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On the Street - Consortia Reaffirmed

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Group Therapy — Digitizing Music for Web-based Music Class Reserves

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Hey y'all out there! Do you have any gripes? Come to your therapist! Try <rbazirji@mailer.fsu.edu> or FAX 904-644-5170.

Gripe: (Submitted by Susan Zappen, Head of Technical Services, Skidmore College):

Skidmore music faculty are interested in digitizing music for Web-based music class reserves. As I understand fair use, they can use 10% but not more than 30 seconds of a musical work and limit access to their students.

Is there anyone out there who is digitizing complete pieces of music? How are they obtaining permission? Are copyright holders sympathetic to this new educational use of music?

Response: (Submitted by **Georgia Harper,** Manager of the Intellectual Property Section, Office of General Counsel, University of Texas System)

Fair use in any particular context involves weighing and balancing the four fair use factors found in the Fair Use section of the Copyright Law (17 USC 107). Any numbers (portion or time limitations) associated with fair use probably derive from one or another of the various "guidelines" that have been developed by interested parties over the years to help people deal with the inherent ambiguity of the four factor test. What this means is that those numbers are not the law — only a suggestion to users that if they limit their use to those numbers, their risk of being outside the ambiguous borders of fair use is pretty low.

Using the four factor fair use test is not that hard though, and if you need to make a use of another's work that exceeds the bounds of a particular set of guidelines, I would encourage you to give the four factors test a try, rather than automatically assuming that the use is not fair and that you need permission.

If your use is educational and nonprofit, especially in a context where getting permission to do what you want to do is difficult, the use of one entire song from an album, with access limited to students in the class and for the semester for which the music is required, would likely be fair use.

If you plan to use the same music over and over again, it's probably better to ask for permission, even if there is no established permission market for the use you need to make (ex.: creating a reserve collection of the pieces of music that students will need to study for a "History of ..." type of course). If there's no response from the copyright owner, I am fairly comfortable with continuing to use the music under the limitations set out above.

I would also note that as fully digital sound systems find their way into our Music Colleges, the need to digitize particular pieces should decrease as our collections gradually change in character from analog to digital.

I have provided detailed information about the various guidelines and how to use the four factor fair use test at my Web site, **The Copyright Crash Course**, in the document called "Fair Use of Copyrighted Material" at http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm.

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by **Eamon T. Fennessy** (The Copyright Group) <efennessy@worldnet.att.net> and **Kathy Miraglia** (Catholic University)
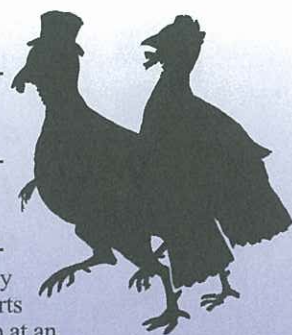
Respondents to our inquiring reporters presented specific experiences with library consortia and reflected myriad aspects of this community-directed activity. The fourteen institutions answering the survey ranged from nearby locations (Brunswick, Maine is "nearby" to Beverly Farms, MA where The Copyright Group is located) to distant ones (Alaska and South Africa), and in every instance but one the participants came from academic institutions. Those who not only commented on our questions but gave us permission to use their names and/or their institutions were:

Adrian Alexander, Big 12 Plus Library Consortium
Freya Anderson
Jill Carraway, Western Florida University
Liz Dopp, Rochester Institute of Technology
Daniel Evans, Lafayette College
John Hempstead, Viterbo College (Wisconsin)
Tom McFarland, Florida Institute of Technology
Penny Schroeder, Bowdoin College
James Tobin, University of Wisconsin-Milwaukee
Jeri Van Goethem, Duke University
Carol van Zijl, Vaal Triangle Technikon (South Africa)

The questions posed in this survey addressed several aspects of joint efforts by libraries to do the best possible job at an economical cost to their institutions.

First question: "Are you a public, academic, research or 'other' library? This was almost unanimous. The Academics won, hands down. Every respondent represented academe except for the single holdout who was the Executive Director of a Consortium (quasi academic?). Talk about getting it straight from the horse's mouth.

Do you participate in a consortium? If I had my wits about me I would have asked each librarian how many consortia he or she has joined. Not only was each answer an affirmative one, but practically every library indicated participation in multiple consortia. Many consortium names will be recognized by our readers but some acronyms are unfamiliar to some of us ... for instance NCCIHE, INCOLSA, SULAN, PALCI, and LVAIC. (Some day we'll have a contest to see how many acronyms our readers can identify.)

Third: What prompts your interest in consortia? Surprised in the answers? One librarian spelled this out very simply in his email answer ... $$$$$$$$$$$. "Cost savings" was the most common response but others cited "shared resources," "networking," "training oppor-

The Bibliotheca Alexandrina: A Progress Report On The Revival Of An Ancient Dream

by **Ron Chepesiuk** (Winthrop University Library) (782 Wofford St., Rock Hill, SC 29730; phone: 803-323-2131) <110423.2656@compuserve.com>

Founded in 295 B.C. by Ptolemy I in the Egyptian city of Alexandria, the Alexandrian Library was one of the wonders of the ancient world, a cultural institution that was more than a repository of books and manuscripts. The famous library also served as the world's first university, with a distinguished faculty of scholars that included such names as Euclid, the mathematician, and Heron, the inventor of the first steam engine.

