



THE ASSOCIATION OF AMERICAN
UNIVERSITY PRESSES

The EXCHANGE

SPRING 2008

CONTENTS

*Revising the Library Exemptions
in the U.S. Copyright Act* 1

*Gutenberg-e Enters
New Phase* 2

*Penn State Director Launches
Book Review Program* 3

*SUNY Offers Student-Centered
Digital Editions* 5

*AAUP Production Managers
Meeting Report* 6

Miscellany 6

Seetha Srinivasan Retires 7

Calendar 8

STAFF

Shaun Manning
Editor

Brenna McLaughlin
Electronic & Strategic Initiatives
Director

REVISING THE LIBRARY EXEMPTIONS IN THE U.S. COPYRIGHT ACT

Recommendations of the Section 108 Study Group

By Peter Givler

Executive Director, Association of American University Presses

The full *Report of the Section 108 Study Group* has been released and is now available at <http://www.section108.gov/>. Introduced in 1976, Section 108 of the U.S. Copyright Act specifies what are known as “the library exemptions,” the conditions under and purposes for which qualifying libraries and archives can make copies of copyrighted works without infringing. These library exemptions were framed in terms of the analogue technologies of reproduction then common. Though there have been several modifications to the Section since then, none have addressed the new capabilities, and challenges, of digital technologies.

To address these issues, the National Digital Information Infrastructure Program (NDIIP) of the Library of Congress convened the Section 108 Study Group. I was a member of this Study Group, which met fifteen times between April 2005 and January 2008. The group’s charge was to recommend to the Librarian of Congress possible alterations to the law that would accommodate new technologies.

Seeking to ensure that the group’s recommendations would reflect the balance required by the national interest between the concerns of libraries and archives on the one hand and rights holders on the other, the nineteen members were drawn from a variety of institutions and enterprises: public, university, and national libraries and archives; museums; commercial and nonprofit publishers; the film, music, and television industries; and photography.

Our report represents a consensus reached among nineteen people with overlapping but never identical interests after nearly three years of discussion and debate. It specifies where we were able to agree and make recommendations, although sometimes those recommendations are made with the stipulation that agreement is contingent on certain underlying conditions being met, or problems resolved. It also specifies where we could not agree and were not able to make a recommendation, and why.

The report now goes to the Librarian of Congress, James Billington, and from him to the senior U.S. official concerned with copyright law and its administration, the Register of Copyrights, MaryBeth Peters. She will decide how to implement the recommendations and begin the process of translating them into law through

GUTENBERG-E ENTERS NEW PHASE

By Shaun Manning
Communications Coordinator, AAUP

Gutenberg-e, the digital publishing project started in 1999 by the American Historical Association (AHA) and Columbia University Press, recently made the transition from a paid subscription model to free open access. The shift comes as the final set of scholarly manuscripts nears publication, bringing the total count of born-digital monographs to thirty-six.

Supported by grants from the Andrew W. Mellon Foundation, Gutenberg-e (<http://www.gutenberg-e.org>) was conceived by Kate Wittenberg, Program Director of the Electronic Publishing Initiative at Columbia (EPIC), and Robert Darnton, who was at the time President of AHA and a history professor at Princeton University, now serving as Director of the Harvard Libraries. Under the program, authors were awarded prizes by the AHA to develop their dissertations for publication. This provided emerging scholars—who might otherwise have been wary of the untested e-book medium—with the prestige of a major award and an assurance of legitimacy conferred by an AHA endorsement.

“The experiment was to test a number of things, primarily, what opportunities born-digital narrative might offer scholars, as well as whether a peer-reviewed digital monograph that was published by a major university press would have the same weight in terms of academic promotion as a print peer-reviewed monograph,” Wittenberg said.

The decision to take Gutenberg-e from a subscription-based to an open-access model comes as the final round of Mellon-funded monographs nears completion. At the close of the project, Gutenberg-e will have published 36 digital editions, of which 24 are now available online.

