2015

If Rumors Were Horses

Katina Strauch

Against the Grain, kstrauch@comcast.net

Follow this and additional works at: <https://docs.lib.purdue.edu/atg>

Part of the [Library and Information Science Commons](#)

Recommended Citation

Strauch, Katina (2015) "If Rumors Were Horses," *Against the Grain*: Vol. 27: Iss. 1, Article 3.

DOI: <https://doi.org/10.7771/2380-176X.6985>

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact epubs@purdue.edu for additional information.

ISSN: 1043-2094

Against the Grain

"Linking Publishers, Vendors and Librarians"

Reading in a Digital Age: Issues and Opportunities — Part One

by **Tony Horava** (Associate University Librarian – Collections, University of Ottawa, Ontario, Canada) <thorava@uottawa.ca>

None of us are born readers. We are born, of course, with our five senses, but reading is a complex, learned skill that takes much time and practice to master. Very early in life we become aware of mysterious

shapes and lines on pages or screens that provide meaning for everyone who is older than us. We puzzle our way through many frustrations until the developing neural connections in our brains allow us to make cognitive sense

of these shapes and lines. The light bulb of understanding slowly brightens — we are permanently changed, and a new vista of imagination and ideas beckon to us. Becoming a fluent reader is a pre-condition for success in a knowledge-driven, highly-literate society as ours. The act of reading is the lifeblood that holds together our mission of connecting people, ideas, and knowledge. It allows patrons to explore new landscapes of intellect and emotion, where we grow, learn, ponder, discover, soul-search, and ultimately become the people we are today, and will become tomorrow. The act of reading inevitably connects us to the past (our own past as well as historical past) and engages us in anticipation of new ideas and knowledge, whether in collaboration or in solitude (and often sliding back and forth from one mode to the other).

There is no doubt that the form and experience of reading is undergoing a fundamental revolution, akin to the **Gutenberg** revolution of the 15th century. Mass printing of books using movable type triggered massive cultural change following **Gutenberg**, and our networked digital culture has transformed the way we live, communicate, think, share, and, of course, read. The shift from print to screen reading is transforming how we read, what we read, and when we read. The Web is only about twenty years old, and there is a gamut of new reading technologies (software, tools); communities (Good Reads, Library Thing, online book clubs); and sophisticated media environments. The complete ubiquity and portability of our devices have afforded us the ability to read

continued on page 12

If Rumors Were Horses

Pictured here is **Albert Joy**. You will remember that he retired from the **University of Vermont!** But he has not retired from the **Charleston Conference**. He will be one of our mentors in November! <http://www.against-the-grain.com/2015/01/rumors-from-the-atg-newschannel-11115/>

Hard to believe that the awesome **Deb Vaughn**, our book review editor extraordinaire, is pregnant with her **FOURTH** child! Whew! Y'all will remember that **Deb** has moved to **Clemson** and is teaching some courses there in her spare time. Thanks, **Deb**, for all you do and happy pregnancy.

Meanwhile, is anyone out there interested in taking up the Book Review column for *Against the Grain*? You will get as many new books as you want. Why not? Contact me <kstrauch@comcast.net> or **Tom Gilsont** <gilsont@cofc.edu>. Thanks!

Thanks to all of you for the congratulations on the birth of our grandson, **George Wilton Jacks**. And of course, he is brilliant. Why the other day, he had his first laugh and he's barely 4 months old. Imagine that!

While we are on the subject of pregnancies, I absolutely forgot to mention that the wonderful **Posie Aagaard** (Assistant Dean for Collections & Curriculum Support, **University of Texas at San Antonio**) missed the **Charleston Conference** a year ago because she had a new baby! We have to reconnect with her!

What To Look For In This Issue:

Obituary — Gerald "Jerry" Curtis...	24
Free Access and Free Riders: The Emerging Problem	42
Is That A Meeting Anyone Really Wants to Attend?	68
Charlie Hebdo and the Moral Equivalence Fallacy	72
Licenses: Where e-Resources Become Real for Library Users	86
Interviews	
Takashi Yamakawa	43
Olivia Humphrey	48
Profiles Encouraged	
USACO Corporation	41
Takashi Yamakawa	46
Olivia Humphrey	49
Kanopy	50

1043-2094(201502)27:1;1-Z

continued on page 6

From Your (piano-loving) Editor:

Once upon a time, I used to play the piano. Now I play the computer almost exclusively. In fact, I was thinking about selling the piano that I bought when I got my first job. Until the other day when I was reading about the decline of interest in playing the piano because of all the tools and gadgets that are out there. So I changed my mind. I am against-the-grain, after all! Long live piano playing!

Meanwhile, have been working on this print issue of *ATG*. It's guest edited by the wonder-

ful **Tony Horava** and is on an important topic — **Reading in the Digital Age: Issues and Opportunities**. This is Part One. Part Two will be in the June print issue of *ATG*. We have articles about reading in context, new literacies in education, reading and the library, reading trends and college-age students, and digital texts and the paper divide. **Rick Anderson** in his **Op Ed** and humble but correct opinion tells us about the emerging problem of free riders. **Back Talk** is by **Ann Okerson** who along with **Jim O'Donnell** are taking up the **Back Talk**

Mantra from **Tony Ferguson**.

Our interviews are with **Takashi Yamakawa** (Chairman USACO) and **Olivia Humphrey** (CEO, Kanopy). **Leila Salisbury** talks about what's working in our "one size fits all" environment, while **Myer Kutz** is doing some heavy lifting out in the cold. Other topics from our regular columnist include: eBooks from multiple vendors, libraries as prime community spaces, libraries and videos, sustainability, bookends, some "as ifs," and the tragedy of *Charlie Hebdo*.

