

Cites & Insights

Crawford at Large

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Bibs & Blather

Looking Back, Looking Forward

One look at “Inside This Issue”—or the slightly longer download time—tells old readers that something’s different with Volume 4 of *Cites & Insights*. The fact of change at the new year should surprise nobody: It makes sense to evaluate a publication once a year or so, and the start of a new volume is a reasonably natural place to make changes. The nature of the changes this year is still up in the air, and that’s one of this year’s significant factors. I’m not quite sure where this is all going, and I’m not quite satisfied with where it is.

I wrote a lengthy discussion of last year’s experience, the paradoxes I’m dealing with at the moment, and possibilities for this year. But “lengthy” is one of the key problems here, including my tendency to cut my own commentaries first—and that discussion would make this too-long issue two pages longer. So:

- Last year, surprisingly, went just about as planned, both in length and number of issues (particularly if you consider the CIPA Special as a necessary extra) and in balance. “Perspectives” in the form of true essays faded over the year, as the backlog of material rolled from issue to issue kept growing, but that’s a different problem.
- Given time, energy, competing pressures, and the sheer volume of stuff I want to write about, something’s gotta give. I’m trying to determine where I can provide added value and am willing to spend the reading, thinking and writing time to do so. In order to allow that process to move forward, a few changes are already in order:
- Volume 4 will be “lumpier” than Volume 3. I’m abandoning the 20-page limit (at least for now), and the intervals between issues may be much more variable than they were last year. Yes, this issue is too long—but the more I edited, the less I was willing to cut,

and I’ve already set aside 12,000 words for future issues. As for intervals, I’m aiming for a dozen “regular” issues with monthly designations, and anywhere from one to...(well, however many it takes) thematic issues. It’s possible that the first thematic issue will be out before ALA Midwinter, that is, roughly two weeks from this issue. It’s also probable that there will be at least one five-week or six-week gap between issues (April may be late this year), and even that various conflicts might lead me to emulate *American Libraries* and *EContent* and do a combined two-month issue.

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- This issue introduces a few minor layout/typography changes, as I have each year. Most of you will neither notice nor care; as usual, I invite feedback from anyone who does. As for content, I’m not sure what will happen—except that this issue includes the final SCHOLARLY ARTICLE ACCESS, for reasons that appear at the end of that article. I hope to restore more personal essays.
- *Cites & Insights* will continue to be a PDF distribution, with no parallel HTML/XML distribution until (unless) someone offers to underwrite the publication. I am considering posting HTML versions of a few individual articles, which would show up as links in the overall tables-of-contents page. If I do that, you’ll hear about it and have some chance to influence what gets posted.
- Finally, if I ever change the name of this section (the “true name” of the zine) to something more pretentious, or forget that I’m just an observer with no more authority than any reader, I trust you to make rude noises in my general direction.

Weblog Blather

One of the “trends” mini-perspectives in December was on Perseus Development’s odd report regarding weblogs—how so many of them were one-day wonders (25%), only about 1% were updated every day, and most have tiny audiences. The report was a little silly, although the fact that only a few weblogs have large audiences was worth making. I thought it would be interesting to do a quick study within the library field—but of weblogs that had attracted a little attention. So I went to the largest compilation of such logs I know, the Open Directory listings. On December 12, before most people would wind down writing for the holidays, I did quick checks on the 109 weblogs listed under the general libraries category and the 125 listed under the “personal” subcategory of librarianship. Here’s what I found:

General/Topical Weblogs in Librarianship: 109

Twenty-two had same-day entries and another 15 had previous-day entries: One-third of the total. Of the rest, 14 had entries within the previous week, nine within the current calendar month, ten within the last 30 days, and 13 more within the current calendar quarter.

Twenty-six had not been updated in almost three months. Eleven of those had postings in the last six months; nine within the past year; one had multiple postings but none within a year; one was a one-day wonder; and one was dead (and disappeared). Three were unclear: postings weren’t dated, but they seemed stale.

Personal Librarian Weblogs: 126

Twenty-five had entries “today” and another 26 the day before: 40% of the total. Of the rest, 36 had entries within the previous week, seven within the current calendar month, eight within the last 30 days, and seven earlier in the quarter.

Only 17 out of 126 had no updates in three months, and 11 of those had postings within the six-month period. Two showed a most recent post less than a year old and one was more than a year old. Three were unclear.

Significance?

None, really. One-day wonders aren’t likely to show up in Open Directory. There may be hundreds of other weblogs started and abandoned by library school students (particularly in classes demonstrating weblogging) and librarians; there may not be. At least one topical weblog is weekly by design.

These are just factoids, maybe an excuse for the next discussion.

Other Voices

Steven M. Cohen really, truly believes in weblogs. That’s only half true: He believes in *writing* them, but wants to read everything via RSS, which (as far as I can tell) decontextualizes weblogs. But boy, does Cohen believe in writing weblogs. He thinks everybody should do it. He thinks they’re a great way for librarians to market themselves. He wrote a *Public Libraries* column about it that’s **worth reading** (I read the version on Cohen’s *Library Stuff* weblog, www.librarystuff.net, posted November 9.)

In a later *Library Stuff* posting, Cohen discussed blogs as alternatives to traditional publishing. Steven Bell posted a comment which Cohen dissected at length. The discussion went on, in one of the longest and most interesting sets of comments I’ve seen at a library-related weblog. I got involved, as did Karen Schneider and a couple of others. In general, it was a civil and intelligent exchange.

To some of us who publish in traditional media, there’s a place for both weblogs and traditional publishing, and we find that good editorial work helps us improve our writing, an added value you don’t get in weblogs. While traditional publishing loses the immediacy of weblogs, that’s not always a bad thing. They’re complementary media.

To some who are enamored of weblogs, feedback on web postings will improve writing as effectively as (or more effectively than?) good editorial work and the immediacy of weblogs is more important than the polish of traditional media. Cohen says during the discussion, “There is only one process that helps a writer write more fluently. Reading.” In my experience, that’s simply not true: Good editors have helped me write more fluently and still do so.

Explodedlibrary.info had a posting on the debate which is also **worth reading** (posted December 10, with its own string of comments). This person brings another perspective and in the end agrees with what Steven Bell and I were saying (I think): “This is not a zero sum game. Blogs already have a place in the corpus of knowledge, and this place is growing. They’re not going to replace journals, encyclopaedia and books, which is also reassuring.”

Blythe Summers, a student at the University of Washington library school, wrote “Dear Diary and then some: Blogs as the new form of self-expression” in the November 2003 *Silverfish* (students.washington.edu/aliss/Silverfish/). It’s a different take on some contemporary weblog issues; rather than summarizing, I’ll **recommend** that you read it.

Ex Libris 197 (November 13, 2003) is “The web of influence: How news and ideas spread among librarians.” Marylaine Block, no mean influencer her-

self, is almost always **worth reading**; this column is no exception. For a presentation at Internet Librarian, she set out to follow the discussion of one library news item, and describes that process in some detail. She then went on to consider whether there's a more general pattern for the spread of knowledge among library people:

I believe there is. Essentially, I think what happens is this: initial discussion is driven by the listservs, because that's where the people who care most passionately about the broad subject and are most knowledgeable about it, hang out.

Then the news spreads to the more general librarians' resources, bloggers who draw on the greater expertise of the specialists on the listservs and publicize the issue to a broader range of librarians.

The most prominent of these is probably Gary Price's Resource Shelf, which has an unusually wide and varied audience. I'd guess LIS News is second, both because the range of topics covered there is broad, and because a variety of people, with differing knowledge bases and interests, contribute to it. Other key sources are Jessamyn West's Librarian.net, Steven Cohen's Library Stuff, Rory Litwin's Library Juice, Library Link of the Day, and Walt Crawford's Cites and Insights. On occasion, though not necessarily routinely, my own ExLibris helps advance the discussion as well.

Just to nit-pick, neither *Library Juice* nor *Cites & Insights* is a weblog; the first is a biweekly newsletter, the second a somewhat-monthly zine. Otherwise, I think Marylaine has an awfully good starting point, even as I think (and hope) that other sources (weblogs and otherwise) are becoming "key" as well.

First Have Something to Say

15. Breaks and Blocks

Note: this is the third and final free chapter from First Have Something to Say: Writing for the Library Profession, ALA Editions, 160 p., \$29, ISBN 0-8389-0851-9. Go to the ALA store (www.alastore.org), buy it in the ALA store at Midwinter (you might get a signed copy) or order from the usual sources. Giving credit where credit is due, I should note that the first part of this chapter originally appeared in slightly different form as "dis-Content: Give me a Break!," EContent 25 (April 2002): 42-43.

Writers write every day. Would-be writers get that advice from many sources; it's one of the contemporary clichés of books on writing. No matter what, even if you throw it away later, every day you sit at the keyboard and pound out a thousand words. Even though library writing is unlikely to be your full-time job, daily effort is one key to making it work.

Take a Break!

Writing advisors leave out the next step. Once you've established that you can churn out worthwhile stuff, once you've established a reputation and a following, you need to stop.

Move away from that keyboard.

If you have a weblog, post an "out to lunch: back next week" sign on your site.

Stop writing. Stop posting.

Not permanently—but long enough to make a difference. A week seems about right.

This isn't just a pitch to take a vacation (unless you're a full-time writer). Vacations are different—although I'm also a great believer in leaving your writing at home when you do go on vacation. I'm talking about a deliberate break, a period in which you don't produce.

Give yourself a break and give me—your reader—a break. Let me know there won't be any new content here for a few days.

This advice does not apply to people who haven't yet found a voice or achieved any success. I believe it does apply to novelists and poets as well as nonfiction writers and essayists.

The Pause that Refreshes

Why take a break? Because you've been working steadily at your writing. Doing that thousand words a day (if it's a hobby); getting new material posted every hour or every day (if it's a weblog). You know you can keep it up—it's become habitual.

For most of us, that leads to a certain loss of freshness. Even newspaper reporters do better work when they see a story with a fresh perspective. Doing the same thing every day encourages bad habits and discourages creativity. Even worse, you may come to assume that readers have the background so ingrained in you by now—or that you're now an expert who must talk down to the ignorant masses who read your writing.

Stepping away from that everyday activity can be literally refreshing. It can help make your prose fresher, the way it was when you were first excited about a topic.

This isn't a theoretical lecture. It's a reflection based on my own experience, both as a reader and as a part-time writer. Typically, I do put in a "thousand words a day," writing, rewriting, or organizing material. Late in November 2001, after producing the final issue of *Cites & Insights* for that year, I began to assemble an index for the volume. To leave time for that process, I got a month ahead of standing deadlines.

I completed the index in mid-December, doing no new writing during that time. I sat back down to write at the end of the month. I enjoyed it more—and I felt able to bring a fresher voice to my work.

Taking Stock

When you began writing, where did you think you were going? Did you have an express intent other than to succeed? That's an open question for some writers.

Where are you now? Is the direction the one you started with or have you drifted away? Shift happens; there's nothing wrong with changes in attitude and course. But it's hard to notice drift or shift when you're constantly in motion.

Stop, look around, look back at your original plan. With luck, you've grown, gaining broader perspectives and more areas of interest. That's healthy change.

Drift may also mean that the river itself has changed course. When the field you survey changes direction, you need to change approach to remain an effective observer. Sometimes a field transforms itself, and not always through obvious breaks. Consider the typical usage of "convergence" today with its meaning half a decade ago; you'll find something less revolutionary but much more probable. That's partly a matter of deliberate redefinition, but also the reality of shifting fields and trends. The same can be said for "digital library."

You may have drifted in less positive ways. What began as a series of provocations for discussion may have become dogma, assertions of received truth. A corner of your writing may have become the center—even though it remains peripheral to your readers and your intentions. One Web site that I occasionally visited shifted from a complex web of observations from various thoughtful writers into a site dominated by one prolific and wide-ranging, but also ill-informed and overly didactic, contributor. As a visitor, I lost interest. The site seems to have shifted out from under its creators. If they had shut it down long enough to see what 'was happening, I believe they could have refreshed the site and arrived at a new center worth visiting. Without that break, the forum became a soapbox with one primary occupant and a declining audience.

Through the Eyes of Your Readers?

You think you know what you're doing. Stopping to see what you're actually doing may help refine that view. There's another, more important perspective: what your readers see.

Maybe your readers want the same-old same-old, unchanging perspectives, fixed attitudes. If so, you need to check your drift and get back in that lock-step. I'd like to think most library people are more open to change. This optimistic view says that readers expect one kind of content but will be pleased to find you've changed in a positive way that's consistent with your original intent but not limited to that plan.

Can you see your writing through the eyes of readers? I'm not sure, but it's worth a try. You're more likely to succeed while taking a break. It allows a bit of perspective.

