The Front

Notes on Readership, 2014

It's that time of the year—time to review apparent *Cites & Insights* readership for last year. (In the past—until last year, when there was no review—I also looked at long-term patterns, but a 10-month disruption in statistics makes that useless.)

My new spreadsheet—which only looks at full issues, since I stopped doing HTML separates a while back—covers the period beginning with October 2013, but most of the discussion here includes only calendar 2014.

Caveats and Notes

These are all PDF downloads. They apparently do not include visits by web crawlers and other non-human scans, so they *should* indicate actual readership at some level. I used trivial Excel trickery to get combined numbers for the two-column and single-column versions (copy the spreadsheet, replace "on." with ".", generate a pivot table). The numbers are probably about 3% lower than the reality—because the statistics package runs once a day at around 5 a.m., and I download it on the last day of each month, thus missing 19 hours out of that day. (If I download it on the first of the month, I get the first five hours of the new month.)

Inside This Issue

Overall numbers are satisfyingly good for 2014. Not attempting to factor in the missing 3%, C&I issues were downloaded 194,280 times during 2014—and that appears to be a growing number, since adding in the last three months of 2013 only brings it up to 229,020. Thus, the average downloads per month for 2014 was 16,190, while for October-December 2013 it was 11,580 (still a highly satisfactory number).

I continue to be astonished that *every issue gets downloaded every single month*—going back to the very first one. That makes updating the spreadsheet easier: once I add in two new rows for the latest issue (e.g., I'll add civ15i2.pdf and civ15i2on.pdf at the end of January), the column of new figures I download from the statistics package will—almost certainly—be loadable directly into the existing spreadsheet. (In fact, I do check that each month—I add two temporary columns, one with the issue, one with the count, and check that the temporary issue and existing issue matches at the bottom of each page.) How far does this go? The one-sheet "hiatus" non-issue at the end of 2011, when I really did think C&I might disappear entirely, was downloaded 144 times in 2014. Maybe people are amused by my use of Comic Sans? Maybe there's some semi-automated process that's downloading each issue twelve times a month (or twelve of them running once a month)? Who knows?

A little disappointing: on the few occasions where I've added speed bumps (there are three of these), hoping to encourage people to acquire the Library 2.0 reader by replacing the issue PDF with a page that offers the link to the real PDF, most people who look for the issue never go to the actual PDF. For example, while C&I 6.2, the original LIBRARY 2.0 AND "LIBRARY 2.0" ISSUE—which will probably always be the most-downloaded/most-read issue of *Cites & Insights*, with more than 32,000 PDF downloads and 21,000 HTML views through 2012—was downloaded 1,132 times in 2014 (but it's now just a stub), the *actual* issue (at l2a.pdf) was downloaded only 101 times. More than nine out of ten people (or machines?) who downloaded the supposed issue could not be bothered to actually retrieve the real issue.

I haven't set a figure for "enough readership to keep doing this" and don't really plan to. I'd say that an issue is generating strong readership if it gets at least 700 readers in the first month and a total of at least 1,000 readers in the first year.

Volume 14 (and 15.1)

First, let's look at Volume 14 (2014), including Volume 15.1 (January 2015) since it came out so early in December 2014. For this section (and this section only), I am including October-December 2013, but of course that only affects issue 14.1, which came out in December 2014.

By my standards, one issue has not yielded good readership and one issue is marginal—which is pretty good, all things considered. From most-read to least-read, noting the primary essay(s) in each issue:

➢ April 2014 (14.4): 6,438. Ethics and Access 1: The Sad Case of Jeffrey Beall; also Forecasts and Futurism. I'm guessing the first drew more readers than the second. (I regard anything over 3,000 readers in the first year as *dynamite* readership!) 22 pp.

- May 2014 (14.5): 3,106. Ethics and Access 2: The So-Called Sting; also Future Libraries: A Roundup. 34 pp.
- July 2014 (14.7): 3,093. Journals, "Journals" and Wannabes: Investigating the List. 24 pp.
- January 2014 (14.1): 2,499. Books, E and P; 50 Movie Gunslinger Classics Part 1. 32 pp.
- February 2014 (14.2): 2,092. E and P: What I Ignored; Ebooks as Textbooks; Ebooks and Libraries. 42 pp.
- January 2015 (15.1): 1,694. The Third Half (of Journals and "Journals": Taking a Deeper Look); The Back. 28 pp.
- March 2014 (14.3): 1,662. Toward 15 and 200: Your Help Wanted; Thinking About Magazines; The Back. 32 pp.
- December 2014 (14.11). 1,527: Journals and "Journals": Taking a Deeper Look, Part 2. 34 pp.
- September 2014 (14.9): 1,208. Toward 15 and 200: The Report; Some Notes on Elsevier; The Back. 18 pp.
- October/November 2014 (14.10): 1,110. Journals and "Journals": Taking a Deeper Look, part 1. 24 pp.
- August 2014 (14.8): 1,055. Once More With (Big) Dealing; Words: Doing It Yourself; Access and Ethics 3. 32 pp.