Of course, there are lots of reviews in this issue, of books, reference titles, and even of a Website. And reports, we've got 'em — **2014 Charleston Conference**, **HELIN 2015**, **NFAIS Seminar** and **NFAIS Workshop** — read what you may have missed here.

Whew! I think I will put my computer to sleep and move to my piano downstairs. I wonder if I can still play chopsticks?

Meanwhile, have a good ACRL and let's hope this weather gets better!

Love, Yr. Ed. 🌿

Letters to the Editor

Send letters to <kstrauch@comcast.net>, phone or fax 843-723-3536, or snail mail: **Against the Grain**, MSC 98, The Citadel, Charleston, SC 29409. You can also send a letter to the editor from the *ATG* Homepage at <http://www.against-the-grain.com>.

Dear Editor:

Hello kind Editors of *Against the Grain*, I am curious, what is the review process for articles submitted to *ATG*? Is it peer reviewed? Editor reviewed? Do you employ a blind (or double blind) process? Thank you very much for any explanation.

Could someone point me to any instructions for submission? Thank you.

Frank R. Allen (Senior Associate Director for Administrative Services, University of Central Florida Libraries, Orlando, FL 32816-2666) <Frank.Allen@ucf.edu>

Dear Frank Allen,

Let us know if you need more clarification! Thanks for your interest in *ATG*.

1) We find guest editors based on articles in the literature, listservs, conference presentation, etc. All feature presentations are refereed as well as special reports. Columns are refereed by the editors only.

2) There is a conference planning committee that suggests plenary speakers. A call for papers is listed on the **Charleston Conference** Website (www.katina.info/conference). Concurrent session proposals are refereed by a committee of librarians.

3) We will arrange for blind peer review if it is requested but normally refereeing is not blind.

Here is the link to Submit Content on the *ATG* Website: <http://www.against-the-grain.com/submit-content/>

Best regards, **Katina Strauch** and **Tom Gilson**

P.S. *ATG* is listed in three **Cabell's** directories. 🌿

Rumors from page 1

John Von Knorring. Remember him? He used to be President of **Routledge New York** before they were bought by **Taylor & Francis** in 1998. We interviewed him for *Against the Grain* in v.6#4 (1994) and the interview is open access on the **Purdue e-pubs Website** (link below). **John** didn't waste any time founding **Stylus Publishing** back in 1996. Anyway, **John** wrote to say he would be in Charleston April 9-11 for the **American Association of Blacks in Higher Education** who are honoring him for the support he's given to Black scholars through the publishing he has done. Looking forward to seeing **John** in Charleston soon!

<http://docs.lib.purdue.edu/cgi/viewcontent.cgi?article=1642&context=atg>

<https://sty.presswarehouse.com/books/features.aspx>

Looking for themes for the 2015 (the 35th!!) **Charleston Conference**, I was talking to **Mike Markwith** (WT Cox) who knows all about **Bob Dylan** and his songs. In fact, I remember that **Mike** used to have **Dylan** CDs and whatever else there was about **Bob Dylan** way back when. I was wondering about the theme of "Failing Your Way to Success" but there is not an exact **Dylan** quote that says that. **Mike** was telling me about the song **Love Minus Zero/No Limits** where the words are "there's no success like failure and failure's no success at all." Not quite right. Oh well. Back to the drawing board, but thanks, **Mike**!

continued on page 18

AGAINST THE GRAIN DEADLINES VOLUME 27 — 2015-2016

2015 Events	Issue	Ad Reservation	Camera-Ready
MLA, SLA, Book Expo	April 2015	02/19/15	03/12/15
ALA Annual	June 2015	04/09/15	04/30/15
Reference Publishing	September 2015	06/18/15	07/09/15
Charleston Conference	November 2015	08/20/15	09/10/15
ALA Midwinter	Dec. 2015-Jan. 2016	11/12/15	11/27/15

FOR MORE INFORMATION CONTACT

Toni Nix <justwrite@lowcountry.com>; Phone: 843-835-8604; Fax: 843-835-5892; USPS Address: P.O. Box 412, Cottageville, SC 29435; FedEx/UPS ship to: 398 Crab Apple Lane, Ridgeville, SC 29472. 🌿

Reading in Context... from page 16

others who just assume that the answer is “yes.” These readers have misconstrued the academic library as a “safe” place, where all sources are scholarly, vetted, and inherently useful. While this skewing, or skewering, of the concept of “library” is disturbing in itself, the lack of agency in readers who perceive the library this way is chilling. Rather than taking control of their reading and acting to contextualize pieces of writing as they relate to their own goals and interests, these readers aim to consume the library’s product, repudiating their rights and privileges and the cultural and disciplinary legacies of reading and scholarship.

Conclusion: Reflection-in-Situation

As library and writing support staff, we often don’t have the luxury of getting to understand student-readers over an extended period of time; in truth, often, they come to us only in their most dire academic moments. We must quickly assess their contexts, desires, and needs and make on-the-fly decisions about how best to serve within the time that is available. This humanist, empathetic work, along with the in-the-moment opportunities to be, as **Dervin** writes, “maximally useful and responsive to real living-breathing human beings and the real nitty-gritty, changing conditions of their work and lives” (42), makes attention to sense making essential in academic support.