Doing It Better

The surest way to avoid writer's block is to keep those hands at the keyboard. A thousand words a day, five to seven days a week, no interruptions, no excuses. That's a great way to start writing—but it's also a great way to make writing a chore rather than a creative act.

Give yourself a break. Look at what you've done and what you're doing. With luck, you'll do it better.

So far, this chapter is a modified version of my "disContent" column in the April 2002 *EContent*—where I recommended that Web content sites take breaks as well. I still regard it as good advice for such sites and as good advice for established writers. Oddly enough, it's advice that I take: at least twice a year, I now plan a week—not including real vacations—when I don't do any writing at all. It's not always easy (especially given the peculiar nature of *Cites & Insights*), but I believe it's worthwhile.

Blocks

You may be lucky. Maybe you'll never sit down at the computer, start to work on an article or a book or a column, and find after two hours that you haven't written anything usable. Maybe you'll never find yourself catching up on household chores just so you don't have to face that blank Word document again.

If that's true and you've been that way for years, let me know your secret. For most of us, newcomers and established writers alike, blocks happen. If you're looking for magic tools guaranteed to break through any block, you've come to the wrong writer; until I started work on this book, I had begun to believe I might never write another book, so severe was that specialized block. I even cancelled a contract, something I had never previously done before.

Short-Term Measures for Partial Blocks

If you're lucky, your blocks will be like mine. I couldn't get going on a book-length project, but—

possibly as a result—I've never been more productive at shorter lengths.

For the short term, there's an easy way to cope with partial blocks. Let them be. Move on to projects where you can make progress. If deadlines become problematic, see if you can juggle them; editors are people too. (Don't adopt this as standard practice, but then, blocks shouldn't be standard problems.)

You can try to trick yourself. Work on something else in the same vein as the stuff you're stuck on; set it aside; then see whether you can turn it into a draft for what you need, bypassing your block. Can you expand a draft column into an article, convert a draft article into a column, or turn an existing article into the book chapter that's got you stuck?

Writing instructors have various tricks. There's freewriting—spewing out pages of copy with no particular topic and without ever revising what you're typing. You may find that helpful; I've always found it silly. Some people even suggest copying someone else's work so you get in the habit of typing, hoping that your own words will flow after the guest writing.

Rejection

Don't let rejection block your writing. If nothing you write is ever rejected, you're probably not taking enough chances. Consider the reasons for each rejection. Maybe the piece just didn't fit the publication; maybe a similar article had already been accepted.

Unless you conclude that the manuscript really isn't very good, you should try again elsewhere (after modifying it suitably). I've been pleasantly surprised to find that a rejected piece for one publication turned out to fit another publication even better after judicious revision.

Long-Term Measures for Persistent Blocks

What if you're still blocked on something after a few weeks of working around it? Take a break; sit back and think; what's really going on here? In my book block, it was partly the fear of a huge project—but mostly that the book in question no longer made sense to me. Talking that out with my editor clarified the problem.

Reconsider the blocked project. Why can't you get moving on it? Does it still make sense to you? Is it something you agreed to do that you've never been happy about? Does it require a set of skills that you currently don't seem able to muster? What's the problem?

If you can pin down the problem, you may find a solution. With a column topic that just isn't work-

ing, the solution is obvious: set what you've written aside under some name like "worthless garbage" and move on to your next topic. Maybe the worthless garbage won't seem so bad in a few months; maybe it wasn't the right topic or the right time. The same goes for articles. If the article was commissioned or solicited, talk to the editor. Can you refocus it so that it works for you? If not, be honest: maybe this one just isn't going to happen—but you'll have something better, later.

It's tough to break a promise. It's tougher to abandon a contract where you've received an advance. Sometimes you have no choice.

Total Blocks

What do you do when you can't write at all? First, take a deliberate break: don't even think about writing for a few days. Do you have a vacation coming soon? Going somewhere else might help—and leave your computers and notes at home.

Read—not only in your field but also in areas you've never encountered before. If you're a fiction lover, try a genre you've always dismissed or a writer you never had time for. You may refresh your own creativity by learning something entirely new, by seeing other writers at work.

If that doesn't help, it's time to take stock of who and where you are as a writer. Maybe you're so bored with your current specialties that you'd rather stare at the screen than write. If you're that bored, it comes through in your writing. It's time to move to a new area.

Maybe you've done all you want to do, at least for now. Can you get out from under your obligations? If you write articles and don't have any committed speaking engagements, it's easy: just stop. If you have commitments, see what can be done.

Try something entirely different within the field. Is there an interest group or discussion group that intrigues you, but that you've never had time for? Try it out. If you're an academic librarian and can't bear to deal with another committee meeting, think about joining your public library's Friends group.

There's life beyond the library. Take walks. Volunteer for causes you care about (or ones you've never thought about). Take up a new hobby, one you can set aside when your desire to write returns. Get as far away from your writing as you possibly can.

After a few weeks, or a few months, take another look at the writing projects you set aside. Would you like to read the finished result? If so, why not try writing it? Maybe the block has faded over time.

If you look at a writing project and don't have any interest in reading it, what's changed? If you

write articles, columns, or books that you don't want to read, I pity you. That's a soulless, cynical exercise that may itself be the cause of your block. But maybe a fresh look shows that your take on the subject isn't what you really had in mind, or times have changed, or it's just faded away. You may be able to reconstruct the project and get started again—but sometimes you'll just have to give it up.

Calling It Quits

Burnout happens. Some people keep writing (and writing fascinating articles, columns, and books) until they die. Others blaze brightly for a few years, a decade, even longer, and then stop—they're no longer interested in writing or speaking. Some sensible people decide the hassles of non-vacation travel are just too great to justify speaking engagements.

You may find there's no longer a good fit between what you have to say and what library people are interested in reading and hearing. That doesn't mean you should stop. It does mean you should find a new interest—which may mean moving outside the library field.

If you stop writing and speaking because you have more interesting things to do, more power to you. Most of us change directions several times during our lives; maybe library writing and speaking don't fit your next path.

If you're retiring, think carefully about what that means. Abundant evidence suggests that staying mentally active is the best way to stay mentally whole as you age. There's nothing wrong with watching television, there's nothing wrong with sleeping in—but reading, conversation, hard thinking, writing, all these things keep you alert.

Take breaks often enough to stay fresh. Take vacations, real ones, at least once a year—getting away from home if possible, out of the country once in a while. Meet new people, see new sights, eat new foods. Don't call it quits until you've stepped back long enough to be sure it's the right thing to do.

Scholarly Article Access

The biggest news in scholarly access last fall may (or may not) be the tipping point—the point at which university libraries say “Enough!” to overpriced commercial journal packages. In other news...

PLoS Publicity and Feedback

I don't know long it will take the Public Library of Science to publish as much refereed scholarly mate-

rial as BioMed Central and others who've been doing it for years—but as a publicity engine, PLoS is unmatched. Is that a good thing? It may be too early to tell. Meanwhile, a few items from the process.

Jan Velterop of BioMed Central sent a “Dear Colleague” letter to BioMed Central update registrants on October 6. He noted the *Guardian* story on PLoS and Open Access, the problems that Open Access is trying to solve, and the reactions of conventional publishers to this “experiment.” (His quotes.) “At BioMed Central we have, since May 2000, been operating the same open access model PLoS are now using. Many of you have already published in BioMed Central journals, so you will know that we are a practical demonstration of how open access publishing can successfully meet the needs of the community by giving free access to quality research whilst maintaining an excellent service to authors and readers.” He goes on to note growing support for BioMed Central from various parties and “a growing acceptance of our Open Access journals in the research community—our submission figures topped 7000 manuscripts earlier this month. To us, this signifies that Open Access publishing, as operated by BioMed Central, is no longer an ‘experiment’ but viable and sustainable.”

An October 10 press release posted on SPARC Open Access Forum (SOAF), headed “Organizations laud innovative open-access publishing venture,” touts the first issue of *PLoS Biology*. The release includes laudatory quotes from James G. Neal (chair of SPARC) and Harold Varmus (chairman of the board of PLoS); it also goes on to note other open access publishers, including BioMed Central.

“Dear PLoS Advocates,” the November 3 open letter begins, “‘If readership is the measure,’ began an October 20 *Washington Post* story, ‘last week’s launch of a new scientific journal, *PLoS Biology*, was a huge success.’ We’re glad the press noticed. In the 72 hours after *PLoS Biology*’s formal debut on October 13, one paper...was downloaded over 60,000 times.” The letter cites some other figures, including 12,236 downloads of the complete 65mB (PDF) issue. It notes conferences that PLoS planned to attend, announced two more Pre-Issue Publications (popular articles posted before the issue appears), and thanked “PLoS Advocates” (the A is capitalized, so I guess it's a formal group) who threw ten launch parties. Given the extremes to which PLoS publicity has gone, how could the press *not* notice? The release raises a couple of questions—for example, are there actually 60,000 people who have any reason to read a scholarly article in biology?

That same day, David Dickson posted an editorial at SciDev.Net (www.scidev.net), “Communicat-

ing science in an electronic era.” He discusses the producer-pays model as a way of removing the barriers to access (particularly in developing nations) posed by expensive journals and notes PLoS as an example of this approach—not noting that PLoS is significantly more expensive for producers than, for example, BioMed Central journals. After noting the \$1,500 charge, he immediately adds: “Critics argue that, while this may be a relatively small amount for a US researcher with a substantial grant from the National Institutes of Health, it could be a major disincentive for scientists in the developing world, for whom the sum could represent several months’ wages.” He does note that PLoS says it will waive the fee for those who can’t pay it.

The next paragraph offers a new criticism: Producer-pays publishing “reduces the opportunities to use income from scientific publishing to subsidize other professional activities.” *Should* societies be gouging libraries to subsidize activities? That question doesn’t appear here. And what of purely commercial journals? “It allows them to carry news and information about the scientific community that would not necessarily be covered in a producer-pays publishing model. The disappearance of such a service would be a major loss, particularly at a time when scientists are being encouraged to increase their active interaction with society.”

Dickson follows by noting BioMed Central as a hybrid model, charging users for extra services beyond basic access—or, alternatively, moving traditional journals to differential pricing “in which price is broadly related to ability to pay. This, unsurprisingly, is the model favoured by most commercial publishers (and many scientific societies). These are keen to retain revenue from those ‘users’ of research that are still in a position to pay, but are also aware that their current pricing strategies discriminate against those in the developing world who are unable to do so.”

Note what’s really going on here: Institutions in the developed world are *presumed* to be “in a position to pay,” but the publishers will (and to a great extent already do) provide free or nearly-free access to journals in developing nations. In other words, the “new model” is *charging what the market will bear*—which differs from the old model only in that publishers can simultaneously beggar academic libraries and appear beneficent.

The editorial closes by saying it would be naïve to believe the future will belong to one model or another—and that from the perspective of developing nations, that’s a good thing. From the perspective of humanities students who see no new books on the shelves because library acquisitions budgets are

sucked dry by big deals and other market pricing of STM periodicals, it may not be such a good thing. (SciDev.Net posts free articles from *Nature* and *Science*, which is disclosed in the editorial.)

New Scientist published an interview with PLoS’ Harold Varmus in early November. It’s a good interview and includes Varmus’ comment on societies using overpriced journals to subsidize activities:

I don’t believe that traditional business plans that depend upon the sale—the inappropriate sale from my point of view—of subscriptions to these journals should be how these societies finance their activities. To best serve their members they are simply going to have to adapt to the opportunities for much more efficient and useful publications of science by the internet.

An odd story appeared in *USA Today* on November 19—odd at least in one respect. It notes *PLoS Biology* (although the title appears quite differently), the skeptical stance of traditional publishers, and comments from Varmus and Vivian Siegel, editor of *PLoS Biology* (and formerly editor at *Cell*—see the separate Elsevier perspective). But then there’s this:

Open access presents other problems, warns publishing executive Christopher Lynch of the *New England Journal of Medicine*. “Give the copyright authority away and the research might be used in any fashion and could be abused by commercial interests.”

I’m guessing that Lynch was aware his statement is, at best, misleading. PLoS requires use of the Creative Commons “Attribution” license, which does *not* “give copyright authority away.” For that matter, the dangers seem odd: “The research might be used in any fashion”? Such as to conduct other research? But the *facts* in published research are not copyrightable in any case. “Abused by commercial interests”? I use the Attribution-NonCommercial CC license because I don’t want someone else republishing this work *commercially* without permission (and a fee)—but right now, the biggest “abuse” of research papers is the abuse to libraries and other subscribers from outrageous fees. Should PLoS require a license that allows commercial publishers to use papers without fees (as long as there’s proper attribution)? I’m sure they had their reasons. Open access publishing does not imply abandoning copyright; *USA Today* should have provided a response to Lynch’s comment.

