November 2013

If Rumors Were Horses

Katina Strauch

Against the Grain, strauchk@earthlink.net

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The “New” Out-of-Print Marketplace

by Narda Tafuri (Acquisitions Librarian, Harry & Jeanette Weinberg Memorial Library, University of Scranton, Scranton, PA 18510-4634; Phone: 570-941-7811; Fax: 570-941-7809) <tafurin1@scran.edu>

In 1994, my husband and I attended the Out-of-Print Book Seminar, a four day intensive course for those interested in entering the out-of-print book business held at Colorado College in Colorado Springs and led by then editor of AB Bookman’s Weekly, Jacob Chernosky. Since this introduction to the world of out-of-print books I have seen the business shift from its yeas-oldest traditions of “want lists” and postcards to its present dot.com model where titles are easily searched and acquired online at prices that have gotten lower and lower. In my article for this special issue of Against the Grain on out-of-print materials, I give a quick overview of the challenges librarians face in the new out-of-print marketplace and a short glossary of terms to get you started.

If Rumors Were Horses

A lot’s been happening, just like always. First off, I think I goofed! (That never happens.) I have been meaning to tell y’all about KATHRYN BOYD who is the wonderful new Head of the Acquisitions Services Department at SUNY Albany as of February 13. Kathryn comes from the Queens Borough Public Library in Jamaica, New York, where she served as Coordinator of Collection Development, among other positions. She holds an M.L.S. in Library and Information Science in French Language and Literature, both from the University of Illinois at Urbana-Champaign. Ms. Boyd will manage a department of 18 and is responsible for ordering, receiving, licensing and paying for all information resources provided to the campus by the University Libraries as well as managing the funds that pay for these resources. Zut, ainsi!

What are you doing Sunday, June 22 from 1:30 — 5:30? The awesome Athena Michael <amichael@wiley.com> wants us to come to the AAP/ALCTS Joint Committee program — Digital Rights, Digital Wrongs: The Impact of International Copyright Law on What Gets Published (And What Librarians Can Buy) during the ALA Annual Conference in Toronto. The program looks great and includes among others the awesome October Ivins <october.ivins@ mindspring.com>, Sarah Sally (JSTOR), Ian Jacobs (Palgrave), Stephen Abram (Micromedia ProQuest, Canada), Peggy Johnson (University of Minnesota), and Paul Whitney (Vancouver Public Library). This is located in the Westin Hotel, Frontenac Ballroom. Be there or be square!

More. Norman Desmarais’s youngest daughter, Denise, graduated from Providence College on May 18! When a faculty member’s child graduates from the College there is a tradition of letting

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From Your (entertaining) Editor:

That’s not what I mean. I know I’m entertaining and all that, but I mean real entertaining, like having people over to your home. Happy spring, y’all! Coming up is Memorial Day Weekend and the Strauchls are expecting hordes of company. Son Raymond and his fiancée Lindsay and her parents, brothers, dogs and cats, etc., etc., will be here. It’s going to be... well... a zoo. And I am still cooking and cleaning. Have to make a good impression, right?

In the meantime, your intrepid editorial team has been hard at work putting together this issue of ATG on “The New Out-of-Print Marketplace.” Narda Tafuri, our guest editor, has brought together papers from Peter Tafuri, Richard Weatherford, John Riley, David Gray and Malcolm Brantz, and Gary Handman as well as an interview with Deanna Ramsay, Bookseller. There’s also an interview with Ernie Ingle as we all get ready to head to Toronto for ALA and CLA. We also have interviews with Joe Lee and Roger Press who both had profiles appearing in the April issue of ATG. And don’t miss the Vladimir Zaitsev interview provided by Fred Lyden and translated by Irina Lyden.

This issue has tons of people profiles including Narda Tafuri, Peter Tafuri, Dick Weatherford, David Gray, Malcolm Brantz, Michelle Flinchbaugh and our library profile by John Long is about the William H. Hall Free Library in Cranston, Rhode Island. There’s a Talk from Tony Ferguson about SARS, Book Reviews from Debbie Vaughn and Sheila Seaman, and of course Tom Gilson has reviewed more reference titles for us in From the Reference Desk. Elizabeth Steinhagen, Christine Mueller and Terry Hill fill in our And They Were There with reports from the 2003 Transborder Library Forum and the 12th North Carolina Serials Conference. François Crowell has a Bestsellers list of titles in Physics and Chemistry and there are two papers by Norman Desmarais about the Innovations Affecting Us. Plus lots more from many of our regular ATG columnists.

Gotta run. I have to polish the silver and hang the curtains. My doorbell is already ringing. Have a great summer!

Ye Ed. 🌼

Letters to the Editor

Send letters to <strauchk@earthlink.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:

We have just now subscribed to Against the Grain here at Dickinson College so I only recently stumbled on to Joyce Ogburn’s article on Digital Scholarship in the February issue. It was a delight to read such a well-articulated, cogent summary of the issues. I’ve still my reservations about the overall peer-review process in digital scholarship, but I appreciate the way Against the Grain lays out the parameters of an subject and lets readers conclude what they will.

Well done. Much appreciated.

Steven McKinzie
<mckinzie@dickinson.edu>

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the parent (Norm) cross the stage with the child (Denise). The President of the College gave the diploma to Norm who conferred it on Denise. Pretty thrilling.