And the one low-readership issue of the year:
- June 2014 (14.6): 689. Beyond the Damage; Mystery Collection, Part 7; The Back. 16 pp.

Looking at these numbers, I could believe that it makes sense to write more about ebooks and open access, but since those topics dominated 2014, that may be a false correlation.

Other 2014 Readership Numbers

Looking only at 2014 downloads, the biggest numbers are for April 2014, and 2014 issues also take 8th, 9th, 14th and 20th places among heavily-downloaded issues. Here are the other 15 among the top 20, again in descending order:
- October 2009 (9.11): 5,300. Writing About Reading; Trends & Quick Takes; Copyright Currents and more. 30 pp.
- August 2006 (6.10): 4,401. Looking at Liblogs: The Great Middle; Bibs & Blather. 30 pp. (Really? Still more than 4,000 people interested in liblogs—as of 2006—in 2014?)
- July 2008 (8.7): 3,985. Bibs & Blather, Trends & Quick Takes, Perspective: One, Two, Some, Many: Search Results & Meaning; Interesting & Peculiar Products and more. 26 pp. I'm going to guess that the Perspective is the main draw.

- July 2010 (10.8): 3,852. The CD-ROM Project, The Zeitgeist: One Facebook to Rule Them All?; Interesting & Peculiar Products; Mystery Collection, Part 2 and more. 40 pp. I'm fairly confident that the Facebook essay is the main draw here.
- March 2012 (12.2): 3,573. Social Networks and more. 30 pp.
- September 2012 (12.8): 3,264. Public Library Closures, 2010 Update; Thinking About Blogging, Part 1; The CD-ROM Project. 36 pp. Which essay draws people? You got me.
- January 2011 (11.1): 3,089. Interesting & Peculiar Products; The Liblog Landscape 2007-2010, Chap. 3; Trends & Quick Takes; The CD-ROM Project; Legends of Horror Part 2 and more. 32 pages. With seven segments (!), it's hard to guess what's popular—unless it has something to do with this issue appearing *at all*.
- April 2009 (9.5): 2,715. Thinking About Blogging 1; Writing about Reading 2; Library Access to Scholarship; Net Media. 32 pp.
- April 2006 (6.5): 2,520. The Diamond Anniversary issue (the 75th issue of C&I), consisting almost entirely of "Seventyfive Facets," a whole bunch of tiny essays. 28 pp.
- Midwinter 2009 (9.2): 2,483. A *was* for AAC: A Discursive Glossary, Rethought and Expanded. 34 pp.
- March 2009 (9.4): 2,227. The Google Books Search Settlement. 34 pp.
- August 2002 (2.10): 2,218. Feedback: Scholarly Journals and Grand Solutions; The Filtering Follies; Ebooks and Etext; and four other essays. 18 pp. (Yes, the tenth issue was dated August—there were 15 issues in 2002, a record I don't ever plan to match or exceed.)
- November 2007 (7.12): 2,208. ©3: Balancing Rights—Sometimes They're Guilty?; Thinking about Blogging; and four other essays. 28 pp.
- December 2006 (6.14): 2,175. A Lazy Man's Guide to Productivity; "C&I is Not a Blog"; The Library Stuff; Library Access to Scholarship; 50-Movie All Stars Collection Part 2. 28 pp.
- Spring 2010 (10.5): 2,143. The Zeitgeist: hypePad and buzzkill; Bibs & Blather. 30 pp.

Eight more pre-2014 issues had at least 1,800 downloads (average 150 per month), with another 21 pre-2014 issues averaging more than 100 downloads per month—including the very first issue, the 24-page "preview issue" in December 2000.

Thanks to all the readers. For now, I'll keep on keeping on—and this year may be as surprising and unexpected as last year's focus on the actual data on gold OA journals.

The Fourth Half?

Speaking of actual data on gold OA journals, I did do a little more work in December. Some of it will show up in an article next month (I think); the rest will be reflected in an ALA publication that should appear this summer (more details later), a publication that should provide a useful, actionable picture of gold OA in a relatively compact, coherent form. (15,000 to 18,000 words is what I mean by "compact" in this case.)

What more did I do?

➢ I looked at some 2,200 DOAJ journals that had English as *a* language code (usually not the first) and that I hadn't already examined, yielding 1,507 additional journals I was able to analyze.