Serving as an early model of digital scholarly publishing, Gutenberg-e has given authors the opportunity to test the new possibilities provided by the medium. “The authors feel much more in charge of the design direction,” said Nathaniel Herz, Production Manager of Electronic Publications at Columbia University Digital Knowledge Ventures (DKV). “Given that the technical possibility and what can be presented are really much greater than with a print book, they are encouraged to seek out multimedia materials to supplement the main text, and also to take a role in designing the book that they wouldn’t have the opportunity to do in a traditional publishing model.” Herz said that, while there was not a sense of authors directing

production, there was more of a conversation as to what would best serve the monograph.

Given the rate of technology’s progress, since its inception Gutenberg-e has seen a marked change in the digital publishing landscape and also the authors’ facility with available media. “From a production standpoint, we are always trying to take advantage of new technologies and adapt to changing best practices. The books themselves have changed over time, both in what we allow the authors to present and in the overall design of the look and feel,” Herz said. Wittenberg also observed that “over the six years of the project the more recent rounds of authors have been much more sophisticated in terms of their ability to use and their knowledge about technology.”

“The first couple of years, when the prizes were given out, we ran these workshops to help authors figure out how to create these digital works. They would come in and sort of ask: How do I take digital pictures? Can you tell me what kind of a camera to buy? By the last couple years, authors are really already very far along in their thinking about the use of digital technology in terms of links to archives and the ability to show works in their original languages, and the inclusion of audio and video,” she said.

Perhaps because of the democratization of internet development, where anyone can create his or her own web page cheaply and easily, there persists a popular myth that publishing online will represent a less expensive publishing model than traditional printed books. Wittenberg explained that this was not the case. “There are lots of advantages” to digital publishing, she said, “but everyone has found that it’s not cheaper or easier. Every experiment—commercial and non-commercial, scholarly and non-scholarly—has found that the possibilities are so much greater and more exciting. But, on the flipside, the costs—at least right now in these early experiments—do not disappear, they increase.

“What never goes away is the need for peer review, for intensive work with authors. In fact, the author relationship gets more and more exciting but more intense as the complexity of the digital work increases. And that’s one of the things that this project was actually designed to test. Now, going forward, there probably will be many more

continued on next page

PENN STATE DIRECTOR LAUNCHES BOOK REVIEW PROGRAM WITH LOCAL NEWSPAPER

By Shaun Manning

Communications Coordinator, AAUP

In an effort to push back against dwindling book coverage in American newspapers, Penn State University Press Director Sanford Thatcher has initiated a program to have university press books reviewed in the *Centre Daily Times* by the local and college community. After launching the program with his own examination of *The Great Risk Shift* (Oxford University Press) by Joseph Hacker, Thatcher has selected thirty titles by presses other than Penn State and solicited reviewers from among Penn State's faculty.

"It seems to me that there is likely to be no better market for the general-interest titles that we all publish from time to time than the college towns in which many of our presses are located," he said in an email to press directors. Thatcher, who had served as AAUP President for the 2007-08 year, noted that some books relevant to local topics had instead been reviewed by writers well outside the community, and suggested that the reviews would be more relevant and persuasive if written by someone from the area.

"My book review program is a natural extension of a general project of civic engagement," Thatcher said in a speech at the AAUP Annual Meeting in Montréal, "which has the further advantage of helping break down the walls between town and gown in our community."

To recruit local writers who are not members of Penn State's faculty, each *Centre Daily Times* review

carries a sidebar with the headline "Be a Reviewer," instructing interested critics to contact Thatcher. For the purposes of the *Centre Daily Times* reviews content, the definition of "local" includes faculty at any of Penn State's campuses and anyone who has roots in the community even if he or she does not reside there at present. Also, reviewers other than those assigned by Thatcher will not be limited to non-fiction or university press books—which nevertheless benefit AAUP members by furthering the goal of expanded book coverage in local newspapers.