And, from the retirement front — I just heard from the splendidly energetic Ted Arnold <arnoldt@bellsouth.net>. We’ll never forget Ted Blackwell’s Book Services rep in the Southeast for many, many years! Ted says he’s delighted to be retired. He’s taken care of loose ends and is looking forward to some serious fun for the next several years. Apparently that includes visiting friends in Bangkok in the fall and spending time on his farm in Alabama in a few years. Ted even said he heard from Charles Wittenberg (I wonder if Charles still wears Mickey Mouse watches?) for the first time in three years. Whoa! Sounds like old home week!

A few days later, to my wondering eyes should appear but a snail mail from Ted (above). It was an article he clipped out of the Athens (GA) Banner-Herald (May 10, 2003), p. C1. The article’s entitled “Publish or Perish” and is by Bruce Borowsy with photos by R.C. Rique. It’s about Hill Street Press, an independent Southern publishing house launched in May 1998 and now celebrating its fifth anniversary. Hill Street Press was formed by Tom Payton, Judy Long, Patrick Allen, and Anne Boston and, by all accounts is doing very well. Sounds like an inspiration to all us book lovers everywhere.

You know, I was perusing our approval plan sheet the other day and was suddenly curious about indexing of print monographs. Is it still taking place at the rate it has always taken place? What effect, if any, is electronic dissemination having on indexing of monographs? What is the effect of full-text keyword searching on indexing of monographs? Anyway, I decided to call a few people to see what they thought. Maybe ever find someone to guest edit an issue of ATG on this topic. So, I immediately thought of Bob Birch (once at Greenwood), but I knew that I had not seen him at the Conference this year and wondered where he was and what he was doing. Voilà! Enter Matt Nauman <Matt.Nauman@Blackwell.com> who tells me that Bob is teaching at Union Theological Seminary in New York, but Bob’s lovely wife continued on page 8

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<http://www.against-the-grain.com>
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Emily <ebirch@greenwood.com> is still working at Greenwood and she just sent word that his email is <wbirch@yahoo.com>. Hi to Bob and Emily. And is there anyone out there who wants to work on an article or issue of ATG about indexing or monographs?

And, speaking of the fabulous Matt Nauman, this one is about the even more fabulous Patty Davis! Patty has been promoted to Senior Customer Service Representative and Head Trainer for the Customer Service Department for Blackwell's Book Services. Patty has been in Customer Service for 12 years and this is bad for all of us customers who know how wonderfully competent and unparalleled she is with work. But it is good for Blackwell's which is moving to a new distribution and order management system. Taking Patty's place will be Adriane Davison. Congratulations to Patty and welcome, Adriane!

Gaylord Information Systems has changed the name of the company to GIS Information Systems, Inc. This change follows on the announcement that DEMCO, Inc. has acquired the Gaylord library supplies and furniture division of Gaylord Bros., Inc. from the Croydon Company. Croydon, which has owned Gaylord Bros. for more than thirty years, will continue to own GIS Information Systems, Inc. In addition to its library automation systems, GIS Information Systems, Inc. offers workflow analysis, retrospective conversion, database enhancement and network security services to libraries of all types. Thirty percent of GIS staff is composed of professional librarians. www.gisinfosystems.com

ALA and ACRL have offered comments on the Draft Statement of Work for the Design of the new ERIC system, as proposed by the Department of Education. These comments were informed by ACRL's Education and Behavioral Sciences Section (EBSS). ALA is very pleased that the Department of Education recognizes the importance of ERIC and stands ready to offer whatever assistance necessary to work toward strengthening ERIC and its services. To read the entire press release, visit http://www.alawash.org.

Some updates to the Department of Education's proposed reorganization of the ERIC system are located at this URL: http://www.carl.org/info/frn/eric/ERIC03.html

Bertelsmann is selling the specialist publishing group BertelsmannSpringer to the private equity firms Cinven and Candover. The agreement of sale was signed on May 12, with retroactive effect as of April 1. The takeover still has to be approved by the Federal Cartel Office. The deal's purchase price is €1.05 billion. The 70 companies that comprise BertelsmannSpringer publish 700 magazines and more than 4,000 new book releases in the fields of science, medicine, economics, engineering, architecture, construction and transport each year. In 2002, BertelsmannSpringer generated total revenues of €731 million and operating EBITA of €71 million. The group has operations in 16 countries, with over 5,000 employees. The transaction is subject to antitrust approval. It remains to be decided whether Candover and Cinven will acquire BertelsmannSpringer's activities in France, which account for 4.5 percent of total revenues. Bertelsmann Chairman & CEO Gunter Thielen asserts that the sale will allow Bertelsmann to concentrate on their "core businesses." Bertelsmann's specialist publishing division was founded in 1953. In 1999, Bertelsmann took over the majority of the international science publisher Springer and merged it with Bertelsmann Specialist Publishing, creating the BertelsmannSpringer division. Today, BertelsmannSpringer includes publishing companies such as the Springer science publishing company, Birkhäuser, Arzte Zeitung, Princeton Architectural, Key Curriculum, Platon, Gabler, Bauverlag, Heinrich Vogel as well as a number of online services and the electronic service SpringerLink. In 2002, BertelsmannSpringer contributed 3.9 percent of Bertelsmann's total revenues. Cinven and Candover are two of Europe's leading private equity companies.