➢ I modified one grade assignment, at least for DOAJ, changing cancelled journals with no articles later than 2010 to E (empty), rather than having them as a subset of D

➢ I looked up "O" journals (ones where I was unable to determine the number of articles) in *DOAJ* itself, allowing me to move 117 *DOAJ* journals from "O" to some other grade.

➢ Finally, I went carefully through all three lists (the nearly-complete *DOAJ* list, the tiny list of OASPA journals that aren't in *DOAJ*, and the huge list of Beall accusations that aren't in *DOAJ*) side-by-side to eliminate as many actual duplicates as possible (that is, removing *DOAJ* entries from one of the other two lists).

This leaves me with three spreadsheets, one including 7,301 *DOAJ* journals (of which some 6,490 are actual journals with actual articles more recent than 2010), one with 401 other OASPA journals (of which quite a few are either empty and canceled or had tiny numbers of articles), and one with 6,948 Beall-list journals (of which *most* are actually "journals" with no published articles since 2010).

The Middle
Deathwatch 2015!

It's been almost two years since the last DEATHWATCH essay (in the [April 2013 issue](#)), so it's about time—even though the rate of silly deathwatch proclamations, or at least the ones I tag, seems to have declined somewhat. Still, it's enough for an article with all the import you should expect from THE MIDDLE. Since the 2013 version, mostly about commentaries from 2010 through 2012, carried the title DEATHWATCH 2013!, it's only reasonable to use the title above—even though nothing in this roundup appeared in 2015.

Maybe I should double the exclamation point?

One huge, enormous, earth-shattering difference this time around: I *do* include a few "death of books" or "death of print" items in this generally-chronological set of silliness, rather than breaking it out as a separate essay. Maybe that's because I tagged very few items on that long-wornout topic.

The End of the App

OK, so Peter Bright actually states that as a question in the title of this February 26, 2013 *ars technica* story: "'There's a Web for that'—will Firefox OS bring about the end of the app?" He's reporting on a talk by Mozilla CEO Gary Kovacs at the Mobile World Congress in Barcelona in which Kovacs announced "We're taking [the Web] to mobile."

> This might come as a surprise to anyone who uses an iPhone, an Android handset, a Windows Phone device, or even a BlackBerry, er, BlackBerry. All of these have good browsers with rich HTML5 support. Isn't the Web already on mobile?

Bright says that, although the answer is obviously *Yes*, Kovacs has some truth behind the hyperbole: developers tend to want to create apps when they target mobile users.

This all has to do with Firefox OS and the simple changes developers would need to make in their code to make websites fully mobile-friendly in phones using Firefox OS.

The death-of-apps idea isn't new; one LITA Top Tech Trendspotter pretty much announced it a few years back—considerably before 2013. It didn't happen then. I don't believe it did in 2014 either—but then, I haven't heard of Firefox OS being a huge success in the marketplace.

Doing a little looking, it appears that Firefox OS shows up on a number of new phones, almost entirely in developing nations, with a target of having $25 smartphones. Unfortunately, if an October 6, 2014 review of a $35 phone built for India is any indication, getting close to that $25 price may involve so many compromises that the phones are nearly useless at any price. Apparently Firefox OS as offered at that point was also the wrong OS for a very limited piece of hardware.

Meanwhile, apps are doing just fine.

If only…

"Declaring Things Dead Is Dead"—so reads the title of Will Oremus' May 20, 2013 *Slate* piece. Oremus is *Slate*'s "senior technology writer," so he must know what he's talking about in his lede:

> With Robinson Meyer's massive Twitter rant about "the death of tech blogging," this feels obvious but worth saying: Declaring things

dead—long a popular way for writers to draw attention to themselves—is totally, inescapably dead.

Sure it is, Will. Sure it is. As you indicated by adding your own deathwatch to the list.

Oremus offers a few historical deathwatch items, including a bunch from *Slate*'s own pages.

It's a cute little piece. He points to some interesting examples of the genre. He knows full well that his recursive deathwatch is nonsense, I think.

Telegrams!

Slate and Will Oremus again, this time on June 17, 2013…declaring a technology, um, *dead*. The title: "Here's What It Looks Like When a Technology Actually Dies" Geez, Will, don't'cha read your own stuff?

Well, yes, he does, but now he says he was being facetious. And "sometimes things really do die." In this case, telegrams—as in, India's plan to shut down "what is considered the world's last telegraph service."

> We in the media kill things off so readily these days that it's easy to forget how long it actually takes a once-prevalent technology to vanish altogether. The telegram should serve as a reminder: It often takes a really, really long time. Had there been a TechCrunch or a Forbes.com a century ago, some scribe would have no doubt declared the telegram defunct even then, done in by the rise of the landline telephone (itself the frequent subject of exaggerated death reports these days). In fact, though, the telegraph's use in India peaked as recently as 1985, and it continues even now to play a role in the lives of some portion of the 74 percent of Indians who do not have mobile phones.