Thatcher has engaged the Penn State Bookstore in the effort by working with them to set up a display with the local reviews and stock additional copies of featured books. The store, which is managed by Barnes & Noble, will thus provide exposure for the books while hopefully netting itself a few additional sales from the promotion.

With the *Centre Daily Times* review project gaining steam, Thatcher hopes other university presses will establish their own working relationships with local papers. Much of his encouragement comes simply from a desire to see a good idea expanded, though there is also a bit of self interest—as reviews editor, he does not feel that it is appropriate to publish articles on Penn State books. But he is happy to send review copies of his press's titles to similar initiatives, should any arise.

Gutenberg-e, continued

platforms and technologies, and authors' expertise will grow to make this increasingly simple. The challenge is how you pay for and maintain these exciting projects."

"One of the great values of this project," Herz added, "is that this will be something that other digital, academic, scholarly publications can look at and learn from, and in five

or ten years I'm sure there will be many more ideas about how you can do this in a more efficient way.

"It's very exciting to be playing a part in a transition that is more or less inevitable to online publication. What exactly that will mean is still unclear, and this is an experiment along the way."

Section 108, continued

an amendment to the Copyright Act. That process will require its own round of public comment, discussion, and debate.

Section 108 currently says that a library or archive that is open to the public or to qualified researchers, is making copies “without any purpose of direct or indirect commercial advantage,” and affixes a notice that the copy is being made under the provisions of this section, can copy:

- an unpublished work for preservation or for deposit in another library,
- a published work to replace a damaged or stolen copy if an unused replacement copy can’t be acquired,
- a portion of a work for a user, including a user at another requesting library,
- and an entire work for a user, including users at other requesting libraries, if the library has determined that a copy can’t be obtained at a “fair price.”

Since the current Section 108 is one of the most confusingly organized and least transparent sections of the Copyright Act, the Study Group recommends that this section of the statute be reorganized using these more logical categories: eligibility, preservation and replacement, copies for users, and miscellaneous provisions. The Study Group’s recommendations are described below, but please note that these are abbreviated statements. For a full statement of the recommendations, please refer to the report itself.

Among the recommended revisions to 108 in the Eligibility category, the group suggested that:

- museums be granted the protections afforded to libraries and archives;
- functional requirements, such as a public service mission and trained library or archives staff, be used to determine the status of a “library” or “archive,” to help define qualifying institutions in an age when the Internet has blurred these definitions;
- and libraries and archives be allowed to outsource certain tasks permitted by Section 108, if the expertise or equipment required lies beyond the resources of libraries, archives, and their employees.

Recommended exceptions for Preservation and Replacement include permitting the creation of a limited number of copies of any at-risk materials, whether published or unpublished. The current exemption for unique unpublished works such as letters, diaries, manuscripts, and the like, for which the loss of the original is the loss of the work, is similar to today’s increasing number of “born digital” published works, which do not exhibit warning signs of deterioration before they become inaccessible and are technically at risk of loss from the moment they are acquired. The group recommends exceptions for the preservation of publicly disseminated works and of publicly disseminated online content. Rights holders would be able to opt-out of having their works preserved in this way. In addition, the group recommended “that criteria be established to determine eligibility for this exception,” and that these criteria would be based upon an institution’s technological suitability to carrying out the preservation

and maintaining the integrity of the resulting digital files.

Section 108 permits libraries and archives to make single copies for users, both directly and through interlibrary loan, under certain conditions. Currently, delivery of electronic copies to users is permitted only within the library or archive’s physical premises. Amendments proposed under the Copies for Users Exceptions heading would address the question of whether to lift this restriction to permit the delivery of electronic copies to users off-premises. This was one of the most complicated and difficult questions the Study Group faced, due to the conflicting interests of

libraries and archives to provide services to patrons via the internet as weighed against rights-holders’ concerns about the potential for unauthorized and unregulated distribution. The group recommend that “the single-copy restriction on copying ... should be replaced with a flexible standard more appropriate to the nature of digital materials,” adding that digital copies must carry adequate protections against unauthorized use.