When we attend to the sense made, and unmade, by both student readers and ourselves, we attend to flexibility and progress. If we respond to “human beings traveling through time-space” (Dervin 39) by swiftly observing and assessing ever-changing contexts, we will be able to utilize new findings from learning science and ethnographic research as parts of those contexts. The interdisciplinary expertise that informs sense making allow exciting opportunities to collaborate, and we ourselves must recognize not only our own limitations, but also the contributions and limitations of learning scientists, human-computer interaction experts, communications scholars, educators, and others. As we, in academic support, are working within an increasingly disintermediated and fragmented environment, we must continually reflect on our purpose and place within the ecosystem, making and unmaking our own sense about what we are doing, in what context, and whether we are making sense in our efforts to help humans understand what it is to *read*.

Works Cited

Dervin, Brenda. “Sense-making Theory and Practice: An Overview of User Interests in Knowledge Seeking and Use.” *Journal of Knowledge Management* (1998): 36-47. *Supplemental Index*. Web. 19 Sept. 2014.

Fahey, Liam, and Laurence Prusak. “The Eleven Deadliest Sins of Knowledge Management.” *California Management Review* 40.3 (2014): 265-76. *Business Source Complete*. Web. 19 Sept. 2014.

Faisal, Sarah, Simon Attfield, and Ann Blandford. *A Classification of Sensemaking Representations*. *discovery.ucl.ac.uk*. University College London, n.d. Web. 19 Sept. 2014. <http://discovery.ucl.ac.uk/14803/1/14803.pdf>

TEDx. “Get a read on this — libraries bridging the digital divide: **Andrew Roskill** at TEDxCharleston.” Online video clip. *YouTube*. 14 May 2014. Web. 21 Oct. 2014. <http://youtu.be/JI98u5HK0pY>

Jabr, Ferris. “The Reading Brain in the Digital Age: The Science of Paper versus Screens.” *Scientific American* 11 Apr. 2013. *Scientific American*. Web. 19 Sept. 2014. <http://www.scientificamerican.com/article/reading-paper-screens/>

McLuhan, Marshall, and Quentin Fiore. *The Medium is the Massage: An Inventory of Effects*. Produced by Jerome Agel. 1967. Corte Madera, CA: Gingko Press, 2001. Print.

New London Group. “A Pedagogy of Multiliteracies: Designing Social Futures.” *Harvard Educational Review* 66.1 (1996): 60-93. *Harvard Educational Review*. Web. 30 Oct. 2014.

O’English, Lorena. “How Do I Get to the Fulltext?” Implications of Library Databases.” *Teaching Research in a Brave New (Digital) World* (Session E7). Computers and Writing, Washington State University, Pullman, WA, 7 June 2014. Conference Presentation.

Postman, Neil. *Amusing Ourselves to Death: Public Discourse in the Age of Show Business*. Rev. ed. New York, Penguin, 2005. Print.

Robinson, Ken. “RSA Animate: Changing Education Paradigms.” Online video clip. *TED*. n.d. Web. 9 Sept. 2014.

Savolainen, Reijo. “Information Behavior and Information Practice: Reviewing the ‘Umbrella Concepts’ of Information-Seeking Studies.” *Library Quarterly* 77.2 (2007): 109-32. *JSTOR*. Web. 19 Sept. 2014.

Segal, Erich. *Love Story*. New York: Harper & Row, 1970.

Shaffer, Kris. “The Critical Textbook.” *Hybrid Pedagogy: A Journal of Learning, Teaching, and Technology*. 2 May 2014. Web. 5 Sept. 2014.

Wilbanks, John. “Thoughts on the Fragmentation and Reintegration of Scientific Communication.” Abstract. Creative Commons and UCLA Digital Humanities. Young Research Library Conference Center, UCLA, Los Angeles, CA. 11 May 2011. Guest Lecture.

Youngblood, Gene. “The Mass Media and the Future of Desire.” *The CoEvolution Quarterly* (Winter 1977/78): 6-15. *Vasulka.org*. Web. 19 Sept. 2014. 🌱

Rumors from page 6

BTW, **Mike** was at the very first **Charles-ton Conference** (he was with **Blackwells**, remember them?) where **Jake Chernofsky** of **A.B. Bookman’s Weekly** (now defunct) was the keynote. **A.B.** used to be the best place to advertise a used book that a bookseller had for sale or a library wanted to locate. Times they sure have changed, 35 years later!

In fact, it’s hard to keep up with all the acquisitions, mergers, etc., that are in the works and this year has only begun! We have the proposed merger of **Springer** and **Macmillan**, OCLC’s acquisition of **Sustainable Collection Services (SCS)** and the **Big news** the end of last week! **EBSCO announced their acquisition of YBP!** YBP has been for sale for the past few months as **B&T** needed to strengthen its bottom line so some sort of change was inevitable. But — **EBSCO** has a

lot of our business. Do we want to give them even more? There is a guest post by **Jeff Kosokoff**, the Head of Collection Strategy & Development for the **Duke University Libraries** posted on **Scholarly Communications @ Duke** (February 25) which raises some worthy issues.

<http://www.against-the-grain.com/>

<https://www.ebsco.com/news-center/press-releases/ebsco-shows-major-commitment>

<http://blogs.library.duke.edu/scholar-comm/2015/02/25/resistance-is-futile/#sthash.eIQ60mt1.dpuf>

Speaking of which, **Publishers Weekly** (**Jim Milliot**) reports that **Readerlink Distribution Services**, the country’s largest book distributor to mass merchandisers, has significantly increased its presence in the book creation business by acquiring the **Baker & Taylor Publishing Group** and **Baker & Taylor Marketing Services U.S.** Under the agreement, which closed late February

20, **Readerlink** takes ownership of **B&T’s** 504,000 sq. ft. Indianapolis distribution center, as well as **BTPG’s** general offices in San Diego, CA and its editorial offices in Ashland, OR.

