Open Access Builds Momentum

by Peter Suber, Research Professor of Philosophy, Earlham College; Open Access Project Director, Public Knowledge; and Senior Researcher, SPARC

Momentum for open access (OA) built tremendously in 2003. Keeping up with it has left me little time to take stock and gain perspective, but even this early in the new year I can offer the following observations.

2003 was the year that research funders realized that if research is important enough to fund, then it’s important enough to share. Open access isn’t just an abstract public good; it’s a concrete way to make literature more useful and thereby to increase the return on investment that funders make in research.

In the Bethesda Statement on Open Access Publishing, major private funders of biomedical research committed to open access.1 The Howard Hughes Medical Institute (HHMI), which hosted the Bethesda meeting, announced its support of open access and new policies that provide authors with grant funds to pay publication charges. HHMI will reimburse investigators up to $3,000 in FY2004 for the costs of open access publishing.

The Wellcome Trust, a U.K.-based independent research-funding charity that aims to improve human and animal health, participated in the Bethesda meeting and issued its own separate public endorsement of OA soon after; the Trust will allow researchers to use contingency funds from research grants for open access publishing costs.2

In the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, major public funders from Germany and France committed to open access, along with some of the most important public funders from Greece, Hungary, Italy, and Norway.3

We saw independent support for open access by public research funders in Australia, Canada, Holland, India, and the U.K. The United States is conspicuously late for this party. The Sabo bill, introduced in 2003, shows some legislative interest in the U.S., but not yet enough for a national commitment and not yet sufficiently precise to promote OA without needlessly alienating other stakeholders and their friends in Congress.

2003 was also the year that the Public Library of Science became a publisher. It made a huge splash with the launch of PLoS Biology. The combination of exemplary research and exemplary PR made the launch an event to which science organizations of all kinds had to respond.

2003 was the year that objections to OA shifted from ignorant (OA bypasses peer review, OA violates copyright) to skeptical, from belligerent to curious, from dismissive to constructive. Scientists, journals, and organizations not yet committed to OA now make it clear that they appreciate and even desire the benefits of OA. But they ask whether the business model for OA journals is sustainable and whether it leaves anyone out. These are good questions, and fortunately the answers are amenable to empirical investigation. In that sense, the debate has finally shifted from ideology to science. Many independent researchers are gathering evidence, with the help of cooperative journals willing to share their business data. Many skeptics are on record as willing to examine the evidence. Even society publishers are joining the investigation, thanks in part to a public statement by the Association of Learned and Professional Society Publishers urging societies to
experiment, not merely to await the experiments of others.⁴

This empirical turn in the debate about open access is a very positive development. It’s exactly how important change ought to take place in science and scholarship. The only downside is that the growing interest in studying the track record of OA resources focuses one-sidedly on OA journals and overlooks or deemphasizes OA archives. Let’s hope that this is because the economic sustainability of OA archives is less open to doubt, and therefore less in need of investigation. It would be ironic and regrettable if this inexpensive, useful, and sustainable avenue to OA were neglected by users simply because it was neglected by skeptical investigators.

2003 was the year that the Lund University Libraries’ Directory of Open Access Journals was launched,⁵ an event that will appear more and more important as time goes on. Not only does it give us a quick and increasingly accurate measure of the number of peer-reviewed OA journals, but it helps scholars find OA journals in their fields. Authors who support OA need this information in order to know where to submit their work. Readers need this information to know what to monitor, where monitoring is easy. The Directory of Open Access Journals is providing a host of useful auxiliary services, including metadata records for library catalogs and (coming soon) full-text searching of participating journals. We need an equally comprehensive, up-to-date, and useful directory of open-access, OAI-compliant archives.

Two of the year’s major open-access developments occurred in December. On December 10, the U.K. House of Commons Science and Technology Committee launched an inquiry into the prices and accessibility of scientific journals, including the question whether the government should support open-access journals. Committee Chairman Ian Gibson told The Scientist, “If research is funded by public money, then it should be available to the public for free.”⁶

On December 10-12, The U.N. World Summit on the Information Society (WSIS)⁷ met in Geneva and approved a Declaration of Principles and Plan of Action that contained explicit endorsements of open access to scientific information.

From the Declaration of Principles:
- We strive to promote universal access with equal opportunities for all to scientific knowledge and the creation and dissemination of scientific and technical information, including open access initiatives for scientific publishing.⁸

From the Plan of Action:
- Encourage initiatives to facilitate access, including free and affordable access to open access journals and books, and open archives for scientific information.⁹
- Promote electronic publishing, differential pricing and open access initiatives to make scientific information affordable and accessible in all countries on an equitable basis.¹⁰

The effort to write meaningful endorsements of open access into the final WSIS documents was led by the Scientific Information Working Group, which was in turn led by the indefatigable Francis Muguet of l’École Nationale Supérieure de Techniques Avancées in Paris, France.