Section 108 permits libraries and archives to copy television news programs off the air and lend the copies to users, but at present there are no guidelines as to whether

The Study Group’s
recommendations
reflect a balance
between the
concerns of
libraries and
rights holders.

continued on next page

SUNY OFFERS STUDENT-CENTERED DIGITAL EDITIONS

By Brenna McLaughlin

Electronic & Strategic Initiatives Director, AAUP

Experiments with electronic publishing platforms and business models are proliferating ever faster these days. Some models are intended to serve the needs of specific fields, while others address the needs of a broad general audience. SUNY Press is now experimenting with a new electronic publishing model to serve a very specific time-and-purpose based market gap. SUNY's new "Direct Text" makes e-book versions of new hardcover scholarly titles available to the course adoption market—bridging the gap between the hardcover and paperback editions.

Powered by the Publishers Row platform, Direct Text editions are available for \$20, which allows purchasers 180 days of online access, plus the ability to download and print the PDF during that 6-month period. SUNY chose to make a free preview available through the platform, as well. The model—180 days for \$20—is tailored to the needs of a semester-long class. A new hardcover scholarly monograph may cost anywhere from \$40-100, which may prevent price-sensitive professors from assigning it to their (even more price-sensitive) students. Direct Text

bridges that gap, making valuable scholarly content available for classroom adoption.

While the real test of SUNY's experiment will come at the beginning of the Fall 2008 semester, the first sale was made within hours of the program's soft launch, when the press made 20 titles available for purchase. SUNY expects to offer more than 100 titles by the end of the year.

SUNY has a history of adopting innovative digital models within their tradition of scholarly publication, being the first publisher to launch the co-branded Google Book Search on their web site, allowing full-text search of approximately 4,000 SUNY Press titles. Even now, the Direct Text program is just one of several new initiatives being undertaken by the press. Under the leadership of new director Gary Dunham, previously at the University of Nebraska Press, the press is finalizing the implementation of a customized press-wide database system and launching a new trade imprint, Excelsior Editions, which is set to debut with the Fall 2008 season. Across all their programs, continuing as well as experimental, SUNY Press is taking "Ever Upwards" to heart.

Section 108, continued

this exception permits them to provide access by means other than the lending of physical copies. The group recommended an amendment that would permit electronic distribution of view-only copies of television news programs, provided that a reasonable amount of time has passed since the original broadcast and that the material was not made available for download.

As has already been mentioned, the Study Group has recommended reorganizing Section 108's provisions to make them more easily understood. Other recommendations for the Miscellaneous Issues category include an exception from liability for a patron's use of reproducing equipment such as handheld scanners or cameras, providing that the library or archive posts a visible notice that such copies are subject to copyright law.

The group also discussed a variety of other issues. On some of them the group decided changes to the law *might* be necessary and came to certain conclusions, but made no recommendation. On others, the group was either unable to reach a consensus, or agreed that no legislative action was appropriate at this time.

It should certainly come as no surprise that the road to reconciling the interests of rights holders and libraries has its share of potholes and speedbumps, and even a few dead ends. What is much more important, I think, is that with patience and persistence the road does go through. It took us almost three years to get here, but in the end this group of nineteen people with very diverse interests did agree upon several significant enhancements to the library and archives privileges under Section 108.

AAUP PRODUCTION MANAGERS MEETING REPORT

Sylvia Hecimovich

Design and Production Director, University of Chicago Press

The AAUP Production & Design Managers meeting was held in Chicago, May 7-10, 2008, at the Hard Rock Hotel, in the beautiful Carbide and Carbon Building. Built by the sons of Daniel Burnham, legend has it that this building was designed to resemble a dark green champagne bottle with gold foil at the top.

