Little Red Herrings—Has the Internet Made Libraries Obsolete After All?

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Little Red Herrings — Has the Internet Made Libraries Obsolete After All? Part 2

by Mark Y. Herring (Dean of Library Services, Dacus Library, Winthrop University) <herrimgm@winthrop.edu>

In part one I looked at the first five reasons of my 10 Reasons Why the Internet Is No Substitute for a Library (http://bit.ly/SoYnQb) in an effort to see where I went wrong. Herewith, the next five in that list.

eBooks are the best example of a wrong prediction. I guessed in 2000 that this monumental change would not occur until about ten years from today. The advent of the iPad, however, catapulted eBooks a long, a very long, way. I have to admit that I was wrong about how long it would take us to get to a successful eBook reader. Add to the iPad the relative inexpensive cost of eBooks, and the floodgates are wide open. ebrary's (http://www.ebrary.com/corp/) offering of tens of thousands of academic titles for literally spare change is also helping to widen the tsunami.

As for the maturation of eBook readers, I have read on multiple ones: Kindles, Sonsys, the Edge (a now defunct reader), iPads, and smart phones, to name a few. The iPad proved the best experience so far. Some will argue that the comparison isn’t fair because the iPad is more a tablet than an e-reader. Semantics, really. Still, even the iPad isn’t perfect (http://bit.ly/psZ3oz). DRM (digital right management) issues still loom large (or not, http://bit.ly/vE-ACC8), as do issues of format. Copyright hasn’t been resolved, just ask Google (http://bit.ly/9FyDn6). Further, I am troubled about how this translates into scholarly reading, various ebrary solutions notwithstanding. It cannot be done very well currently, though I believe it will be done well, eventually. Today, however, a medium for scholarly eBooks that provides access and service at the highest of levels remains on the “to do” list.

Furthermore, so far the frequency of eBook usage in academic libraries is at best very limited. I think this will likely change as more and more high school students, coming as they already are from library libraries (or facsimiles), push out remaining paper acolytes. What remains an imbriggio is the attitude of most students to etexts. A majority say they want eBooks but this has yet to translate into high usage of same. Thereafter is the problem of what is going on in that electronic environment. Wired generations are easily distracted (http://nyti.ms/bGoKmx). DRM is the underlying musical composition, the recording of the performance of the music, and a copyright in the arrangement of the music for the sound recording. The performer, who may or may not be the composer, normally transfers the copyright in the performance of the music to the recording company that collects royalties for the sale of the recordings. The composer is compensated for the sale of recordings through the mechanical license, a compulsory license under the statute. The composer normally continues to own the copyright in the musical composition, however.

When music is played on radio or television, royalties are paid to the composer in the form of a blanket license with the performance royalty organizations such as the Association of Composers, Authors and Publishers (ASCAP), Broadcast Music Inc. (BMI), and SESAC, Inc. There are no performance rights in sound recordings except for digital transmission. So, traditionally, the recording company makes its money from the sale of records and not from performance. Both the record company and the performers share the royalties from digital transmission of sound recording (for example, from Webcasting).

QUESTION: Both sections 108 (c) and (e) require a library to make a reasonable effort to acquire an unused copy of a work at a “fair price.” But section 108(h) specifies a “reasonable price.” What is the difference?

ANSWER: There appears to be no functional difference. Section 108(h) was a 1998 amendment to the statute, and it uses “reasonable price.” Maybe it was sloppy legislative drafting. There is nothing in the legislative history to account for the difference, and there has been no litigation to provide guidance.

Although I didn’t call it this, the creation of a national digital library; my eighth point, is still waiting creation. I correctly argued then it would prove too costly. It still is. Perhaps the best argument for it is Robert Danton’s (http://bit.ly/chcoRE), even he recognizes that it will take the concerted effort of all of us just to get close. If we spend the dollars needed, what will be left for anything else? Frankly, I still fret over the whole idea of re-mastering digital images, though I see less and less of this in the professional literature. Digitization is not a one-and-done process. If this is true, then whatever the cost of such a facility just increased significantly.

