Biz of Acq -- Video Streaming Services at Indiana University Bloomington

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Questions & Answers

QUESTION: What are the copyright rules for downloadable books?

ANSWER: It is more likely that the downloading of eBooks is governed by a license agreement (contract) than just by copyright law. Copyright certainly applies, but a license agreement most likely covers issues such as access, reproduction, distribution/display, etc.

QUESTION: When a for-profit company files for approval from the Federal Drug Administration, either for a new drug or medical device, the company must provide copies of all articles and other literature, along with the filing. Now, in Europe, there is a Medical Device directive, MEDDEV2.7.1 Rev.3 — Guidelines on Medical Devices, that requires all manufacturers who want to sell product in European Union countries to provide a clinical evaluation of their product. Part of the literature search, along with copies of the articles and other materials that support their evaluation. Must copyright royalties be paid for these copies provided in response to a government directive?

ANSWER: If the company has a Copyright Clearance Center annual copyright license (often called a blanket license), the librarian can provide copies of these articles to accompany federal and international filings without concern. If the company does not have a CCC license, then it should look at its various license agreements for full-text journals to see if this activity is covered by the license agreement. Otherwise, royalties should be paid.

QUESTION: A librarian with curatorial responsibilities for a university library music collection is making an educational/promotional film about one of the collection’s donors, a classical musician of note. As a member a performance group, the donor made many classical music recordings on the Philips label, and the librarian wants to obtain permission from Philips Records to use part of one track from one of these recordings in the film. The film is part of the fund-raising efforts to support the collection.

ANSWER: Assuming that the music on the recording is under copyright, the right the librarian is seeking is called the synchronization or “synch” right which involves the use of a recording of a musical work in audiovisual form such as in a film. It is called the synchronization right because the music is “synchronized,” or recorded in timed relation with the visual images. The music publisher synch rights are licensed by the music publisher (the publisher of the sheet music) and not the recording company. Sound recordings do not have public performance rights, and the sync right is a part of the right of public performance.
The Media Librarian works with her staff to ensure effective marketing of the streaming program on the IUB campus and works with the library’s marketing office to promote the video streaming service to faculty. The Media Librarian is regularly invited by the Teaching and Learning Technology Center to provide presentations to incoming and returning faculty members which are another avenue to promote this innovative service.

Acquisitions and Workflow

Though there are dozens of media providers, those we worked with on our pilot project continue to meet our instructional needs as our primary vendors for streaming. Though the Media Librarian initiates the majority of purchase request, all librarians select media for their subject areas. Purchase requests are referred to the librarian for Electronic Resources Acquisitions who manages the acquisition and licensing process. Similar to the acquisition of other electronic resources, streaming media also requires a license agreement for use. The standard contractual language regarding number of simultaneous users, permission for remote access, and the like are included in these agreements. In addition, there is an emphasis that the streaming media can be used only for educational purposes and not for public showings.

Vendors provide the option to lease short-term access (generally for a 3-5 year period) or to purchase perpetual access. When leasing is the only option, vendors have provided timely notice when our lease is reaching expiration; therefore leasing agreements have not been a problem. When streaming files are provided by the vendor, they are either external hard drives or MPG4 files.

Our acquisitions policy for video streaming access is listed in order of preference:

1. Remote access streaming media files via an external vendor-supported service
   • Films Media Group is now offering this option for large subject collections.
2. Digital files and streaming rights (files via FTP, MPEG, hard drive) for which the library is not required to own the physical medium (DVD/VHS)
   • This option is not currently available from our primary vendors.
3. The physical medium (DVD/VHS) plus digital files for perpetual streaming rights
   • In this option, we purchase both the DVD/VHS and perpetual streaming rights at the same time. The streamed files are in MPG4 format compatible with FLASH drive.
4. Digital files for perpetual streaming rights for a physical medium the Library already owns

For those items where we do not receive an MPG4 file, Media Services uses programs developed by Digital Library Program staff to convert the DVD into a streaming file. The role of DLP cannot be underestimated because without the support of their staff and programmers, streaming on the IU Bloomington campus would not exist. (For complete information about guidelines and procedures, visit the Video Streaming Service Wiki: https://wiki.dlib.indiana.edu/confluence/display/INF/Video+Streaming.)