<http://www.publishersweekly.com/pw/by-topic/industry-news/industry-deals/article/65674-readerlink-buys-b-t-publishing-marketing-units.html>

More from **EBSCO**. **Koha** is the first open-source Integrated Library System (ILS). In use worldwide, its development is steered by a growing community of libraries collaborating to achieve their technology goals. **Koha’s** OPAC, circulation, management and self-checkout interfaces are all based on standards-compliant World Wide Web technologies — XHTML, CSS and Javascript — making **Koha** a platform-independent solution. **Koha** is distributed under the open-source General Public License (GPL). **Koha** libraries reached out to **EBSCO**

continued on page 24

New Literacies in Developmental ... from page 22

which phase of the information cycle the topic likely falls under.

5. Walk them through important software applications while explaining the limitations of them. Developmental students may access much of their Web-based information through their cellular phone rather than through a computer. In addition to reminding students that books are valuable sources of information, developmental students may need guidance to understand software compatibility with eBooks, as well as features such as bookmarking, search, and subject indexes. These students may also rely on citation generators for their bibliographies. They may not understand that citation generators can create incorrectly formatted citations, so the student should always review the citations in accordance with the current guidelines of the required format of their paper.

Library staff are in a unique position to help students develop digital literacy skills. In addition to being a place of learning, the library can become a place that helps students replace faulty assumptions with a more realistic understanding of information. Students can build connections with library staff that help keep the student in school despite significant barriers to completion, in addition to helping students improve their GPAs and their self-confidence.

Toward a New Understanding of Literacy and the Achievement Gap

The last two decades have been characterized by innovation in information, and while there is some controversy about whether in-

novation and technology always create more inequality, the link between innovation and equity gaps is well-established. The two are interdependent. Literacy has also been the centerpiece of equity for centuries. Lack of literacy stifles creativity, growth, and personal achievement.

Increased access to information has changed the way we interact with the world. Where technical skills such as how to operate equipment or balance the books were the path to success just a short time ago, competence with

information is the expectation today. Reading and writing are still important, but they are not the only aspects of literacy on which educators need to focus. Just as the invention of the printing press created a demand for educated people who could read, comprehend, and apply the written word, the invention of digital media has created a demand for citizens who can analyze, synthesize, and reinvent information to move us toward a better world. Knowledge, after all, is power. 🌱

Endnotes

1. **White, S. and McCloskey, M.** (2003). Framework for the 2003 national assessment of adult literacy (NCES 2005-531). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved from http://nces.ed.gov/naal/fr_definition.asp.
2. Common Core State Standards Initiative. (2014). Key shifts in English language arts. Retrieved from <http://www.corestandards.org/other-resources/key-shifts-in-english-language-arts/>.
3. New Literacies & Classroom Practice. (2014). A pedagogy of multi-literacies: Concepts of design. Retrieved from <http://www.newliteracies.com.au/what-are-new-literacies/?138/>.
4. **O'Reilly, T.** (2005). What is Web 2.0?: Design patterns and business models for the next generation of software. Retrieved from <http://www.oreilly.com/pub/a/Web2/archive/what-is-web-20.html>.
5. **Overbaugh, R.C. and Schulz, L.** (n.d.) Bloom's taxonomy. Retrieved from http://ww2.odu.edu/educ/roverbau/Bloom/blooms_taxonomy.htm.
6. Pew Research Internet Project. (2014). Teens fact sheet: Highlights of the Pew Internet Project's research on teens. Washington, D.C.: Pew Research Internet Project. Retrieved from <http://www.pewinternet.org/fact-sheets/teens-fact-sheet/>.
7. **Hart, B. and Riseley, T.R.** (2003). The thirty million word gap. Retrieved from <http://centerforeducation.rice.edu/slc/LS/30MillionWordGap.html>.
8. **Smith, A.** (2013, October 9). Statement of Aaron Smith: Broadband adoption – the next mile. Washington, D.C.: Pew Research Internet Project. [web log]. Retrieved from <http://www.pewinternet.org/2013/10/29/statement-of-aaron-smith-broadband-adoption-the-next-mile/>.
9. **Dickard, N. and Schneider, D.** (2002, July 1). The digital divide: Where we are. Edutopia. [weblog]. Retrieved from <http://www.edutopia.org/digital-divide-where-we-are-today>.
10. **National Association for Developmental Education.** (2014). 2014 facts. Retrieved from http://www.nade.net/site/documents/fact_sheet/2014%20Fact%20Sheetfinal.pdf.
11. **Brothren, T. & Wambach, C.A.** (2004). Refocusing developmental education. *Journal of Developmental Education* 28(2), 16-33. Retrieved from http://ncde.appstate.edu/sites/ncde.appstate.edu/files/Outstanding_JDE_V28-2.pdf.

