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Exploring the Digital Terrain, Together

by Edward W. Colleran (Director, Publisher Relations, Copyright Clearance Center) <ecolleran@copyright.com>

Let’s travel back in time for a moment to 1980 and the first Charleston Conference. It was a year before the invention of the IBM-PC and a decade prior to the introduction of the World Wide Web. So, for the twenty inaugural conference participants, digital challenges and solutions were not on the agenda. Now, twenty-three years later, technology and its implications are among the chief concerns of the more than 600 librarians, publishers, and other content professionals. Despite the differences between then and now, the essence of the Charleston Conference—and its value to those who attend—has remained constant.

The same is true for the copyright topics that we address in this edition of Against the Grain. Many of them arise from the digital technology that has transformed the way we access information; many of them took us by surprise. Yet, when we look beneath the surface, we see that the fundamentals have not changed since the debate on copyright compliance originated centuries ago. And chances are, they will continue to challenge us for decades to come.

Regardless of the format that content takes, we will always endeavor to strike the right balance between the rights of authors and publishers and the need for easy access to information. We will explore ways to reward innovation and creativity without stifling the future that depends on those very same innovations. Even when we agree on the parameters of copyright protection, we will continue to seek to apply them fairly and consistently.

The contributors to this edition don’t presume to know all of the answers to these questions. But, in the spirit of the Charleston Conference, we offer our insights on the different aspects of today’s electronic terrain. Eric Slater, Esq., Manager, Copyright, Publications Division of the American Chemical Society, reminds us that content in any form is still content, and therefore, the basic principles of copyright law apply. He also debunks many of the more common misconceptions (hint: information on the Internet is not “free”) and highlights court cases on copyright compliance.

Next, Bill Rosenblatt, President of GiantSteps Media Technology Strategies and Publisher of DRM Watch newsletters, provides an update on digital rights management (DRM), which has been hyped for its applications in the music and movie industries. Less publicized, but perhaps of greater interest to our audience, is DRM’s impact on publishing and the capabilities that could be a boon to research libraries.

If Rumors Were Horses

We told you about the Everett’s/Blackwell’s deal in the September issue. We sent questions to Dan <dan.halloran@blackwell.com> and Colin <colin.harrison@everett.co.uk> for reply. This interview was not able to make it in this issue by press time, but it will be in the December/January issue of ATG. Stay tuned.

Did you see the posting in LibLicense? There’s an interview with Mary Ann Liebert <MLiebert@liebertpub.com>, the dynamo, and Tom Mulak, no slouch himself, from Serials Review. The interview is posted at www.liebertpub.com/about.asp and, guess what, on p. 141, the Charleston Conference is mentioned in a forum for keeping on top of things in the publishing arena. Hooray! www.liebertpub.com/about.asp

And, I can’t resist. Against the Grain interviewed Mary Ann Liebert back in June of 1995, <753, pp.33-36> and she spoke at the Charleston Conference that same year!

Well, sounds like several of us were in Oxford his summer at the Fiesole Retreat and otherwise.

Look for Tom Leonard’s Lost in Austin, in an upcoming issue. Also, while in Oxford, I ran into several of my other favorite people. Lisa Nachtigall <lisa.nachtigall@oup.com> (Oxford University Press) and Rebecca Seger from OUP as well. These are two bam-zowie women!

Speaking of bam-zowie women, can you believe it? Nancy Stanley <nms2@psu.edu> is retiring at the end of the first quarter of 2004 and, so, this will be her very last Charleston Conference! Nancy says besides travel and family, she is going to do some preservation work at a local public library and perhaps, working through HABITAT, learn to be a carpenter or any other kind of endeavor that takes her away from the PC. Anyway, she is going to have a blast! Don’t forget us, Nancy!

Gale and Google have signed an agreement that will allow users of select products on Gale’s InfoTrac Web platform to link to the Google Image Search service while searching within the databases. In addition, to ensure that inappropriate	

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grates e-reference books in an easy-to-use database interface. To be released in October 2003, Gale Virtual Reference LibrarySM will offer libraries the opportunity to select from an initial collection of more than 50 reference sources — encyclopedias, almanacs, and series — to create a customized, completely integrated online information service. www.gale.com/ebooks


I tell you what, Norm Desmarais <normn@provodence.edu> is something else. Besides keeping up with innovations (see *Hyperbolic Browsers: From GUI to KUI*, this issue, p.95), he recently participated in the re-enactment of the Battle of Rhode Island (250th anniversary commemoration). The battle was fought as a running battle over 3/4 of a mile. Norm’s group kept ambushing the Crown forces as they advanced from field to field. What can I say? I’m speechless.

Did you read Mark Funk’s and Barbara Schader’s’s <bschader@library.ucla.edu> article in the September *ATG* on “Simultaneous Users vs. FTE Pricing Model — Stairway to Heaven or Jail House Blues?” yet Barbara will be in Charleston for the Conference and presenting a paper. FYI, recently, there was discussion on LibLicense about usage-based pricing and its perhaps negative implications for research intensive universities.