As with the previous article, there may be comments—but if so, I can't figure out how to get to them. Instead, I'll offer Sean Gallagher's comment of sorts, in a June 19, 2013 story at *ars technica:* "TELEGRAM NOT DEAD. STOP."

Yes indeed, an Indian national telecommunications company (Bharat Sanchar Nigam Limited) was shutting down its money-losing telegraph operation, as reported by the *Christian Science Monitor* (which ran the story on June 14; I wonder where Will Oremus got his story and "what is considered to be…" research?).

> But news of the death of the telegram has been greatly exaggerated. "Somehow they got the impression that this meant the end of telegrams worldwide," Colin Stone, Director of Operations for International Telegram, a telegraphy service based in Canada, said in a phone conversation with Ars. "We'll still offer services in India, even though the state-run service is closing."

Oops. Not only isn't telegraphy dead and gone, it's not even dead and gone in India. Unless, of course, you want to argue that Telex isn't actually telegraphy, that it has to be Morse code over wires to be telegraphy. Western Union used Telex methods. So does International Telegram. So did India's state-run service.

In this case, the 80-odd comments *are* visible, starting with one that points out that there shouldn't be a period in the title: people used STOP *instead of* a period because, in the very old days, punctuation cost extra and four-letter words were free. (Sean Gallagher later notes that the title was intended as a visual pun, with the "STOP" applying to people saying telegraph was dead. He apologized.) We also learn that there are, in fact, rotary-dial apps for iPhones ("iDial" is *of course* one of them), and that the use of telegrams for condolences appears to be common in more than one country.

The Life of Print and Libraries

The title: "Pew Study: Teens Still Love Print Media, 'Traditional' Library Services." The source: Karyn M. Peterson on June 25, 2013 at *School Library Journal*. The lede:

> Tech-savvy American young adults are more likely than older adults to have read printed books in the past year, are more likely to appreciate reading in libraries, and are just as strong supporters of traditional library services as older adults, a new national report from the Pew Research Center shows. According to the survey of Americans ages 16–29, a majority of young adults believe it is "very important" for libraries to have librarians and books for borrowing, while relatively few think that libraries should automate most library services or move most services online.

The story elaborates on these key findings, adding some other findings. That 75% of young adults read a print book within the previous year is vastly encouraging both for print books and for literacy; one could wish that the 64% figure for older adults was higher, but that's a different issue. (If the figure is correct, which can't necessarily be assumed from one survey.) Oh, and younger patrons also want quiet space at "the library" because they go there to sit and read.

Windows Is Dead…

That's half of the title of this Farhad Manjoo piece that I saw on *Business Insider* but which originated on *Slate* (September 3, 2013). The other half: "Google Killed It."

> Windows is dead. Let's all salute it—pour out a glass for it, burn a CD for it, reboot your PC one last time.

> Windows had a good run. For a time, it powered the world. But that era is over.

Why? Because of "Microsoft's ancient enemies": Steve Jobs (whose computer firm was *saved* by Microsoft, but never mind), Linus Torvalds, and Larry and Sergey.

Here's the real hook to this story: It's all about Microsoft buying Nokia's smartphone division, which, in Manjoo's imagination, means that Windows

> won't be what it's always been—it won't be software that runs on lots of companies' hardware, a platform to unite disparate manufacturers' devices. Instead, Windows will be much like Apple's operating systems, iOS and Mac OS. Windows will be proprietary software attached to proprietary hardware—Microsoft's code running on Microsoft's devices.

If you assume that Windows Phone *is* Windows, Manjoo might have a point. He even points to a Microsoft slideshow that…well, that says *nothing* about Windows for PCs becoming proprietary. Nothing. Because, well, it's wildly unlikely that Microsoft would do anything that suicidal.

Zombie Technologies?

The title on this October 31, 2013 piece at *ars technica* by Casey Johnston is "Slow-moving zombie technologies that refuse to die"; the tease is "Just when you think they're obsolete, they rise from your desk and bite." So it's a story about the undead—and, in its own way, a plea to *kill* some technologies:

> Below, you'll find some of technology's more persistent walkers— every time we seem to kill them off, more hordes still clinging to their past relevancy lumber up to distract you. It's about time we lodged an axe in their skulls.

Since the lead illustration refers to fax, you can guess one of the entries on Johnston's hitlist. The others?