A record number of attendees, 174 in total, enjoyed this landmark setting, including 109 individuals from 50 member presses (29 from Chicago), 13 freelancers, and 52 individuals representing 39 vendors. We were delighted and grateful to have had so many in attendance.

The session topics included digital asset management, building a freelance pool, book design, type (discussed by Jonathan Hoefler), proofs, and short-run digital printing. The concurrent roundtable sessions included discussions and demos on various databases such as the online production schedule, Phoenix (an acquisition and production database), BiblioVault, art evaluation, typography, cover design and cover art resources, and digital asset submission manager. There were also available

tours of the Newberry Library and the Chicago Digital Distribution Center and BiblioVault.

We did a few things differently this year. Vendors were asked to participate in sessions rather than set up exhibit booths. The AAUP Book, Jacket, and Journal Show was on display throughout the meeting. We also asked presses to contribute F&G's (folded and gathered sheets) for students in the Master Bookbinding class at Columbia College's Center for Book and Paper Arts to create eight sets one-of-a-kind bindings. The original bindings were on display at the reception held at the Art Institute of Chicago, and one set was raffled off to a very lucky winner.

We think the meeting was a huge success, and thanks to everyone who helped, from our colleagues at North Carolina and Duke Heidi Perov and Deb Wong, who so graciously passed along their notes and advice from last year's meeting, to Betsy Litz at Princeton, who brought chocolate bars to the staff at the registration desk, to our generous vendors, and last but not at all least, to the staff at Chicago who worked tirelessly, productively, and creatively to host a great meeting!

MISCELLANY

AAUP Annual Meeting

The AAUP Annual Meeting was held June 26-29 in Montréal, Quebec. Resources from the meeting, including speeches and Power Point presentations, will be posted to the Annual Meeting web site over the next few weeks: <http://aaupnet.org/programs/annualmeeting/2008/>

Look for articles on the 2008 Annual Meeting in the next *Exchange*!

AAUP Partners Program

Our community of not-for-profit scholarly publishers has many friends, including corporate and institutional supporters outside of the AAUP proper. In the spring of 2008, the association began the AAUP Partners Program in order to work with such allies more effectively. By joining the program, vendors, sister organizations, and institutions formalize their support of the association's work on behalf of university

presses, and AAUP recognizes the many contributors to the continued success of our mission.

Since the program's recent launch, three companies have joined the Partners initiative:

- BookMobile
- codeMantra
- Thomson-Shore

To learn more about the AAUP Partners, please go to: <http://aaupnet.org/about/partners/index.html>

London Book Fair Wrap-Up

The 2008 London Book Fair (LBF) was another success for the AAUP Pavilion. The Pavilion is a space in which AAUP members can reserve discounted space and benefit from the proximity of other university presses. Reed Exhibitions, the organizers of the LBF, are

continued on next page

SEETHA SRINIVASAN RETIRES

Director of the University Press of Mississippi

Seetha Srinivasan, a former AAUP President and Constituency Award winner, has announced her retirement from the University Press of Mississippi, effective June 30. She has served as Director of the press for ten years, and has been with Mississippi since 1979.

As Executive Editor and later as Director, Srinivasan helped to develop the press's publishing identity by building its reputation for scholarly titles and by signing Mississippi authors Steve Yarborough, Ellen Douglas, Ellen Gilchrist, and Stephen Ambrose. She also introduced the *Conversations With...* series, which collects the correspondences of authors such as Ernest Hemingway and Flannery O'Connor. Srinivasan was instrumental in Mississippi's publication of *Eudora Welty's Photographs*, an extensive collection of Welty's black and white photography.

