



View from North America

David R. Fritsch

*Vice President, Sales
TDNet Inc.*

Greetings, everyone, from a place that has changed in many ways from what it was the last time I wrote one of these columns. .

Here is a roundup of serials related news since my last column was written in February:

Intellectual Property Issues

On June 28 the United States Supreme Court issued its decision in *Tasini vs New York Times Co.* Jonathan Tasini and other free lance authors had sued the NY Times and other database and content providers for non-payment of royalties for articles included in electronic databases. The Court rules in favor of Tasini. The full decision is at <http://a257.gakamaitech.net/7/257/2422/28jun20011200/www.supremecourtus.gov/opinions/00pdf/00-201.pdf>

The Court ruled that the NY Times and the others had infringed the copyrights of the authors. The New York Times immediately reacted by stating that it would remove the freelancers' articles from its products. Lexis Nexis stated that they would ask Congress to change the law. Tasini and the National Writer's Union wanted to negotiate royalty payments, but claimed that the publishers had declined to negotiate. A long story on this complex issue is at <http://www.infotoday.com/newsbreaks/nb010628-1.htm>. There were later reports that the Times had 'blacklisted' freelancers who participated in the suit.

GaleGroup, ProQuest, and other database providers issued statements, available on their

Web pages, urging calm. "Our hope is the contributions of freelance writers and authors will not be deleted from the information pools we aggregate into our online services. We would prefer to see a settlement between publishers and freelancers that will enable freelance work to remain accessible though our databases," wrote Alan Pascual of GaleGroup, for example.

Company, technology, and product news

Bell + Howell sold off its businesses not related to information technology and changed its name to ProQuest (NYSE, symbol PQE) on June 6. ProQuest also inked a partnership that will enable users of ProQuest databases to access e-journals through Swets Blackwell's SwetsNet Navigator offering, and enable users of SNN to access content in ProQuest. Simultaneously, the two companies announced that:

"Swets Blackwell has been appointed to distribute the ProQuest online information system to the corporate market in the USA, Canada, and most countries in Europe, the Middle East and Africa. Swets Blackwell will also have broader non-exclusive distribution rights in the academic library market in most countries in Europe, the Middle East, and Africa." Full information is at http://www.prnewswire.com/cgi-bin/micro_stories.pl?ACCT=114098&TICK=BHW2&STORY=/www/story/10-02-2001/0001583489&EDATE=Oct+2,+2001.

GaleGroup announced, on September 17, an initiative called the 'Digital Archive Program',

aimed at “[allowing] libraries to purchase, rather than lease, electronic archives of such classic Gale content as Contemporary Authors, Dictionary of Literary Biography, the Biography Resource Center and Literature Resource Center.” More information on this new product is available at http://www.galegroup.com/news_bur/pressroom/sep01_digital.htm.

Electronic journals

Library Journal’s ‘Bookbuying Survey 2001’ reported a continuing massive shift from print to electronic purchases by American academic institutions. They cited the University of Texas, Austin, which now spends 20% of its US\$10 million budget on electronic products, and Lansing (MI) Community College, which spends a whopping 50% of its budget in this way, as examples. The report was supposed to have appeared in the September 1 issue of LJ, but I cannot find it on their Web site. I will try to track this down for the next report.

Recent weeks saw considerable controversy over the access requirements set by the *New England Journal of Medicine*. A letter went out to library subscribers stating that beginning October 1, *NEJM* would restrict access to five workstations per institution, with the IP of each workstation registered with *NEJM*. No access through proxy servers would be allowed. *NEJM* cited concerns about lost subscription revenue as the reason for the change.

Librarians reacted negatively, to put it as mildly as possible, to this announcement, pointing out that this policy ended any form of access for distance users, among other things. *NEJM* responded by reinstating single user access through a password and username, as a temporary remedy, provided that the password is not posted on the Web or otherwise distributed. *NEJM* also stated that this policy is likely to be modified as they continue to explore options. The exchanges can be found in the lib-license archives (<http://www.library.yale.edu/~license/index.shtml>).

The *Public Library of Science*, in an open letter dated August 31, reported that 26,000 scientists worldwide had pledged to publish only in journals that meet *PLS*’s guidelines as stated in the document they began circulating last year:

“We pledge that, beginning in September, 2001, we will publish in, edit or review for, and personally subscribe to, only those scholarly and scientific journals that have agreed to grant unrestricted free distribution rights to any and all original research reports that they have published, through *PubMed Central* and similar online public resources, within 6 months of their initial publication date.”