Rumors from page 18

for support of some important projects, and EBSCO agreed to partner to help them accomplish their goals. The financial support from EBSCO will be provided via the **Koha Gruppo Italiano** founded by the **American Academy in Rome**, **American University of Rome**, and the **Pontificia Università della Santa Croce**, which will be assisted in this development and integration by key **Koha** contributors **ByWater Solutions**, **Catalyst IT**, and **Cineca**. *Koha-community.org*

Who would have ever believed that **Reed Elsevier** would change its time-honored name to ... **RELX Group plc** as we noted in the **ATG NewsChannel** last week. Reportedly there is a simplified corporate structure. But, not to worry, **Reed Elsevier**, now **RELX**, is still one of Europe's biggest players, reporting full year revenue of £5.77 billion, and an operating profit of £1.74 billion. The *Evening Standard* reported that the "sprawling structure is now combining all assets into a single group entity." *www.against-the-grain.com/*

continued on page 51

Obituary — Gerald "Jerry" Curtis

by **N. Bernard "Buzzy" Basch** (Concord, NH; Phone: 603-225-5109)
<buzzybasch@hotmail.com>

On January 13, 2015, **Gerald "Jerry" Curtis** died peacefully surrounded by his family, after a prolonged illness. To his many friends and admirers in the library and publishing communities, he was far from "pedestrian," the word he inexplicably used if pressed to describe himself.

Jerry's powerful and towering physical presence kept in trim by daily gym sessions (no matter how late conference sessions ran the night before), the depth and insightfulness of his knowledge of publishing and business (I have yet to meet anyone who is his equal in the hazards and opportunities of foreign exchange), and his passionate commitment to customers and colleagues made it clear that there was nothing "pedestrian" about him.

At **Kluwer**, **Faxon**, and **Springer** and in libraries throughout North America, **Jerry** attracted many friends and admirers with his salty words of profession wisdom and his sympathetic ear in times of stress or trouble.

Jerry's profession life was deeply grounded in his religious faith and his love and pride in his family — his wife **Mary**, daughter **Mary**, and sons **Gerald** and **Patrick**. They were never far from his thoughts or conversation. 🌱

Interview — Olivia Humphrey from page 50

OH: The hosting solution affords a number of benefits. It is a very flexible solution, allowing a library to upload a single film without having to commit to a large minimum fee, and also means that libraries can have all of their hosted films stored in the one destination alongside their **Kanopy** licensed films, taking advantage of our technology as well supporting the cross-discoverability of the films. It is a fairly simple process — a library simply uploads films as and when they want to. Rights management is something the libraries manage with the content owner. **Kanopy** can facilitate this conversation as we have such great relationships with the rights owners, but ultimately this is something the libraries and rights owners negotiate.

The benefit of our video licensing service is that the rights are very clear and are the same for every film. **Kanopy** manages the licenses and the associated rights, so many libraries prefer to rely on that.

ATG: *We also notice that you already have a new subsidiary called KanopyPlay. What is that all about?*

OH: **KanopyPlay** is a streaming solution for the K-12 market. It operates very differently to our higher education solution in terms of the content and technical features, and we have been surprised by the great response from teachers, parents, and, of course, the students.

ATG: *Leading and growing a company takes a great deal of energy. How do you recharge your batteries? What do you do to relax? Are there any non-work activities that you particularly enjoy?*

OH: Every day I come home to my two-year-old son, who sprints down our corridor and hurls himself into my arms. It's simply impossible not to switch off with this welcome at the end of the day! I've never been great at relaxing except when watching movies, so it helps to be running a media company with a privileged access to films! My favorite non-work activity has to be travelling. My husband and I feel very blessed to be living in the USA, and while my son is young, we're taking every opportunity to do road trips or weekend getaways.

ATG: *Kanopy has experienced remarkable growth since starting in 2008. Can you tell us what the secret is to this success? Do you anticipate being able to maintain this growth? How?*

OH: The growth we have seen with video streaming in the broader market is being mimicked in the educational space, but is also compounded by the growth in online education. In terms of the keys to success, having the right films is certainly important, but that's not enough. We cannot simply serve up the films; we need to achieve *real outcomes* — we only succeed if we can change the way that the students learn and professors teach. That means we need to capture the magic of film and offer an experience that excites and enriches, one that gets users watching and engaging with the films. For librarians, what has also been key is being *honest* and practicing what we preach. This guides everything we do from providing a rich analytics dashboard with absolute transparency on usage to offering a Patron-Driven Acquisition model where we are only rewarded if the films are actually used.

We are very excited by the future. Not only has streaming still got a long way to go in

higher education, but we are also seeing rapid growth in new territories (particularly Europe, Middle East, and Asia) and markets (such as corporate and K-12 education).

ATG: *Speaking of growth, what marketing tips do you have for those libraries that want to expand the reach of the video streaming services they offer?*

OH: On this topic, I would urge libraries to take a look over the presentation by **Simmons** and **UMass-Amherst** colleges at the **2014 Charleston Conference**.^{*} Those two libraries ran a research study into this where they explored seven different marketing initiatives for reaching their patrons, from social media campaigns to faculty emails, lib-guides, and posters. From that research, I would suggest that there is no silver bullet as no two libraries are the same. Different initiatives achieve different purposes (for example, social media reached fewer patrons but generated traffic from those who had never been aware of the resource before, whilst faculty emails drove more traffic but to a more aware audience). We see libraries experimenting with multiple marketing channels, ensuring they have the ability to track the performance of those experiments, to see what works for them best.

ATG: *Olivia, thank you so much for taking time from your schedule to talk to us. We've enjoyed it, and we've learned a lot.* 🐼

^{*}The title of the **Simmons** and **UMass-Amherst** presentation is *Putting your Patrons in the Driver's Seat: Online Video Use, PDA, and ROI*. More information can be found on the **Charleston Conference** Website at <http://www.katina.info/conference/conference-info/program/>.