➢ "Oddly specific yet totally unhelpful error codes" (hard to disagree with this one, especially given the writeup)

➢ Copper landlines. Really? Johnston even identifies why landlines are still useful; this is mostly an attack on Verizon for not caring about the copper landlines it continues to charge for. I agree that a company should support the services it charges for, but that has nothing to do with the continued existence of copper landlines.

➢ "The scary text mode insanity lying in wait beneath it all." No, not MS-DOS. That really and truly is gone (although you can open an emulation window that looks like DOS but really isn't). Johnston is talking about the BIOS. I must admit that I have not

had to enter BIOS setup in at least six years, and probably a lot longer.

➢ Proprietary memory cards. Specifically, Sony formats. Hard to argue with that one.

➢ Fax machines "and the general concept of faxing." Apparently faxing is "abhorrent" and "needs to die," and we're told we shouldn't even buy printers with accessible fax functions "because then you are just encouraging this technological concept to live on, when, in fact, it needs to die." Except that lawyers and real estate agents have noted that there's enough case law to establish that a faxed copy is a legal copy of a document, whereas there is not—yet—such case law for digital copies. The one or two times I've had to plug a phone line into my printer, because somebody really and truly needed a fax rather than a scanned email attachments, were nuisances—but truly minor nuisances. (Have a multifunction printer with a number pad but you don't own a phone modem? Guess what: the printer probably has a built-in modem.)

➢ Paper receipts. Now the article is turning Techie Elite on us. In fact, what Cyrus Farivar—who wrote this section—is arguing against is the need to submit paper receipts with his expense reports, ooh, and the poor person actually has to *drop his expense reports into a public mailbox*. As the piece says: "The horror! The horror!" (There are First World Problems and then there are things like this…) As an ordinary person (OK, a troglodyte who doesn't carry a smartphone), I appreciate having a paper receipt.

➢ Coal-fired power plants. This sub-essay is by John Timmer, and I agree in principle, but it's not that easy. (In California it probably *is* that easy, and what few coal-fired power plants—if any—are in this state are probably on their way out.) I agree that externalities—e.g., the health and other costs of coal's environmental pollution—should be treated as part of the price. (Did I mention that California already has a cap-and-trade system?) On the third hand, there are states where already-poor economic conditions would be far, far worse without coal mining: that needs to be addressed.

➢ "A bulging wallet is not a fashion statement." Chris Lee writes this one, which is an attack on paper money, and my tears are flowing so rapidly that I can barely stand it. I mean, it's *really* an attack on paper money—and my response is, basically, suck it up. If you have a "wad" of cash causing your wallet to "bulge," *you're doing it wrong*. (The $100-$200 I normally carry isn't much thicker

than a credit card.) Cash still has its place (for anonymous purchases, among other things), and it's not surprising that this is the most over-the-top section of the article.

➢ Teletype. Sean Gallagher this time (Gallager's really talking about Telex in general), and it's, um, interesting to see what's first in the offered list of what *should* have killed Telex: Fax machines. *ars* writer, meet *ars* writer. Or not.

➢ Ethernet-only consumer products. Basically, Jon Brodkin (in this case) is arguing that consumer products that connect to the internet should always have wi-fi built in rather than requiring an add-on adapter. No argument here.

More than three hundred comments. I didn't read all of them, but within the first 50 or so, there were more disagreements about cash than about anything else.

Dead Companies of 2013

The actual title of [this January 1, 2014 story](#) by Sean Gallagher at *ars technica* is "Taking stock of the companies we bet against in 2013." It deals with five companies Gallagher identified a year earlier as "facing substantial risks that might cause them not to *survive* the year." [Emphasis added.]

The five? Nokia, Dell, Best Buy, AMD and Groupon.

Gallagher's clever in a way that a good futurist/pundit needs to be:

"Deathwatch" is, admittedly, a bit hyperbolic. Publicly traded companies seldom just die. They may get ripped apart by creditors, lose most of their employees and enter some sort of undead afterlife as patent trolls, or get rolled up into some larger mass of other failed companies, Katamari-style. Or they may fade to a level of relevance that makes them the equivalent of "market dead"—living on as a software maintenance operation like Novell, surviving on the sustenance of vendor lock-in.

So, for example, while Nokia not only continues to exist but is probably more profitable now, it's "dead" because Microsoft purchased its mobile phone business, making it smaller. And "not to survive" means…I'm still struggling with that one.

Dell? It's gone private, in a way that gives Michael Dell more flexibility, and it's still a big computer company. Gallagher almost admits to being dead wrong on this one.

Best Buy? A year ago, Gallagher gave it a 50/50 chance of lasting out the year:

What a difference a year makes. Best Buy brought in a new CEO, cut costs, started matching prices, and beefed up online sales with the ship-

to-store option. The retailer is now considered a comeback kid and is expected to have a banner holiday season, despite everyone else in the "big box" business now selling tech. I think we can count Best Buy as out of the Deathwatch pool for now, though it may never be the giant it once was—which is probably for the best.