The August 31 letter went on to say that although some publishers had responded positively to *PLS*’s pledge, most had not, and “the resistance this initiative has met from most of the scientific publishers has made it clear that if we really want to change the publication of scientific research, we must do the publishing ourselves. It is now time for us to work together to create the journals we have called for.”

To that end *PLS* is now in the process of raising funds to begin their own journal publishing operation. See <http://www.publiclibraryofscience.org/> for more information.

Association and community news

The Big 12+ Consortium changed its name to The Greater Western Library Alliance on October 1, in order to reflect more accurately its geographic coverage and membership. The URL is still <http://www.big12plus.org/>.

The Frankfurt Book Fair on September 25 announced that it would hold a two-day rights trading event in New York City next April. Managers of the Book Fair stated that the idea was to “reaffirm our commitment to doing business in New York” (in the wake of the terrorist attacks) and to provide a single convenient meeting place for European publishers looking for rights deals with American publishers. See <http://www.frankfurt-bookfair.com/portal-e/news-e/presse-e/uebersicht-e/03137/frames.html> for the Book Fair’s press release.

The announcement brought immediate negative response from Pat Shroeder of AAP, who characterized ‘Frankfurt in New York’ as “cherry-picking [Book-Expo America]”. The full story is covered in *Publisher’s Weekly*, October 1 issue, or at <http://publishersweekly.reviewsnews.com/index.asp?layout=sectionsMain&verticalid=127&>

industry=News, where it is free but users are required to sign up.

Following the September 11 terrorist attacks, The US Congress and the Bush Administration have proposed numerous measures increasing the surveillance authority and generally broadening the power of the FBI and other law enforcement agencies. The measures include secret search warrants and the authority to tap and trace email. These measures are being debated in Congress as of this writing.

The American Library Association has expressed strong concern about these measures in a letter to Congress. The letter is at <http://www.ala.org/washoff/terrorismletter.pdf>.

At this year's annual meeting of the International Federation of Library Associations (IFLA), the Board of Governors approved a position statement vis-a-vis the World Trade Organization (WTO) and the General Agreement on Trade in Services (GATS).

From IFLA's statement:

"The GATS Agreement has the potential to open up all aspects of a national economy to foreign competition including public sector services such as libraries. Corporations can be set up in any Member State and compete against public services. In such instances, the foreign corporation can challenge government support for public sector service and could claim national treatment; i.e. the same level of subsidy received from the government by the public sector agency. Sub-Central governments (state/provincial, regional and municipal governments and their management boards) are included in any agreements, which cover the Member State."

If implemented in this way, GATS would obviously be a huge threat to publicly-funded libraries.

WTO disavows any intention of undermining libraries. From http://www.wto.org/english/tratop_e/serv_e/gats_factfiction8_e.htm:

"The GATS does not require the privatization or deregulation of any service. In respect of water distribution and all other public services, the following policy options, all perfectly legitimate,

are open to all WTO Members:

- To maintain the service as a monopoly, public or private;
- To open the service to competing suppliers, but to restrict access to national companies;
- To open the service to national and foreign suppliers, but to make no GATS commitments on it;
- To make GATS commitments covering the right of foreign companies to supply the service, in addition to national suppliers."

This will bear some watching to see if anyone tries the maneuver feared by IFLA.

Personal note

I was in San Antonio when the terrorists hit on September 11, and, thanks to my rental car company, was able to drive all the way home to Ann Arbor, Michigan, a distance of about 1,600 miles. I had made this drive once before, in 1970, when I was stationed in Texas as the US Army's most inept soldier.

The biggest difference between now and then (other than the horrendous news coming out of the radio 24 hours a day) was the huge urban sprawl that covered the landscape in all directions around the major cities. But Kentucky was still beautiful; Arkansas still heavily wooded, and eastern Texas was still flat. The good people who live outside Austin seem to have developed the ability to grow mobile homes as a cash crop; they cover the ground there like mushrooms after a rainstorm.

I passed many places where I would have liked to have stopped: Nashville, Mammoth Cave, Graceland and others. Not this trip. Like everybody out on the road, I just wanted to be Home.

The weather was clear the whole way. There were no contrails in the clear sky. I passed eight major airports but only once spotted something that in happier times I would not have even noticed, it would have been so routine: a single jet airliner, descending slowly and silently toward its destination in Louisville.