(Disclosure: I am on the steering committee for this working group.)¹¹

For press coverage of the WSIS endorsement of open access, see the “New Bibliography” section of the SPARC Open Access Newsletter, no. 69.¹² Most of the news coverage on WSIS ignored the open access issue, and focused on bigger issues such as freedom of speech and the digital divide. David Dickson of SciDev.Net was an exception, filing a series of helpful reports on the discussion and evolving language of the open-access endorsement.

And finally, 2003 was also the year that exorbitant price increases and oppressive bundling requirements, especially at Elsevier, pushed major research libraries beyond anger to cancellation.¹³ Yes, they are captive markets; yes, faculty demand for journals makes cancellation normally unthinkable; yes, they have swallowed intolerable price increases in the past. But it was clear that this couldn’t last, and the dam finally broke. Three important financial analysts concluded that the commercial journal business model is not sustainable.¹⁴ This was proved in practice at schools as diverse as Cornell and North Carolina State, which cancelled hundreds of Elsevier titles with strong faculty support. When the U.K. House of Commons Science and Technology committee announced an investigation of journal prices and accessibility, most observers immediately concluded that this would harm Elsevier. These developments are only indirectly
OPEN ACCESS IN THE NEWS

The December 15, 2003, issue of The Scientist lists the top five science stories of 2003. Open access was one of them:

The Public Library of Science published the inaugural issue of PLoS Biology in October, and BioMed Central, an open-access publisher and a partner of The Scientist, received official U.K. funding support in June.

The December 18, 2003, issue of Nature highlights five major science stories from 2003, including the rise of open access:

Will the scientific literature in future be dominated by journals that do not charge their readers? That is the goal of the “open-access” movement, which argues that the costs of publishing should be borne up front by those who fund research, rather than those who want to read about it. Open-access journals, which charge publication fees, have been proliferating over the past few years. October saw the launch of the most prominent, Public Library of Science Biology, which is competing for top biology papers with Nature, Science, and Cell.

The December 19, 2003, issue of Science Magazine lists seven “breakthroughs of the year” and “areas to watch in 2004.” Open access is one of them:

Open sesame. Will 2004 be the year scientists open their hearts—and their wallets—to open-access scientific journals? A slew of publishers will launch experiments in which authors will pay publication charges and journals will make their papers freely accessible over the Internet. Advocates say that the author-pays approach will speed the flow of scientific information, but critics predict that the business model will be a flop, particularly outside the relatively flush biomedical sciences.

In the December 30, 2003, issue, the Wall Street Journal included open access among the top 10 health stories of 2003:

Why should Americans pay to see the results of research underwritten by their tax dollars, open-access proponents argue? Their aim instead is to make that information available free to everyone on the Internet. And in doing so, they threaten established journal publishers. Critical to making open access succeed is instilling it with the same kind of quality peer review found in hard-copy journals.

URLs for these articles are available in the Web version of this article <http://www.arl.org/news/lt/232/openaccess.html>.

relevant to open access, since OA progress depends on OA initiatives, not Elsevier setbacks. But as prices get worse and cancellations grow, the interest in OA as a solution also grows.

For more information about open access milestones, see the author’s “Timeline of the Open Access Movement” <http://www.earlham.edu/~peters/fos/timeline.htm>. This essay was adapted by the editors with the author’s permission from his opening article in the SPARC Open Access Newsletter, no. 69; see <http://www.earlham.edu/~peters/fos/newsletter/01-02-04.htm>. To subscribe, see <http://www.arl.org/sparc/soa/).

1 The Bethesda Statement is available on the Web <http://www.earlham.edu/~peters/fos/bethesda.htm>.
5 <http://www.doaj.org/>
6 See the U.K. House of Commons Science and Technology Committee’s press release on its inquiry <http://www.parliament.uk/parliamentary_committees/science_and_technology_committee/scitech11203a.cfm>. For press coverage of the inquiry, see the “New Bibliography” section of the SPARC Open Access Newsletter, no. 69 <http://www.earlham.edu/~peters/fos/newsletter/01-02-04.htm#bibliography>.
7 For more information on the WSIS, see their Web site <http://www.itu.int/wsis/> and past coverage of WSIS in the SPARC Open Access Newsletter and the Open Access News blog <http://search.atomz.com/search/?sp-a=sp10021077&sp-i=ISO-8859-1&sp-q=wsis>.
10 Ibid., paragraph C7.22.b.
11 For more information on the working group, see <http://www.wsis-si.org/si-frame.html>. For some background on why open access may be mentioned in the final documents less prominently than hoped, and less prominently than it was in earlier drafts, see Francis Muguer’s “Activity Report” of October 24, 2003, <http://www.wsis-si.org/si-prepcom3-report.html>.
12 <http://www.earlham.edu/~peters/fos/newsletter/01-02-04.htm#bibliography>
NEW USES FOR THE WORLD’S OLDEST BOOKS: DEMOCRATIZING ACCESS TO HISTORIC CORPORA
by Mark Sandler, Collection Development Officer, University of Michigan Library