The PLoS story will go on. You can be sure of that, given the group’s penchant for publicity.

Other Open Access Notes

One way to gauge the success of a new idea is the amount of denunciation it receives from those most directly threatened by it. By that gauge, late 2003 was a banner period for open access publishing. Consider a few of the items that follow:

November 4: The Big STM Publishers

The International Association of Scientific, Technical, and Medical Publishers—Elsevier, Kluwer, Springer, and friends—issued a statement on open access. While these publishers “look forward to any new experiments in our field,” the association argues that “scientific research has never been more accessible than it is today” and includes these paragraphs:

Abandoning the diversity of proven publishing models in favour of a single, untested model could have disastrous consequences for the scientific research community. It could seriously jeopardize the flow of information today, as well as continuity of the archival record of scientific progress that is so important to our society tomorrow.

It is the competitive and well-functioning market, and not governments, that must choose which business models and which publishers are best equipped to stay apace of the ever-increasing demand for information exchange.

Peter Suber had a few quick comments at SOAN. “It’s wishful thinking to call the open-access model ‘untested.’ OA archiving has been phenomenally successful for over a decade, longer than the web itself has existed, and OA journals are nearly as old. It is being tested around the world right now in every discipline.” He also notes that the current model “has been proven to be dysfunctional” and “has made the STM publishers more resented by their customers, the academic libraries, than nearly any other vendors of any other product.” To Suber, it is the current model that could jeopardize the flow of information, and the contrast between governments and competitive markets is false. “The scholarly journal ‘market’ is already permeated by government involvement, since it is based in large part on tax deductions for universities and their libraries and government grants for research.”

I would add that market analysts essentially admit that the STM market is *not* a competitive market: Each journal is a mini-monopoly and that Elsevier (in particular) and other very large publishers have huge and growing power. In the U.S., at least, I know of no serious suggestion that the government should mandate open access publishing. (Actually, open access journals go back *more* than a decade. Among others, the *Public-Access Computer Systems Review*, a peer-reviewed journal in the library field, began in 1990, and *New Horizons in Adult Education*, also peer reviewed, began in 1987.)

November 11: Journal of Postgraduate Medicine 49:3 (2003): 263-67

John Willinsky of the University of British Columbia offers *The nine flavours of open access scholarly pub-*

lishing, a seven-page discussion of the current situation. It’s an interesting discussion, but the web version suffers from serious formatting problems (or, rather, the complete lack of any formatting, so that paragraphs are distinguished only by short ending lines) and some typographical errors. One other problem: Of the “nine types” of open access publishing, only four or maybe five *are* open access in any real sense.

He includes the following as open access flavors, which may make commercial publishers happy but undercuts the whole idea of open access:

- “Delayed open access,” as practiced by the *New England Journal of Medicine* and others, where access becomes free after six months.
- “Partial open access,” where some articles are available but most aren’t.
- “Per-capita open access,” where online journals are free in sufficiently poor nations.
- “Open access lite,” where abstracts are available for free but articles are not.
- The fifth, “open access co-op,” refers to SPARC—but SPARC has primarily sponsored *lower-cost* journals (I refuse to use “low-cost” to describe some SPARC-related journals). His idea is that “leading libraries would join in underwriting the direct serial expenses of open access journals on a long term basis,” and cites a German process.

Using that schema, *open access has won!* Any publisher that doesn’t offer one of the four so-called “open access” methods in the first four bullets will *certainly* be happy to do so if it gets libraries and OA advocates off its back.

November 2003: “Open access? Open wallets!”

This editorial, by Richard T. O’Grady of the American Institute of Biological Sciences, asserts that a nonprofit society publisher can only reduce overall publishing costs by 25% when paper publishing is abandoned. O’Grady also says that US grant awards “typically include very little, if any, money for publication costs” and that OA publishing would lock out scientists who are not externally funded or are funded through sources that will not pay publication charges.

Libraries and those who oversee their funding need to realize that, as they agitate for author-pay open access, their current budgetary and subscription decisions may well threaten the ability of many nonprofit scientific societies to continue producing high-quality, low-price journals and to reconfigure those journals for the online publication that libraries want.

Thus the headline, and thus the sense I get that there’s more going on here than “the ability

of...nonprofit...societies to continue producing high-quality, low-price journals.” If all professional journals were low-price and truly nonprofit, libraries would not be “agitating” for changes in the model!

An article in *C&RL News* 64:10 (November 2003) makes this more confusing. The article, by Heather Joseph and Adrian W. Alexander, is “Two years after the launch: An update on the BioOne electronic publishing initiative.” Early in that article, we learn that BioOne, which currently includes 68 online journals, “represents the collective effort and financial commitment of five founding organizations”: SPARC, Allen Press, the University of Kansas, the Greater Western Library Alliance...and AIBS, the American Institute of Biological Science. BioOne provides “an academy-based alternative for the electronic publishing of journals by scholarly societies that lacked the financial and technical resources to become electronic publishers, and the continuing need for academic libraries to acquire high-quality scientific literature at a more reasonable cost.” And BioOne now includes “a small group of Open Access journals.”

Ah, but here’s the rub, late in the article: “As librarians have come to accept that BioOne will provide reliable and ongoing access to electronic journals, they are much more comfortable with dropping corresponding print subscriptions to the journals contained in the database.” Are the societies losing subscription revenues? “Thus far those cancellations have not come anywhere close to offsetting the additional revenue publishers have realized from the BioOne database, but the growing concern about this trend among BioOne publishers is palpable.”

Based on O’Grady’s editorial, I would say that’s right on the money. I won’t speculate as to the varieties of politics involved here!

December 4: Elsevier and BioMed Central

Jan Velterop of BioMed Central noted an interview in *IMI Insights* with Arie Jongejan of Elsevier, “Open Access: A step back in time?” According to Velterop, Jongejan tries to “expose a few ‘myths,’” and in the process “stretches Jongejan’s—and Elsevier’s—credibility to snapping point.”

The first “myth” is that traditional publishing models hinder access to content. Jongejan says it’s really about profitability, and that around 70% of the audience that might be interested in accessing Elsevier’s STM content can already do so. Velterop notes, “70% is not the 100% it should be”; any claim to know what parties “might be interested” in scholarly articles reflects “supreme arrogance”; and toll-access publishing limits the ability of scientists to “extract knowledge from the literature.”

Second “myth”: While open access supporters claim that traditional publishing favors readers that have funds over the ‘have nots,’ Jongejan claims that open access discriminates against *authors* based on ability to pay. Says Velterop: “In either case it is mostly the institutions who pay, not the individual readers or authors. The proposition of [Open Access] is that the money spent, in the aggregate...would be much better spent on making research available with Open Access.” He also notes that the Wellcome Trust, a major research funder, calculates that open access publishing charges would amount to less than one percent of funds granted. Jongejan expands on the “have not” issue by noting that authors in developing countries won’t have funds available—and that, thanks to the HINARI initiative, the *poorest* nations have free access to some of Elsevier’s journal. But, says Velterop, there are exceptions to developing-nation access to protect Elsevier’s profits—and BioMed Central (and some other open access publishers) routinely offer waivers to authors from developing nations.

Third “myth,” according to Jongejan: the “assumption that the current publishing process adds very little to the content being published. As far as Elsevier is concerned, refereeing and peer review is a key publisher offering and adds essential value to the content creation process.” Jongejan also says some open access players “take the role of review much less seriously” and mentions BioMed Central as an example. In this case, where Jongejan quotes a few words from BioMed Central’s peer review policy, Velterop—who I sometimes find a bit over the top—convinces me that Jongejan quoted out of context. That is, a BioMed Central policy designed to deter “least publishable unit” papers (what Velterop calls “salami slicing”) is used as a claim that BioMed Central allows partially-duplicative research.

The final “myth”: Jongejan claims that open access isn’t supportable—that “open access publishers will need to demand between \$3,000 and \$4,500 per article to cover publication costs.” That’s certainly more than the \$500 (BioMed Central) to \$1,500 (PLoS) range at present. But what’s happening here is simple, as Velterop points out: \$4,500 is roughly Elsevier’s current *revenue* per published article—including profits, highly-paid executives, dozens of offices, the costs of print publishing, etc. (Velterop says that BioMed Central is about at the breakeven point.)

Disclaimer: I have not seen the original article. But I *have* seen and heard similar misrepresentations of open access elsewhere, e.g., the claims that it means abandoning copyright (not apparently made in this case), the insinuation that it won’t have true

peer review or copy editing, the idea that as long as libraries cough up sums they really don't have, everyone who needs access already has it. I'm inclined to go along with Velterop's leading sentences: "It is never a good idea to throw stones if you live in a glass house. Especially not if you don't understand your target."

Fall 2003: Professional/Scholarly Publishing Bulletin

This is an interesting little bulletin from a division of AAP. One article in the six-page issue describes PSP's "outreach campaign" to "remind...key audiences of the invaluable and indispensable role that publishers play as allies of the academic community in disseminating scholarly information." But not just any publishers. The new phase will "reaffirm the value of traditional fee-subscription publishing in the face of an aggressive media blitz by some supporters of the recently announced Public Library of Science." The article says PLoS "purports" to facilitate broader dissemination of vital information" and that PLoS supporters have made "emotional and misleading public statements about the nature of traditional publishing." So PSP will produce documents about "the real nature of publishing." The campaign has four "crucial points":

- "Publishers have helped lead the revolution in the dissemination of scholarly information" and found various ways to "make the latest research even more widely available."
- Patients and other interested parties can get at content that they might not have been able to reach without the "significant investment made by publishers."
- "Scientists typically rely on subscription-based journals more than any other source" because journals "filter and validate submissions, independent of any financial influence by the author or interested third parties."
- "Copyright-protected journal articles, including those based in part on federally funded research, are a major economic driver of scientific endeavors that ultimately benefit everyone..." And, somehow, *copyright protection* (turned over to publishers) "ensures that scientists and institutions are able to commercially develop published research into products, technologies, and treatment"—even though *copyright does not protect facts* and has *nothing* to do with whether research articles can be used to develop products!

There's also a charming Chairman's Corner that claims *PLoS Biology* must be "the most expensive journal launch ever," noting that "time will tell

whether this undoubted marketing success can be sustained and whether a continual attraction of high quality material will result," and noting "concern in the *original* OA camp" [emphasis added] that the launch of OA journals "is diverting attention from the easiest, surest and quickest road to Open Access, namely author self-archiving." The editorial then goes on to quote a certain notorious OA enthusiast grumbling about the focus on OA journals and saying that such journals are "reducing the perceived pressure to self-archive..."

Well, this is nice. It appears that the chairman of PSP is wholeheartedly in favor of Open Access, and presumably doing everything to make it work—but favoring one strategy. Then you get to the end of the article and the signature, which casts just the slightest bit of doubt on this: "Pieter Bolman, Elsevier."

Fomenting dissension among the OA ranks? Not hard, given some of the personalities involved.

The Last Scholarly Article Access Roundup

I intend to reduce and refocus *Cites & Insights* coverage of scholarly article access and Open Access for several reasons:

- Peter Suber does a superb job of covering Open Access and related issues in *SOAN*, *SOAF*, and the Open Access News weblog. He provides fair (that is, intellectually honest) summaries of articles and news items even when he disagrees with them, and adds his own comments in an ethical, insightful and enjoyable manner. If you're interested in Open Access—and many of you should be—you should be reading *SOAN* and the weblog. If you are, then there's no need for me to cite items from *SOAN* unless they're in an area where I can bring added value. I now find much of my coverage redundant.
- I am unwilling to deal with one of the major advocates of one aspect of OA, for a variety of reasons. That unwillingness weakens my ability to provide coherent discussions of the field as a whole. Add "incomplete" to "redundant."
- As this issue indicates, there's too much that I'd like to cover—and I lack the energy to do as much as I am doing. I have to cut back somewhere. An area where my work is incomplete and redundant seems like an obvious candidate.

Note "reduce and refocus," not eliminate. I'll keep reading and observing. When I see a cluster of items

that I believe I can make more meaningful by bringing them together and providing commentary, I'll include them—particularly if they relate to the part of article access that I personally care most about. That part is both narrower and broader than scholarly article access. It is the ability of libraries to maintain resources that current and future users need, and the ability of agencies to continue the kinds of added-value access that librarians and indexers provide.

As a humanist, I am appalled at the thought that universities and colleges have stripped book budgets (and budgets for typically inexpensive humanities journals and periodicals) to the bone in order to keep paying outrageous prices for STM journals. As an observer, I have a complex set of opinions about the various strains contained within the current controversies. As appropriate, I'll continue to comment.

