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The Web: A Means of Delivering and Publishing Serials with an Examination of Copyright Issues

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Economic forces have created the need for librarians to explore new methods of delivering information. Technological developments have created the means for librarians themselves to move into electronic publishing to increase cost-efficiency. A new consortium model is proposed in which members would both generate scholarly work and access it at a lower cost. Included are overviews of scholarly publishing, copyright issues, technological feasibility, value added features, and the effects of the proposed consortium.

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The Serials Librarian: From the Printed Page to the Digital Age

The Web

Vicki L. Gregory Workshop Leader, Anna H. Perrault Workshop Leader, David Whitemarsh Workshop Leader & Markel Tumlin Recorder

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SUMMARY. Economic forces have created the need for librarians to
explore new methods of delivering information. Technological develop-
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A three-member panel (Vicki L. Gregory of the University of South Florida, Anna H. Perrault of the University of South Florida, and David Whitemarsh of Alpha Future Integrating Systems) used this session to introduce a new model for electronic publishing of scholarly articles (including multi-media articles). Gregory first addressed the audience of approximately 45 people and began with a discussion of some economic problems, specifically escalating serials prices that librarians are facing. She suggested that librarians can and should begin publishing electronically themselves by collecting material from scholars in a consortium arrangement that would include a referee process for quality control. Comparing their model to bibliographic utilities such as RLIN and OCLC, Gregory stated that members would be allowed access to materials that consortium administrators would maintain and preserve. Gregory then outlined which speaker would address the specific topics to be discussed. Perrault would provide a rationale for the model; Gregory herself would address copyright issues; Whitemarsh would describe the model's technological feasibility; Gregory would return for a discussion of value-added features; and, finally, Perrault would discuss the effects of the new model.

Perrault began her comments on the model's rationale by emphasizing that their model was specifically designed for research and scholarship. She then provided a brief overview of the current model of scholarly publishing. In the current model, research and scholarship are subsidized by academic institutions, which pay scholars, as well as by private and government funding sources. However, publishers have moved in to disseminate the scholarship (in the form of journal articles, monographs, research reports, etc.) and have thus moved profit out of the academic sector. Perrault further noted that the scholarly products are purchased largely by the academic institutions that subsidize the research, while the copyrights are held by the publishers.

Perrault maintained that the proposed model will rewrite the economic arrangement. The method of dissemination will be entirely electronic and a distinguishing feature will be "commons" ownership—any member of the consortium will be able to freely use the information. Such a model will also equalize collaborative authorship; the order in which names appear on scholarly articles will cease to matter. This model furthermore
ensures multi-media archiving. Perrault emphasized that this is significant since most publishers do not guarantee long-term preservation. She also briefly mentioned that librarians would be able to add value to the products to produce revenue that would help support the venture.

Gregory followed with a discussion of copyright issues. Gregory noted that the last session of Congress considered passing electronic copyright laws that would have been detrimental to libraries. While these laws did not pass, she stated that these issues are likely to surface again. Moving into a general discussion of copyright, Gregory noted that the original idea behind copyright was to promote progress in research and scholarship. Not intended to enrich authors or publishers, the purpose of copyright was to protect ideas so that they could be shared and expanded upon. It has always been understood that there are some fair use limitations to the rights granted copyright holders.

Differences in print and digital publishing have complicated the copyright issue. In digital publishing, the user can self-generate copies that, once downloaded, can be changed. Furthermore, it is the nature of computers to communicate by copying. Because of the nature of the digital medium, use of electronic information has evolved differently from that of print. While e-mail is copyrighted, things tend to move rather freely around the Internet. Gregory stated that digital transmission has created an environment of "implied" license. Oftentimes by putting things up on the Internet, it is "implied" that use is okay. Gregory added that while this may not be permissible under copyright law, some agreement needs to be reached concerning this or else guidelines must be enacted.

Gregory followed with an overview of fair use, noting that it is based upon the nature and character of use (commercial or non-commercial), the nature of the copyrighted work (fiction or non-fiction), the size of the copied portion, and the effect of the copying on the market. The more likely copying affects sales, the less likely it falls under fair use. Gregory said that the primary reason she and her colleagues favor "commons" ownership is that scholars will no longer need to worry about paying royalties for classroom and other educational uses.

A related concern is the public domain. Gregory noted several examples of public domain materials including those whose copyrights have expired, those whose copyrights have been abandoned (such as in the case of shareware or freeware), and works created by the federal government. She further noted some risks involved in using public domain material on the Web because of its international nature. Works in the public domain in one country might be copyrighted elsewhere. Also, new works based on those in the public domain might themselves be copyrighted. Gregory
closed her discussion by mentioning non-copyrightable aspects of a work such as facts and ideas, as well as the factors that can make a factual work copyrightable (how it is selected, coordinated, and arranged). Finally, she stated that the panelists’ proposed consortium arrangement is an attempt to remove many of the copyright obstacles.

Whitemarsh followed with an overview of the technological aspects of the proposed model. Seeking to confront what he described as the “vapor” of electronic publishing and its myths, Whitemarsh suggested that the new technologies to be used would include interface formats for interactivity (HTML, Java coding, PERL scripting) and server push technology. He presented many examples of standards that are being adapted that will be usable to the consortium model. On the issue of security, Whitemarsh mentioned the AT&T Secure Buy Program and also he used ATM technology as an example to suggest how consumer confidence could be increased. He also discussed standards as they related to graphical interfaces, stressing user friendliness and user interactive accessibility, emphasizing that up-to-date authors and users want to be interactive, want multi-media availability, and want real-time access and response.