Op Ed — IMHBCO from page 42

particular library's budget pie — and librarians will feel more and more urgently the need to figure out not just whether they will participate, but (if so) the criteria by which they'll choose between them. 🐼

Endnotes

1. <http://www.kickstarter.com>
2. <http://www.openlibhums.org>
3. <http://www.knowledgeunlatched.org>
4. <http://scholarlykitchen.sspnet.org/2015/01/21/university-of-california-introduces-new-open-access-publishing-programs/>
5. <http://knconsultants.org/help-us-launch-the-open-access-network/>
6. <http://scholarlykitchen.sspnet.org/2012/08/09/the-npr-model-and-the-financing-of-scholarly-communication/>

Interview — Takashi Yamakawa from page 47

weeks after the opera played we enjoy digital live movies in Tokyo. I also like painting, both oil and watercolor. Whenever I travel I keep my small sketch book to draw sceneries to make my memory vivid. Visiting the U.S. and Europe and meeting our good friends make us happy and younger. So this interview is making me refreshed, gives me more energy, and makes me feel that I should come to the **Charleston Conference** in 2015, because I can speak to librarians, vendors, and publishers around the same tables, not like Japan.

ATG: *That would be wonderful! It would be great to see you at next year's Charleston Conference. We will look forward to getting together.* 🐼

Rumors from page 24

We are pleased to announce the completion of a seminal report by **Ann Okerson** and **Alex Holzman** entitled "**The Once and Future Publishing Library**." This study grew out of a series of discussions among **Alex**, **Ann**, **Steve Goodall**, of the **Goodall Family Charitable Foundation**, and **Katina Strauch**. We wanted to encourage useful dialog about the changes in academic publishing. The idea of **Library Publishing** emerged. The **Council on Library and Information Resources** agreed to be the home for the study and will publish the results online shortly. Stay tuned.

<http://www.clir.org/pubs/reports/pub163>

Yet another change in our world. **Kent Anderson** is retiring from **Scholarly Kitchen**, the blog that he began in 2008. I remember when **Kent** spoke at the **Charleston Conference** back in 2010 on the panel **Who Do We Trust? The Meaning of Brand in Scholarly Publishing and Academic Librarianship**.

continued on page 52

LEGAL ISSUES

Section Editors: **Bruce Strauch** (The Citadel) <strauchb@citadel.edu>
Bryan M. Carson, J.D., M.I.L.S. (Western Kentucky University) <bryan.carson@wku.edu>
Jack Montgomery (Western Kentucky University) <jack.montgomery@wku.edu>

Cases of Note — Copyright

State Jurisdiction for Contract Dispute or Federal for Copyright?

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

MICHAEL TOPOLOS V. JEFFREY CALDEWEY DBA VINTAGE IMAGE, RICHARD PAUL HINKLE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT 698 F.2d 991; 1983 U.S. App. LEXIS 30692.

Info not in the case, but found on Yahoo. Brothers Michael and Jerry Topolos planted a vineyard in the Sonoma Valley and produced critically acclaimed Zinfandel. Then Michael bought Russian River Vineyard with a manor house, winery, tasting room, and restaurant. He was indeed living the life.

In 1974, **Topolos** contracted with **Caldewey** (dba **Vintage Image**), giving them the exclusive right to publish a book he had authored on Napa Valley wineries. **Topolos** was to receive the usual pathetic dribble of royalties, and the book was to be copyrighted in his name.

Yes, you guessed it. *California Wineries Volume One, Napa Valley* was published in 1974. And — it was copyrighted in the name of Vintage Image!

Napa Valley Wine Tour was published in 1977. **Topolos** as author; **Vintage Image** holding copyright. Both books were later revised with the same arrangement.

Yes, you grit your teeth and put up with it. Your dribble of royalties is coming in.

Then in 1979, **Vintage** published *Napa Valley Wine Book* with **Richard Hinkle** as author and copyright holder.

Topolos sued, claiming the revised books and the **Hinkle** book violated his copyright. The federal district court dismissed the action,

saying it arose under state law rather than copyright and thus there was no jurisdiction.

Off to the Ninth Circuit

Copyright issues are all exclusive to the federal courts for jurisdiction. 28 U.S.C. § 1338(a). But just having some little copyright aspect to it is not enough. *Muse v. Mellin*, 212 F. Supp. 315, 316 (S.D.N.Y. 1962).

A contract dispute over copyright is not enough. *T.B. Harms Co. v. Eliscu*, 339 F.2d 823, 826 (2d Cir. 1964); 13 C. Wright, A. Miller & E. Cooper, *Federal Practice and Procedure* § 3582 (1975).

The much-repeated rule of thumb comes out of the *Harms* case.

“An action ‘arises under’ the **Copyright Act** if and only if the complaint is for a remedy expressly granted

by the **Act**, ... or, at the very least and perhaps more doubtfully, presents a case where a distinctive policy of the **Act** requires that federal principles control the disposition of the claim.” 339 F.2d at 828.

Sounds simple, but tough to apply. **Topolos** alleged infringement and breach of contract. The district court found the “true thrust” of the thing was who was given copyright under the contract.

“[W]here it has been determined that the claim is essentially for some common law or state-created right, most generally for a naked declaration of ownership or contractual rights, jurisdiction has been declined, even though the claim might incidentally involve a copyright or the **Copyright Act**.” *Royalty Control Corp.*

v. Sanco, Inc., 175 U.S.P.Q. 641, 642 (N.D. Cal. 1972).

