if you're just sitting around watching paint dry, you may want to read further.

OKC Thunder won dismissal of the complaint under Rules 8(a)(2) and 12(b)(6) of the FRCP.

If you watch John Travolta in "A Civil Action" you'll see 12(b)(6) made fun of. Travolta plays an ambulance chaser who likes to haul off and sue big corporations with very thin factual allegations, then rummage through their records under Discovery seeking wrong-doing. It's one of Hollywood's "THEY're poisoning our water" extravaganzas.

Trial lawyers seem to worship the movie and show it at Continuing Legal Eds when in fact, Travolta's lawyering is grossly incompetent. He blunders into a deposition without the faintest idea how leather is tanned, volume of chemicals used, or method of disposal. So he can't catch the central-casting villain tanner in any lies.

And he seems to have no knowledge of EPA regs requiring disposal certificates, the absence of which would show the toxic gunk was dumped on the ground.

Not to mention his disbarable offense of refusing healthy settlements without informing

the clients. But in Hollywood Land, that's not an ethical issue because his heart bleeds for the poor wee victims and burns with hatred of the evil corporations.

So there is a good reason for 12(b)(6). If nothing else, it keeps nincompoop lawyers from wrecking the client's case.

I love this definition. A complaint must have "enough facts to state a claim to relief that is plausible on its face." **Bell Atl. Corp. v. Twombly**, 550 U.S. 544, 570 (2007). Or you can try "[f]actual allegations must be enough to raise a right to relief above the speculative level." *Id.* at 555.

Defendant **Clay Bennett**, Prez of Professional Basketball Club, LLC, which owns **OKC Thunder**, was out because there were no allegations whatsoever about him and hence no plausible claim.

Thunder was out because the trite little phrases are not subject to copyright protection.

But hanging on like a pitbull, **Syrus** went to the Tenth Circuit.

So What is the Feist Thingy?

Feist Publ's, Inc. v. Rural tel. Serv. Co., 499 U.S. 340 (1991) involved copyright protection for a phone book that had separate business and residential sections. Copyright protects "original works of authorship fixed in any tangible medium of expression." 17 U.S.C.

§ 102(a). Tangible — phone book. Original — not copied from someone else and holding some minimal degree of creativity. How minimal? That hum-drum phone book organization was considered sufficiently original. Setting a very low standard of creativity indeed.

Words and short phrases are generally not protected, particularly when they "convey an idea typically expressed in a limited number of stereotyped fashions." **Narell v. Freeman**, 872 F.2d 907, 911 (9th Cir. 1989). A short phrase might be protected if the degree of creativity were sufficient. **Melville B. Nimmer & David Nimmer**, *Nimmer on Copyright*, § 2.01[B], at 2-17 (Matthew Bender, Rev. Ed. 2011).

Anyone who has lived through the dreadful years of "teen spirit" knows that "Go Dogs (Panthers, Toads, Mako Sharks, etc.)" is about as stereotyped as they come. Some teensy-weensy degree of originality is required. Or is the *sine qua non* of copyright, as they say. **Feist Publ's, Inc.**, 499 U.S. at 348.

And Syrus Flails About

Syrus argued that single words like "Budweiser" and "Coors" get protection. So ... "Go Thunder" should as well. But he hopelessly confuses copyright with trademark. Trademark rights "grow out of ... use" and do not "depend upon novelty, invention, discovery, or any work of the brain." **Trade-Mark Cases**, 100 U.S. 82, 94 (1879).

Syrus never used "Go Thunder" in commerce as a mark for any goods. 🐾

Rumors from page 56

or even a taxi, I am always interested in how people interact with books, magazines, newspapers, technology. And the astute **David Mash (Lander University)** actually recorded his unscientific observations in this issue, p.46.

If you have followed **Ann Okerson's** liblicense, there is repeated discussion of this by **Jim O'Donnell** and many others! No, Virginia, the print book is not dead!

And speaking of **Liblicense**, it has been moved seamlessly from **Harvard** to the **Center for Research Libraries**, where **Ann** is now based! Congratulations to both **Ann** and **CRL**!

Do you know that we did some video interviews during the **31st Charleston Conference** and **Ann** was one of them. Watch for announcements on the **ATG NewsChannel** www.against-the-grain.com/.

As we go to press, I just learned from the approval plan legend **Richard Abel** that **Don Stave** just died. **Richard** reminds us that **Don** was the principal inside man who helped develop the systems to get books to academic and research libraries cheaper and faster. **Richard** promises to write a memorial about **Don** for **ATG**.

And finally, **Happy New Year!** Have heard from many of you with wishes for the New Year! **Sandy Paul**, **Laura Berg**, **Jack Montgomery**, **Clara-Mae Chitum**, **Betty and Sevgin Oktay**, **Corrie Marsh**, and many of you! Happy New Year and much love always. Your editor. 🐾