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Back Talk--Hello to Bangladesh & Farewell to Licensing?

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Back Talk — Hello to Bangladesh & Farewell to Licensing?

Column Editor: **Ann Okerson** (Advisor on Electronic Resources Strategy, Center for Research Libraries)
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Bangladesh? When we heard **George Harrison** and **Joan Baez** sing about that country in 1971,¹ who of us ever imagined we would have the opportunity to visit? But there I was a few weeks ago, landing in Dhaka on Emirates. I've been fortunate enough to surprise myself more than once in being "bounced" by life (see Tigger in *Winnie the Pooh*), mostly because of the good fortune of being a librarian. Digression: I aimed to be a serials librarian, but one thing leads to another, journals to e-journals, to licensing, and to consortia. And, as an immigrant to this country, I've had a lifelong interest in our bringing information to the world, particularly to developing countries — and have responded to opportunities to do workshops and short courses for librarians and other information professionals in a number of places that were once upon a time for me vaguely somewhere "out there" on the map.

Dhaka is not so much a tourist mecca, and we were working during our short visit, so there's little photographic evidence to show for the trip, other than views of rickshaws and traffic jams. But it proved a particularly welcoming place to engage with librarians. Our workshop was jointly sponsored by the **Bangladesh Academy of Sciences**² and **INASP**,³ the UK-based international charity whose goals are to "improve access, production and use of research information and knowledge, so that countries are equipped to solve their development challenges." That mission includes license negotiation for partner developing countries and also training in copyright and licensing self-sufficiency. **INASP** is not alone in this space. For example, the UN-based "Research for Life - R4L"⁴ initiative, and also eIFL⁵ focus on information

for the developing world, and these three groups at times may work together, often with librarians taking the lead.

INASP had organized the course to include librarians from Bangladesh, Vietnam, and Sri Lanka. Pakistani librarians were to attend, but visa issues thwarted their plans at the last moment. The participants, selected by their home country consortia, were of high caliber, generally with very good English, seasoned library skills, and deep commitment to learn about "Negotiating Skills for Librarians." Co-facilitator **Anne Powell** (**INASP's** Programme Manager) and I were honored that the country's senior scientists (high energy physicists, including the President, Secretary, and Past-President) from the Academy fully participated. They kept us on our toes with questions and insightful comments, signaling the Academy's commitment to library information resources.

On the way back and since, I've been thinking about just how challenging our mysterious Western world of licenses can be for people without roots in the European/American systems of copyright and licensing. These disconnects recur over and over in **INASP** (and other) training sessions. For example, simultaneously to the Dhaka workshop, **INASP** was also running a copyright/licensing training Moodle for librarians in Ghana, again with terrific and smart participants. On my

return, as moderator of the *liblicense-1* discussion list, I passed on a question from the Moodle: "Is there anything that can be done," the librarian asked, "to simplify the terms and concepts of licensing to make it possible for people without the deep acculturation of first world librarians to grasp the issues quickly and act smartly?"



It proved to be a good question for the list, with lively and helpful suggestions and insights, for example, from such experts as **John Cox** (who had some years ago created accessible Model Licenses); **Owen Stephens** (about how ONIX-PL might be used for markup to "human readable" licenses); **Mark Seeley** (**Elsevier's** chief counsel, who noted that **Elsevier** had already translated licenses into French and Mandarin); **Amy Schuler** (**Cary Institute**, who suggested that **IFLA** might take a lead here in helping developing countries); **Hillary Miller** (**UNC** — along similar lines, that is, librarians to find additional ways to help fellow librarians around the world). **Selden Lamoreux** reminded us about the invaluable **SERU**, a **NISO**-supported standard short and simple "non-license."⁶

After the conversation had run a little while, one of our most visionary and internationally focused U.S. library directors, **Winston Tabb** of **Johns Hopkins**, chimed in and took the discussion in a brand new and thought-provoking direction. He wrote, "The single most useful thing we could do is insist that license language include a provision that the license terms do not supersede provisions of the U.S. copyright act."

"Can't be done," folks responded, for

1. U.S. copyright law is the law of the U.S. and not other countries, so what about that? And
2. the point of licensing is to adjust copyright rights, by clarifying, enhancing, or perhaps even overriding at least some of them.

To this, **Winston** countered by reminding us of the Draft Treaty for Libraries and Archives (**TLIB**)⁷ that he, leading the **IFLA** delegation to the **World Intellectual Property Organization**, has tirelessly advanced. **TLIB** is not just about fair use, but about building into the copyright laws of nations a number of important exceptions and provisions for libraries and their readers (**ILL**, preservation, and much more).