Srinivasan served as AAUP President in 2003-04, and received the Constituency Award in 2002 in recognition of her active leadership and service to the association and the university press community. Though the Constituency

Award is not normally given to press directors, the Board chose to honor Srinivasan's success at Mississippi and her dedication to the AAUP as evidenced in her chairing the Professional Development Committee, twice chairing the Annual Program Committee, conducting workshops, leading the Sales Task Force, and a long record of informal service through mentoring and knowledge sharing. Her presidential address at the 2003 AAUP Annual Meeting can be read in its entirety at <http://aaupnet.org/programs/annualmeeting/2003/2003pres.html>.

Mississippi has announced that Leila W. Salisbury will be taking over as Director in July. Salisbury was Director of Marketing at the University Press of Kentucky since 2001, during which time she also acquired Kentucky's film studies and popular culture titles.

Like Srinivasan, Salisbury has been an active AAUP constituent, serving as chair of the marketing committee in 2004-05 and regularly participating in AAUP panels and workshops.

Miscellany, continued

working to make the London fair a must-go event for the international rights market. In both 2007 and 2008, the AAUP Pavilion seemed at times like a miniature rights center, with meetings at every table (and quite a few spilling over to the cafés and seating areas nearby.) Eleven member presses took advantage of the discounted Pavilion rates this April. Reed sets the rates and handles reservations and planning, while AAUP provides on-site assistance for exhibiting presses. In addition to the AAUP Pavilion, the London Book Fair became a friend of the AAUP Annual Meeting in 2008, contributing support for the association's programs and events there. In 2009, the AAUP Pavilion will once again be offered as an option for member presses who wish to attend the London Book Fair, April 20-22. <http://www.londonbookfair.co.uk/>

Librarians Honor University Press Titles

The American Library Association has selected nearly five hundred university press titles for its annual catalog, *The University Press Books Selected for Public and Secondary School Libraries*. The books are rated according to audience, such as G for general reader, S for specialists, and RG or RS for Regional-General and Regional-Specialist. There is also a mark of O for outstanding titles. The catalog lists books in Dewey Decimal order to aid librarians in locating titles they may like to order.

Twenty-five of these books were highlighted at a "Best of the Best" presentation at ALA's annual conference in Anaheim, CA, on June 29. This program was broadcast live on C-Span's BookTV.

For more information, including a complete list of selected titles, visit <http://aaupnet.org/librarybooks/>

continued on next page

Miscellany, continued

Books for Understanding Adds Tibet Bibliography

With the recent riots in Lhasa and increased focus on China leading up to the 2008 Olympic games stirring up international interest in the dispute over Tibet's independence, *Books for Understanding* has created a bibliography of books from member presses on the history and culture of this contested region: <http://aaupnet.org/news/bfu/tibet/list.html>

Books for Understanding is a free resource to help readers find books on current events. The program highlights one of the highest values of university presses: to publish top research and scholarship in all fields regardless of immediate commercial potential.

For the full range of *Books for Understanding* titles, please visit: <http://www.booksforunderstanding.org>

CALENDAR

Web Presence: A PSP Seminar

July 23, 2008
12:00-3:00 PM
New York, NY
<http://www.publishers.org/main/Conferences/WebPresenceInformation.htm>

The Basics of E-Marketing

Friday, July 25, 2008 (Note new date)
New York, NY
<http://www.publishers.org/main/Conferences/eMarketingInformation.htm>

ALPSP International Conference

10-12 September, 2008
Old Windsor, UK

Dodo or Dog? A Challenge to the Book in Scholarship and Higher Education

October 12-13, 2008
Amsterdam, the Netherlands

Frankfurt Book Fair

15-19 October, 2008
Frankfurt, Germany

2009 AAUP Annual Meeting

June 18-21, 2009
Philadelphia, Pennsylvania



THE ASSOCIATION OF AMERICAN UNIVERSITY PRESSES
71 WEST 23RD STREET, SUITE 901
NEW YORK, NY 10010

Subscribe to the Exchange Online:

<http://aaupnet.org/exchange/subscribe.html>