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People Profile: Dan Duncan

Editor

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Will Anyone Adopt the Orphans?  
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An analysis of the orphan works issue and legislation in the United States.

In the end, the House Judiciary Committee tried to create an omnibus bill that included the orphan works legislation, but that measure (H.R. 6052) also contained controversial digital music licensing provisions that were enough to guarantee that neither the full House nor the Senate would take up the measure.

Since that time the debate on orphan works has gone silent. Partly that is because both the House and Senate Judiciary Committees have been focused on patent reform, and no other rights-related legislation is likely to be considered until that debate has run its course. At the same time, it is not unusual for legislation from a previous Congress — no matter the amount of time and effort devoted in carefully crafting compromises — to be open for full reconsideration.

Indeed, that appears to be the case. Both sides of the debate have been focusing on the “diligent search” requirements from last year’s bill, and both can be expected to offer revisions — from the library and academic communities probably less strictly, and from the publisher and author communities more specific statutory guidelines. Other issues may also arise. For example, third-party licensing arrangements — sometimes granting exclusive rights and sometimes not — have become commonplace among copyright owners. The bill last year did not address situations where the copyright owner is found but the third-party licensee to whom rights have been granted cannot be located, or vice versa. In addition, it is uncertain whether libraries and universities have less energy or enthusiasm for the legislation, perhaps because a great deal of their effort has been devoted to the Copyright Office’s current Section 108 study group or because of those sovereign immunity provisions contained in last year’s bill.

All of these issues, and more, will be further debated before a final orphan works bill is introduced again — let alone before a final bill is blessed by Congress. In the long run, the chances for passage of orphan works legislation seem dimmer as each day passes without reintroduction of a bill. The real push must come from those who see a policy or political advantage in finalizing a measure — and that means publishers and users must come together and determine whether and what kind of orphan works bill they want.

Rumors
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UMI Distinguished Dissertation Awards, honors for doctoral dissertations, were presented to Dr. Michael D. Chasar of the University of Iowa and Dr. Cristobal Uauy of the University of California, Davis. The winners were announced at a ceremony during the 47th CGS Annual Meeting in Seattle, Washington, on December 6, 2007. Presented annually since 1982, the awards are selected by an independent committee from the Council of Graduate Schools. Dr. Uauy received the 2007 Award in Biological and Life Sciences for his research on improving the nutritional composition of wheat. He received his Ph.D. in Genetics earlier this year from the University of California, Davis. The Award in Humanities and Fine Arts was presented to Dr. Chasar for his work on the role of poetry in popular culture. He completed his doctorate in English at the University of Iowa this year as well.

Alibris, Inc. founder Marty Manley has announced that Brian Elliott will take over as CEO of Alibris as of the new year. Elliott is an eight-year veteran of Alibris and has served as the company’s President and COO since 2006. “I have had a very rewarding ten years,” declared Manley, who launched the company with bookseller Dick Weatherford in late 1997. “When we started Alibris, we thought the Internet could help sellers find new customers and help book lovers find what we used to call ‘hard-to-find-books.’ Alibris has grown from a few employees working out of my house to a large, consistently profitable, global exchange for books, music, and movies. The end of a decade is the right time for me to make a transition that we have been considering for some time. Brian is the right person to lead this company through the next stage of its growth, and I am proud to turn the stage of its growth, and I am proud to turn the

people profile

Dan Duncan

BORN & LIVED: Wichita, KS; Grinnel, IA; Boston, MA; Germany; Italy; Philadelphia, PA; Orlando, FL; Washington, D.C.

EARLY LIFE: Born and raised in Wichita, KS; attended public schools.

FAMILY: Single, unmarried.


IN MY SPARE TIME I LIKE: What spare time?

FAVORITE BOOKS: Siddhartha by Hermann Hessen, Tin Drum by Günter Grass, Alexandria Quartet by Lawrence Durrell, Narrative of the Empire series by Gore Vidal, almost any biography.

PET PEEVES/WHAT MAKES ME MAD: People to whom the words “please and thank you” are not in their lexicon.

PHILOSOPHY: Carpe diem.

MOST MEANINGFUL CAREER ACHIEVEMENT: Finally landing a job at McGraw-Hill (seriously).

GOAL I HOPE TO ACHIEVE FIVE YEARS FROM NOW: See a database protection measure enacted in the United States.

HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS: The industry will be even more digital, users will be wanting even greater control over the information we provide, and without strong and active education and compliance systems, piracy will likely destroy more than one publishing house.