The Internet remains the proverbial mile wide, but I will concede that it is now a little more than an inch deep — let’s say at least continued on page 59
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five inches deep. Persistent uniform resource locators (purls, http://bit.ly/dr8zn) are not as prevalent as I would like. Materials that I bookmarked a year ago are now in that area of cyberworld known as 404-Error-File-Not Found, wherever that is. And while the Web has deepened, we are still a decade away from the resolution of the problem of it as ankle-deep history. I am hopeful about the evolution of the Internet2 (http://bit.ly/aogLlk) but resigned to the realization that its evolution will take place in years, not months, and perhaps not during my lifetime. The establishment of Internet2 or its facsimile would go a long way to make the ‘net a more scholarly “go to” resource.

Finally, even with iPads, Kindle Fires, and the sharing of eBooks via Amazon and other places, I remain hardened on the principle that books are not only ubiquitous but also exceedingly portable. Furthermore, they will endure for the foreseeable future. I have, over the last three years, read on various devices, as mentioned above. On occasions, my eBook reader batteries have failed, both through my own forgetfulness and through no fault of my own. Technology hiccups have caused books not to load and wiped out certain books. When I replaced a reader my materials had to be reloaded, re-synced, or otherwise found again. I have been annoyed by looking for one bestseller only to discover I needed to get it via another provider, the one I did not have with me at the time. Apps have, of course, greatly improved accessibility, but both the apps and the accessibility remain unnecessary hassles. Even the “new” Kindle Fire (http://tcrn.ch/u2mqmL) has its own screen-size problems and battery issues. All of these problems are obviously solvable. For now, however, they remain annoyingly troublesome.

Part 3 will close with some conclusions about libraries, the Internet, and the growing obsolescence of the one with the maturation of the other.

Rumors
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Keep forgetting to mention this! My bad! The on-top-of-it Jonathan Harwell has left Georgia Southern University as Coordinator of Content Management as of April 3 and began at Rollins College as Head of Collections & Systems on May 1! Congratulations, Jonathan. Have y’all all noticed that Jonathan is writing a lot of the Friday Hot Topics in the online AFG NewsChannel? www.against-the-grain.com/

Greater minds than mine are weighing in on the recent Georgia State University ruling regarding e-reserves and copyright. The ruling is 350 pages long and is largely favorable to GSU. Bryan Carson promises that he will add his perspective to this soon for AFG! What I say ever so quietly (being married to a lawyer) is that judges and lawyers seem to be making sure that there will be job security for the legal profession. This may be appealed as well. http://blogs.library.duke.edu/scholcomm/2012/05/12/the-gsu-decision-not-an-easy-road-for-anyone/http://bit.ly/KCVLij

And this just in from Kevin Smith, J.D. <kevin.l.smith@duke.edu>, Scholarly Communications @ Duke has posted a new item, “Publishers file response to GSU ruling.” On May 31 the three plaintiff publishers in the copyright infringement case against Georgia State filed their proposed injunction, as the Judge required that they do, and a memorandum of law in support of that proposal. So now we have a chance to examine their first legal response (as opposed to press releases) to the ruling. You may view the latest post at http://blogs.library.duke.edu/scholcomm/2012/06/01/publishers-file-response-to-gsu-ruling/.

I am going to have to sign off because I am running out of room, but not before I tell y’all that our wonderful friend, Carole R. Bell, head of Acquisitions at Temple University retired April 30th after a 35-year career in academic libraries (Penn, Brown, Northwestern, Univ. of Maryland, and of course Temple). Carole says she is going to miss all of us (are you sure, Carole?) and that she would love to stay in touch! Her email remains the same <crbell@temple.edu>.

Bye for now! And Happy Spring! Yr. Ed.