The widespread, electronic dissemination of hundreds of thousands of rare books, and their easy availability for undergraduate students, represents a revolution of sorts in higher education. No longer is access to our cultural heritage restricted to a fraction of the population in close proximity to the British Library, Oxford University, or the Folger Shakespeare Library. Nor is this access limited to the even smaller percentage of the undergraduate population willing to explore our cultural treasures on microfilm. The advent of ProQuest’s Early English Books Online (EEBO) collection in 1999, and the subsequent digital conversion of Evans Early American Imprints and the Eighteenth Century Collection Online (ECCO), has made an unprecedented library of Anglo-American antiquarian material available to students everywhere, and in a form they are willing to use. The result is a significant pedagogical opportunity for instructors of English, history, philosophy, political science, religion, art, history of science, and numerous other curriculum areas.

The way these collections are being developed is also a revolution of sorts, because of the underlying collaboration between the commercial publishing sector and the research library community. For its part, the commercial sector has developed cost-effective methods of image capture and has used those methods to digitize hundreds of thousands of historically significant works—whole libraries of material. The widespread marketing of these digital corpora represents a democratizing force in education to the extent that they transcend geographic and socioeconomic barriers to accessing specialized cultural treasures. For humanists, these collections represent an intellectual analog to the role played by the cost-effective Model T in unleashing a culture of ubiquitous automotive transportation.

The contribution of the research library community has been to further extend the accessibility of these materials by making them word-searchable and, in so doing, producing modern script editions of these texts that students can easily read and manipulate. Working in cooperation with commercial publishers, the Text Creation Partnership (TCP), established at the University of Michigan and supported by over 100 libraries worldwide, is creating tens of thousands of full-text editions for works in the historic corpus collections. The result is that the study of these collections is no longer the exclusive province of a small cadre of collectors, bibliophiles, and advanced scholars, but has now moved into the comfort zone of the average undergraduate student. As stated by a faculty member at the University of Michigan, “[M]y undergraduate students are using these electronic resources to do papers at the level of doctoral students.”

The Text Creation Partnership, developed in conjunction with ProQuest’s Early English Books collection—and extended in relationship to the Gale and Readex corpora—is a multifaceted partnership between and among producers and consumers: a partnership between commercial publishers and the library community, between text production shops at the Universities of Michigan and Oxford, and among the libraries contributing financial support to the project in exchange for robust rights of ownership of the text file. Because of the underlying TCP business plan described below, participating libraries are also positioned to form partnerships with campus and community users seeking to access these materials and incorporate them into new and enhanced modes of scholarship. As described more fully below, the Text Creation Partnership is a successful demonstration project for the power of collaboration among libraries—and between libraries and publishers—in building and sharing digital resources.

The TCP Business Model
When ProQuest brought Early English Books Online to market in 1999, it was expected that use would parallel that of the Short Title Catalog microfilm collections. Searchable records would provide basic access to over 100,000 texts, which could then be read or browsed page by page. Librarians and ProQuest product editors understood that making the texts word-searchable would be a tremendous advance for scholarship, but machine methods of text capture (optical character recognition [OCR]) would not provide satisfactory
results for early printed materials, and the costs of
keyboarding would make the project unaffordable to all
but a handful of libraries.

To address the desire for searchable text, staff at the
University of Michigan proposed a business plan to
ProQuest that would leave it to the library community
to raise the needed revenue for a large-scale
keyboarding initiative, with ProQuest contributing
twenty percent matching funds. The critical underlying
principle in this proposed partnership was that the
contributing libraries would own the text file being
created, with full rights to local-load and management,
including reuse by scholars and distribution of the texts
beyond their primary clientele of authenticated
campus users. To encourage participation in the text
partnership, a period of embargo (five years after
completion of production) on text dissemination was
prescribed by a project governing board. Beyond
that period, the text file can be shared as if it were a
locally created resource, made available to the public
by any partner institution that co-owns the file. The

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of searchability, browsability, and readability.
Individually, these agreements add important
functionality to each of these corpus collections.
Collectively, they give academic institutions the
opportunity to create a single, cross-searchable collection
of historically significant texts that transcends branding
and isolation of one or another of the source publishers.