AMD? The company has returned to profitability. Microsoft and Sony both switched from IBM to AMD processors in their new game consoles. But Gallagher's keeping it on Deathwatch.

Finally, Groupon is still losing money—but it's also still around. Gallagher says that's "largely due to the change of management at the company," but changing management is one way companies survive and thrive.

Let's sum up Gallagher's track record for short-term projections, shall we: Five out of five. Wrong, that is. Making *ars technica*'s Deathwatch almost a good predictor of corporate survival, perhaps.

Gallagher actually claims a grade of "1.5 out of 5"—which says a lot about grading yourself.

As promised in this article, Gallagher offered his list of five Deathwatch companies on January 4, 2014, in "Ars deathwatch 2014: Companies on the edge of relevance"—and as the tease makes clear, it's no longer about dying *at all*: "These five companies won't die, but they may not escape 2014 in one piece." It's like preceding "predatory" with "possible, probable or potentially"—in this case "Deathwatch" now means "Possibly diminished watch." And here's Gallagher's take on the 2013 picks: "Earlier this week, we reviewed my questionably accurate picks from last year." I *love* "questionably accurate" as a synonym for "dead wrong"—if someone says "the moon is made of green cheese," you can say "that's questionably accurate."

Who's on the new Deathwatch or Diminishwatch? RadioShack, BlackBerry, HTC, Zynga, and AMD. I'd hate to see RadioShack go away— the once or twice a year when I need some obscure adaptor, it's incredibly convenient—but it's hard to make a case for "people buying a $1.50 part once a year" being a survival strategy.

Loads of comments; didn't even try to go through them. I don't know enough about any of these companies to comment, and with Deathwatch now reduced to meaningless form, there's little need to.

Books and readers

A cluster of Deathwatch and not-dead-yet items on books and readers— fortunately, fewer of the former than in the past, although in some cases no less silly.

Books aren't dead yet

That's the somewhat ambiguous title on Laura Miller's [March 20, 2013 piece](#) at *salon.* It's partly a bit of sniping at *Wired*-style "tech-journalism," and I can always applaud that. As Miller points out, *Wired* and its ilk consistently ignore the realities of the book situation in favor of a single-future approach that makes the question not *whether* print books will die but *when.*

> The market for e-books grew exponentially after Amazon introduced the Kindle, and it's still one of the most fascinating and unpredictable sectors of a once hidebound industry. But the early-adapter boom is showing signs of flagging and the growth of the e-book market appears to be leveling out. E-books are definitely here to stay, but it seems that many, many readers—a threefold majority, in fact—still prefer print.

> That's not, however, an angle the Wired piece pursues. Granted, Wired, like tech pundits in general, pushes a party line of impending, technology-driven, cataclysmic change; it's an excellent way to sell your services as a guru to business communities after you've freaked them out with your predictions. There's also a strong presence on the Internet of writers who are pissed off at publishers for rejecting their books or, having published them, failed to make a success of them. According to this faction, publishers are (or should be) terrified at the prospect of the recent boom in self-publishing.

> On both parts—Wired and the pissed-off authors—this strikes me as wishful thinking…

The piece continues with some rational insights into the oddities of big-money ebook self-publishing: that is, the tendency of such author/publishers to get picked up by traditional print publishers and be quite happy about it. As Miller notes, this is a win-win for the publishers: they have books and authors with built-in audiences…and for the authors, it means they can spend more time writing and less being entrepreneurs.

The article is mostly arguing—correctly, I think—that most big-name authors are likely to stick with big publishers and print as a primary medium because it makes sense for them.

(Yes, I'll be doing another ebook-and-pbook article. Just not this month.)

Some comments are good. Some are predictable—the woman who says she doesn't know "ANYONE under age 40 who still reads" paper books. Really? Must be sad to lead such a sheltered existence (see later in this roundup). For that matter, her comment—after all, she doesn't read paper books and *every other young person is exactly like her*—is immediately responded to by a 23-year-old Vince who says he's had the exact *opposite* experience: the only people he knows who read ebooks are

over 40. Both seem a bit hyperbolic. (Miller returns in the comments with a link to the results of a poll regarding even younger readers, ages 13-16: they are apparently the most *resistant* to ebooks of any age range, much preferring print books.)

Ringing the Changes on "The End of Books" (2014)
This piece appeared January 1, 2014 at *Books On Books*; it's by Robert Bolick. He begins:

> Are we there yet?