Following Up

Martin Luther King Jr. Library

Not really a followup for *Cites & Insights*, but for “The Crawford Files” in *American Libraries* for December 2003. That column discusses the joint San Jose State/San Jose Public library, some reasons I expect it to succeed, and why those reasons don't mean we'll see a flood of joint-use facilities.

According to *Library Journal* (12/1/2003), the library had its one millionth visitor by the first of December—a number the library didn't expect until next year. On peak days, the library regularly gets 11,000 to 12,000 visitors per day, compared to an estimate of 8,000 per day based on use of the old facilities. Circulation is also up: 275% for October compared to 2002, 177% for the first three months of use. According to Dean Patricia Breivik, the city of San Jose is so happy with the library that they've asked the university about other possible joint projects. Breivik also says that most faculty members have also come around—although there are still those who say “we'll see.”

DVD Compatibility

Since I've written a fair amount about CD and DVD durability, it's worth noting that NIST (the National Institute of Standards and Technology) has been testing recordable DVDs and DVD drives for compatibility. They're getting roughly 85% success. “Currently, no drive reads all discs, and no discs are compatible with all drives. However, newer drives

perform significantly better than older ones.” The first phase of testing included 14 different DVD drives (representing about 60 percent of the U.S. installed base), each tested with more than 50 different brands and types of recordable DVDs.

The brief commentary at NIST Tech Beat (www.nist.gov/public_affairs/techbeat) doesn't say whether the tests included all five basic varieties of recordable DVD or whether some varieties were more compatible than others. Based on industry projections, DVD-RW and DVD-RAM should have the *least* compatibility with regular DVD players. Frankly, at this stage of the game, I'd call 85% compatibility fairly good.

Amazon's Search in the Book

Some librarians have commented that, because Amazon's full-text additions are included in the default search box, it's now more difficult to find known titles. This effect should not be a surprise, and should be a warning to library systems designers that any addition of extensive full text to a catalog of bibliographic records should *always* be an option, not part of the primary search.

Why? The word I use is “swamping.” The numbers are simple:

- Bibliographic records (catalog records) for books and the like average 30 to 32 significant words per title, between author, title, and subject entries. (Based on 1986-1988 studies we did using a 600,000 sample of contemporary RLG Union Catalog records; there's little reason to believe the numbers have changed much.) Bibliographic data is notoriously lean (not a lot per record) but deep (well-tagged and applied using reasonably consistent rules).
- Based on the number of pages and books in the Search in the Book database and the typical average number of words per book page (around 300 to 350), it appears that the average book in the database has 70,000 words. That sounds about right.
- In other words, a typical book has more than 2,000 times as many words in the full text as it does in the significant bibliographic fields.
- Thus, if Search in the Book represented 10% of the books available through Amazon, words coming from pages would appear 200 times as often as words coming from authors, titles, and subjects: the bibliographic information is swamped by the full text.

If you're looking for obscure terms, all that extra text is great. If you know what you're looking for, or if

you know a few title or author words that are among the common English vocabulary, you're in trouble.

Swamping can also be a problem with true distributed search systems, if the people putting them together don't think through the issues. None of this is rocket science, but it does require working through some numbers—and recognizing that most people use a fairly small vocabulary most of the time. That vocabulary provides the words they'll use for most searches, which makes swamping a real issue.

Ebooks, Etext and PoD

It's been half a year since an ebooks essay. Maybe that's because I'm not paying attention—or maybe it's because very little has been happening. I used to track four ebook-related websites. Now only one seems to have updates, those relatively infrequent. (If I'm missing a key site, surely one of you will let me know.) Here's what I find since last spring...

The Ebook Biz

First, the negatives.

Gemstar

On June 18, Gemstar announced it was “scaling back our eBook operations and...we will ultimately be winding them down.” The message blames “today's difficult market conditions.” “Scaling back” meant ending the sale of eBook readers immediately, selling content until July 16, then asserting that purchased content would continue to be available at least through July 16, 2006 on purchasers' Online Bookshelves. Jenny Levine offered a useful comment at *Shifted Librarian*:

While I hate to see ebooks decline even further, this was entirely predictable. If you're going to hang your hat on proprietary standards and dedicated devices, you'd better be prepared for the worst. The whole point of ebooks is portability. I knew this genre of ebook technology was dead the minute they locked down their content to the point where I couldn't put it on a new ebook reader that they themselves have manufactured. I completely gave up years ago when they stopped allowing users to load their own content onto the devices.

Gemstar *never* manufactured ebook readers; they conned...er, persuaded Thomson/RCA to be the first of a planned bevy of manufacturers. It was also the last, with Thomson selling the rest of the REB readers back to Gemstar less than two years after the whole debacle began. I wonder whether another “whole point” of ebook difficulties is that, at least for longer texts, very few people seem to want them?

Barnes & Noble

“As of September 9, 2003, Barnes&Noble.com will no longer sell eBooks.” Customers had 90 days to download the Microsoft Reader or Adobe eBook items they had purchased. “After December 9, 2003, eBook titles that have not been downloaded to the appropriate Readers will no longer be accessible.”

The news.com story on this shutdown included one of the usual dodges regarding sales: Cliff Guren of Microsoft said the company “does not disclose e-book sales figures for its eReader software” but that the company has distributed about seven million copies of the (free) eReader program. It also included one of those subtle shifts from “market analysts.” While an analyst for Nielsen/NetRatings praised the wonderful new possibilities—“There is some technology in the works to make reading on those screens a lot clearer, and there's some potential for that”—he came up with different projections than you would have heard two years ago: “It could become the preferred way for people to read business documents. But I doubt whether that will be the preferred way people read everyday things.”

An October 10 Reuters story from the Frankfurt book fair noted the euphoria of the past and the reality of the present:

At the height of the Internet boom, e-books were hailed as the shining new tomorrow for publishers and paper books were heading for the scrap heap.

But the bubble has burst and electronic books are still the poor relation to the printed word with consumers preferring to turn the pages themselves when they curl up by the fire with a good book.

One surprising estimate from Penguin: “If Penguin sold 40,000 copies of a printed book, it would typically shift 4,000 audio books of the same title and 400 e-books.” That would put ebook sales at 1% of print sales, an order of magnitude higher than the industry as a whole. Perhaps Penguin knows how to market ebooks?

It's Not All Bad News

According to one of the last news items I saw at KnowBetter.com, on July 30, the Japanese publishing house Impress says that the Japanese ebook market reached one billion in revenue in 2002. Of course, that was one billion *yen*, but even that is around \$8 million, a remarkably strong showing, albeit in the country most notoriously in love with all things portable and digital.

A September 14 Reuters story begins “Don't slam the cover on digital books just yet” but is an odd mix of failures and odd reasons to expect future success. It notes the B&N shutdown then goes on to

quote a “research director” saying that ebooks should do well among “young people who loathe the idea of a library...and aging people who want the convenience of large type on demand.” Ah, KTD: The saving grace of ebooks, since they really want to read everything on a little screen and they all hate books and libraries. Right?

The article cites an estimate of “less than 500,000 electronic books” sold in the U.S. in 2002, “compared with more than 1.5 billion printed books” (that’s one-thirtieth of one percent, if you’re keeping track)—but also offers revisionist history, saying that research firms in 2000 were projecting ebook sales “of about \$250 million by 2005.” That’s funny: a *Globe and Mail* article from July cites estimates of \$3.8 billion in annual ebook sales by 2005. (*Cites & Insights* for June 2001 lists early 2001 estimates for 2005 including \$2.3 billion for dedicated readers alone or a more conservative \$250 million for dedicated-reader ebooks, but another \$3.7 billion in downloaded e-texts.)

eBookWeb, the only ebook website I still check, has a bit of cheerleading from Jon Baxley on October 5, 2003: “Yes, eBooks *are* alive and well!” Baxley publishes ebooks through iPicturebooks and says “eBooks have been very good to me.” He “thinks B&N will have cause to regret their decision in the coming quarter” and is certain “eBooks have proven themselves to be a viable aspect of publishing.” All it needs is “promotion on a scale unseen in the eBook business up to now, and that will *only* come when there are enough users buying enough quality titles to create a return on investment that no publisher can resist. That *will* happen, trust me.” Gemstar was running ads for its readers in every single issue of *TV Guide*. How many publishers provide a fraction of that promotion level for any book? He is, to be sure, trying to create a self-fulfilling prophecy by urging readers to select the “eVersion” of titles ordered at Amazon. “Yes, it’s a bit of a hassle to download and read on your desktop. But then, how cool would it be *not* to have to carry that bulky printed version with you on the train to work? Or tote it to class when you have a half mile walk between buildings?” (eBookWeb uses ALL CAPS for emphasis, which I’ve changed to *italics*. I think there may be lessons here, if the premier site for ebook news can’t seem to handle anything more than paragraph breaks in its HTML, but never mind...)

I surely wouldn’t cast doubt on a published ebook author as to the current success and certain future of the field, although Baxley does include this note: “Suffice to say, eBooks probably won’t make anyone rich or famous like a hardbound, NYT best-

seller will.” But there’s one segment of this enthusiastic story that gives me considerable pause:

“What are good sales numbers for eBooks,” you ask? I’m afraid I can’t answer that due to contract restraints.

Maybe Baxley is saying that iPicturebooks won’t tell him what the sales figures are. But I’ve never heard of a situation where a publisher *won’t allow* a successful author to announce sales figures at least in broad terms. I, for one, can’t imagine signing a publishing contract that forbids me from saying how well or badly my book has done. Maybe it’s a quirk of ebooks? If so, it’s a quirk that causes my BSMeter to redline.

Finally, two press releases from the Open eBook Forum on industry sales. The first, announcing 2002 full-year sales and first-half sales for 2003, starts out in a manner that breeds skepticism, trumpeting 30% revenue growth for the first half of 2003 over the first half of 2002 and immediately comparing that to 5% growth in traditional print publishing. So ebooks are doing much better than print books, right? Well...that increase is \$1.14 million: \$4.97 million in *worldwide* sales for the first half of 2003 compared to \$3.83 million for the first half of 2002. Since U.S. print book sales were roughly \$24 billion for the whole of 2002, it’s fair to assume a 5% growth rate for half a year amounts to at least \$600 million, a little more than \$1.14 million even if the percentage growth is lower.

Unit sales: 660,991 ebooks in the first half of 2003 as compared to 471,995 in the first half of 2002. Does this number conflict with the “less than half million” item for all of 2002, earlier? Not necessarily, for two reasons: The OeBF figures are *worldwide*, not just U.S., and the definition of “ebook” varies widely, with some sources including short stories in the definition. The release also talks about “explosive” growth at Fictionwise, which expects to hit the \$1 million mark in 2003, and includes this unfortunate quote from OeBF Executive Director Nick Bogaty:

Libraries are a huge growth category as they look to revitalize themselves in the age of Google; school systems are finding that today’s kids like to read when the media is digital; and consumers are snatching up better devices and more titles as fast as they can.

That’s what we need: An attack on boring old libraries, a KTD claim, and the absurd suggestion that consumers are buying ebook readers and ebooks “as fast as they can.” A later press release touted more big percentage increases and the claim that worldwide “ebook” unit sales passed one million in 2003 by the end of the third quarter.

Let's extrapolate, based on the unlikely notion that ebook sales continue to grow at that impressive 30% annual rate and that print book sales keep growing at a miserable 5%. Let's assume \$10 million in worldwide ebook sales for 2003 (based on OeBF's projections) and, as a starting point, assume that the worldwide print book industry is only twice as large as the U.S. industry, or about \$50 billion. Consider that 2001 projections were that ebooks would represent 10% of the book industry by 2005—and, by the way, that one library pundit seemed to be saying that ebooks would displace *half* of print book demand by the year 2000. A little straight-line extrapolation, ignoring the near-impossibility of 30% growth rate continuing for very long, shows the following nonsensical dates:

- Ebook sales would reach *one percent* of print book sales in 2022, a year after ebook sales hit the \$1 billion mark.
- Ebook sales would reach the ten percent mark projected for 2005 a bit later, in 2033—if the percentage growth never slowed down.

Ebook Libraries

Three items here:

- In late May 2003, eBooks Corporation announced eBook Library (EBL), “a best of practice software platform which will deliver our rapidly expanding catalogue of ebooks to academic and research libraries.” A pilot release was scheduled for September 2003, with an official launch in January 2004. The pre-announced features include “non-linear lending” to support multiple-concurrent-user lending; one-step acquisition; eReserve and ePacks; and an “extensive and unique catalogue,” “tightly focused in STM,” with special strength in Australian books. That's all I know. Stay tuned.
- Then there's Questia—which apparently *is* still around, sort of. A September 12, 2003 *Chronicle of Higher Education* story notes the Questia ads “that portrayed college libraries as irrelevant” and says, “Now it's Questia that looks desperate.” Only the Houston office remains, it has “scaled back aspirations” for its collection, and it's expanding its target audience to high school students. The collection, originally targeted at 750,000 volumes, has about 45,000 volumes (and 300,000 articles), about the size of a modest public library branch. For that, Questia still wants \$19.95 a month. In April 2000, Ques-

tia's CEO (Troy Williams) said, “Very soon, it will be unthinkable for a student to research and write a paper without using the Questia service.” Now the company's down to 32 employees (from a peak of 300), but Williams still claims it's just a question of marketing. Williams won't reveal how many subscribers Questia has, but still sees big success...some day.