The TCP Business Reality
The Text Creation Partnership has enjoyed strong
support from the library community, with the EEBO
project now financially supported by over 100 libraries
internationally, including 61 ARL libraries as of this
writing. The Evans and ECCO TCP initiatives are far
newer, but each has over 25 libraries—mostly from
the ranks of ARL members—providing
financial support for keyboarding. EEBO-TCP
alone has attracted
revenues and
commitments in excess of
$5 million, and is budgeted
to continue its work
through 2007, with the
strong likelihood that
additional library
commitments will extend
the project through 2009. The nascent initiatives for
Evans and ECCO have attracted over $1 million in
library support, and are beginning to produce texts to
the standards established for EEBO-TCP.

The original conception for EEBO-TCP called for the
conversion of 25,000 titles from the EEBO corpus, at a
projected cost of $9 million. At the present time, 5,000
texts are online, with approximately 500 texts added
bimonthly. Given the complexity of the work—
keyboarding from facsimile images of 15th- and 16th-
century printed works—the quality and quantity of the
throughput is remarkable. Unlike literary projects based
on modern editions, the EEBO-TCP corpus is built from
works with unpredictable text structures, difficult to
decipher fonts, and non-standardized spellings, faithfully
captured from the original. Project keyboarding
vendors have characterized this as the “most ambitious
and most challenging conversion project ever
attempted.” While keyboarding and encoding are
contracted to commercial vendors, quality assurance
review is carried out by a team of eight expert editors at
the Universities of Michigan and Oxford. The established
standard for character accuracy of 99.995 correct capture
(1 error per 5 pages) is now regularly met and exceeded
by the keyboarding firms, and SGML/XML encoding is
generally correct on receipt, or revised by the reviewers.
What’s Been Accomplished?
The TCP initiatives have demonstrated that libraries can cooperate to produce significant bodies of converted text—and bodies of significant text—done to standards set by the community, and applied across different collections, from different publishers, to create a cross-searchable metadata. In this case, a user will be able to carry out a text search in the EEBO, Evans, or ECCO corpus. A TCP partner library, however, supporting all of these projects—and there are many at this point—can offer its users the opportunity to carry out simultaneous searches across all three corpora.

Second, we have demonstrated that a high-quality conversion effort can be carried out in a cost-effective way. An ARL library pays $50,000 to support the EEBO-TCP (less for smaller libraries). With funding now available to convert 15,000 texts, each partner is paying just over $3 per title for digital versions of historically significant works they will own outright and in perpetuity. If the project reaches its projected goal of 150 partners funding the conversion of 25,000 texts, the per-title cost for a library would be $2.

Third, we have demonstrated that libraries and commercial publishers can and should work together to convert our legacy collections. Each brings different skill sets to such projects, and can complement the strengths of the other to the benefit of users. The vendors cooperating with the TCP initiatives report that their participation is a smart business decision, giving them non-exclusive rights to a resource that complements a proprietary resource at a fraction of the actual cost of production. They are also mindful of the public relations benefit of partnering with their customers to support a goal perceived to be a benefit to the library community.

Fourth, we have claimed sufficient rights in these text files to allow our campus scholars to incorporate them fully in their work—to use the text files as the basis for new critical editions, representing them in print or scholarly Web sites, and sharing them freely with students and colleagues as the basis for new scholarship.

Fifth, we have protected the rights of readers beyond our campuses to access culturally significant legacy collections. Librarians should be mindful that public domain materials need not be withdrawn from the public commons because of publisher restrictions on digitally reformatted versions—especially as we envision a time when digital access will be the primary means of accessing our publishing legacy.¹

And finally, we have shown that our students can get excited about the opportunity to make new discoveries in some of the world’s oldest printed books. There is something very inspiring about the thought of unleashing legions of fresh minds to make what they will of these collections. And, in fact, faculty members from across the country, though maybe not so fresh of mind, share in the excitement of searching the full-text of these thousands of works. Several have called the TCP corpus “transformative.” One said that the thought of searching all these texts made her “weak-kneed,” while another said it made him want to “weep with joy.” For both novice and experienced scholars, the opportunity to access and search tens of thousands of early texts provides the opportunity to explore new intellectual territory and reach new heights of scholarship.

Undergraduate Essay Contest Winners Based on Use of Early English Books Online

Stephanie Batkie (Northwestern University), “To Take an Active Role: Reading in Spenser’s Faerie Queene.”

Susan Cavitch (Middle Tennessee State University), “Ben Jonson and John Donne: Exploring Two Different Approaches to Patronage through Praise Poems to Lucy, Countess of Bedford.”


Brian Platzer (Columbia University), “Colonial Environmentalism: Harriot and Raleigh’s Manipulation of the New World Landscape.”

Emily Raike (University of Pittsburgh), “The Aesthetics of Horror in Elizabethan and Jacobean Theater: Scaring the Renaissance Audience.”

Jaclyn Riches (Rutgers University), “Women with Child: Seventeenth-Century Advice Manuals on How to Have a Healthy Pregnancy.”

For further information about the Text Creation Partnership, see <http://www.lib.umich.edu/tcp/>.

