

## Editorial

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Some years ago a theory was propounded that there are only two types of people in the workplace - thrusters and sleepers.

In this issue we publish a tribute to the late Donald Urquhart, who certainly was not a sleeper, and entitled to the highest recognition for his innovative service to the serials world. Surprisingly, the honours system decided a CBE was a suitable accolade to bestow upon him, when lesser mortals, and no doubt many sleepers, receive peerages and knighthoods for their efforts. Perhaps he paid the penalty of being too iconoclastic, or more likely achievements in information are not seen as being important when compared with the captains of industry.

The archetypal thruster in the serials world must be the late Robert Maxwell - passed over by the honours system for very good reasons. It was said that where two or more librarians were gathered together, his name would come up. He had a propensity for upsetting librarians, but, whatever his faults, he did more to change the face of journal publishing than any other person. Although disliked by the publishing establishment, it was not long before they adopted his theory that if a journal is good enough, there is no limit to the amount subscribers will pay for it, so long as sufficient funds are available. The sleepers in libraries did not complain. Once purchasing budgets began to be cut back, librarians suddenly became cost conscious and began to ask questions and conduct surveys.

A good example of this was the "price gouging" issue in the USA. American librarians discovered that some publishers were charging them much higher subscription rates than other parts of the world - what came to be known as discriminatory pricing. Good reasons were given why this was so, but there was always the underlying feeling that Americans are rich and therefore can afford to pay.

A number of thrusting librarians in the USA achieved professional glory through their work to prove that this policy was unfair, and as a result

price gouging is no longer a major issue. If that is settled, there are still other controversies to keep the networks humming.

Publishers who are thrusters, but with a masochistic streak, must be those who incur the wrath of the powerful Association of Research Libraries in the USA. Certainly the front runner for the hot seat at the moment are Gordon and Breach Science Publishers, who every year have the knack of antagonizing librarians and subscription agents, mainly because of their vain attempts to find a solution to the perennial problem of fair use as opposed to abuse.

Photocopy departments in libraries are busy places, which are difficult to police, and many publishers are concerned about unfair dealing.

Unfortunately, what Gordon and Breach perceive as solutions, bewildered librarians and subscription agents only see as irritating problems. We are, therefore, pleased to publish in this issue an official statement from Gordon and Breach which, it is hoped, will go some way towards clearing the air.

*John Merriman*

### Gordon and Breach and Harwood Academic Journals

#### The photocopy licence and network rates

*The Editor is indebted to Mr Christopher Schneider, Vice President of Sales and Marketing, The Gordon and Breach Publishing Group, for the following statement about their policies:*

#### ■ 1. Network Rate

G+B established the Network Rate as a means for subscribers to re-sell and re-distribute copies of articles from its journals without further payments and reporting to the publisher or any licensing organization. Unfortunately, the manner in which the Network Rate was implemented has caused confusion among

subscribers, and we have clarified, or retracted, certain terms that appeared in previous mailings.

#### A. Academic libraries

G+B 1995 journals were pro-forma invoiced in one of three subscription categories: (i) Academic Library Rate, including the Photocopy License; (ii) Network Rate; or (iii) at both rates, with a request that the library choose the appropriate rate.

- (i) In general, the situation of academic libraries that were only invoiced at the Academic Library Rate is straight forward and needs no clarification. However, a number of these subscribers have asked to be reinviced at the Base Rate (the Academic Library Rate without the Photocopy License). This G+B will do upon receipt of the completed waiver form.
- (ii) Unfortunately, a number of academic libraries that are not directly engaged in commercial document delivery were invoiced only at the Network Rate. This was an error on our part which we will correct. Accordingly, on request from a subscription agent representing a subscriber which only received a Network Rate invoice and which is not directly engaged in commercial document delivery, G+B will reinvoice at the Academic Library Rate unless a Base Rate invoice is requested.
- (iii) Consistent with (ii) above, academic libraries which received both Academic Library and a Network Rate invoice should pay the Academic Library Rate invoice unless a Base Rate invoice is requested or the self-deduct Photocopy License opt-out is exercised.

#### B. Corporate/Government subscribers

The three subscription categories applicable to academic library subscribers were applied by G+B to corporate/government subscribers as well. And G+B will apply the same policies to corporate/government subscribers as it is applying to academic library subscribers except that there is no Base Rate for corporate/government subscribers, i.e. they cannot opt out of the Photocopy License, and corporate/government libraries that have not subscribed by

1 March 1995 will not be given a free CD-ROM with their regular subscription. They will have to purchase such CDs as may be available at prices to be set in the future.

## 2. Photocopying Rights

The Photocopy License permits subscribers to make multiple photocopies of single articles for the internal research or study purposes of the subscriber in excess of the number of photocopies allowed under "fair use". This eliminates many of the administrative problems pointed out in the recent US Court of Appeals decision against Texaco. Academic libraries that opt out of the Photocopy License are limited by "fair use" in the number of copies that they may make of single articles. Neither the Photocopy License nor "fair use" permits academic libraries or corporate/government subscribers to copy an entire issue or even to copy more than one article from an issue, to copy for distribution to any third party, to copy as agent of any third party, to copy for advertising or promotion, or to copy to create collective or derivative works.

## 3. Applicable Law

The law that will govern a subscriber's right to make copies will be the law of the country in which the copies were made. Any legal action brought against a subscriber for violating copyright will be brought in the country listed in the subscriber's "ship-to" address.

## 4. Subscription Rate Explanation table

In the Journals Price List distributed to all agents, there is a table printed in the back pages explaining our Subscription Rates. Please disregard the reference to Swiss Law at the bottom. Also, please note that where it states that inter-library lending is not allowed, in fact inter-library lending is allowed if permitted under "fair use".

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## **Gordon and Breach Science Publishers**

### *Statement from the British Library*

When Gordon & Breach Science Publishers recently presented their library customers across the world with large increases in prices for subscriptions to the 1995 issues of Gordon & Breach and Harwood Academic serials, coupled with severe restrictions on usage, the British Library had to consider a range of factors in deciding whether to continue acquiring this material. After reviewing the options the Library decided not to renew any of its subscriptions to these titles.

After further discussions with Gordon & Breach, however, the Library has now secured an

acceptable arrangement for renewing its 1995 subscriptions.

Two main concerns have been resolved: use of the material will be governed by English rather than Swiss law, and price increases are in line with expectations for international research journals.

The Library is pleased that a satisfactory conclusion to the recent uncertainties has been reached, and that its readers will continue to benefit from Gordon & Breach publications during 1995.

*Jim Vickery*  
*Head of Acquisitions*  
*The British Library*