So how to you get to this true thrust thing? Also called “the fundamental controversy,” “primary and controlling purpose of the suit,” or “gist” or “essence” of the claim.

The Ninth Circuit said the district court erred by rejecting jurisdiction because the threshold question required interpreting a contract. Threshold but not the principal question.

If you sue for infringement, you must first establish ownership. *Warner Bros., Inc. v. ABC, Inc.*, 654 F.2d 204, 207 (2d Cir. 1981). So it’s always the threshold question. Determination of infringement follows right along from ownership determination. In *Topolos*, the court had to decide whether the books infringe his copyright. And that belongs in federal court.

Good and confused? Let’s compare and contrast.

Elan Associates, Ltd. v. Quackenbush Music, Ltd., 339 F.Supp. 461 (S.D.N.Y. 1972) was a suit between claimants to copyright to **Carly Simon** songs — a music publisher that claimed an exclusive contract with her or a corporation formed to publish and hold copyright to her compositions. It was purely a contract dispute.

In *Wooster v. Crane & Co.*, 147 F. 515 (8th Cir. 1906) a publisher claimed equitable ownership in math books of an author. Publisher claimed author had written subsequent books incorporating material from Book #1 for which publisher owned copyright. So you had an issue of stealing math problems that was a proper one for federal jurisdiction.

Topolos claims the revised books and the **Hinkle** book are substantially copied from the one he wrote. So **Topolos** is more like *Wooster*. 🐼

Rumors from page 51

Quoting **Don Hawkins** writing in *Information Today*, “**Kent Anderson**, publisher of the *Journal of Bone & Joint Surgery* noted that trust is a continuum from not trusting people at all to trusting them implicitly. He said that people or

companies in the publishing chain are said to be trustworthy, but our actions show otherwise. Brands and processes are trusted more than people are, but since the use of social media has increased, we have been forced to trust people more than previously. Some brands have been stretched into several products; how much can they be trusted?” Here’s hoping that **Kent** will be back to **Charleston** this year!

<http://scholarlykitchen.sspnet.org/2015/02/27/elvis-has-left-the-kitchen-thanks-kent/>
<http://www.infotodayblog.com/2010/11/04/who-do-we-trust/>

Speaking of Charleston, we are tentatively planning a **Library Legal Issues Seminar** in 2015 and we would be interested in your thoughts on topics, scheduling, etc. For

continued on page 59

Transforming Vesalius

The medical revolution of the 16th century brought to life for the 21st century

500
YEARS
Vesalius

KARGER
Medical & Scientific
Publishers

ANDREAS VESALIUS

The Fabric of the Human Body

An Annotated Translation of the 1543 and 1555 Editions of
"De Humani Corporis Fabrica" by

DANIEL H. GARRISON
MALCOLM H. HAST

CXX + 1338 p., 340 fig., in two volumes,
hard cover, with slip case, 2014
12 x 17" / 315 x 435 mm, 16 kg / 35 lbs
CHF 1,500.- / EUR 1,250.- / USD 1,650.00
Postage and handling included
For details see Vesalius website
ISBN 978-3-318-02246-9

For the first time ever, both editions of Andreas Vesalius' masterpiece "De Humani Corporis Fabrica" are accessible in the English language. They were critically compared and published in a modern layout transforming the Renaissance anatomical atlas for the 21st-century reader. More than 5,000 annotations cover anything from antique sources over Galenic references to the medical and cultural background of Vesalius' time. To enable the reader and medical student to really study Vesalius' woodcut illustrations, the images were digitally enhanced and often enlarged to feature his painstaking work of marking each pertinent anatomical part with characters. All over Vesalius' descriptive text, the standard Latin *Nomina Anatomica* and *Terminologia Anatomica* provide the reader with the modern medical terminology.

For more information and easy ordering,
please visit www.vesalius-fabrica.com

K 0385_AFG

From A University Press from page 58

ization seems to think about these questions is guided by the philosophy of "Appreciative Inquiry," a set of principles and behaviors identified by faculty at **Case Western University**. This approach focuses on the strengths of an organization — a purposeful discussion of what is working and what processes would be successful in the future — and puts energy towards what is currently successful and what could work down the road, rather than simply focusing discussions around problems or broken systems. This forms the basis of a positive approach to experimentation (something required in our era of ever-changing technologies) and keeps the focus, even during simultaneous experiments, on nurturing projects and systems that yield desired results.

The author of the recent questionnaire I completed closed with the final question: "What can our university presses do to assure the survival of the printed book?"

In so many ways, I think our day-to-day work is already doing just that. We live in a market economy, and we need to publish the things that people want and need to read in the formats in which they want to use them. We are tastemakers to a certain extent, but more of the time we are the publishers of books that people didn't know they needed — until they desperately do. University presses develop

and publish the books that explain what is behind the daily headlines in areas as diverse as terrorism, environmental preservation and policy, political leadership, folklore, and social and gender issues. Immediately after the September 11 attacks, the media was looking for sources about the then-little studied terrorist group al-Qaeda and the student jihadists that made up the Taliban. University presses had published most of what scholarship was available (notably a book from **Yale University Press**), and **Rutgers University Press** was the publisher of one of the only books on the Twin Towers.