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¹ For more about the need to be proactive in recognizing public domain access to out-of-copyright materials, see the author’s editorial, “The Public Domain: To Be or Not to Be,” Charleston Advisor 5, no. 1 (July 2003), <http://www.charlestonco.com/features.cfm?id=135&type=ed>.
ELECTRONIC RESERVES AND FAIR USE

With recent changes to the U.S. Copyright Law, including the passage of the TEACH Act, there is renewed interest in identifying library best practices in applying fair use to electronic reserves operations. In the late 1990s, electronic reserves were a primary focus of the Conference on Fair Use (CONFU). Libraries and higher education associations rejected the draft CONFU electronic reserves guidelines because they were highly prescriptive and did not provide the necessary flexibility inherent in fair use. Instead of guidelines, the library community has developed a statement to serve as a framework within which libraries may assess risk in terms of applying the four fair use factors to electronic reserves operations.

“Applying Fair Use in the Development of Electronic Reserves Systems” seeks to articulate how institutions are currently applying fair use to copyrighted materials included in electronic reserves systems. In addition, the statement provides information on design and operation of systems that are both compliant with Copyright Law and take full advantage of fair use and library exemptions that are central elements of the law. The statement addresses only how U.S. Copyright Law applies to electronic reserve operations in academic institutions. The application of U.S. Copyright Law to the use of copyrighted materials in course- or learning-management systems is out of scope of this statement.

ARL thanks Georgia Harper, Manager, Intellectual Property Section, University of Texas System Office of General Counsel, and Peggy Hoon, Scholarly Communication Librarian, North Carolina State University, for their assistance in the drafting of and commenting on this document. The statement was reviewed and endorsed by the ARL Intellectual Property and Copyright Committee, chaired by Paula Kaufman (Illinois at Urbana-Champaign), and also endorsed by the American Library Association, the Association of American Law Libraries, the Association of College and Research Libraries, the Medical Library Association, and the Special Libraries Association.

APPLYING FAIR USE IN THE DEVELOPMENT OF ELECTRONIC RESERVES SYSTEMS

For decades libraries have provided access to materials selected by faculty that are required or recommended course readings in a designated area of the library, with materials available to students for a short loan period and perhaps with additional restrictions to ensure that all students have access to the material. Libraries have based these reserve reading room operations on the fair use provisions of the Copyright Law (Section 107).

Within the past decade many libraries have introduced electronic reserves (e-reserves) systems that permit material to be stored in electronic form rather than storing photocopies in filing cabinets. Depending on the particular electronic reserves system, student access may occur in the library or remotely. Students who wish to have a copy of the reading can print it from the e-reserves systems rather than having to take the original volume to a photocopyst machine.

The number of electronic resources licensed by libraries has increased significantly over the past decade. The licenses to these resources often include the right to use them in e-reserves systems. In such cases, no permission is required and a fair use analysis is unnecessary.

To ensure, however, that electronic content is effectively incorporated into e-reserve systems, there must be cooperation among library staff acquiring the digital resources and those managing e-reserves operations. They must work together to be certain that the license agreements do not preclude rights to make materials available through e-reserves systems, and that no one pays additional permission fees for uses already covered by a license.

As a result of the increase in licensed electronic resources, the percentage of print materials requested and digitized for e-reserves is diminishing. E-reserves practices for these materials vary widely and are influenced by institutional organizational structures, the information and technology infrastructure, manpower, demand, and the Copyright Law. The factors described below demonstrate a range of considerations when implementing fair use for e-reserves. They also distinguish the approach librarians are entitled to take when determining whether a use is fair from the approach librarians must take when determining whether a use falls within another statutory exemption. For example, Sections 108 (the library reproduction exemption) and 110 (exemption for public displays and performances including the TEACH Act) mandate a “checklist” approach: if a proposed use fails to comply with any condition, prohibition, or exclusion, the exemption does not apply.

Section 107’s four-factor fair use test takes a fundamentally different approach: it simply directs that libraries assess overall whether a use is fair by considering the character of the use, the nature of the work to be used, the amount used in proportion to the whole and the impact on the market for the work. There is no fair use checklist, and there is no need to import from other sections of the law the detailed checklists of conditions, prohibitions, and exclusions.
that characterize their approach. Librarians balance their own interests with the copyright owners’ interests. This summary illustrates ways in which libraries can apply fair use criteria in the development of best practices for e-reserves.

**First factor: The character of the use.**
- Libraries implement e-reserves systems in support of non-profit education.

**Second factor: The nature of the work to be used.**
- E-reserve systems include text materials, both factual and creative.
- They also serve the interests of faculty and students who study music, film, art, and images.
- Librarians take the character of the materials into consideration in the overall balancing of interests.

