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The Long Arm of The Law

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library (“make better use of funds already available”). Coalition members would have responsibilities and receive “perks” (eg. extra metadata), to reduce “free riders”. Pinter acknowledged that her proposal involves a conceptual mind shift and principles of merit. The audience joined the discussion, with questions and suggestions about - subscriptions and ads, crowd funding, PDA (patron drive acquisition), POD (print on demand), and having feet in old and new camps...

THE LONG ARM OF THE LAW

Speakers: *Ann Okerson* - Associate University Librarian for Collections and International Programs, Yale University; *William Hannay* - Partner, Schiff Hardin LLP; *Lauren K. Schoenthaler* - Senior University Counsel, Stanford University

Reported by: *Angela Rathmel* (aroads@ku.edu) - University of Kansas

After introductory remarks by Okerson, Hannay presented a most lively and humorous briefing of two cases: Author’s Guild v. Google and SkyRiver v. OCLC. In Google, Hannay laid out each stakeholders take, a timeline of events, and where things ultimately stand -- in the hand of Judge Chin to rule on the fairness issue. Hannay’s musical prediction: “It’s the boogie woogie Google boy of company G.”

Hannay then clarified the OCLC issue is really two cases in one, with challenges from both SkyRiver and Innovative Interfaces. SkyRiver argues OCLC’s monopoly on bibliographic data, as well as the service and market to ILL. Innovative claims OCLC monopolizes integrated library systems and ILL. OCLC moved to dismiss, citing no complaint of antitrust, but the Sherman Act is tricky and not easy to get out of. Hannay’s musical prediction (a la Breakfast at Tiffany’s): “SkyRiver...cheaper by a mile...”

Schoenthaler gave a lightning quick and equally engaging overview of Georgia State litigation and the Omega Watch case. The Georgia State case, out of which came the “fair-use checklist”, runs through the intricately complex realm of copyright. New academic exemptions may ultimately be needed. In the meantime: rely on fair use, but don’t assume without analysis, and link to content lawfully hosted on the internet.

The Omega Watch case -- important for libraries to keep an eye on, even though it’s about watches – has implications for libraries’ ability to lend titles purchased outside the US.