I'll close by illustrating what it is that we and only a handful of commercial publishers also do so well these days: produce beautiful physical objects. Many people want books for the information they contain; they're format

agnostic, and that's just fine. But there are those who still value the book as an object, an object designed with consideration for type and color and the look and feel of a deckle-edged paper. I was browsing in our local independent bookstore during the holidays when I came across the most remarkably designed publication, *The Book of Barely Imagined Beings: A 21st Century Bestiary*. It was not only smart and funny, but it was just gorgeous to look at and hold. I turned to the spine and smiled; it was published by the **University of Chicago Press**. Of course. This is the kind of book that we as a community, joined with great authors, still manage to create. These books not only work for us but they also help define us as publishers, and there will always be a place for that, even in our digital age. 🐉

Rumors from page 52

example, was interested to see a note on **LibLicense** that the **National Association of the Deaf** has sued **Harvard** and **MIT** alleging that the institutions violate the *Americans with Disabilities Act of 1990* by not captioning all of the source content they make available online.

<https://www.insidehighered.com/quick-takes/2015/02/13/national-association-deaf-sues-harvard-mit>

Tony Ferguson has retired from **Back Talk** for a while but this is not a problem because **Ann Okerson** and **Jim O'Donnell** will alternate writing **Back Talk** every other issue. We have the first installment this month by **Ann**. It's about November 2014 *Liblicense Model License* (this issue, p.86).

continued on page 71

Curating Collective Collections from page 70

Even as we develop better ways of calculating risk, it is important to recognize that our storage facilities already provide a hedge against the odds. For works that are already scarce, the starting number of copies is fixed, so survival depends on changing the other side of the equation. Preservation repositories are tools for doing just that. The chance of a lost item in these facilities approaches zero and because their environmental conditions slow paper decay, a century in a preservation repository is equivalent to just twenty or thirty years in the open stacks. The results are far better: if two copies are held in conventional stacks, there is at least a 60% chance that both will be lost a century from now, but move them to purpose-built storage facilities and there is a 99% chance that one will survive.

Well-Managed Second-Growth

Whatever holdings level we decide upon will have to be reached through build-up as well as drawn-down. A national plan cannot make quintessentially local decisions, like recognizing that a specific copy has a particular note from a former owner that sheds light on the history of reading in a certain place and time. Conversely, no single library collection can meet the demands of the entire nation and hedge against all the risks the future will hold.

Ironically, the social and economic value of the timber industry is bound up with the history of paper, a substance much in demand during the publishing and higher-education boom years of the 20th century. Those books are now the central concern of shared print efforts. Mass production means that all the copies of a title are largely identical and, because they were purchased directly into library collections, they do not tell us much about book culture at large. The great mass of our collections is a second-growth of secondary sources. Keeping any one of these workaday items requires the same resources as any rarity, so drawing-down our collective holdings can free up the space, staff attention, and funds that we need to support other services.⁵

We have ample incentives and opportunities to reduce the costs of an overstocked collection, but a meaningful number of copies must be kept for reasons beyond risk mitigation. Libraries are the only institutions that can document the history of book-making and printing,

and we hold the raw materials for studying the history of reading and the material culture of the book. The real answer to the optimal copies question is something we will have to find by orienteering, plotting our way between copies that are known to have artifactual value, copies that will be kept for their own sake, and copies of no particular individual distinction that we need to guard against loss and ensure easy access.

"They hated to see a tree cut down. So do I, and the chances are that you do too. But you cannot practice Forestry without it." This is **Gifford Pinchot**, again, writing about the difficulty of reconciling the utilitarian value of forestry with his own affection for trees. I encounter this dilemma with books, as well. I hate to see one discarded, and the chances are that you do too, but I do not think that we can practice librarianship without it. Readers like books for many purposes, and there is everything right with libraries providing reading matter in the form that people prefer. But researchers are also calling on libraries to deliver new media and to support new scholarly practices, and there is everything right with libraries answering this call. I think the difference between mere success and real brilliance in shared print programs will be found in how we manage this change in the scholarly landscape. Done properly, our shared print programs will clear away the cruff, making it easier for scholars to find the books they need, and also removing the burdens that hold us back from exploring new prospects and adapting to new roles. 🌲

Endnotes

1. <http://www.sr.ithaka.org/research-publications/what-withdraw-print-collections-management-wake-digitization>
2. http://scholar.harvard.edu/files/weitzman/files/noahs_ark_problem.pdf
3. <http://www.jacobnadal.com/162> and forthcoming in *Shared Collections: Collaborative Stewardship*. **Dawn Hale**, editor. (ACLS Monographs, 2015)
4. See, for example: <http://dx.doi.org/10.3998/3336451.0009.208>.
5. This is profoundly important in technical services, where expert practitioners are often in short supply and where libraries have very limited funding available. Focusing our preservation librarians, conservators, and master catalogers on a shared collection lets a small community have measurable and meaningful impact.

Rumors from page 59

There are those who are sure that the print book will soon be history (**Reinier Gerritsen** had a display in New York City's **Julie Saul Gallery** recently). But I would never convict the print book to extinction. Fun to see this series of photos taken by **Jordan G. Teicher** of every time he saw someone reading a book

on the subway. (posted on *Liblicense* by **Jim O'Donnell**).

http://www.slate.com/blogs/ behold/2015/01/09/reinier_gerritsen_photographs_readers_on_the_subway_in_his_series_the_last.html?wpsrc=sh_all_tab_tw_bot

Well, that's all we have room for, but not to worry, our April print issue will be out before you know it. Also, I usually do Rumors online every Monday! www.against-the-grain.com 🌲

The Best of Pharmacy in One Collection

- LEADING REFERENCES
- CASE STUDIES
- NAPLEX REVIEW

For more information
contact us at
pharmacylibrary@aphanet.org