**Third factor: The amount used.**
- Librarians consider the relationship of the amount used to the whole of the copyright owner’s work.
- Because the amount that a faculty member assigns depends on many factors, such as relevance to the teaching objective and the overall amount of material assigned, librarians may also consider whether the amount, even the entire work, is appropriate to support the lesson or make the point.

**Fourth factor: The effect of the use on the market for or value of the work.**
- Many libraries limit e-reserves access to students within the institution or within a particular class or classes. Many use technology to restrict and/or block access to help ensure that only registered students access the content.
- Libraries generally terminate student access at the end of a relevant term (semester, quarter, or year) or after the student has completed the course.
- Many e-reserves systems include core and supplemental materials. Limiting e-reserves solely to supplemental readings is not necessary since potential harm to the market is considered regardless of the status of the material.
- Libraries may determine that if the first three factors show that a use is clearly fair, the fourth factor does not weigh as heavily.

**Summary**
While there is no guarantee that a practice or combination of practices is fair use, such certainty is not required to safely implement e-reserves. The law builds in tolerance for risk-taking. At one end of the continuum are combinations of practices with which individuals and institutions tolerant of some risk will be comfortable. On the other end are combinations of practices with which those who are averse to risk will be more comfortable. Each institution’s combination of practices reflects its tolerance for risk against the background of prevailing beliefs about fair use.

Understandably, “not knowing” makes many people uncomfortable, so Congress explicitly addressed this aspect of fair use. Section 504(c)(2) of the Copyright Act provides special protection to nonprofit libraries, educational institutions and their employees. When we act in good faith, reasonably believing that our actions are fair use, in the unlikely event we are actually sued over a use, we will not have to pay statutory damages even if a court finds that we were wrong. This demonstrates Congressional acknowledgement of the importance of fair use and the importance of our using it!

The above statement seeks to articulate how institutions are currently applying fair use to copyrighted materials included in electronic reserves systems. To view policies that are examples of how research and academic libraries have used the fair use provisions of Section 107 of the Copyright Act as the basis for their electronic reserves policies, see [http://www.arl.org/access/eres/erespolicies.shtml](http://www.arl.org/access/eres/erespolicies.shtml). Please contact Mary Jackson <mary@arl.org> if you have any questions concerning this statement.
Tradition, Technology, and Disciplinary Change

Over 140 librarians and faculty members attended an ARL conference last October to explore how information technology is changing the way scholars work and communicate, and at the same time, how scholars’ disciplinary traditions are shaping how technology is used.

The keynote address, excerpted below, was given by Blaise Cronin, Rudy Professor of Information Science, Indiana University. The disciplinary scholars included Milton Cnrn, M.D., Associate Director, NIH; Michael Lesk, Professor, Rutgers University; John Unsworth, Dean of the Graduate School of Library and Information Science, University of Illinois at Urbana-Champaign; and Barbara O’Keefe, Dean, School of Communication, Northwestern University. The afternoon included concurrent discussion sessions in the sciences, humanities, and social sciences. Clifford Lynch, Executive Director, CNI, moderated the closing panel and shared his thoughts for future steps.


Scholarly Communication and Epistemic Cultures (Excerpts)
by Blaise Cronin, Rudy Professor of Information Science, Indiana University Bloomington

Even if we accept that there are significant differences in the ways in which scholars create and disseminate new knowledge, and even if we allow that scholars’ material practices are shaped by the prevailing epistemic culture, is it not the case, you might ask, that the resistors—the e-publishing laggards—will eventually come on board as Web-based publishing technologies become ubiquitous and even easier to use? But this is to confuse infrastructural with cultural change. Much (not all) scholarly publication will migrate to the Web—the default platform of choice—but the ways in which information and communication technologies (ICTs) are used to communicate with one’s peers and disseminate one’s ideas will still mirror underlying differences in epistemic cultures and value systems.

Advances in electronic publishing will certainly not erase the cultural differences between disciplines. Instead, deep-rooted normative and behavioral differences will stimulate the creation and adoption of yet new ways of doing business. Odlyzko is right to focus on the high-level trends. The large-scale shift from print to Web-based publishing and the gradual rise of the open access movement are two trends that will change fundamentally the balance of power in the scholarly communication marketplace, but it is still not clear what form self-archiving will take. As Hamad put it recently: “The reason institutional self-archiving is more likely to speed up self-archiving and to generalize it across disciplines is that researchers and their institutions both share the benefits of the impact of their research output, whereas researchers and their disciplines do not. It is not the discipline that exercises the incentive of the ‘publish or perish’ carrot-and-stick on researchers, it is their research institutions.” It is unwise, however, to assume that a single model will emerge and dominate the landscape. Disciplines will continue to view and co-opt ICTs in different ways, and the upshot will be a kaleidoscope of initiatives and local adaptations. Indeed, the long-term effect of widespread disciplinary differences coupled with a rich array of technological possibilities will be the formation of a much more heterogeneous and dynamic publishing ecosystem than before, one that supports a multiplicity of epistemic cultures; “an opportunity environment,” in which various species “co-evolve” resulting in new hybrids with new tolerances.