Cinven was founded in 1977 and has carried out over €40 billion in corporate acquisitions to date. Candover was founded in 1980. Its transactions to date have a total volume of more than €22 billion. Candover has been traded on the London stock exchange since 1984. In January 2003, Candover and Cinven acquired the specialist information group Kluwer Academic Publishers from the Dutch information group Wolters Kluwer. http://www.bertelsmann.com/news/press/press_item.html?itemID=771

This update from Reuters on May 13 by Merissa Marx - "British-based Cinven and Candover said they would merge BertelsmannSpringer with their own publisher KAP, bumping them to the number two slot in academic publishing to take on industry giant Reed Elsevier." http://www.reuters.com/newsArticle.html?NewType=topNews&storyID=2726643

Speaking of music piracy, etc., did you catch the recent article in Fortune (May 12, 2003, p. 53 ff) about Steve Jobs' new iTunes Music Store? "Songs in the Key of Steve" by Devin Leonard. It remains to be seen if this legal digital music service will be a success, but this article is full of positive hype for the new service which many say is the salvation of the ailing music industry.

The Association of Research Libraries is offering the Online Lyceum course Effective Decision Making. The course is designed to help participants (people who must make decisions affecting all levels of organizational performance) to build criteria, develop problem statements or decision frames, recognize and select appropriate decision styles, use interpersonal skills to gain support from others. Instructor is Kathryn Deiss (Program Director for Education and Training, Chicago Library System). For further information, visit www.carl.org.

Did you see the very interesting article in the Chronicle of Higher Education for May 15, 2003? "Ohio State U. Plan to Put Dissertations Online Meets Resistance from Graduate Students" by Scott Carlson. Apparently, History and English graduate students, especially, do not want their dissertations put on the Web continued on page 10
because they fear that they will not be able to get published in print. As usual, there are administrators and lawyers involved as well.

Have you visited Blackwell’s Online Bookshop recently? It has undergone a complete interface transformation, in order to create a unique online experience for users in the academic community. Says the effervescent Martha Whittaker, “Our online bookshop’s new look was implemented to reinforce our position as an academic alternative to other online booksellers whose focus is the general consumer.” To celebrate the new site redesign, Blackwell’s Online Bookshop is offering a 10 percent discount on all titles plus free shipping regardless of the dollar value or quantity of the customer’s order. http://www.shopblackwells.com/libraries

Richard N. Armstrong, Ph.D., Vanderbilt University professor of biochemistry and chemistry, has been named editor of Biochemistry, a peer-reviewed journal published by the American Chemical Society, effective January 2004. As editor, Armstrong wants to see the journal expand its coverage into the fields of genomics and chemical biology. Armstrong received his B.S. degree in chemistry from Western Illinois University in 1970 and his Ph.D. from Marquette University in organic chemistry in 1975. He did postdoctoral work at the University of Chicago and was an assistant professor of chemistry at the University of Maryland. Biochemistry is a weekly journal that targets the rapidly changing areas of chemistry, biochemistry, and molecular and cell biology. http://pubs.acs.org/journals/bichaw/index.html

In January, the wonderful Tom Gallina <tgallina@wolper.com> was named the new Vice President and General Manager for Wolper Subscription Services. Tom oversees operations for Wolper which he joined from Faxon where he spent five years as Vice President and General Manager for both Faxon Illinois and Turner Subscriptions. We old timers remember that Tom previously spent over 21 years at Readmore (Blackwell) in several high-level positions, including Director of Operations, and Vice President of Operations. Wolper Subscription Services, Inc. has been around for over 25 years. It is a family-owned business run by Susan Wolper. Wolper serves as the Preferred Subscription Agency to various membership organizations, and has been chosen by many publishers to serve as their subscription management agency. In addition, Wolper represents several Fortune 500 companies as well as academic, public, and corporate research libraries. www.wolper.com/

More about Wolper. In March, JoAnne Kelley was named the new National Sales Manager. JoAnne will be targeting new business opportunities for Wolper as well as maintaining existing client relationships. JoAnne came from Faxon/RoveCom where she spent 20 years in several management positions. Most recently, she had been their National Sales Manager working within the corporate sector. Congratulations to both Tom and JoAnne and Susan!
It is good to see that Spring — even Summer — appears to have finally arrived in London. My colleagues and I, in an attempt to get fit, have been running around Hyde Park at lunchtime. The pain of the run (and it doesn’t appear to be getting any easier) is slightly softened by the beautiful flowers that are now in full bloom and the spectacle of people in rowing boats and pedalo’s on the Serpentine.

Last week I travelled up to Manchester to speak to a group of librarians in the Central Library in St Peters Square. Eddy Hornby from Stockport libraries <eddy.hornby@stockport.gov.uk> did a terrific job in organising the meeting. It is some time since I have been to Manchester and I was totally bowled over by the wonderful buildings in the city. The central library is in a stunning round building http://www.ukattraction.com/north-west-england/central-library.htm with the most amazing collection of books. I recommend a visit if any of you are planning a trip to the UK in the near future.

More news from around the continent. The British Library has just launched its biggest ever digitisation programme for a new Website called Collect Britain. According to the British Library, “the site will go online on 21 May and by 2004 you’ll be able to see and hear a staggering 100,000 images and sounds from our world-renowned collections — without ever coming to London” http://www.bl.uk/about/inplaceintro.html I’m not sure that the British Tourist Board will approve!