- I have an undated, unsourced printout offering a “case study” of the OverDrive elibrary at Cleveland Public Library. It's an enthusiastic interview with Tish Lowrey, reflecting very high, very early enthusiasm for what is in fact a tiny collection (1,000 titles). It's perhaps unfortunate that Lowrey feels the need to put down “many librarians” as unreceptive to new ideas, “fearing” not having physical books, their “love” of “handling physical books,” and so on, while pressing the idea that libraries can't keep expanding shelving capacity and that “these are libraries, not museums.” “We have to give our patrons what they want, when and where they want it.” Even if the vast majority of patrons want more print books? Lowrey also admits that “some libraries' past experience with eBooks was not very positive. They found eBooks awkward and difficult to use.” The patrons didn't have similar difficulties? Cleveland approached this realistically: They purchased technology titles, CliffsNotes, tax guides, legal guides, SAT books—but, other than science fiction, apparently not much in the way of the books people read from cover to cover. (Lowrey seems to think that science fiction readers are “more tech-savvy” and so will go for ebooks.) Again, this is an early report—and it appears that, for all of the rhetoric, Lowrey's approach does target the areas where ebooks in the “pseudobook” category are most likely to succeed.

Devices

Yes, there are still people who believe that the Great Dedicated Ebook Appliance is just around the corner—and that, once it arrives, people will drop those musty old tomes and get on the bandwagon. Four notes along the way:

J. Knight posted a June 12 report from Book Expo L.A. at eBookWeb. I didn't know that Book Expo L.A. was “our nation's largest annual gathering of publishers and booksellers” (I would have assumed ABA), but in any case J. Knight was excited

to visit the “e-Book Experience,” a special exhibit devoted to electronic publishing. Knight has been through the Rocket eBook years. “I had a vision of falling in love again, this time with a nice, affordable, easy-to-use eBook reader sporting an E Ink display at least as big as a paperback book. (Okay, I’m a hopeless romantic.)” He assumed a crowd would be swarming around the special exhibit, knowing that “competition would be fierce at the e-Book Experience.” Well... The “one secret alcove that was not swarming with people” at the Book Expo was the e-Book Experience, with one or two patrons at each exhibitor’s booth. (Gemstar was apparently one exhibitor—six days before they pulled the plug!). Palm Digital Media wanted to show off a “Palm Pilot” (probably not with the Pilot name—but Knight’s a writer, not a techie) that “for the life of me, looked exactly like every other Palm Pilot I’ve ever seen.” The \$299 price seemed like a lot of money, “but they took pictures.” And Knight doesn’t see this: “I’ve never wished that any book I was reading could take pictures.” All Knight wants is a “bare-bones easy to use eBook reader that doesn’t cost as much as a twenty-seven inch television, that delivers a booklike reading experience.” And that’s what he thinks everyone else wants: “Judging by the low population density at the Experience, I just don’t think that readers give two figs about all the bells and whistles.” Or maybe there’s another reason, which he hints at in the next paragraph: “When it comes to reading text, the ancient old hoary book has done the job very well...” Possibly, just possibly, most readers don’t give “two figs” about ebook readers *at all* for that very reason. But J. Knight’s written a book that’s only available in ebook form.

Edward Bilodeau, who I assume is a student at McGill’s library school, published his idea of “The ideal e-book” in *Marginal Librarian* 10:2 (www.gslis.mcgill.ca/marginal/mar10-e/ebooks.html). He wrote the piece in December 2000, updating it for the e-journal. Bilodeau wanted something handy to read when he was waiting for a bus, standing in line, whatever. He solved his own problem by using a multiple-page-per-sheet printing option (at the still-readable 4-pages-per-sheet setting), cutting the pages, and fastening them into a “little book.” Then he thought about what it would take to achieve the same experience in a portable reader—noting that he *used* to own a Palm II and gave it away. His specs are modest (and won’t work for the ebook industry, probably): around 9x12cm (around 3.5x4.7” for us primitive U.S. folk, or perhaps 4.25x5.5”, a quarter-page of letter-size paper), less than half a centimeter thick, no heavier than that much paper, “excellent display,” memory for 100 pages or so, one-click sync-

ing with a PC or Mac, rechargeable battery that auto-recharges while it’s syncing, ability to handle text, PDF, and HTML—and cost under \$100CDN (call it \$75 US). He doesn’t feel the need for text entry, a cell phone, MP3, pager, camera, whatever. “I don’t think such a machine exists. Inexpensive, highly specialized devices like the one I’m describing here are not exactly in vogue these days.”

Another J. Knight posting on August 13 announces a new dedicated ebook appliance, this time from Matsushita (Panasonic and other brands). The Sigma Ebook features two 1024x768 “cholesteric LCD” displays, measures 11x8x0.5 inches (folded), weighs 550 grams (a little over a pound), displays text in blue on white (black on white coming), and should sell for about \$250. It’s supposed to have a high contrast ratio, be visible in both room and sunlight, and consume power only when text is changing—so that two AA batteries should last three to six months. It will be introduced in Japan, then China (for schoolbooks), and eventually the U.S. and Europe. Initial plans are to offer 5000 eBooks, “mostly comics and novels,” at initial shipment (which should already have occurred). Matsushita “plans to generate revenue by selling content”—the Gemstar model!

It’s the size of a magazine, weight of a fairly heavy magazine, but nowhere near the resolution of any print device: 100dpi or a little less. For comics, pretty good (and for large-type ideographic writing, maybe fine). For long-term reading of normal-size text, not so hot. But it should be interesting, if and when it arrives in the U.S. market.

Finally, there’s the HP pre-announcement, which has the usual answer to mediocre display technologies. To quote directly, “Radical new display technologies are on the horizon which will give a much more paper like feel.” They have been on the horizon for many years now. The Knight article also says that a Philips E-ink based ebook reader will appear in 2004. Anything’s possible—although successful single-purpose ebook appliances (outside of the K12 and higher education markets) seem increasingly improbable as time goes on.

Miscellaneous Items

- Kinley Levack reports on the MIT Press Classic series in the July 2003 *EContent*. MIT Press sends backlist titles in PDF form to Edwards Brothers, a short-run printer in Ann Arbor. R.R. Donnelly does quality checking and metadata work, delivering final text. “Within 48 hours of receiving an order from the MIT Press, Edwards Brothers

prints and ships the finished product without ever involving the warehouse.” The collection included 247 publications when the piece was written and is expected to reach 1750 by the end of this year. You can order on MIT Press’ website. This appears to be a sensible use of PoD, extending the lifespan of books that had modest print runs in the first place.

- Mick O’Leary used his September/October 2003 *Online* column to revisit and update ebook scenarios. He manages to revisit his January/February 2001 “E-book scenarios” column in a manner that makes him look pretty good as a prophet—although he does admit a few failed forecasts. I poked pretty hard at the 2001 column in *Cites & Insights* 1:2 (p. 6)—and I think O’Leary continues to be far too infatuated with ebooks. He’s still looking for that next-generation reader (but he told us in 2001 to go ahead and buy the flawed ones) and he seems to view ebooks as an inevitability. For that matter, his claim of successful prediction is a stretch: “I said that the e-book killer apps would be in texts, manuals, reference books, and professional books, and indeed that’s what’s happening.” To call *any* segment of ebooks a “killer app” is hyperbole in the extreme.

Copyright Currents

Most observers predicted that no copyright legislation would pass during calendar 2003—neither moves to unbalance copyright further in the direction of Big Media nor attempts to redress some of the grievances. The observers were right, but there turns out to be a loophole. The Federal Communications Commission, a group that says “How high?” when Big Media says “Jump!,” has adopted the Broadcast Flag (at least on a preliminary basis). Unless Congress overrules that act or the courts find that the FCC has exceeded its mandate, the Broadcast Flag is potentially as damaging as most proposed copyright legislation. That topic’s big enough for a separate essay in a future issue.

Meanwhile, a few updates.

DMCA Exemptions

The Librarian of Congress issued this cycle’s set of exemptions from DMCA’s prohibition against circumvention of technological measures that control

access to copyrighted works on October 28, 2003. Four narrow exemptions will be in effect through October 27, 2006:

- “Compilations consisting of lists of Internet locations blocked by commercially marketed filtering software applications...not including lists...that operate exclusively to protect against damage to a computer or computer network...or to prevent receipt of email.” Think of this as the “Seth Finkelstein exemption,” since his work was largely responsible for its inclusion. Unfortunately, it’s unlikely that Finkelstein will use the exemption. He’s concluded (appropriately, I believe) that the meager rewards aren’t worth the other legal risks.
- “Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete.” This and the next are, to some extent, archival exemptions—exemptions designed to make it plausible to archive obsolete software.
- “Computer programs and video games distributed in formats that have become obsolete and which require the original media or hardware as a condition of access...” The second archival exemption.
- “Literary works distributed in ebook format when all existing ebook editions of the work (including digital text editions made available by authorized entities) contain access controls that prevent enabling of the ebook’s read-aloud function and that prevent the enabling of screen readers to render the text into a specialized format.”

That last clause is the only one that broadens access to contemporary material. If *all* ebook versions of a work have draconian usage restrictions, preventing access by visually impaired readers, then DMCA does not prevent circumvention of those restrictions.

A few reactions to the exemptions:

- An October 28, 2003 press release from ARL, AALL, ALA, and the Medical Library Association notes, “Libraries expressed disappointment that the law will continue to disallow legitimate and customary uses of digital materials by libraries and schools”—but praised the Librarian for adding the ebook exemption and retaining the censorship exemption. The release notes that the archival exemption is actually narrower than a previous version, since it excludes digital literary works that are not programs.
- Katie Dean wrote a brief story on October 29, 2003 at *Wired News*: “New ways to skirt

DMCA...legally!" Dean quotes Seth Finkelstein, "How sweet it is!" and David Burt's disappointment: "I thought we had made it clear that the exemption is unnecessary to conduct meaningful evaluations of filters." An EFF attorney was disappointed that the group's proposals were not granted. Those proposals would have allowed consumers to defeat copy protection on "CDs" that don't play on some devices, circumvent region coding on DVDs so U.S. consumers could play imported DVDs, and circumvent CSS protection on DVDs to skip advertising and to play public-domain motion pictures.

- An October 30 article by Roy Mark (from dc.internet.com) quotes Rick Boucher saying that the narrowness of exemptions was a "misguided decision": "Consumers will continue to be subject to the whims of copyright owners seeking to deny them the right to use lawfully purchased digital works for a variety of fair use purposes... For example, the Copyright Office ignored the opportunity to exempt from the DMCA the ability to bypass copy protections so that consumers can play or display media on a variety of home devices." Boucher pushed for HR 107, his fair use proposal, which exempts circumvention for the purpose of fair use and permits distribution of hardware and software with substantial non-infringing uses.

The SunnComm Follies

October 6, 2003: John A. Halderman (Princeton University) publishes a technical report, "Analysis of the MediaMax CD3 copy-prevention system" (*Princeton University Computer Science Technical Report TR-679-03*, available at www.cs.princeton.edu/~jhalderm/cd3/). He concludes, "MediaMax and similar copy-prevention systems are irreparably flawed but [I] predict that record companies will find success with more customer-friendly alternatives for reducing infringement."

MediaMax CD3 is the SunnComm Technologies "copy-prevention" technique used on a BMG pseudo-CD by Anthony Hamilton. The technique puts two versions of the music on the disc: A set of audio tracks that "are supposed to be difficult for computers to copy" and a set of encrypted Windows Media compressed tracks that employ digital rights management to restrict uses.

The "CD" does specify that it includes copy-prevention mechanisms—but, although the Compact Disc Digital Audio logo doesn't appear on the jacket

or the disc, it's embossed on the inside of the jewel case. That's hardly surprising: even the empty jewel boxes you buy have some variant of that label.

The back cover includes extensive text on how to play the music on a computer—text that looks a lot like typical software CD instructions for what to do if autorun (autostart on the Mac) doesn't work. Specifically, it says to click on "Launched.exe" for Windows, "Start" for Mac. (System requirements follow. I wonder how many Mac users have Windows Media Player for Mac OS X...)

