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International Dateline -- German Copyright Developments Worry Publishers

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PENNY-PINCHING AND THE ART OF MAGAZINE MAINTENANCE

by Bruce Strauch (The Citadel)

Cathleen Black, President of Hearst Corp's magazine division had no hesitation in pulling the plug on the money-bleeding *Talk*. In flush times, Condé Nast would lend millions to its editors to buy expensive real estate and squander hundreds of thousands on an individual cover photo. Penny-pinching at Hearst has made it the industry's "financial powerhouse." Black fines staffers for talking in defeatist clichés and wraps her editors in no-compete contracts that prevent predator raiding. *Marie Claire*, *Redbook* and *Town & Country* reported their best years ever. Even the floundering *Esquire* is showing a heartbeat.

See — "In Tough Market, Hearst Magazines Manage to Thrive" by Matthew Rose in *The Wall Street Journal*, April 24, 2003, p. 1A.

MUSIC MOGULS CHOKE ON OWN BILE

by Bruce Strauch (The Citadel)

The music industry may be about to join the boneyard of companies that refused to adapt to technology. Apple Computer unveiled its online music store, and a federal judge refused to shut down music-swappers Grokster and Morpheus. The industry is devoting 90% of its energy to suing college kids while refusing to consider a new music model that gives the customers what they want. It just won't accept that the days of the \$14 CD are over.

See — "What Listeners Want" by the editorial staff of *The Wall Street Journal*, April 29, 2003, p. A16.

AND ...

by Bruce Strauch (The Citadel)

The managing partner of the media and entertainment practice at McKinsey & Company further blasts the music titans. Suing your customers is a "dubious approach" to winning their hearts and wallets. And the music industry has sold an outlaw mystique for so long, its "Do not steal" campaign seems like a big horse laugh.

And why are they in such a lather? Each new format — from phonograph to Walkman to VCR to DVD — has ended up enriching the content creators.

See — "Musical Bandits" by Michael Wolf in *The Wall Street Journal*, May 1, 2003, p. A18.

THE HELL OF WORK CUBICLES

by Bruce Strauch (The Citadel)

Anyone who actually works could tell you that open office plans wreck productivity. But at last there's an egghead study out of Dartmouth's Tuck School of Business that officially verifies it. The workplace ear filters out biz talk but is wide open to banter, bellyaching, badinage and backstabbing. Our brains scan for key words like "sex." And nothing useful gets done.

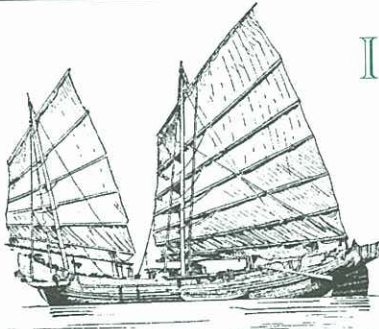
See — "Sex, Bad Marriages, Diseases — File Under Too Much Information" by Jared Sandberg in *The Wall Street Journal*, April 30, 2003, p. B1.

SELF IMPORTANT LEAST IMPORTANT

by Pamela M. Rose (University at Buffalo)

Does self-citation puff up citation counts? While it may be on the rise, with chemists and astrophysicists showing the highest rate of self-referral, a Norwegian study reveals that papers with the highest self-citation rates are typically least-cited. One cognitive scientist suggests the practice may decline once all journals are online where self-citation can be easily detected.

See — "Citing Self" in Random Samples section edited by Constance Holden in *Science*, Apr. 4, 2003, p.47.