JISC are inviting librarians “to come to a one-day seminar introducing you to the full range of JISC and other nationally-funded resources and services available online for the Arts and Humanities.” Their road show, which is taking place between June and September, will be held at prestigious universities such as Kings College in London and the University of Oxford. You can see the full programme at: http://www.humbul.ac.uk/events/.

The German Resources Project (GRP) meeting will take place in Munich at the Goethe Forum on Tuesday, July 29th http://www.lib.duke.edu/ias/WESS/Munich.htm. The conference language is to be English (phew!). The annual IFLA meeting will take place in Berlin this August from 1st-9th. I hope to see some of you there. But also in August (17th-22nd), this time in Trondheim, Norway the 7th European Conference on Research and Advanced Technology for Digital Libraries. The International Conference on Grey Literature will take place in Amsterdam from 4th-5th December at the “Royal Netherlands Academy of Arts and Science” http://www.tno.nl/rcz/.

Rumors from page 10

No two faces are alike

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that it would take $250 million to digitize 8 million volumes in the Stanford libraries (plus there are always copyright problems). Read this article. It’s an inspiration! http://www.iht.com/articles/95999.htm

And, speaking of books coming up for publication. The College of Charleston’s crack Archivist Gene Waddell has just completed a two-volume work on Charleston Architecture, 1670-1860. I can’t wait to see it. It’s already listed on Amazon.com. Out in November just in time for the Conference!

The South-Central Library Consortium of Pennsylvania (SCLCPA) and Docutek have announced the selection of Docutek VRL plus as the virtual reference library solution for the seventeen libraries across four counties in south-central Pennsylvania that make up the consortium. SCLCPA is different than most in that its members include a mix of public, academic, K-12 and special libraries; currently nine SCLCPA libraries are using Docutek VRLplus. SCLCPA serves a largely rural population and the addition of digital reference services extends the library to those patrons who are unable to visit a local library. http://www.sclcpa/index.html
The ALPSP and ALPSP/Charlesworth 2003 Awards which recognize significant achievement in the field of learned and professional publishing are now open. The six categories of the ALPSP/Charlesworth Award for House/Membership Journals; ALPSP/Charlesworth Award for Learned Journals; ALPSP Award for Service to ALPSP; ALPSP Award for Service to Not-for-Profit Publishing; ALPSP Award for Publishing Innovation; and ALPSP Award for Publisher/Library Relations. The Awards are international. Deadline for this year is May 31, 2003, but if you want more info for next year, email: events@alpsp.org, or telephone: 01245 260571. Further details and application and nomination forms can be found at www.alpsp.org/awards2003.htm.

ProQuest Company’s (NYSE: PQE) Information and Learning unit has announced an exclusive agreement with Sage Publications to bring 21 key business and management titles to ABI/INFORM. The Sage titles to appear in ABI/INFORM will support research in accounting/finance, change management, human resource development, marketing, and organization studies. http://www.proquest.com/proquest/ The Software & Information Industry Association (SIIA) has acquired the assets of The Internet Monitor, publisher of the i-Tips Newsletter, internet-monitor.com and books, including i-Tips 2000: The Insiders’ Guide to School & Library Marketing and The Experts Guide to the K-12 School Market. The bi-weekly i-Tips Newsletter will be published by SIIA with continued contributions from The Internet Monitor founders, Carol Waugh, Kathleen Hurley, Kathryn Kleibaeker, and Linda Winter. Other SIIA members will also contribute articles. The content will be broadened to include topics of interest to education software publishers, information industry and Internet providers by including issues like licensing, digital rights management, business development, recruiting, funding, and leadership topics. http://www.siiainet

Gale, a part of The Thomson Corporation (TSX: TOC, NYSE: TOC), has created a new department to be known as Rights Acquisition & Management (RAM). As part of an ongoing effort to build an efficient and customer-focused business for the future, Gale combined two departments, Rights & Permissions and Copyright & Licensing, that functioned similarly at a high level. The new department’s three main functions are research and planning, rights acquisition and fulfillment. Rights Acquisition & Management will report to Christine Gordon, senior vice president. www.gale.com

Kim Gabbert <kimberly.gabbert@gale.com> is Gale’s new Manager of Corporate Communications. (Beth Dempsey is stepping down so she can work part-time.) Kim brings more than 15 years’ experience in the public relations and marketing fields. She most recently was Director of Public Relations for Detroit’s College for Creative Studies where she developed and implemented PR plans that supported the college’s strategic initiatives. Before that, Kim was Manager of Public Relations for The Stroh Brewery Co., and Public Relations Officer for NBD Bank. As Manager of Corporate Communications, Kim will act as main company spokesperson.