Anyone who knows their PC at all well will, at this point, suspect that the "copy prevention" relies on autorun. A lot of us turned off autorun years ago to avoid problems with self-starting CD-ROMs. What would happen if we put the "protected" CD in our computers and treated it like a music disc?

SunnComm's press release says this:

CD copy protection robustness tests were performed to determine the security level of the product against unauthorized copying of the digital content. This was completed using a large set of Microsoft Windows and Apple Macintosh computer systems in tandem with many of the known ripper programs available on the market today. The PMTC [Professional Media Test Center] determined that none of the ripper programs used in the testing process was able to produce a usable unauthorized copy of the protected CD yielding a verifiable and commendable level of security for the SunnComm product.

So if I have autorun off, insert the disc, and click on MusicMatch, it won't recognize the disc as an audio disc and let me rip it to MP3? I'm not about to spend \$19 to verify that, but Halderman was. After all, the press release claims MediaMax "provide[s] playability on any consumer's playback system without exceptions or limitations." As Halderman notes, "Such perfect compatibility can only be achieved by leaving the standard CD audio portion of the disc unprotected." That appears to be the case. No autorun? If you somehow miss the instructions on the label, and treat the "protected" disc as though it's an ordinary audio disc—well, apparently, MusicMatch and competitors will treat it as though it's an ordinary audio disc.

If autorun is enabled or if you click on Launched, you're adding a device driver to your system that enforces the copy protection—as long as the device driver is running. Here's Halderman's response to the quoted paragraph above:

I assert that these claims are patently deceptive. In practice, many users who try to copy the disc will succeed without even noticing that it's protected, and all others can bypass the protections with *as little as a single keystroke*.

And if you're too shiftless to find the key, you may be one of millions who already disabled autorun: you'll never notice the pseudo-CD is "protected."

Halderman calls the weakness in SunnComm's system "as embarrassing as the discovery in 2002 that Sony's key2audio scheme can be defeated using only a felt-tipped pen." Not really: Sony's scheme requires positive action to defeat.

There's more to Halderman's 10-page paper, including sensible conclusions. I certainly go along with his conclusion that the way to get people to buy CDs is to increase value, just as DVDs increase value: Make the music better, add interesting bonus features, sell the discs at a rational price.

The fun just began with the paper. In early October, Hiawatha Bray reported on SunnComm's response to Halderman (in the Boston *Globe*, as cited in Ed Felten's Freedom to Tinker):

"There's nothing in his report that's surprising," said SunnComm president Bill Whitmore. "There's nothing in the report that I'm concerned about." Whitmore said his company's system is simply supposed to give honest music lovers a legal way to make copies for personal use, not to stop large-scale piracy.

Honest music lovers *can* make legal copies for personal use from any legitimate Compact Disc Audio Disc—without added software. As Felten notes, "This is hard to square with SunnComm's previous assertion that the technology offers 'an incredible level of security,' that it 'met the toughest standards,' and that it passed tests in which the 'security level offered by the MediaMax technology was pushed to the limit.'" In the case of "incredible," I believe SunnComm is on solid semantic grounds: That is, its claim of security is "too extraordinary and improbable to be believed" (*Webster's Ninth New Collegiate Dictionary*)

Whitmore's lack of concern didn't last long. Reuters reported on October 9 that SunnComm said it would sue Halderman. "SunnComm believes that by making erroneous assumptions in putting together his critical review of the MediaMax CD-3 technology, Halderman came to false conclusions concerning the robustness and efficacy of SunnComm's MediaMax technology." SunnComm also said it had lost more than \$10 million in market value since the report appeared—and, of course, alleged that *disclosing the existence* of the software driver installed by MediaMax constituted a violation of criminal provisions of DMCA. When the Reuters report appeared, Halderman said SunnComm hadn't contacted him yet: "I'm still not very worried about litigation under the DMCA; I don't think there's any case. I don't think telling people to press the Shift key is a violation of the DMCA." The report

also notes that Halderman's graduate adviser at Princeton is Ed Felten—who was threatened with DMCA action by the RIAA when he and colleagues planned to publish a paper on flaws in an earlier music security initiative.

The Reuters report appeared October 9. October 10, the *Daily Princetonian* reported SunnComm's president and CEO (Peter Jacobs—not Bill Whitmore?) "said he had changed his mind" by the end of that same day.

Jacobs said in an interview late last night that a successful lawsuit would do little to reverse the damage done by the paper Halderman published Monday about his research, and any suit would likely hurt the research community by making computer scientists think twice about researching copy-protection technology.

"I don't want to be the guy that creates any kind of chilling effect on research," Jacobs said.

This turn of events made Jacobs out as a good guy, as Felten noted. Not that Jacobs was entirely withdrawing SunnComm's claim that Halderman didn't really understand MediaMax (or "their intent" in designing it?): "Maybe [Halderman] can learn a little bit more about our technology so as not to call it brain dead."

When Felten commended SunnComm for its decision (in Freedom to Tinker, also October 10), there were some interesting comments. One person noted that they wouldn't commend SunnComm "for not doing something incredibly stupid." Another suggested that Halderman might have a case to sue SunnComm for libel and defamation—and a third was disappointed that SunnComm didn't sue, because such a suit would bring out the absurdity of DMCA's circumvention clauses. (It's so easy to encourage other people to stand up to lawsuits!)

Robert A. Heverly (Norwich Law School, University of East Anglia) posted another perspective on another blog (Displacement of Concepts), questioning the number of commentators who seemed to think that SunnComm had a plausible (if stupid) DMCA case. Here's the wording of Section 1201a: "No person shall circumvent a technological measure that *effectively* controls access to a work protected under this title." [Emphasis added.] Heverly noted that many computer users switch autorun off as a matter of course—and would thus find the CD to be unprotected *without doing anything*. "If this is the case, does anyone really think that SunnComm could have argued that it was effective?"

This story wasn't quite done yet, though. Hiawatha Bray ran a followup on October 13, "Missing the point on antipiracy technology." This column suggested that MediaMax could indeed be consid-

ered “effective,” because most users wouldn’t bother to bypass it. His example? Apple’s iTunes, which uses FairPlay digital “rights management.” FairPlay doesn’t allow unlimited copying, but it does allow burning music CDs, expanding the compressed AAC data to standard audio CD format in the process. The resulting disc can be ripped to MP3, since it’s just an audio CD. “Apple says that doing so results in lousy sound quality, but we’ve tried it, and the results sound just fine—certainly good enough for casual listening.” So, in Bray’s mind, FairPlay is just as flawed as MediaMax, “yet nobody’s calling iTunes ‘irreparably flawed.’” Both systems “are based on the assumption that most music listeners are honest.”

I see two fundamental flaws in that logic. First, it assumes that iTunes-purchased tunes *have not* shown up on P2P systems in ripped MP3 form, an assumption that’s nearly impossible to test. Second, and more important, if the technology is based on assuming that listeners are honest, *then no technology is needed*. Put a statement on the CD: “Sharing this music over the Internet is illegal.” What more do you need? (Bray, incidentally, identifies Whitmore as president, Jacobs as CEO.)

A day later, Jacobs labeled Halderman’s paper “political activism masquerading as research.” I was unable to find any political argument in Halderman’s paper, but Ed Felten’s interpretation is that Jacobs is arguing that the paper might affect the public policy debate about DRM. “What I don’t understand is why that’s a bad thing. It seems to me that an accurate, truthful research report has more merit, rather than less, if its results are relevant to a public policy debate. To put it another way, Halderman stands accused of *relevance*, which can be a dangerous tactic for an academic to follow.”

The last act in this particular carnival, so far, appeared October 16 on *The Register*, a source I would normally avoid. Jacobs was unhappy with coverage of the incident, stated “Mr. Halderman discovered *nothing* except how to draw the press to him like a magnet,” and cited the 10/13 Boston *Globe* article “which you [*The Register*] might consider using as a roadmap to help navigate the bandwagon you jumped on.” More specifically, Jacobs objected to *The Register* using the term “widespread ridicule” to describe how “hundreds of stories had lambasted his company’s DRM technology.” So *The Register* quoted a paragraph directly from Hiawatha Bray’s column (which it calls, accurately I believe, “a bit of Apples to squirrels comparison of DRM technologies”). Here’s the paragraph:

SunnComm became an *Internet laughingstock*, and the enraged CEO, Peter Jacobs, threatened to sue Halderman for spreading false information about Me-

diaMax. He even suggested the possibility of prosecuting Halderman under the Digital Millennium Copyright Act, an absurd statute that forbids attempts to bypass antipiracy systems. [Emphasis added.]

I recognize that Jacobs’ idea of a “roadmap” was the “keeping honest people honest” concept—but it’s hard to argue with the headline placed on this discussion: “SunnComm CEO demands to be called a ‘laughingstock.’”

More Music Stuff

Ed Felten had an interesting and unusual comment on the new spate of RIAA lawsuits. There’s some evidence that the lawsuits are deterring many people from redistributing music online. “And if the suits are working, that’s good news.” It’s good news because the music business is in a real mess—and there are basically three possibilities (other than “infringement becomes impossible,” which Felten believes and I hope is implausible): Voluntary compliance, Alternative compensation, or Permanent non-compliance. “Alternative compensation” is some scheme such as compulsory licensing; he considers that risky at best. Permanent non-compliance is bad for everybody, he believes (and I agree, although a few “P2P revolution” crazies think it’s the inevitable future and a good thing). “Voluntary compliance is the best of these, if we can figure out how to achieve it at reasonable cost.” He thinks “the very real costs and bad feelings that the suits have imposed so far seem a worthwhile price to pay, if they actually make Voluntary Compliance more likely.”

SCO and Linux

I hadn’t planned to discuss SCO’s legal maneuverings against Linux—but with the stuff happening in December 2003, I can’t resist. I’ve already commented on IP-shell companies, ones that make all or most of their money from copyrights and patents covering things they didn’t develop—but SCO’s latest arguments would, among other things, appear to invalidate Creative Commons licenses and most other ways to reduce copyright imbalance. I may think the arguments are ridiculous, but they’re worth mentioning.

SCO purchased the rights to Unix Sys V. SCO, formerly a Linux distributor, then claimed that Linux contained proprietary code from Unix Sys V and that anyone using Linux owed SCO licensing fees for Unix. SCO sued IBM for contributing material covered by non-disclosure licenses to the Linux kernel. That case is proceeding.

A November 24 report at www.atnewyork.com notes that the Open Source Development Lab has issued three position papers on the “SCO-Linux war.” One paper, written by Eben Moglen of the Free Software Foundation, says SCO’s arguments contain an inherent contradiction. SCO claims publicly that it can show infringement of its copyrights. But, according to Moglen, when it has shown such code examples, “its demonstration backfired.” One piece of code used the Berkeley Packet Filter firewall—but that code was part of BSD UNIX, copied into Sys V Unix. The next segment turned out to be code that originally appeared in Donald Knuth’s *The Art of Computer Programming* in 1968 and was also in the public domain.

The bigger argument is that SCO has distributed Linux under GPL—and GPL explicitly includes permission to copy, modify, and redistribute. Any “trade secrets” included in SCO’s distribution of Linux are automatically non-secret. Notably, GPL includes a clause that, if you violate the license, you lose the right to distribute work; thus, SCO’s attempts to require new licenses can invalidate SCO’s own distribution license—and make it an infringer.

On December 4, 2003, Darl McBride, CEO of SCO, posted an “Open letter on copyrights” on SCO’s website (www.sco.com/copyright). This letter is truly remarkable. Here’s the key paragraph:

SCO asserts that the GPL, under which Linux is distributed, violates the United States Constitution and the U.S. copyright and patent laws. Constitutional authority to enact patent and copyright laws was granted to Congress by the Founding Fathers...

McBride goes on to say that the Congress extended copyright protection to software in 1976 because of recognition that the U.S. was “rapidly lagging behind Japan and other countries in technology innovation”—and that the DMCA was enacted “in recognition of the risk to the American economy that digital technology could easily be pirated...” (Some cheerleading for DMCA follows.)

Then, McBride introduces the villains: “There is a group of software developers in the United States, and other parts of the world, that do not believe in the approach to copyright protection mandated by Congress. In the past 20 years, the Free Software Foundation and others in the Open Source software movement have set out to actively and intentionally undermine the U.S. and European systems of copyrights and patents.”

McBride goes on, emphasizing the “left” in copyleft and calling it a “stance against intellectual property laws.” He claims that SCO is under siege from the forces of copyleft. “Personal threats abound. At times the nature of these attacks is

breathhtaking.” And he says the issue is clear: “Do you support copyrights and ownership of intellectual property... or do you support ‘free’—as in free from ownership—intellectual property envisioned by the Free Software Foundation, Red Hat and others? *There really is no middle ground. The future of the global economy hangs in the balance.*” [Emphasis added.]