Communication Abstracts, published by SAGE Publications, is now available on the Internet Database Service (IDS) from CSA (Cambridge Scientific Abstracts). The IDS platform is the only online service offering the complete Communication Abstracts database. Communication Abstracts, edited by Tom Gordon at Temple University, is a comprehensive source of information about communication-related publications on a world-wide scale. www.csacom

I tell you, computers are wonderful, there’s no getting around it, BUT, boy, can they be a pain sometimes. For example, downloading and printing *ATG* image files has gotten so much more complicated in the online world than it ever was in the print world. Accordingly, this caught my eye. ScholarOne, Inc. has announced that it will integrate with DigitalExpertTM, the digital image preflighting tool from The Sheridan Group, with Manuscript CentralTM, the application for online submission, review, and tracking of scholarly content, with more than 425 systems. DigitalExpert checks whether image files meet print specifications. If a file does not pass inspection, the system creates a report with detailed suggestions for improving the image. Because DigitalExpert will be accessible from within the Manuscript Central user interface, ScholarOne’s customers will not need to download any software or be required to upload additional files to preflight images. ScholarOne, Inc. based in Charlottesville, Virginia, provides comprehensive workflow management systems for scholarly journals, books, and conferences. www.ScholarOne.com

It is very rare for a week to pass without someone wanting to have access to a paper that was given in Charleston at one of the Conferences. The Charleston Conference Proceedings for 2001 and 2002 — both edited by Rosann Bazirjian and Vicky Speck — are available from Greenwood Press. The 2000 Proceedings are available from yours truly. www.info.greenwood.com

Alexander Street Press has announced the expansion of its business and the creation of a new marketing department. Jennifer Heffelfinger has joined the company as Manager of Marketing and Public Relations. A graduate of Medieval Studies from the University of Victoria in Canada, Jennifer brings a deep passion for the humanities to the position. As well as nearly ten years of marketing and public relations experience in the academic and educational worlds. Jennifer is also the founder of Thomas Press, a scholarly publisher in the fields of history, history in art, literature, religion, and social sciences. http://alexanderstreet.com

Was talking to Steve Johnson <johnso@Clemson/EDU> the other day. As usual, Steve is doing yeoman’s work in Charleston at the Conference helping out with the beer and wine tasting. He was talking to me that he just got back from NASIG where he climbed Mt. Hood.

Speaking of refreshments, time to take a break. See you in Charleston. — Yr. Ed. ☃

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**Exploring the Digital Terrain...**

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Laura Gasaway, Director of the Law Library and Professor of Law at the University of North Carolina, discusses the effects of copyright term extension and offers her suggestions for ways to ameliorate potential problems. Bryan M. Carson, Coordinator of Reference and Instructional Services, Librarian for Philosophy, Religion, & Russian/Eastern European Studies, Western Kentucky University Libraries, then tackles the Technology, Education and Copyright Harmonization (TEACH) Act, highlighting how the Fair Use provision and the Public Performance exception, in particular, positively impact distance learning. Finally, I offer my views on the status of copyright on campus, the impact of digitization, and the valuable role of the college librarian.

We share our perspectives with hopes of advancing the discussion at a time when the subject of copyright is so timely, relevant and visible. Although our opinions may differ, we are in agreement in several key areas: the need to keep abreast of new developments; our excitement at being able to witness and participate in the current copyright debate and the outcome; and our invitation for you to join us in that endeavor. ☃

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**Copyright Issues & Principles in the Digital Environment**

by Eric S. Slater, Esq. (Manager, Copyright, Publications Division, American Chemical Society) <slater@acs.org>

As you are likely aware, copyright issues in the burgeoning digital environment have not been easy to navigate. Users and owners of copyrighted works have experienced what can be a complex process in using or protecting works. Fundamentally, the rule is that the basic principles of copyright law apply, no matter the content format — print, electronic or whatever may come in the future.

This article touches on the issues I face in the digital environment as a manager of copyright for a non-profit, Scientific, Technical and Medical publisher: principles you can employ when dealing with these issues; and lists recent court cases and copyright legislation.

**The Internet is Not a "Free for All"**

Some general misconceptions about copyrighting and the Internet include “it’s on the net, it’s free,” or “if there’s no copyright notice, it must be in the public domain,” or, "photographs of old artwork are in the public domain, therefore it’s not necessary to obtain copyright permission.” These statements couldn’t be further from the truth.

Under United States Copyright Law, copyright extends to works of original authorship posted on the Internet because it is fixed in a tangible medium of expression. Essentially, copyright protection automatically attaches to electronic documents, just as it does to print. When there’s no copyright notice, it is protected. It is, however, recommended that a copyright notice be placed along with documents, advising a particular material is copyrighted. Registering with the United States Copyright Office, while not mandatory, is suggested because it affords greater protection to the copyright owner.

The statement concerning photographs of old artwork can be tricky. While old artwork itself is considered public domain and would...