From DealBook (April 20, 2003 — Jeff Bezos of Amazon.com fame, has created a Seattle-based space research firm called Blue Origin “to pursue his dream of establishing an enduring human presence in space.” Newsweek says, Bezos is “a stable of physicists, ex-NASA scientists, veterans of failed space startups and sci-fi writer Neal Stephenson” are working on rocket designs. Go Newsweek http://www.msmbc.com/news/904842.7x8

Innovative Interfaces has appointed William Ho as Director of Sales, Australia and New Zealand. He will be based in Sydney. Ho was previously Director of iGroup (Australia) Pty. Ltd. In this position, he was responsible for library system sales and implementations throughout Asia and Australia as a distributor of various library technology products, including VTLS. Prior to that, he held sales and marketing positions with information technology companies in Singapore and New Zealand. He holds degrees in international business as well as computer science and operations research. www.iiic.com

Speaking of which, the 2003 Be Innovative Awards were announced at the recent Innovative Users Group conference in San Jose, California. The awards were given during the meeting’s all-conference lunch, which was attended by approximately 1,200 Innovative customers. They honored best practices and innovations by libraries using the Innovative library system. The winners were: Most Innovative Web: Westerville Public Library, represented by Tanya Taylor. Westerville made extensive customizations to their catalog using many of Innovative’s tools as well as devising some of their own. http://catalog.wpl.lib.oh.us/search Most Innovative Use of INNReach: OhioLINK, represented by Anita Cook. Staff at the Ohio Information Network strive to keep their INNReach catalog of more than 8.4 million unique bibliographic records as a central resource for faculty, students, and staff of OhioLINK’s 83 institutions. Online borrowing continues to grow. The creation of multiple links both to and from the catalog encourages heavy use. http://ole1.ohiolink.edu/Most Innovative Use of Staff Modules: University of Ballarat, represented by Kevin Jewell. Ballarat created an adaptation of capacitive touch screen technology in conjunction with Millennium Circulation. They have incorporated touch screen monitors to make the checkin desk more efficient and more ergonomic. http://www.ballarat.edu.au/library/Most Innovative Training Program: Tri-College Consortium, represented by Job Mark Bolthouse of Bryn Mawr College. The Tri-Colleges (Bryn Mawr, Haverford, and Swarthmore) received its award for iCheck it Out: An Interactive Tutorial for Millennium Circulation. This online tutorial teaches students and staff the various functions within the module as well as policy and procedure. Each instruction part is followed up by an interactive practice exercise. http://www.brynmawr.edu/Library, http://www.swarthmore.edu/Library, http://www.haverford.edu/library.

Dr. Herbert Van de Sompel of the Los Alamos National Laboratories is the winner of the Frederick G. Kilgour Award for Research in Library and Information Technology for 2003. The award will be presented at the LITA President’s Program on June 23, 2003 at the ALA Annual Conference in Toronto. OCLC Online Computer Library Center, Inc., the Library and Information Technology Association (LITA) sponsor the award. The award was established to honor the achievements of Frederick G. Kilgour, the founder of OCLC and a seminal figure in library automation. The award is given to a person who has amassed a significant body of “real world” research in the field of library and information technology that has had an impact in the way in which information is published, disseminated, archived, stored, retrieved, disseminated or managed. It consists of $2,000, an expense-paid trip to the ALA Annual Conference, and a citation of merit. Based on the research for his PhD, Herbert and his colleague Patrick Hochstenbach created SFX, a system that uses information passed from one information system to create locally appropriate related Web links to other systems. The SFX system now is in use in hundreds of libraries worldwide and parallel products have been or are now being developed by various companies, universities, and other players in the library information technology environment, all based on the insights and architecture developed for SFX. A key element of the SFX linking architecture is the OpenURL, a method for passing bibliographic information from one information system to another encoded in a URL. The OpenURL is now being standardized by NISO (an effort in which Herbert is heavily involved) and shows promise of becoming a key tool in the interoperation of distributed digital library systems. As a matter of fact, it has the potential to change the nature of links on the Web in general. With Carl Lagoze, Herbert led an international effort to devise a protocol by which systems holding descriptive metadata could make that metadata available for “harvesting” and e-use by other information systems. Originally developed to support the building of union catalogs of metadata derived from distributed e-print archives, the protocol has been generalized through work in the larger digital library world as the Open Archives Initiative Protocol for Metadata Harvesting. Dr. Van de Sompel received a Masters degree in Mathematics in 1979, and a Masters degree in Computer Science in 1981 and a Ph.D. in Communication Science in 2000 all from Ghent University, Belgium. He is now employed at the Research Library of the Los Alamos National Laboratories in New Mexico as Team Leader, Digital Library Research and Prototyping Group. Read this report from the recent UKSG meeting in BMJ 2003; 326: 1079 - “Libraries

<http://www.against-the-grain.com>
face higher costs for academic journals. This news item speaks of an article in the Wall Street Journal (Feb. 21, 2003) which cites a 43% increase in Elsevier’s profits from last year. http://www.bmj.com/cgi/content/full

The California Digital Library (CDL) has chosen Alexander Street Press, L.L.C., to provide University of California students and scholars with many electronic resources in the humanities and social sciences. This is the second system-wide acquisition of Alexander Street products by the CDL. The full-text databases acquired are Black Drama; Asian-American Drama; and Early Encounters in North America; Peoples, Cultures, and the Environment. These collections will be accessible to students, faculty, and staff within the University of California (UC). The California Digital Library which partners with the 10 UC campuses in a continuing commitment to apply innovative technology to managing scholarly information, opened to the public in January 1999. Organizational housed at the UC Office of the President in Oakland, Calif., the CDL campuses include UC Berkeley, UC Davis, UC Irvine, UC Los Angeles, UC Riverside, UC San Diego, UC San Francisco, UC Santa Barbara, UC Santa Cruz and UC Merced. http://www.cdlib.org