For most of the twentieth century there was one medium of scholarly publishing: print. At the same time, there were a few well-established genres of academic writing, the monograph and journal article being the dominant textual forms across disciplines. In such an environment it made sense to talk about “the primary communication system” or “the scholarly publication system.” Monothetic thinking was not out of place. Today there is a plurality of media and genres; scholars can publish, distribute, post, and archive their research in a variety of ways. New publishing modalities are emerging, new forms of collaboration are establishing themselves, and new approaches to peer review being trialed. Disciplines have different biodynamics; the pace of new knowledge creation is faster in some disciplines than others, the need for interaction and feedback more pressing. Different approaches and solutions will be adopted at the local level. The present environment allows communication channels and information resources to be matched more effectively with the cultural characteristics and needs of epistemic communities. In short, the big picture has to be considered along with a collection of miniatures, if the dynamics of scholarly communication and publication are to be properly grasped.

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ARL ACTIVITIES

Kaylyn Hipps, ARL Editorial and Research Associate

ARL MEMBERSHIP DISCUSSES ORGANIZATIONAL AND COLLABORATIVE STRATEGIES

by Judith Matz, ARL Communications Officer

One hundred and eleven member institutions were represented at ARL’s 143rd Membership Meeting, held in Washington, D.C., on October 15–16, 2003. At the meeting, three new directors were introduced and welcomed to the ARL community: Linda Matthews (Emory), Catherine Murray-Rust (Colorado State), and Gary Strong (UCLA). ARL members also saluted three of their colleagues who are retiring: Edward Johnson (Oklahoma State), Richard Lucier (Dartmouth), and Emily Mobley (Purdue). The membership elected three new ARL Board members—Camila Alire (New Mexico), Marianne Gaunt (Rutgers), and Betsy Wilson (Washington)—and the Board elected Ann Wolpert (MIT) as ARL Vice-President/President-Elect. At the conclusion of the meeting, ARL President Fred Heath (Texas at Austin) presented the gavel to Sarah Thomas (Cornell) who began her term as president.

A Liberal Education
The meeting opened with a keynote address by Carol Schneider, President of the Association of American Colleges & Universities, on “Organizational Strategies to Deliver a Liberal Education.” She spoke of the need to rethink the mapping of the undergraduate experience to deliver a 21st-century education. “Intentional learners are integrative learners,” who are defined as cumulative, analytic, research-based, engaged, critical thinkers. Schneider emphasized that each campus must discuss how its curriculum can be shaped to help students develop the necessary intellectual and integrative skills.

Moving toward Open Access
Mary Case, Director of ARL’s Office of Scholarly Communication, convened a panel to discuss “The Hard Reality of Moving toward an Open Access Model.” Professor Stuart Shieber, Harvard University, gave a provocative talk about why journals need not be so expensive. Access, archiving, and marketing, he claimed, are not costly. Using the JAIR model (an open access journal in artificial intelligence), he pointed out how open access e-journals can succeed. However, the reality of moving toward an open access model will be hard on those in scholarly publishing, whether they publish commercial or noncommercial journals.

Heather Joseph, President of BioOne, followed with an analysis of publishing by scholarly societies that reflected the difficulties of moving toward open access. She said that under the current subscription model, societies recoup up to 70% of their costs from subscription fees—under open access, who will cover these costs? To define the real costs involved in publishing, BioOne is systematically examining the past three years of financial data from a representative cross-section of participating publishers. This data will help the societies determine what level of revenue would be necessary to make the transition to open access. Ultimately, societies will be more apt to move to open access as clear reliable sources of funding are identified.

Access Strategies for Government Information

Concurrent Discussion Sessions
Small discussion sessions were held on three topics: “Opportunities for Support Staff,” led by David Ferriero, (Duke), Camila Alire (New Mexico), and Virginia Steel (Washington State); “Implementing Institutional Repositories,” led by Paul Gerhman (Vanderbilt) and Joanne Eustis (Case Western); and “Changing Demographics of Research Libraries,” led by Stanley Wilder (Rochester).
Background papers, slides, and summaries of all October 2003 Membership Meeting presentations appear on the ARL Web site at <http://www.arl.org/ arl/proceedings/143/>.

TRANSITIONS

**Chicago:** Martin Runkle announced that he is retiring as Director effective October 1, 2004.

**Dartmouth:** Richard Lucier retired as Librarian effective January 30, 2004.

**McGill:** Frances Groen’s term as Trenholme Director of Libraries ends September 1, 2004. Following a sabbatical, she will return to the university in the fall of 2005.