When a DVD is purchased along with streaming rights, the streaming file is delivered to Media Services, and the physical item is delivered to Cataloging. Staff in Cataloging follow national standards to create two bibliographic records — one for the DVD/VHS, one for the streaming rights. The final step is to deliver the DVD or video to Media Services.

Future Direction

A recent survey conducted by distinguished research specialists at The Pew Internet and...
American Life Foundation (http://www.pewinternet.org/Reports/2009/Generations-Online-in-2009/Generational-Differences-in-Online-Activities/5-Video-downloadsare-now-enjoyed-more-equally-by-young-and-old.aspx?r=1) concluded that video downloads are now being done equally across all generations. The study suggested that downloadable video not only attracts Generation Y, but non-traditional students and senior citizens feel at ease in using technology due to greater access to the Internet. The survey also suggested that online movie watching has doubled in the past two years which has led to even greater access to books, movies, and video games. The Media Librarian consistently receives requests from both faculty and students to purchase more downloadable multimedia formats.

Opportunities for librarians and technical services staff to explore streaming options on their campus is varied, all of which are intended to satisfy faculty and student requirements. Online access should not replace the physical DVD/VHS format. Streaming serves to supplement in-class viewing, provide a review for exams, eliminate the need for students to wait for the return of a film that is checked out to a different student, and to be easily accessible via the OPAC.

Some faculty will still request delivery of the DVD or video to their classroom because of their familiarity with the physical format. Although online streaming may be the wave of the future, it is not a panacea. BISAC, the system that was initially released in 2000, “is now firmly the most widely-adopted of EDItEUR’s standards.” BISAC has been instrumental in developing many of the electronic standards that have reduced operating costs for members of the industry. BISAC Subject Codes, for example, are a mainstay in the industry and required for participation in many database. They work in conjunction with the ONIX system of data interchange that major vendors have increasingly come to demand that all publishers use. ONIX, which is the acronym for Online Information Exchange, is described by the organization that created and oversees it, EDItEUR (established in 1991), as “an XML-based family of international standards intended to support computer-to-computer communication between parties involved in creating, distributing, licensing, or otherwise making available intellectual property in electronic form, whether physical or digital.” ONIX for Books, the most widely-adopted of EDItEUR’s standards that was initially released in 2000, “is now firmly established around the world as the book-trade standard for the communication of ‘rich product metadata’—the type of metadata that are needed to support the sale of books in the supply chain, not least for online retail” (www.editeur. org/74/FAQs/02q). Even from this brief description one can get a sense of how crucial BISAC codes are for the smooth functioning of commerce in the book-trade today.

So, how well do the BISAC codes work for academic books? Not well at all, in my opinion, based on my more than forty years’ experience as an editor in university press publishing. The examples I will provide of their dysfunctional come from the fields of scholarship I know best: Latin American Studies, Philosophy, Political Science, and Sociology. Of these four fields, it should be noted at the outset, the BISAC coding system recognizes only Philosophy and Political Science as major categories. Perhaps it is understandable that no regional field of study is given this pride of place in the BISAC system, even though area studies have long been prominent in higher education, but it is surprising that not even Anthropology and Sociology are accorded a primary category. Instead, these two are lumped together under a generic Social Science heading.

The study suggested that downloadable video not only attracts Generation Y, but non-traditional students and senior citizens feel at ease in using technology due to greater access to the Internet. The survey also suggested that online movie watching has doubled in the past two years which has led to even greater access to books, movies, and video games. The Media Librarian consistently receives requests from both faculty and students to purchase more downloadable multimedia formats. It remains the responsibility of the Media Librarian to bring the availability of streaming options to the attention of instructors, and to collaborate with faculty to identify and incorporate streaming titles into the curriculum. To meet this demand, we are currently purchasing individual educational titles, as well as subscription collections such as those available from Films Media Group Films on Demand Master Academic Collection.

Our partnerships with library staff and teaching faculty are the foundation for our success. We developed a practical approach to provide faculty and students with an affordable digital streaming program. With the ongoing interest and support, we will continue to build the video streaming service at Indiana University. We understand that not every library will have the funds to mount an aggressive streaming production service, nor will every faculty member feel at ease with handling digital files. In our case, it has been well-worth the effort.