The Copyright Office of the Library of Congress is conducting the rulemaking proceeding mandated by the Digital Millennium Copyright Act, which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumvention of technological measures that control access to copyrighted works. The purpose of this proceeding is to determine whether there are particular classes of works as to which users are, or are likely to be, adversely affected in their ability to make noninfringing uses due to the prohibition against circumvention of access controls. The Copyright Office conducted hearings in this rulemaking in Washington, D.C., on April 11, May 1, May 2, and May 9, 2003 and in Los Angeles, CA on May 14 and 15, 2003 at the UCLA School of Law. The full agenda and the transcripts of the hearings in Washington and in Los Angeles may be viewed on the Hearing Page. http://www.copyright.gov/1201/2003/hearings/schedule.html

Ex Libris (USA) has expanded its Information Services Division with the appointment of Russell McDonald to the position of Vice President of Sales, Information Services Division. McDonald, an industry veteran, returns to Ex Libris from Elsevier where he served as Vice President of Sales Strategies for the last two years. www.exlibris-usa.com

Norman Paskin (Director of the International DOI Foundation) <npaskin@doi.org> made this announcement over Librince - The International DOI Foundation (IDF) announces that an informal consortium of three major national libraries — The British Library (UK), Die Deutsche Bibliothek (Germany) and the Koninklijke Bibliotheek (The Netherlands) — has joined the International DOI Foundation. http://www.doi.org/news/030417-Library.html


More, NISO has announced an initiative to develop guidelines and standards for metasearching — also called cross database searching, parallel searching, broadcast searching, and federated searching. The initiative is an outgrowth of a session held at the American Library Association Midwinter meeting in January. Attendees from a cross section of content providers agreed that metasearching is high growth area with many unresolved issues. This NISO Initiative will identify and address metasearch issues while implementations are still in their early stages. Specific topics to be examined include: Authentication/certification mechanisms and the impact on search target(s); Sorting, ranking, and ordering of search results from multiple sources and multiple protocols; Display of complete content including branding information and copyright notices; Statistics and use measurement. The Metasearch Initiative planning committee is co-chaired by Oliver Pesch (Elsevier Information Services) and Pat Stevens (OCLC, Inc.) Members of the committee include Paul Cope (AutoGraphics, Inc.), Brenda Bailey-Hainer (Colorado State Library), Oren Beit-Arie (ExLibris USA), Brad Buckley (Gale Group), Laurie Davidson (Innovative Interfaces, Inc.), Todd Fegan (ProQuest Information and Learning), Matt Goldner (Fretwell-Dowling in high gear), Betsy Grahamb (Innovative Interfaces, Inc.), Sandra Hurds (Innovative Interfaces, Inc.), Ted Koppel (The Library Corporation), Marc Krellein (Elsevier Science, Inc.), Peter Noerr (MuseGlobal, Inc.), Ted Pastorious (Gale Group), Sara Randall (Endeavor Information Systems, Inc.), Ed Riding (Dyyn Corp.), and Jenny Walker (ExLibris USA), http://www.niso.org/committees/MetaSearch-info.html

TNDnet and Harrassowitz will collaborate to provide complete and consolidated access to electronic content for libraries in the USA and Canada beginning in April, 2003. Through this agreement, Harrassowitz will act as agent to supply TNDnet services in the USA and Canada, making it possible for libraries to manage their electronic resources through one source. In addition, subscription information from e-journals purchased through Harrassowitz will automatically be included in a library's TNDnet services. http://www.tndnet.com http://www.harrassowitz.de

Guess who’s in Charleston these days? The incredibly energetic Robyn Dudley <rdudley@hotmail.com>! You’ll remember that Robyn used to be at Solinet. She has recently left Endeavor. Until she finds another full-time position, she is doing some independent contract/automation consulting for libraries.


Heard from the glorious Julia Gelfand <gjgelfand@lib.uc.edu>. She and her whole family are coming to Charleston — I should say Kiawah Island — to celebrate her parents’ fiftieth wedding anniversary. Doesn’t that sound great?

Speaking of Bob and Julia (above), they both were at the recent National Academy of Science Symposium on Electronic Scientific, Technical, and Medical Journal Publishing and its Implications. The program will review many of the powerpoints is loaded for review at http://www7.nationalacademies.org/consteep/E-Pub%20agenda.html

At its Annual Membership Meeting in Atlanta in May, Solinet member libraries elected the following Board of Directors: Amy Dykeman (University Librarian, University of North Carolina—Charlotte), Althea H. Jenkins (Director of University Libraries, Florida State University), Pat Matthews (Director of Library Services, Mississippi University For Women), Elsie Stephens Weatherington (Dean of Library and Media Services, Virginia State University).

Lund University Libraries has launched the Directory of Open Access Journals (DOAJ, http://www.doaj.org), supported by the Information Program of the Open Society Institute (http://www.osi.hu/openprogram/), along with SPARC (The Scholarly Publishing and Academic Resources Coalition, http://www.arl.org/sparc). The directory contains information about 350 open access journals, i.e. quality controlled scientific and scholarly electronic journals that are freely available on the Web. The service will continue to grow as new journals are identified. The goal of the Directory of Open Access Journals is to increase the visibility and accessibility of open access scholarly journals, thereby promoting their increased usage and impact. Journals in all languages and subject areas will be included. The database records will be freely available for reuse in other services and can be harvested by using the OAI-PMH (http://www.openarchives.org/), thus further increasing the visibility of the journals. The further development of DOAJ will continue with version 2, which will offer the enhanced feature of allowing the journals to be searched at the article level, it is expected to be available in late fall 2003. If you know a journal that should be included in the directory, use this form to report it: http://www.doaj.org/suggest. Information about how to obtain DOAJ records for use in a li...continued on page 53
ATG: Do you have partners? Is the business proving to be viable?