**Massachusetts, Amherst:** Margo Crist retired as Director effective December 31, 2003. Jay Scafer was named Interim Director.

**New York Public:** Heike Kordisch was named Acting Director effective September 1, 2003.

**Oklahoma State:** Edward Johnson announced his retirement as Dean of Libraries effective the end of February 2004.

**Syracuse:** Peter Graham announced that he is taking a leave of absence for health reasons. Denise Stephens is Acting University Librarian in his absence.

**ARL Staff Transitions**

**Kerri Allen** resigned her position as SPARC Communications Coordinator to accept a position at the National Academy of Sciences effective August 12, 2003.

**John D’Ignazio** joined SPARC on October 29, 2003, as Communications Specialist. He recently finished a master of design in interaction design at Carnegie Mellon University. Mr. D’Ignazio also has an M.A. in journalism from the University of Maryland and a B.S. in electrical engineering from Lehigh University.

**Dan Hazen** (Harvard), ARL Visiting Program Officer and Director of the ARL Global Resources Network (GRN), was named Head of the Collection Development Department for Harvard’s Widener Library. **Eudora (Dora) Loh,** Latin American and Iberian Bibliographer at UCLA, was named ARL Visiting Program Officer for the GRN. She will transition with Mr. Hazen, assuming leadership of the GRN by mid-year.

**Amy Masiola** resigned her position as Policy Analyst for ARL’s Federal Relations program to accept a position at the Graphic Communications International Union effective December 3, 2003.

**Other Transitions**

**Council on Library and Information Resources:** Richard A. Detweiler was named Interim President effective August 1, 2003. Mr. Detweiler served as president and professor of psychology at Hartwick College in Oneonta, New York, from 1992 through June 2003.

**International Federation of Library Associations and Institutions:** Mr. R. Ramachandran was named Secretary General effective April 1, 2004, following the retirement of Ross Shimmon. Mr. Ramachandran is currently Director of the National Library and Deputy CEO of the National Library Board in Singapore and Secretary General of CONSAL, the Congress of Southeast Asian Librarians.

**National Commission on Libraries and Information Science:** Bob Willard announced his resignation as Executive Director.

**Board Leadership Updates**

**Canada Institute for Scientific and Technical Information:** Jean-Pierre Côté was named chair of the Advisory Board. He is the Directeur général, Service des bibliothèques, at the Université de Montréal.

**EDUCAUSE** announced three new members of its Board of Directors: John Bucher, Director of Information Technology at Oberlin College; Ellen Waite-Franzen, Vice President for Computing and Information Services at Brown University; and John Hitt, President of the University of Central Florida.

**OCLC:** Elizabeth (Betsy) A. Wilson, Director of University Libraries, University of Washington, was elected Chair of the Board of Trustees.

**Research Libraries Group:** James Neal, Vice President for Information Services and University Librarian, Columbia University, was elected Chair of the Board of Directors.

**HONORS**

**Nancy E. Gwinn,** Director of Smithsonian Institution Libraries, was named Distinguished Alumnus for 2003 of the University of Wyoming.

**HighWire Press,** a division of Stanford University Libraries, was named winner of the Association of Learned and Professional Society Publishers’ (ALPSP) 2003 Award for Service to Not-for-Profit Publishing.

**Ernie Ingles,** Associate Vice-President (Academic), University of Alberta Libraries, received the Queen’s Jubilee Medal in recognition of his outstanding contributions and service to libraries.

**LIBLICENSE and Ann Okerson,** Yale University Library, received the ALPSP 2003 Award for Services to Publishers/Library Relations.

**Carla Stoffle,** University of Arizona, was awarded the American Library Association Equality Award for outstanding contributions that promote equality in the library profession.
## ARL Calendar 2004

<http://www.arl.org/arl/cal.html>

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<td>ARL Board Meeting</td>
<td>Washington, D.C.</td>
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<td>February 18–20</td>
<td>Advanced XML: Data Transformation with XSLT</td>
<td>Storrs, Connecticut</td>
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<td>April 14–17</td>
<td>Living the Future 5: Strategically Striving and Surviving</td>
<td>Tucson, Arizona</td>
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<td>April 15–16</td>
<td>CNI Spring Task Force Meeting</td>
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<td>May 4–5</td>
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<td>May 11–14</td>
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<td>June 14–16</td>
<td>Advanced Licensing Workshop</td>
<td>Victoria, British Columbia, Canada</td>
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<td>July 26–27</td>
<td>ARL Board Meeting</td>
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<td>September 28–10</td>
<td>Library Leadership for New Managers Program: Leadership Institute</td>
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<td>November 8–9</td>
<td>Human Resources Symposium</td>
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### Online Lyceum

Can’t make it to our in-person events? Take a look at our Online Lyceum Web-based course offerings at <http://www.arl.org/training/lyceum.html>. 

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