International Dateline — German Copyright Developments Worry Publishers

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Column Editor's Note: In this column, once again out of Europe rather than Africa or even Australasia or Asia, I want to look at one legal development, one publishing proposition and the re-alignment of one formidable force in the library world. I think that all these news items are of interest to *ATG* readers, wherever they may be, but my perceptions must be influenced by my own position as a publisher. It is where I am coming from. I shall also try very hard to separate perception (comment) from fact, insofar as one can establish what the facts are. — *AW*

German Copyright Developments Worry Publishers

Those of us on this side of the pond do not always find the *Chronicle of Higher Education* very sensitive to developments in Europe and it

is interesting that no university libraries in the U.K. had ongoing holdings of the journal last time I looked. However on April 14th there was a fairly sensible article by one **Burton Bollag** (at <http://chronicle.com/free/2003/04/20030411407m.htm>) entitled *New German Copyright Law Pleases Scholars and Angers Academic Publishers*. There is probably some doubt about the claims explicit in the title as far as the reaction of scholars in general is concerned, but **Mr. Bollag** is certainly right that publishers are upset. The German legal scene does upset publishers. They were upset over developments in German contract law not long ago (when it seemed that authors would have a right to renegotiate contracts). They were also upset by the activities of the State sponsored document delivery service **SUBITO** (<http://www.subito-doc.com/>) that is still very much under scrutiny by U.S. pub-

lishers—and if you look at their site you can see why.

I have seen a translation of paragraph 52a of the new copyright act, which, under the heading of *Communication to the Public for Tuition and Research*, provides for free communication of:

(P)ublished parts of works, of works of small size, as well as individual contributions from newspapers and journals, solely for a distinct circle of persons for their own scientific research; to the extent that communication to the public is necessary for the purpose and justified for the non-commercial ends concerned.

To the lay eye there do seem to be restrictions to the exercise of this right. For those in European publishing circles, keen on preserving the balance that may or may not be inherent

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in the **European Union Copyright Directive** (see <http://www.alpssp.org.uk/EUDir:rtf>), alarm bells are ringing, because Germany is the first big country to implement the Directive. The U.K. Patent office, charged with drawing up the British implementation, is *still* hesitating to produce a final draft at the time I write this. It is possible that the German example could well impact on the U.K. and, because we share a very similar legal system, eventually the U.S. understanding of what fair use means in the digital environment.

Small U.K. Non-profits Get Together to Form an Offering to Library Consortia

Many readers of *ATG* will be familiar with the **Association of Learned and Professional Society Publishers** (<http://www.alpssp.org.uk>) and its indefatigable secretary-general **Sally Morris**. Unlike the **Society for Scholarly Publishing (SSP)** the **ALPSP** is a membership organisation representing non-profits, or as we prefer it across the pond, not-for-profits. **Mrs. Morris** has managed to get together a grouping of those of her members who are too small to manage their own Big Deal to form the **ALPSP** learned journals collection. This is not a rescue bid as to a large extent **BioOne** could be said to have been. There is no **Allen Press** as a white knight. Even **SPARC** has yet to appear on the scene. **Swets Blackwell** is the marketing agent and it has offered discounts to enable hosting on its subsidiary, **Extenza**, to those not yet online. I cannot see this as necessary to many of the publishers likely to come in on the deal.

We do not know yet who these publishers are and how many and which journals will be in the Collection—or rather collections as there will be subdivisions by subject area. However 20 publishers have jointly offered 100 journals and it is the view of **Mrs. Morris** that seriously more journals may be made available when those who hesitated see that the show is on the road. The pricing model is print based, which will not please everyone, but it must have been very difficult to get any sort of agreement on the nature of the deal and what participants would get out of it.

An informed commentator, the consultant **Chris Beckett** now trading under the name of **Scholarly Information Strategies Ltd.**, greets the announcement in the **UKSG Serials eNews**:

If the thousands of small publishers that publish some of the most important journals are to survive as independent entities, then they not only need to be online, they need a route to market. This recent announcement will be welcome news for [ALPSP] members and the wider library community.

The analysis in full is available at http://www.biblio-tech.com/UKSG?SI_PD.cfm?AC=4680&PID=10&ZID=699. For a recent update on the progress of **BioOne** see the article by **Heather Dalterio Joseph**, its director, in the April 2003 issue of *Learned Publishing* (<http://www.learned-publishing.org>).


The amount of support for the older initiative is formidable. Will **ALPSP** get the same level of take-up?