> I mean the sesquicentenary of the premature announcement of the death of the book and such of its hangers as authors, readers and libraries. I suppose I should be satisfied to have seen its centenary. Robert Coover's essay in the *New York Times* (June 1992) marked it a bit early, echoing Louis Octave Uzanne's tongue-in-cheek knelling in *Scribner's Magazine* (August 1894), right down to the same title–"The End of Books":

>> I do not believe (and the progress of electricity and modern mechanism [the phonograph] forbids me to believe) that Gutenberg's invention can do otherwise than sooner or later fall into desuetude as a means of current interpretation of our mental products.

But, as Bolick notes, Coover was apparently *not* tongue-in-cheek. Neither were some of the others quoted in the 1990s and beyond; the post includes a nice set of links to some of these (and some about the accompanying inevitable death of libraries).

The essay doesn't draw conclusions so much as consider possibilities. It includes a long list of links for those who can't get enough of this stuff.

What a dodo might teach us about books
Isn't *that* interesting! The heading above is cut-and-pasted directly from the title of [this January 4, 2014 post](#) by Sarah Werner at *snarkmarket*— but in the original, in a vivid lilac italic serif face, the first word is "what" with a lower-case "w." Presumably imposed by the stylesheet.

> The lede:

> We seem to be living in a perpetual age of the death throes of The Book. [1] There are too many pieces to count that insist that the book is dead or (despite all odds) is thriving, [that paper books are different/better/worse than electronic books](#), that [game apps will save book](#)s, blah blah blah. We seem to rehash the same surface-level observations over and over again. As my friend [Alan Jacobs](#) wondered, "Why do people still write as though they're the first ones to think about the difference between e-books and codices?" I'll spare you my thoughts on the subject, since I'll only gripe about how

> people misunderstand the complexities of books, whether on a print
> or a digital platform, and who wants to read more griping?

If you're wondering, the superscript "1" points to a footnote which suggests reading the Bolick post just discussed.

Instead of adding to the blah blah blah, Werner looks at "some books that live on the boundary between print and electronic." The examples are interesting, although I personally couldn't be bothered with the first two, at least. The last example, *A Dodo at Oxford*, points back to the post's title—and that book I *might* find interesting.

In any case, the post itself is worth reading, even if I may think that the first of these two final paragraphs may be off point:

> Perhaps the main thing to remember as the fruitless debate circles and circles is that any opposition between print and digital is, today, ridiculous. You might think you're reading a paper book, but it was, I promise you, produced through digital means. The person who wrote it is overwhelmingly likely to have used a computer to do so, it was edited and typeset using software, its distribution is enabled and tracked with databases, and it is reviewed and discussed in both electronic and physical spaces that are enabled by technology.
>
> It's not a black-and-white world out there. Our methods of producing and consuming books will continue to be as multiply shaded as our reactions to them has always been. So here's to reading instead of fretting!

No argument with the second paragraph. As to the first one—there *are* some contemporary paper books that were not produced through digital means (not many but a few), and in any case "it began digital" has *nothing* to do with whether or not it's read as an ebook or print book.

A fascinating set of divergences from the silly books-are-dead/no-they're-not non-debates.

The Decline of the American Book Lover

Now there's a Deathwatch title if I ever saw one—on [this January 21, 2014 piece](#) by Jordan Weissman at *The Atlantic*—but it's undercut a bit by the tease: "And why the downturn might be over."

It begins with a grotesque example of "this glass is one-quarter empty, so WE'RE DOOMED!" reporting: a graph mixing Gallup and Pew polls to show how the percentage of "non-book-readers" has "nearly tripled since 1978." Well…ahem…if we trust that the polls are all representative (which I don't) and that they asked the same non-leading questions of the same kind of people (which I *really* don't), then the graph makes one thing abundantly clear: 1978, the first data point, had a freakishly low percentage of "non-book-readers" (by which is meant people who didn't read a book during the previous year, a slightly different thing): 8%, where

none of the other figures are lower than 13% and only two are lower than 16%. (The "nearly tripled" refers to Pew's 23% figure for both 2012 and 2014.)

Here's the thing: if the margin of error for those polls is, say, 3.5%, then all but three of the ten figures are "19.5% or close enough to be within the error margin." That's what *Consumer Reports* calls "no significant difference." That's even if you consider the inverse figure—that 77% of Americans *did* read at least one book in 2013—to show "the decline of the American book lover." I think the 1977 figure of 92% is freakishly high, but even if it's right, given all the current alternatives (people spent *very* little time reading or playing games on the internet in 1977!), 77% doesn't strike me as particularly awful.