Continuing his discussion on standards development, Whitemarsh presented in somewhat technical language his description of the graphical browser war. Components of the browser war include the competition between Netscape and Internet Explorer, user O/S developing into Internet browser, and the pending (within a decade) supplantation of mainframes by improved client/server systems. He also mentioned developments of erasable, re-recordable optical drive servers and portable hard drives for archiving. The final two areas of standards development that Whitemarsh mentioned included the dramatic improvements in DVD technology and developments in wireless transmission.

Whitemarsh also presented what he described as needed standards that seemed to be ignored at present. These standards include such items as programming language for copyright protection, interactive interfaces, and graphical interfaces. He posited that search engines were not being properly developed (suggesting that current engines such as Yahoo are inadequate) and stressed the need for better cataloging and indexing. He concluded by reiterating his belief in the inevitable growth of e-publishing, predicting the success of consortiums that provide good interfaces, and stating the importance of graphical stimulation in the development of interfaces.

Gregory returned with a brief discussion of features that librarians can add to digital information submitted to the consortium, which would
increase its value. The first feature involved providing cataloging, abstracting, and indexing of the information. Creating bibliographic accessibility is a traditional function of librarians. Providing accessibility naturally increases the value of information. Gregory suggested that creating accessibility could be turned eventually into a cottage industry. Another feature that can increase the value of digital information is translation services. Mirror databases can be created in non-English languages (such as Spanish), which should include translated versions of English language bibliographic access tools. This could be accomplished by means of machine translations aided by human editing.

Perrault spoke last on the effects of the new consortium model. She began by defining the structure of the consortium. Membership would include institutions or individuals. Information generators would by definition be members; only members would be allowed to contribute. However, provisions would be made for non-contributing subscribers. Elaborating on user privileges, Perrault defined a closed-loop process in which members would provide reference, refereeing, and editorial services. Emphasizing that the structure would not be a formal journal but rather a database, Perrault noted that the concept of frequency would not be a factor. Instead, she envisioned a live archival database (LAD) that would be interactive and that would be appended electronically by members and that would be accessible to subscribers. A preservation archival database (PAD) of editions and versions would also be maintained, though its access would be more restricted. Use of these databases would be shared among members of the consortium (and to a great extent, the subscribers), although authors would retain copyright for use of the material external to the consortium.

Financing is another important consideration. Perrault noted that the consortium would be a non-profit organization. However, after a critical mass of material has been generated, it would be possible to develop products to support consortium activities. Such products could include selling custom CD-ROMs, e-books, and printed products (such as UMI does with dissertations). It was suggested that partnerships with for-profit companies (e.g., selling advertising) could be developed.

Perrault concluded by emphasizing that there would be no need to check in material and that no frequency would need to be established. The model provides for "commons" ownership and authorship. Perrault alluded to an earlier Plenary Session during which the speaker suggested that university administrators were receptive to these sorts of ideas while faculty often balked because of tenure requirements. Perrault expressed confidence that faculty would become swayed once they understood the
ramifications of the model. Finally, Perrault mentioned that the project had no name and asked for suggestions.

There were a variety of questions at the end of the session. The first concerned the reach and size of the consortium. Would it be regional or national? Perrault responded that it depended on the scale. After responding to a question about the technological feasibility of products, Whitemarsh presented a demonstration of a similar model called the Virtual Shopping Mall.

Further questions followed Whitemarsh's demonstration. A question was raised about the feasibility of maintaining passwords for large campuses of 30,000 students. Whitemarsh retorted that AT&T maintained passwords for large groups of customers, while Gregory added that IP checking was also under consideration. The next comment maintained that the presenters might be overestimating faculty eagerness to abandon the current system with its benefits for them. Whitemarsh answered by emphasizing the added value of the model's translation features; Gregory mentioned that faculty might be interested in retaining non-consortium copyrights; Perrault noted the cracks already developing in the tenure system while adding that the changes weren't expected to take place overnight.

This and some of the remaining questions seemed to indicate that some members of the audience were at least somewhat skeptical of the model. The next questioner asked how an unstable text could be copyrighted. Gregory stated her belief that certain aspects of copyright will need to be reinvented or abandoned in the digital environment. Consortium members would not have to worry about copyright for use of consortium materials, whereas any custom CD-ROMs produced for sale would be "fixed" and therefore copyrightable. A follow-up questioner asked about earlier versions of articles. Gregory mentioned that they would be archived, and Whitemarsh added that hypertext capabilities would allow viewing of earlier versions.

The last series of questions and comments were generated by an audience member who identified himself as working in publishing. He asked if a financial model had been worked out and suggested that the project could not move forward without one. Gregory replied that the group had applied for a grant to investigate such issues during the next phase of their project. The questioner then asked how revenue could be generated if copyright went away. Gregory replied that while no charge would be assessed to consortium members, the consortium would maintain copyright on products they generated; Whitemarsh added that authors would maintain copyright for non-consortium use of the material with outside
publishers. The audience participant then provided a defense of the publishing industry and offered a series of criticisms of the proposed consortium: that it would be reinventing the publishing wheel; that some of the technologies were not proven; that the Internet was not proven reliable; that it might not end up being less expensive. Whitemarsh replied by strongly defending the feasibility of electronic publishing. The remaining few minutes were spent in a polite but vigorous discussion of these issues.