The British Library is Developing a New Image

Actually the **British Library (BL)** is changing and has changed, but it is becoming good at projecting this. At the April annual conference of the **United Kingdom Serials Group (UKSG)**, both **Lynne Brindley**, the CEO, and **Natalie Ceaney**, who is not called the COO but might be, gave major presentations. For the Powerpoints see <http://www.uksg.org.uk/events/previous.asp>. **UKSG** is the British equivalent of and indeed the progenitor of **NASIG** and this was the **BL** in scholarly communication mode. The remit of the **BL**, as the national library, is much wider (see <http://www.bl.uk/about/annual/latest.html>) and in the past the **BL** has distanced itself from the rest of the U.K. library sector including the academic libraries. This distancing has been reinforced, both by the fact that the **BL** is funded, not out of national education provision but by the **Department of Culture Media and Sport (DCMS)**, but also because the hierarchy at the **BL** were almost (to a man) resolutely non-librarians. **Lynne Brindley** has a distinguished academic library career, and she is also something of a poacher turned gamekeeper. In the 1990s, she ran the **JISC eLib** project, the documentation for which seems to have vanished from <http://www.jisc.ac.uk>, during which the government poured large sums of money into experiments some of which involved alternatives to the **BL**, for example in the central area of document delivery, where the **BL** is the biggest international player. In parenthesis, the **BL**, as **Ms. Ceaney** explained, spends more collection building than any other library in the world.

Ms. Brindley has, since her appointment, conducted a root and branch evaluation of all

areas of **BL** activity, which is now bearing fruit in some serious new policies. In particular there is a very strong digital strategy based on cooperation. This cooperation includes cooperation with the publishing community, where relations between the **BL** and the **U.K. Publishers Association** have been very good over, in particular, the extension of the legal deposit system into the digital world. Currently the big news is the role, apparently chosen for the **BL**, of a new leadership in projected “U.K. wide strategic framework and coordinated delivery mechanisms for research information provision.” This is set out in the report of the so-called **Research Support Libraries Group**, to my mind a somewhat flawed document, which is available at <http://www.rslg.ac.uk>.

Lynne Brindley's presentation, in a series of keynotes which also included presentations by **Jay Jordan (OCLC)** and **David Seaman (Digital Library Foundation)**, was magisterial but it was also concrete and covered digital acquisition, including Web harvesting plans, digital article provision, digital preservation and archiving and digital infrastructure development. The **BL** works closely with **Elsevier** (and others) over document delivery and are trying out protected PDF among other options. It was, however, of course hybrid. As the holder of one of the great collections of books and manuscripts from the past, the **BL** could not be anything else. There were some provocative suggestions (see the “slide” on strawmen) that for the future publisher pricing will be based on fixed price rather than usage, that commercial publishers will absorb more of scholarly publishing, and that large publishing consortia will dominate the scene. Finally, she spoke about standards, particularly metadata to achieve interoperability—all good buzz words. The most interesting thing is that a lot of what is proposed is actually likely to happen—given funding. 

Innovations Affecting Us

XHTML Facilitates the Transition from HTML to XML

by **Norman Desmarais** (Acquisitions Librarian, Phillips Memorial Library, Providence College, Providence, RI 02918; Phone: 401-865-2241; Fax: 401-865-2823) <normd@postoffice.providence.edu>

We discussed the eXtensible Markup Language and its benefits in the April, 1999 issue (pp. 86-89, 93). We focused on its applications for e-commerce and its relationship with UN/EDIFACT; but its possible applications are much broader because it is designed to be both human-readable and computer-readable.

XML is a subset of the Standard Generalized Markup Language (SGML) (ISO 8879:1986 as amended and corrected). Initially conceived for use on the World Wide Web, XML can be used for any type of electronic publication. While SGML is a text processing standard that describes how a document should be laid out and

structured, XML is a dialect of SGML that describes the information content of a document.

SGML really didn't catch on very well because it is too complicated and requires a steep learning curve that corresponds to high costs. People were also reluctant to incur the expenses of hiring a consultant to implement and manage SGML. Instead, they focused on using the HyperText Markup Language (HTML) which, in its pure form, is an application of SGML with a Document Type Definition (DTD). HTML, as originally conceived, was to be a language for the exchange of scientific and other technical documents, suitable for use by non-docu-

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