RP: I founded the business with Tim Lloyd with whom I worked at Price Waterhouse. He has extensive experience in business planning in a major telecom company developing their consumer model for TV and Internet programming. We added some great production and technical people to the team, and then attracted investors including Bela Hatvany, the founder of Silver Platter and Ron Rietdyk, who started up the U.S. office, so we have a secure financial base. The business has received a tremendous reception at both the ALA and MLA conventions, and the signs are that it is the right time to launch a listening service for libraries.

ATG: When I first saw your booth, I thought you were selling classical “nuzak.” This isn’t the case, right? What exactly are you selling?

RP: The music is accessed by the individual library patron via computers in the library, or a home PC, using headphones or speakers. We are selling a music service that works at various levels, depending on the user. For those who do not know too much about classical music but wish to get involved, we have preset playlists, like “Music for Relaxation” or introductions to the greatest works of the composers. Users can then read about the music and composers, and go on to enjoy further related music in an enjoyable way. Users with some knowledge of classical music can browse the various genres, e.g., “Orchestral music of the Romantic period.” Expert users can search and find the specific piece of music they want to hear — then listen with a click. So we present the music in a way that appeals to users of school, public and academic libraries.

ATG: What kinds of libraries are buying your product? Is it largely academic libraries? Are you marketing your product internationally?

RP: We expected public libraries to be the main market, but have been pleasantly surprised by the interest from academic libraries as well. The school market is also interested, because teachers can easily assemble playlists and prepare their teaching materials. So the market is developing well in these areas, and interest is building in the “rest of the world” outside the U.S.A., including Scandinavia, Europe and SE Asia.

ATG: How do you go about deciding what recordings to make available? Tell us about the permissions process. How is it different in other venues?

RP: We select recordings of works in the MLA list of recommendations for small, medium and large libraries. Increasingly the independent labels are keen to license recordings for our music service, because it is a new channel to an important market. The major record companies are also in discussion with us, and we expect to announce exciting license deals, including some of great artists, in the near future. The process of clearing the music is very complex, but it is an area of expertise we have developed, and enables us to access some of the world’s greatest recordings.

ATG: Given all the changes in the music industry and the loss of revenues because of the “napstering” of music, what is your prognostication for the future?

RP: The only good thing about the “napstering” of music is that tens of millions of people were taught that the Internet can deliver music in a compelling way, and became “literate” in this way of listening to and obtaining music. We are a totally legal, fully licensed music service, with a comprehensive and growing range of classical recordings. We believe in the approach started at EMI — that it is important to make music easier to pay for than to steal! We believe that our music service for libraries is compelling, and will encourage the fully licensed enjoyment of the music.

ATG: Also, you can include a company profile if you would like — something about Classical.com — when started, number of people who work there, location(s), anything else you want to add.

RP: Classical.com is currently a dozen people. Having been founded in London, we opened a U.S. office in New York last year, and our marketing and sales are run out of the U.S. office, which will increasingly become the public face of the company. We work with a range of distributors in different territories to supplement our own sales effort. In addition, our main focus is to ensure that the “product” is right for the library market, which is our total focus. You will be seeing some exciting ways in which the database is improved in the coming months — both in the amount of repertoire available, and in the layout of the service.

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Against the Grain / June 2003

(AMICO) and ARTStor will be merged later this year under the direction of ARTStor. ARTStor is funded by the Mellon Foundation which, according to the article, has paid out in excess of $13 million in support of the initiative and associated digitization projects. "Far-Flung Artworks, Side by Side Online" by Matthew Mirapaul, http://www.nytimes.com/2003/05/22/technology/circuits/22muse.html?ex8cir. continued on page 74
Legally Speaking
from page 72

Since the primary purpose of this statute at the time it was enacted was intended to prevent fraud in the formation of contracts, the law became known as the “Statute of Frauds.”13

The Statute of Frauds was passed by Parliament in 1677. According to Parliament, “some agreements are deemed of so important a nature, that they ought not to rest in verbal promise only; which cannot be proved but by the memory (which sometimes will induce the party) or witnesses.”14 The Statute of Frauds was one of the most important laws ever passed by Parliament. As a result, this law has been passed in almost all Common Law jurisdictions. In general, the kinds of contracts that are subject to this rule include:

- Contracts for the sale of land.15
- A contract that can’t be performed within one year or a contract that is greater than one year in duration. This includes contracts for employment and contracts for personal services.16 However, a contract for at-will employment, where either party can terminate the relationship at any time, is not subject to the Statute of Frauds because it has the potential of being completed in less than one year.17
- Contracts for the sale of goods or securities worth more than a specific amount. In 1677, this amount was 10 pounds sterling. The Uniform Commercial Code and many states are currently requiring written contracts for the sale of goods over $500.18
- Contracts in which one of the parties is agreeing to be responsible for someone else’s debt, both when the party is acting as a surety (a person who guarantees a debt) and when the promise is made by an executor to pay a debt from an estate.19

Technically speaking, the Statute of Frauds is not a requirement for the formation of a contract; rather, it is a requirement for certain contracts to be enforced. “There are certain situations in which a promise that is not in writing can be denied enforcement. In such situations, an otherwise valid contract can be unenforceable if it does not comply with the formalities required by the Statute of Frauds.”20 If you want to enforce your contract, you will need to comply with the provisions of this law.