McBride goes on to try to connect Eldred v Ashcroft and Open Source. He also claims “to promote the Progress of Science and the useful arts...” *inherently* includes a profit motive, and that protection for this profit motive includes a Constitutional dimension. I don’t remember anything in Eldred v Ashcroft that said profit, *in and of itself*, justified longer copyright protection, and I surely don’t see the phrase “to promote increased profit” in the Constitution, but I’m not as clever a reader as McBride.

In essence, McBride is claiming that it is *unconstitutional* to give away software! By implication, any license willingly entered into that restricts the full force and application of copyright (lifetime plus 70 years, for now) must be unconstitutional: The U.S. Constitution is all about profit, and such acts might limit profit. Based on this argument, I’m a traitor. *Cites & Insights* is protected by copyright—but I give it away, and the Creative Commons license says you can use it at will. Kust to make it clear that I’m dangerous to the American system, you can’t *sell* my work without contacting me. How unconstitutional is that? You can have it free but not profit from it!

Larry Lessig commented on McBride’s document in his weblog. He notes that GPL specifically trades on a property right *based in copyright*—that the owner of the right has the right to do with his property whatever he wishes. “If he chooses to give his property away, that does not make it any less a property right... And if he chooses to license it on the condition that the source code be made free, that doesn’t make it any less a property right.” He also notes that, despite McBride’s implications, Red Hat argues that software *patents* are a bad idea, not that software *copyright* should be abolished.

Lessig says the issue is clear, but it’s not the issue SCO states: “Do you support the property rights that Congress gives the creators of software—the right to decide to (1) sell your software, (2) license your software, or (3) give your software away. If you really do support that right, then you should support the particular choices property rights owners make with that right.” Users of GPL choose option (2): They license their software—just like Microsoft. The terms may be different, but the basis is the same.

Lessig goes on to discuss the claim that copyright “inherently includes a profit motive.”

This is the most interesting (and silly) claim made in the whole of McBride's piece. There is absolutely no authority in any Supreme Court case anywhere to say that a copyright owner must sell his copyrighted material... Does Bill Gates violate the constitution when, instead of devoting \$20b of his own money to making more "profit," he decides instead to use the money to save millions of lives in Africa?

GPL software is *not* public domain software. Linux is licensed, and when you agree to use Linux—whether you download it for free or buy a CD-ROM distro—you're agreeing to follow the license terms. That's how copyright works. Unless, of course, you're McBride and believe that failing to take advantage of the profit motive is unconstitutional.

Who ever thought of IBM or HP as naïve left-wingers? But both companies develop and release GPL'ed software "because of the profit motive... they believe it will make them more money." Lessig, who should by now have a fair grasp of copyright law, answers the question of whether there is any legal authority anywhere "for the claim that the only constitutional way a copyright might be granted is if it is granted to people who choose to sell or license for money the work they have created." There is no such authority. "It is, like most of the SCO suit, simply made up." Lessig concludes:

This is nothing more than a failed company using a failed legal system to make money rather than producing great software. Don't tell me this is what the Framers had in mind when they drafted the Progress Clause of our Constitution.

Groklaw (www.groklaw.net), Pamela Jones' weblog, included a lengthy commentary on "Darl's 'greed is good' manifesto" the same day (December 4), which acquired an incredible 243 comments by the time I printed it out on December 5—40 pages of single-space printout, even with responses to first-level comments suppressed. The main commentary is four tight pages, much more informal than Lessig and going into other areas. I won't attempt to summarize; you may find the responses as interesting as the original. Or maybe you won't. As I skimmed them, I saw slashdotting at work—a mix of relevant, thoughtful comments frequently overwhelmed by irrelevant nonsense and flaming.

A few days later, a Utah judge heard motions by IBM in the SCO-IBM suit, granting two of them, compelling SCO to provide useful details about the alleged intellectual property violations. To that point, IBM (being sued for more than \$1 billion—SCO thinks big!) had received interesting disclosures: 46 CDs with more than 900,000 pages of source code, and "hundreds of thousands of pages of paper" with source code. Now, IBM wants to see specific details of claimed violations.

This will continue. I have enough faith in the legal system to believe that SCO can't win—and that McBride's open letter is absurd. (As one commentator noted, if he believes copyright and the profit motive are so closely coupled, what was he doing posting a letter that could be freely downloaded?)

Miscellaneous Items

An October 19 Reuters story (downloaded from *Wired News*) illustrates another odd aspect of copyright, and particularly the privileged protections provided for music. The title: "TV on DVD: What's the difference?" "Television shows may look the same—or even better—when they appear on DVD. But sometimes, they don't sound the same."

Huh? "Studios frequently have to replace the music heard during the original broadcast for the DVD release, largely because of the prohibitive costs associated with licensing the music, studio executives say." So, for example the second season DVDs for *Dawson's Creek* will have new music replacing the original pop tunes, the first season set for *Felicity* contained new music, and *Miami Vice* isn't likely to make it to DVD because it would be too hard to get clearances for all of the music.

Some studios may be crying poor. Universal and Disney offer the preceding examples—but a Warner executive says *Smallville* will have the original music, and he can't think of any instances of Warner substituting music. On the other hand, the studio is holding off on DVD versions of two series because the music clearances would cost so much.

Would studios substitute music without letting the buyers know? Would good old Disney be a poster child for odd practices? You got it: In the first season set of *Felicity*, Disney kept the original music for the first and last episodes, replaced everything in between, and kept it quiet. After hearing from fans, there's a note on the back of the second-season set.

I'm guessing that most of the unknown bands featured on the only series we're buying on DVD, *Buffy the Vampire Slayer*, are delighted to have more people hear their stuff. And, removed as we are from the target demographic, I'm not sure we'd care that much if the tunes were replaced—at least until Season Six and the all-singing episode, which was composed for the series.

ALAWON (the ALA Washington Office Newsletter) 12:98, November 19, 2003, featured a "new statement on fair use and electronic reserves." It's a brief, clear commentary on fair use and how it relates to electronic reserve systems, focusing on Section 107 of copyright law, the explicit statement of fair use.

The summary notes the four factors in fair use (character of the use, nature of the work to be used, amount used, and effect of the use on the market for or value of the work) and points out how e-reserves play into each factor. It's well worth reading for any librarian involved with e-reserves. The statement notes, "the law builds in tolerance for risk-taking" and libraries acting in good faith are unlikely to face statutory damages even if a court finds that they were wrong. The last sentence: "This demonstrates Congressional acknowledgment of the importance of fair use and the importance of our using it!" **Recommended.** (You won't be surprised that quotation marks do not ever appear around fair use.)

A cute piece appeared on December 15 at BBspot (bbspot.com): "God considers smiting Bible pirates," by Kristian Werner. I'll quote just the beginning and end of a two page feature (which also has God's take on whether the Bible has passed into the public domain: "Look, most copyright laws are based on something like the author's lifetime plus, let's say, 15 years. News flash: I'm still here"):

Vatican City – God did not rule out smiting as a final measure against those who share his most famous work, the Bible, on the Internet. This marks the first time a deity has spoken on IT-related questions since Steve Jobs was temporarily Enlightened when touching the One True iMac some years ago.

[and, seven paragraphs later...]

When asked what His next step might be, God was reluctant to discuss specifics. He stressed that He would consider the effect of His actions on the meek. "Let's make one thing clear," He said, "I may be omnipotent, but I'm not crazy. It's not like I think I'm Jack Valenti."

Longer Articles

Slater, Eric S., "Copyright issues & principles in the digital environment," *Against the Grain* 15:5 (November 2003): 18-22.

Slater is copyright manager for the American Chemical Society's publications division. This brief overview is fairly clearly a publisher's perspective. I find a number of the comments questionable—not the law, but the opinions stated. For example:

Publishers are in business to generate revenues, be it commercial or not-for-profit, so the idea they will give users free access is unlikely.

Isn't it *plausible* that some professional societies use publications as a way to move the profession forward, with prices just high enough to make publications feasible? To the extent that a publisher is a division of a professional society with professional ethics, isn't the first clause of that statement both

unfortunate and sometimes untrue? For that matter, traditionally, many publishers have been in business because the founders and owners believed in what they were publishing; revenue generation was and continues to be a secondary motive. I know it's unfashionable in today's "all business, all the time" environment to suggest that business can have anything but money as its primary motivation—but it's still true for many businesses. (I guarantee that most small wineries and, for that matter, most small publishers would vanish if their proprietors had revenue as a primary motive.)

Slater asserts in the next item that print subscribers have "an inherent knowledge" that permission is required to reuse material, but that "this principle seems to vanish when it comes to electronic site licenses or subscriptions." The first statement is flatly false, since fair use (which does indeed "seem to vanish" with digital licensing) allows a range of reuses without permission, particularly within the classroom.

Soon we get one of those assertions that drive me crazy as a published writer: "Publishers, whose goal is to protect *their intellectual property* from unauthorized uses..." But publishers do not (in general) create intellectual property; "their" rights are only those licensed or signed away by authors. That paragraph assaults the Sabo bill as possibly wreaking havoc with publisher policies, and calling it an end-run around *Eldred v. Ashcroft*, which "weakened the pro-public domain camp." (What about those who believe that both copyright and the public domain play important roles? What "camp" are we in?)

Would it surprise you that Slater uses scare quotes around fair use? It shouldn't.

The set of brief summaries of proposed copyright-related legislation is useful. As always with such summaries, whether the language comes from Slater or from the bills themselves, you need to take various adjectives and claims with several grains of salt. As you do this entire article.

Gasaway, Laura N., "Ameliorating the effects of term extension," *Against the Grain* 15:5 (November 2003): 26-36.

After you read Slater's hardline "copyright community" perspective, it's useful to read Gasaway's longer piece. Gasaway does make a simple error in introducing the *Eldred Act* (she says the \$1 fee would be to maintain copyright "beyond fifty years after the author's death," while the proposal would call for such a fee after fifty years, period). Otherwise, she provides a readable, detailed discussion of the *Eldred v. Ashcroft* decision, the new library exemption in Section 108 of the CTEA, and

aspects of the open access/open archive movement. It's a good, well-documented article that says briefly and more authoritatively some of the things I've been discussing at ridiculous length here and in Scholarly Article Access pieces. **Recommended.**

Hirtle, Peter B., "Digital preservation and copyright," Stanford Copyright & Fair Use site (fairuse.stanford.edu, commentary & analysis section), November 2003.

In five print pages (and two pages of endnotes), Hirtle offers a concise, readable summary of copyright issues that relate to digital preservation. He summarizes the three specific sections of copyright law that "may be of assistance" in determining whether a library can legally digitize material for preservation, when the library doesn't own the copyright and can't be sure the material has passed to the public domain. It's an excellent piece, includes a case study on preserving portions of the web, and is **highly recommended.**

A Scholarly Access Perspective

Tipping Point for the Big Deal?

While several aspects of scholarly article access remain active, I believe one recent and ongoing story may be most important for librarians and libraries. A growing number of academic libraries are finally saying "Enough!" to Elsevier and ScienceDirect, and the faculty at some universities are lining up behind the libraries—and even, in at least one case, calling for scholarly boycotts.

California Digital Library and the Call for Boycott

The biggest splash may have come when the California Digital Library (which serves all University of California campuses) announced it was spending roughly \$8,000,000 for electronic access to Elsevier journals: half of *all* the money it spends for ejournal access, for a whole lot less than half of the ejournals. Let me repeat: *Eight million dollars* in 2002. That doesn't include the six Cell Press journals.

On October 19, two faculty members and researchers at UCSF sent an open letter to "colleagues and friends" on behalf of the UCSF Mission Bay Governance Committee. That letter, posted on the SPARC Open Access Forum (SOAF) and in various weblogs, begins by pointing out the need for effective online access to STM journals—particularly at

sites such as UCSF Mission Bay, a subcampus that relies exclusively on electronic access. "UC has successfully negotiated contracts for almost every online journal. The glaring exceptions are the Cell Press titles." The letter goes on to say UC has been trying to reach a deal since 1998, Cell Press is owned by Elsevier, and Elsevier reported 34% and 26% profits in 2001 and 2002 for its science and medicine enterprise. Then comes the \$8 million dollars hammerblow and this:

Elsevier now seeks a new contract with annual increases several times above the consumer price index, plus an additional levy for the [six] Cell Press titles that rapidly reaches \$90,000 per year, with hefty annual increases thereafter. After exhaustive negotiation, the UC libraries, with the recent support of the UC Council of Chancellors, has declined to accept these rates.

