

WHO OWNS WHAT?

by Martyn Daniels

It maybe surprising to many that an industry that is all about rights and content has no authoritative reference as to who owns what and what rights exist. There is even a “gray area,” lying between “public domain” and “in print,” where the majority of works live and where ambiguity reigns. Establishing the rules is relatively easy—establishing ownership is a lot more difficult.

In the past, the opportunity to publish was often restricted by cost. Technology now has effectively turned this on its head by offering cheap print-on-demand, Internet marketplaces, and now eBooks. Technology is also enabling authors to do more by promoting themselves and selling content directly.

Authors today will use publishers to get exposure and maximize their revenues and opportunities, but once a book is past its consumer attention span, they should be able to reclaim their rights to republish, albeit only digitally. However, as we have stated, the author often gets lost in history, and as a result the consumer also can't enjoy their works, as they will never find them.

So what is happening?

We already have the Orphan Works Act in the US, or to the cynic, the license for the likes of Google to scan first and ask later. The American Library Association has at least produced a copyright slider to make it easier for members to understand the rules on all materials. The slider shows that copyrighted works published without a copyright notice and created between 1923 and 1977 are in the public domain now. However, if published with copyright notice, they will be protected until, at the minimum, 2018. Even with a copyright notice, this only applies if they renewed after twenty-eight years. Pretty clear there, then! That is without the differences between the US, UK, and other countries!

Now, the Online Computer Library Center (OCLC), which provides services to 60,000 libraries in 112 countries, has announced that it is piloting a new service, the WorldCat Copyright Evidence Registry that will enable librarians to discover and share information about the copyright status of books. The service is aimed at extending WorldCat, which contains more than 100 million bibliographic records describing items held in thousands of libraries worldwide.

The goal of the Copyright Evidence Registry is to encourage a cooperative environment to discover, create, and share copyright evidence using the WorldCat model. It was launched as a pilot in July and enables users to search, find information about a book, see what others have said about its copyright status, and share what they know. Unfortunately it is librarian- and library-based, and these are neither the rights owners, nor party to the rights acquired or available for sale. They can only record the status of the rights as they know them.

As we enter an era where controls are passing from professionals and institutions to anybody-at-all, we have to question why we haven't got an effective copyright clearance center? Why isn't copyright clearly accessible on all digital materials? How do we find out about rights reversals, permissions, and other issues if the basics are so ambitious?

The OCLC move is a welcome and brave one, but it will only succeed if it engages fully with publishers and also those with the greatest stake in these issues—the authors. It is now up to bodies such as the Author Guilds, Societies, and Copyright Agencies to educate their members and get behind this initiative. **F**

What About Rights and Content?

Martyn Daniels entered publishing as director of strategic development at VISTA. There he was responsible for, and a contributor to, their highly acclaimed Publishing in the 21st Century research series, the primary creator behind publishing services “PubEasy” and “batch.co.uk,” and the initiator of the development of new Front Office systems to support publishers. As an independent publishing consultant, he authored the UK Booksellers Association report on digitization and the opportunities for retailers, “Brave New World,” which was published in 2006. He then joined Value Chain International where he is now responsible for the development and market positioning of publishing solutions to the global market, developing services such as the Gardner Books Digital Warehouse in the UK. Martyn's blog is available at <http://bookseller-association.blogspot.com>. Email him at martyn.daniels@value-chain.biz.