The two ways in which publishers, book distributors, and libraries are most affected by the Statute of Frauds are employment contracts and contracts for the sale of goods. This means that if you sell books that total over $500, you need to put the agreement in writing. The Uniform Commercial Code specifies that “[A] contract for the sale of goods for the price of $500 or more is not enforceable unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not sufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.”21

When writing a contract for the sale of land or of goods (or securities) over $500, always put it in writing. Similarly, if the contract is not capable of being performed within one year (including employment contracts), put it in writing. Finally, any agreement to assume the debt of another person must always be in writing. Although other kinds of contracts don’t need to be written, remember always that “prudence is the better part of valor.”

Conclusion

In order to form a contract, you must have consideration. You also need to pay attention to the Statute of Frauds in order to determine whether the contract needs to be in writing.

Consideration involves the promise, the person receiving the promise, giving up something of value that he or she is not obligated to give, or providing a benefit to the promisor, the person who has given the promise. Consideration can involve paying money, providing goods or services, or even agreeing not to do something. A promise to provide a future benefit is still considered valid consideration provided the person has the right to make the promise and the promise is not illegal. The consideration in the contract is the bargain that has been negotiated. Each party must provide consideration in order for the contract to be valid.

Although contracts are not required to be in writing in order to be valid, many types of contracts are required to be in writing in order to be enforced. This legal provision is called the Statute of Frauds. Agreements that must be written include a contract for the sale of land, contracts for the sale of goods (or securities) over $500, a contract that can’t be performed within one year, and an agreement to assume the debt of another person. This law is for the protection of both parties.

You must have consideration in your contract, and some contracts must be in writing, so you should always keep these two items in mind. I especially recommend that whenever possible contracts be placed in writing. The basic thing to remember with contracts is that the old saying is still true: an oral contract is worth the paper it is written on.”

Endnotes

4. “Consideration,” 8A Words and Phrases 236; quoting Smaller War Plants Corp. v. Queen City Lumber Co., 27 So.2d 531, 535, 200 Miss. 627.
15. id.
17. id. at §5.3
18. Rain.
19. id.

Rumors
from page 63

And — in case you don’t notice — this issue of ATG is the biggest ever — 112 pages! You needed some summer reading, right?

Read “Visions: The Academic Library in 2012” by James W. Marcum (University Librarian, Fairleigh Dickinson University), D-Lib Magazine (May 2003, volume 9, number 5). In the fall of 2002, the New Jersey ACRL and Fairleigh Dickinson University Libraries initiated a search for “fresh thinking about the future” by organizing an essay contest with the topic “The Academic Library in 2012.” “Cybrarians in InfoSpace” was the theme of the winning essay, submitted by library school professors Tom Surprentan and Claudia Perry (Queens College). Some food for thought — “Communicating through Vir-
at the University of New South Wales, set up the site to gather latest information for researchers who work with Archaea and other extremophiles. Browse the latest publications and articles, search one Coldbase or the protein or enzyme database, read about the application of extremophile research to exobiology (is there life on the Jovian moon Europa?), or learn about Lake Vostok which is completely sealed off from the surface and a potential source of many new discoveries. — http://www.archaea.unsw.edu.au/.

Pollution

Animals produce almost two TRILLION pounds of waste every year, much of it from ‘factory farms.’ Although Environmental Defense clearly has a green agenda, their Scorecard Website provides a wealth of information on the presence, health effects, and uses of more than 6900 chemicals of varying toxicity found in our bodies. Learn if your county is among those that have the highest release of Dioxin and find out who is releasing what pollutants in your community. — http://www.scorecard.org/.

Science

“E-government in action,” Science.gov, a collaborative effort by 14 separate government agencies hosted by the Department of Energy, offers a “unique ability to search across the content within databases as well as across Websites.” The site brings together all science related content on ten government science agency Websites for everyone from children to professional scientists. Content is selective rather than automatically cumulative, and considered authoritative. — http://www.science.gov/.

Rumors

irtual Reality helmets and V-mail, and utilizing diagnostic tools to customize resources to individual profiles, ‘cybrarians’ will provide effective support for problem solving and discovery groups.” http://www.dlib.org/dlib/may03/nareum/05nareum.html

And, one last thing. As we go to press, have received word that Rosann Bazirjian’s issue of ATG (April, Retention of Print) got prominent mention in the University of California, Berkeley’s Current Cites (volume 14, no. 5, May 2003) edited by Roy Tennant. Mentioned specifically was John McDonald’s: “No One Uses Them So Why Should We Keep Them?” —Scenarios for Print Issue Retention” (ATG v.15/2, p. 22, 24). Says Charles W. Bailey, Jr. — “Print retention is one of the most significant long-term decisions that any library can make. It is especially critical for academic and research libraries. McDonald’s article and the other articles in this special issue help initiate what I hope will be a long, careful, and thoughtful debate on a topic of considerable social significance.” I couldn’t agree more. http://sunsite.berkeley.edu/CurrentCites/2003/cc03.14.5.html.

It’s Time To Register For The 23rd Annual Charleston Conference

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Against the Grain / June 2003