From the University Presses – Why I Hate the BISAC Codes

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In my column for the December 2009 issue about “Google 2.0: Still a Mixed Blessing,” I referred at the end to the criticism that has already been made of Google’s decision to use the BISAC codes for identifying books by subject categories by, among others, Geoffrey Nunberg, who said: “The BISAC scheme is well-suited for a chain bookstore or a small public library, where customers or patrons browse for books on the shelves. But it’s of little use when you’re flying blind in a library with several million titles, including scholarly works, foreign works, and vast quantities of books from earlier periods.” And I concluded: “Google’s decision to employ BISAC codes is yet one more glaring revelation of how skewed the Settlement is toward the interests of trade-book authors and commercial trade-book publishers rather than academic authors and academic presses.”

I want in this article to expand on that critique and demonstrate more fully why the BISAC codes so ill-serve the academic community and the scholarly publishers that support it. At a very general level, it must be said that, just as the interests of the STM journal publishers mainly determine what positions the AAP takes on issues in journal publishing, so too the commercial trade publishers so dominate the AAP’s board that their interests come first whenever new policies are adopted. Scholarly book publishers (not including here college textbook publishers, which form a subindustry of their own) constitute a very small minority of AAP members and have little chance to exert much influence over decisions made, such as the choice of what metadata to use. Although the Book Industry Study Group (BISG) is an independent nonprofit agency that presumes to serve all sectors of the book industry, and that was created in 1975 by a number of trade associations besides the AAP (such as the Book Manufacturers Institute and the American Booksellers Association), it is very much a stepchild of the AAP, and those who serve on its various committees reflect that influence.

As Wikipedia’s entry for BISG notes, “Through BISAC (Book Industry Standards and Communications), BISG has been on the cutting edge of technological advances with the development of bar-code technology, electronic business communications formats. BISAC has been instrumental in developing many of the electronic standards that have reduced operating costs for members of the industry. BISAC Subject Codes, for example, are a mainstay in the industry and required for participation in many databases.” They work in conjunction with the ONIX system of data interchange that major vendors have increasingly come to demand that all publishers use. ONIX, which is the acronym for Online Information Exchange, is described by the organization that created and oversees it, EDItEUR (established in 1991), as “an XML-based family of international standards intended to support computer-to-computer communication between parties involved in creating, distributing, licensing, or otherwise making available intellectual property in electronic form, whether physical or digital.” ONIX for Books, the most widely-adopted of EDItEUR’s standards that was initially released in 2000, “is now firmly established around the world as the book-trade standard for the communication of ‘rich product metadata’—the type of metadata that are needed to support the sale of books in the supply chain, not least for online retail” (www.editeur.org/74/FAQs/02q). Even from this brief description one can get a sense of how crucial BISAC codes are for the smooth functioning of commerce in the book-trade today.

But a book on economic development may be equally prominent. (In an earlier version of the codes, South America, General, Mexico, and South America. Specifically, among the subcategories in higher education, but it is surprising that not even Anthropology and Sociology are accorded a primary category. Instead, these two are lumped together under a generic Social Science heading. To refer to that neither Economics (which exists separately only as Business and Economics) nor Political Science nor Psychology (which gets its own separate heading) are social sciences?

How does one identify books in Latin America Studies, then? The BISAC system requires one to scurry around looking for appropriate codes under a number of other categories, including Art, Business and Economics, History, Law, Library Criticism, Religion, and Social Science. For a title about economic development in Latin America, for instance, one can find a subcategory called Business and Economics/Development/Business Development, which seems presumptuous in pigeonholing all of economic development as business development, but no regional identifiers under Business and Economics. Looking under Social Science, one finds a subcategory for only Third World Development in general, not for any specific region. The best one can do to add a regionally delimiting identifier is to resort to History, where there are plenty of regional subcategories. Interestingly, among the subcategories specific to Latin America there are four: Central America, General, Mexico, and South America. (In an earlier version of the codes, South America was absent.) Why separate out just Mexico? In terms of salience in U.S. history, if that is the criterion, Cuba has been equally prominent. But a book on economic development may be an econometric analysis, highly mathematical,