After noting that Cell Press cites the potential loss of personal subscriptions as the basis for a high institutional price, the two get to the heart of the letter:

It is untenable that a publisher would de facto block access of our published work even to our immediate colleagues. Cell Press is breaking an unwritten contract with the scientific community: being a publisher of our research carries the responsibility to make our contributions publicly available at reasonable rates. As an academic community, it is time that we reassert our values. We can all think of better ways to spend our time than providing free services to support a publisher that values profit above its academic mission. We urge four unified actions until the University of California and other institutions are granted electronic access to Cell Press journals:

- i) decline to review manuscripts for Cell Press journals,
- ii) resign from Cell Press editorial boards,
- iii) cease to submit papers to Cell Press journals, and
- iv) talk widely about Elsevier and Cell Press pricing tactics and business strategies.

If you agree, please let Cell Press know why you take these actions. Our goal is to effect change, but to be effective we must stand together.

A few days later, Lynne Herndon, president and CEO of Cell Press, wrote a response claiming that the discussions "contain several misconceptions" but doesn't say what those misconceptions are. Herndon claims that \$90,000 breaks down to "roughly \$1.50 per top quality journal per year for each active user within the UC system" by claiming that 10,000 UC researchers will actively use Cell Press content.

Cell Press site license pricing has been historically fair and reasonable. Except for the UC system, nearly every other major academic institution in the US has licensed electronic access to Cell Press content. We appreciate the current budgetary constraints facing the UC library system, however in

fairness to our current customers we need to maintain our equitable pricing structure as it applies to all institutions.

On November 1, a new message appeared—this one from the UCSF Academic Senate and University Librarian, addressed to UCSF faculty, department chairs and directors. The new item didn't focus on Cell Press, but on ScienceDirect as a whole. UC is Elsevier's second largest customer—and “among the online publishers, Elsevier's price increases have been the most severe.” This letter notes that 50% of UC's total online budget pays for 25% of total online journal use, and notes other factors:

UC faculty members are important contributors to Elsevier's journals: 10-15% of the content is written by UC faculty, 1000 faculty are on the editorial boards, and 150 UC faculty members are senior editors for these journals.

After discussing the difficult ongoing negotiations, the letter suggests

that all UC faculty consider alternatives to publishing in and editing Elsevier journals. New initiatives, such as Public Library of Science and BioMed Central, promise high-quality peer-reviewed content at affordable prices. The Committee also suggests that faculty consider taking action by retaining certain intellectual property rights, such as including the right to post their work with an institutional repository.

It goes on to recommend that faculty members “give serious and careful consideration to their association with Elsevier and consider the following actions,” essentially the same as points i-iv above. “Authors may also consider crossing out the provision in a standard publication contract that gives exclusive ownership of a published article to the publisher and thereby retain the right to publish the work in an electronic medium (e.g. UC's eScholarship Repository or others).” The original call, and other UC resolutions (including a strong one from UC Santa Cruz), continue to spread.

Elsewhere

According to a December 19 *Chronicle of Higher Education* report, the University of Missouri decided over the summer to stop subscribing to ScienceDirect. The University of Iowa is considering abandoning the big deal.

At North Carolina State University, the faculty and staff senates both approved a resolution opposing bundled content and “essentially authorizing the library not to renew its bundled deal with...Elsevier,” according to a December 8 *Library Journal* news item. NCSU's deal costs \$1.4 million—38 percent of the library's serials budget for 11 per-

cent of NCSU's journals. NCSU's Suzanne Weiner said the major issue was inflexibility:

“[Bundling] is becoming a real problem. Research libraries cannot afford to pay for content that we don't want, and cannot afford to be locked in long-term. It's not good fiscal management, and it doesn't give us a good return on our investment.”

The NCSU Student Senate also passed a resolution of support—unanimously.

Harvard University announced that it was unlikely to sign a new multiyear ScienceDirect deal. According to Library Director Sidney Verba as of October 15, “We haven't finished negotiating, but in all likelihood we will not be signing the renewal offer through NERL, in the way in which they have put it forward.” [NERL is the Northeastern Research Library Consortium, with 21 research library members.] Inflexibility and the inability to cancel unwanted serials were prime reasons. In Paula J. Hane's wrapup of Elsevier cancellations in the November 17, 2003 *Information Today Newsbreaks*, she quoted Ivy Anderson saying that Harvard plans to cancel a substantial number of Elsevier journals.

In an ARL survey, 22 of 57 responding libraries indicating that they were “planning to cancel or were considering canceling a bundled package this year.”

According to a *Cornell Chronicle* story, Columbia University is maintaining electronic access—but will be eliminating almost all print copies.

Cornell University Library

Cornell University Library posted a superb and **highly recommended** web presentation from Ross Atkinson, “Issues in scholarly communication,” at www.library.cornell.edu/scholarlycomm/.

The problem: Over the past fifteen years, prices of serials have increased by 215% while the Consumer Price Index increased by 62%—and while Cornell's Ithaca campus spends 149% more on materials than it did 15 years ago, it only manages to buy 5% more serials, even though there are 138% more serials. (Could that 138% figure be part of the problem?)

First among “the reasons” cited:

[T]he growing commercialization of scholarly publishing, especially in the sciences and social sciences. Commercial publishers charge far more for their materials than scholarly societies or university presses. Elsevier, which publishes mainly science journals, is the best example. Universities support research, and then scholars give that research to commercial publishers, who sell that research back to universities for very large profits.

That page also cites cost pressures in traditional publishing—and the need for *serious* research librar-

ies such as Cornell to purchase traditional materials as well as digital holdings.

“The solutions” page is worth quoting in its entirety (and, Ross, I hope I’m not exceeding fair use in this case...):

First, methods need to be developed that will allow us to rely far less heavily on commercial publications. This can be done in part by working with scholarly societies and university presses to ensure that they are able to publish quality scholarship at reasonable prices.

Second, methods presently used for the exchange of scholarly information in individual disciplines need to be reviewed, and practicable alternatives need to be developed and considered. Several initiatives are now underway to study or facilitate scholarly communications....

Third, scholars need to retain some rights to their own work, rather than signing them over completely to publishers. When submitting materials for publication, Cornell scholars should consider stipulating at the very least that their publications be freely available to the Cornell community for purposes of instruction and research. Preferably scholars should also negotiate to ensure that they retain the right to post their own publications on their own or on their institutions Web sites....

The next page is the longest (other than a well-chosen set of links on these issues, including Cornell’s wonderful “stickershock” page): “The Elsevier subscription.” Atkinson notes that libraries have “often been able to conceal” the rapid rise in scholarly journal costs “by canceling other journals, reducing purchases of monographs, and general reallocation.” But Elsevier’s pushing too hard. “We now pay ca. \$1.7 million dollars for Elsevier journals. (Those journals account for less than 2% of the serials to which the Cornell Library subscribes, but that cost is equal to over 20% of the Library’s total serials expenditures including the Medical School.)” Cornell just can’t keep accommodating Elsevier’s increases “at rates that are invariably much greater than the rate of increase in our budget.”

Elsevier’s big deal works so that canceling *anything* causes the prices for other journals to increase substantially. “The only way to save any real money is to cancel a great many journals—inevitably eliminating access to some journals that scholars and students depend upon.” Atkinson notes that the pricing strategy is “understandable...and a perfectly legal one—we’ve checked” but also very risky: “If we reach a situation in which we absolutely must save money, then we have no choice but to cancel a great many Elsevier journals.”

Special funding provided a one-time bailout for 2003—but that won’t work for 2004. “We can no longer subscribe to so many Elsevier journals...that

we no longer need. We must now free up some of the money spent on Elsevier journals to pay for journals published by other publishers that are more needed by our users.” Cornell has tried to broker a reasonable agreement, “but Elsevier has been unwilling to accept any of our proposals.” Cornell plans to cancel “several hundred Elsevier journals in 2004.”

The last page states “six key issues about the crisis in scholarly communication.” Summarizing what are already terse statements: The current system is not sustainable. This has been a problem for decades. It’s not [just] a serials crisis; it’s a broader crisis in scholarly communication—but the biggest increases are in scientific serials. The problem can’t be solved by increasing budgets. Some publishers are using the demand for electronic access to further increase their control and prices. Finally, “the core of the crisis is neither economic nor technical, but rather cultural: it is driven primarily by the publishing conventions of the academy.”

A December 1 report at www.iwr.co.uk/iwreview is titled “Elsevier hits back at journal cuts.” The piece quotes Elsevier’s Erik Merkel-Sobotta claiming that negotiations were going much better than “all the hype written about them would suggest.” He asserted that the Cornell figure would be closer to 100 journals than the 200 suggested earlier, and that “It’s all about rationalising and making access to our journals more efficient.” And, of course, he justified the big increases as reflecting three-year lockins. Then there’s poormouthing the universities, as he did referring to Cornell, Harvard, and UC: “Not all universities are poor, and these certainly aren’t.”

The last word, for now, comes from the *Cornell Chronicle* for December 11. Cornell has dropped the big deal for 930 journals, and will instead subscribe to a smaller number (unstated) of individual titles. University librarian Sarah Thomas noted, “The big deal was an unsustainable model for Cornell. We were going to have to start canceling high-value journals from societies and nonprofit association publishers that we needed, in order to pay for Elsevier journals we didn’t need, but couldn’t cancel.”

The eclectic librarian (www.eclecticlibrarian.net) commented on Merkel-Sobotta’s poormouthing, including his claims that cancellations were just about dropping print versions in favor of e-only, and experience at el’s own institution (unnamed).

When I looked into the pricing of online v. print subscriptions from Elsevier, there was no savings to go online only. They tout that on their website, but when we got into negotiations with them, we discovered that the online discount is almost exactly the amount they tack on for an electronic access fee. With our budget in shreds, we had no choice to cancel some of our most expensive and under-used

journal titles. Coincidentally, many of those happen to be Elsevier titles.

I think what ticks me off most about the above quote ["But not all universities are poor, and these certainly aren't"] is the assumption that if a university has money, it would want to throw a disproportionate amount of it at one publisher... I applaud institutions like Cornell University and the University of California for standing up and saying to the Dutch Pirates, "No more!"

The Numbers?

Peter Suber cited excerpts from Bear Sterns' 9/29/03 report on Reed Elsevier in a SOAF posting. "Reed recently informed librarians that it is to hike science journal prices yet again in 2004, by 6.5%. Our channel check of science libraries suggests that users are under funding pressure but *they will pay up*. Pricing power in journals, together with margin expansion as revenues migrate on-line, are key to Reed's ability to deliver earnings growth and hence its share price valuation... Reed's Science business...is in our view a shareholders' dream... We believe that science margins will *increase from their already high level* as libraries drop paper subscriptions and opt for internet-only access. *We believe Reed's only problem will be hiding this margin increase from regulators.*" The report goes on to call each of Reed Elsevier's journals "a mini-monopoly enjoying huge pricing power" and asserting that SPARC and Open Access journals won't change the nature of publishing any time soon. [Emphases added.]

Libraries and academics have been trying for over a decade to develop new ways of disseminating academic knowledge and research, but the barriers to entry enjoyed by the incumbent journals are just too high (loyal readership, brand recognition, 'boards' of academics who peer review research), as is the value proposition (they bring order to an anarchic process—the development of knowledge.)

The analyst believes that libraries will "switch away" from society-published journals to journals "in the same niche supplied by a larger publisher who can use bundling strategies." There's a truly silly assertion—that, even though shifting to online-only means *even bigger* profits for Reed Elsevier, it's "a win-win situation" because libraries can cut staff so much if they're not handling print.

Things can change. In mid-October, another analyst (BNP Paribas) expressed "its concern regarding [Reed Elsevier's] current subscription based access, as compared to the newer and more successful article-fee based open access system" and downgraded the stock.

The Guardian reported on December 12 that the British House of Commons science and technology

committee planned to conduct an inquiry into scientific publication early in the new year. "The committee will look at access to journals, with particular reference to price and availability." The committee will specifically "ask about the importance of open-access journals and whether the government should support the trend towards free scientific information. Such a move could spell disaster for Reed Elsevier."

Conclusions?

I sense momentum. Iowa, Missouri, Harvard, Columbia, Cornell, UC Berkeley, UCLA, UC Davis, UC San Diego, UC San Francisco, North Carolina State: That's a fairly impressive lineup.

I *hope* there's momentum. I hope faculty members pay attention—that they find alternative routes to publication and support necessary cuts to keep the system alive. I hope some scholarly associations start to see that their first purpose in publishing should be to make scholarship widely available—and that accepting or matching outrageous commercial prices is no way to do that. (Some scholarly associations do see that, and quite a few commercial publishers aren't gouging.)

My own absurdly optimistic scenario for a workable "endgame" in scholarly access has been forming in my mind, and will make it to paper or the web one of these months—either here or in *American Libraries*. It may not be a probable scenario, but it's one many of us could live with. Could Elsevier live with it? Not at their current size, not at their current profitability. Somehow, sometime, something's gotta give. Maybe the sometime is now.

The Details

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