Thus, in my own head I found myself inquiring yet again (as I do in workshops): Will we always have to bother with a zillion licenses to express what libraries and their users can do with e-resources? Might there be a better way in future? That's a startling question for me to ask of myself — and of all the expert licensing colleagues who do this work. There's real intellectual and personal satisfaction in crafting a deal that gets our users what they need at an affordable price.

That said, is it forever and permanently the case that we have to exempt a large part of the content that libraries bring to their users from the statutory provisions over which legislators have done their best for centuries? Is it possible to imagine some future instantiation of

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copyright legislation, embodying fair use for readers and respect for the rights of authors and the contributions of the value-adders in the publication chain? Could there be copyright law that would provide what we need by way of user rights? Will we always have General Counsel review multi-page documents of painfully explicit clauses about data mining, DRM, and numerous other emerging technical issues?

Perhaps in the U.S. we've just become a little cynical about the possibility of legislative remedy for any problems, especially where financial interests are involved. Maybe it's time for us at least to begin to imagine the alternative. Our colleague **Winston** has led a heroic effort in **IFLA** to make a case to **WIPO** to get library concerns represented as far as possible in statutes around the world. We should support those efforts — and is it time to think how we would ramp them up? Maybe nothing can be done quickly; but if we don't make a start, then nothing is likely to change at all. 🍷

Endnotes

1. http://en.wikipedia.org/wiki/The_Concert_for_Bangladesh
2. See their journal at: <http://www.banglajol.info/index.php/JBAS>
3. <http://www.inasp.info/en/>
4. <http://www.research4life.org/>
5. <http://www.ejfl.net/>
6. <http://www.niso.org/workrooms/seru>
7. <http://www.ifla.org/node/5775>

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Privacy in the Digital Age: Publishers, Libraries and Higher Education — Presented by **Joe Esposito**, Moderator (Consultant); **Todd Carpenter** (NISO); **Helen Cullyer** (The Andrew W. Mellon Foundation); **Tracy Mitrano** (Cornell University)

Reported by: **Cheryl Aine Morrison** (University of Washington) <erhodin@u.washington.edu>

Mitrano opened the session with a discussion on vulnerabilities created by outsourced software and electronic services. Data mining is particularly troublesome especially when there is a lack of transparency by vendors and little oversight by an outside agency. Although not quite on the topic of higher education, she illustrated the troubling nature of data mining by highlighting a case where elementary school children were used, without permission, to promote market share, while completing school work in their school library. Using three examples, **Cullyer** spoke on both possible benefits, like social change, from careful data mining as well as important issues needing consideration, such as, HIPPA. **Carpenter** spoke on a variety of approaches to privacy and areas of vulnerability. He focused on the interconnectivity of data and difficulties deleting it. As an example, if an institution scrubs a server, the data may continue to reside in other accessible places such as link resolvers or an ILS. The presentation wrapped up with a more general discussion on ways we might be able to affect the acquisition and storage of user data as well as food for thought on implications of lack of privacy, especially of underage users

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Online Video: Use, PDA, and ROI — Presented by **Scott Stangroom** (University of Massachusetts-Amherst); **Jennifer Ferguson** (Simmons College)

Reported by: **Alice Eng** (University of North Florida)
<alice.eng@unf.edu>

UM and **Simmons** piloted a streaming video PDA project with **Kanopy** streaming videos. Both schools needed to find resources to support the growing distance learning student population. The presenters chose streaming video for reasons including eliminating the need for DVD players and the cost of loss and damage to DVDs. ROI for physical materials is negatively impacted when resources such as DVDs need to be replaced or fixed. One reason **Kanopy** was selected was because of its viewing policy; videos could be viewed five times before a purchase was initiated from their deposit account. Neither school spent their entire deposit accounts. Both libraries chose broad collections from **Kanopy**. The streaming videos which were purchased surprisingly did not reflect the usage of the DVD collection in terms of subjects. Marketing was increased to students and faculty because users were unaware their library had streaming videos. The presenters believed faculty is the primary factor for driving usage for any resource. 🍷

*That's all the reports we have room for in this issue. Watch for more reports from the 2014 Charleston Conference in upcoming issues of **Against the Grain**. Presentation material (PowerPoint slides, handouts) and taped session links from many of the 2014 sessions are available online. Visit the **Conference Website** at www.katina.info/conference. — KS*