Now, more than 2,300 years later, the Egyptian government, UNESCO, the United Nation's educational agency, and private groups in several countries, including the U.S., are close to resurrecting the magnificent memory of the ancient library at Alexandria by building another library in the city in its honor: the **Bibliotheca Alexandrina**. The library is expected to open in late 1999.[1]

In May 1997, **Dr. Mohsen Zahran**, Project Manager, wrote a memo to Bibliotheca Alexandrina friends and supporters in which he made this positive report: "I want to bring you up-to date on the many exciting events occurring at the Bibliotheca Alexandrina project, listed herewith. The construction on Phase 2 (superstructure) is proceeding according to the execution time schedule. Several contributions in various formats, in-kind and financial, have been received by the Alexandrina and the activities of collection development and staff training are proceeding ahead. Our total collection of catalogued and indexed books in the Alexandrina has surpasses 140,000 volumes.[2]

Costing between $150 and $180 million, the library, its supporters hope, will achieve four objectives; become one of the world's major public research libraries used by scholars as well as lay persons; serve as a catalyst for peace in the troubled Middle East; fulfill the function of a national library for Egypt, a country that has none; and help boost the economy of Alexandria, a decaying Egyptian coastal city designed by Alexander the Great in 332 B.C.

"It's a library that belongs to the human race," said **Dr. Mohammed Aman**, the former chair of the **Friends of the Bibliotheca Alexandrina U.S.A**. "The Bibliotheca Alexandrina will once again be a central repository for a great historical tradition."[3]

UNESCO officials say the international agency has never been involved with a library project of the Bibliotheca's size and scope. Indeed, the library can be described as one of the great cultural building projects of the twentieth century.

"Only one comparison can be made," says **Wolfgang Lohner**, Director of **UNESCO's General Information Program**. "It was the library project involving the Shah of Iran. The Shah came to UNESCO in the 1970s and asked if we could help him rebuild the library Persepolis. But before the project could get off the ground, revolution erupted and the Shah had to leave Iran. The Bibliotheca Alexandrina is the only international project to involve building a library that once existed but doesn't anymore."[4]

Given the project's size and scope and the involvement of so many parties, it's perhaps understandable that it hasn't all been smooth sailing. The library was scheduled for opening in July of 1995, but more than seven years after **Egyptian President Hosni Mubarak** laid the cornerstone, the project became mired in Egypt's cumbersome bureaucracy and differences between the project's two principal supporters: UNESCO and the Egyptian government.

"UNESCO claims they are the project's owners, but the Egyptians are saying, "Hey wait a minute, we own the project," explained one source. "It became a power struggle in terms of ego, and a lot of people want a big bite out of the project."[5]

President Mubarak launched the project on June 26, 1988, when he laid the library's cornerstone. Two years later, **Amadou Mahtar McBow**, then Director-General of UNESCO, initiated the idea of international aid for the project during his first visit to Egypt. UNESCO organized an international architectural competition under the auspices of the **International Union of Architects. Snohetta**, an Oslo, Norway, architectural and landscap-

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Fourth: Does your consortium intend to provide an archival function for journals? The GALILEO members reported their group does provide "some archiving of titles." Most consortia have not even discussed archiving, two or three reported they "didn't know," and two more said definitely, "No." The consortium Director in this survey reported his consortium "was looking into archiving e-journals" but there was more work to be done in this area.

Fifth: Has subscription agent and/or publisher reaction been positive or negative? Overall this picture is mixed. One answer, which can't be typical, is that subscription agents and publishers "don't know what we are doing." Only two answered this question in a definitely positive manner. Another said agents and publishers were "cautiously positive," others... "more or less positive," two more "mostly positive," and another reported vendors were "indifferent."

Comments from those surveyed, such as **Jeri Van Goethem** of Duke University, reflect continued support for consortia when she said, "we are benefiting by having access to a fairly large array of electronic information and by being able to recycle the dollars which we

tunities within the group," and "improved interlending."

would have to pay for these resources."

When it came to discussing the basis for membership in a particular consortium, **John Hempstead** of Viterbo College put it succinctly when he said, "we actually participate in three consortia: one is for private academic libraries, one is for the seven-county area in Wisconsin, the third includes the entire state. The first consortium is by type of library, the other two are geography-based."

Carol van Zijl of South Africa reported her consortium is only a year old and is "still getting off the ground but is already quite active in the interlending field. Efforts have also been made to get special consortial rates for subscriptions to especially **ABI/Inform** but the vendors don't seem to be falling over themselves to be helpful."

What can we learn from this? 1. The concept of consortial arrangements is working! 2. The more active the consortium (requesting vendor cooperation), the more cooperation from subscription agents and publishers. 3. Shared resources among members can be helpful and economical. 4. Like the Internet and email, this can be a global development for the library community.(For many it is already an international activity.) 5. Libraries are looking to provide a strong unified front through membership in consortia and are striving to have participation result in increased savings for their institutions. 🌱

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