Never mind. Weissman accepts the poll results at face value: "Without question, the American bookworm is a rarer species than two or three decades ago…" I think "without question" places *far* too much reliance on polls, but never mind…

Weissman's real point is that it's the kids—both that more people are getting college degrees, making them more likely to read books later on, but also that young adults are, if not reading more, at least not reading *less* than in reasonably recent polls. Incidentally, you gotta love this possibly-wrong quote if you're upset about the demise of book-reading:

> The average 18-to-29 year old finishes nine per year, compared to 13 among older American. But according to the National Endowment for the Arts, teens and twenty-somethings have almost always read less than older adults.

Only nine books instead of 13? The world is coming to an end…or not. (Did *you* read nine books per year outside of classwork when you were in college or just out of it? I sure didn't, and that was back in the 1960s, when—extrapolating backwards—more than 100% of Americans must have been bookreaders.)

Then there are the comments…which are *different* from the drivel you see on some websites but, in this case, not necessarily better.

The E-Reader Death Watch Begins

That's the title in the headline of this Jordan Weissman piece on June 27, 2014 at *Slate*; the web title (in the URL and when you tag the article) is a little more definite: "Death of e-readers: What does that mean for book sales?" (There's even a third permutation that shows up as you're scrolling through the article.)

Seems the gurus have decided that e-readers, being single-purpose, are dead ducks, "on the verge of being replaced by smartphones and tablet computers." Here's the lede in full:

> Tech writers have begun rolling out their eulogies for the humble e-reader, which Mashable has deemed "the next iPod." As in, it's the

next revolutionary, single-purpose device that's on the verge of being replaced by smartphones and tablet computers. Barnes & Noble is spinning off its Nook division. Amazon just debuted its own smartphone, which some are taking as a tacit admission that more people are reading books on their phone these days, to the detriment of the Kindle. The analysts at Forrester, meanwhile, expect that U.S. e-reader sales will tumble to 7 million per year by 2017, down from 25 million in 2012.

Heck, I didn't even know that iPods were dead; I thought they were still selling in the millions, albeit much lower quantities than before. But, looking it up, I find that…they're still selling in the millions, but in lower quantities than before. Maybe because Apple isn't introducing new models. Maybe because, *like ereaders*, once you own one, you may actually just use it, not look for a chance to run out and buy a new one. Maybe 350 million or so iPods more-or-less saturates the market for these devices. That doesn't make them dead; it just doesn't make them a growth industry.

Same goes for e-readers. Our Kindle Fire HD 8.9—which is probably categorized as a tablet but which we bought as an e-reader—is a couple of years old. We're not running out to buy a new one (even though the resolution of the HDX 8.9 is far superior) because we don't *need* a new one. Which does not mean we've said "Oops, the Kindle Fire is dead; better throw ours away." As to Amazon's Fire Phone, it was such a huge success that Amazon took to pretty much giving it away, even while it's introducing new and better ereaders.

OK, so that's a digressive rant. The article itself goes on to quote a *New York* writer who thinks a decline in dedicated e-readers is "bad news for the book industry." Because dedicated ebook readers buy a lot of books, and it's harder to read a book on a smartphone.

Or not. Weissmann draws a different if equally "ebooks are *the future*" conclusion:

> Devices come. Devices go. The Kindle and Nook helped teach us all to pay for e-books, and I'm guessing that will be delivering publishers dividends for years to come.

Maybe.

Ereaders again
"Flexnib"—Constance Wiebrands, a university librarian in Australia—posted this on July 15, 2014 at *Flexnib*, at least partly in response to the *Mashable* piece referenced above. Wiebrands admits that she's "not the right person to ask" how many ereaders a person needs—she has *nine* of them, including two tablets. (Read the piece to see which ones she likes best, much of what the post is about.)

Here's the key paragraph:

> According to some people, the dedicated ereader is "dying". People [are reading on their smartphones or tablets instead](#), apparently. I don't know. It seems as though the people who are writing these sorts of articles focus on ever-increasing sales. Unless the device or gadget they are writing about has millions and millions of sales every month, it's "dying". But surely, most people who get ereaders just settle down and get reading on their device and don't worry about buying another, unless the device breaks, or a newer model promises some amazing new feature? (Unless they're me, of course. But I think we've established that I am a bit weird in this area.)

Yes, that link is to the *Mashable* article. The heart of that paragraph is, I believe, right on the money. Of course, if your business model depends on ever-increasing sales of a device, then flat or declining sales *is* a form of death, even if the device continues to be widely used. (If every lightbulb sold in the U.S. in the last century lasted as long as the one in a Livermore firehouse, the lightbulb companies would be in a *world* of hurt! But that wouldn't mean lightbulbs were dead.)

Wiebrands prefers ereaders to print books. She especially favors the Kobo Aura HD. I prefer print books to ereaders. We both read books. Aren't preferences nice?

What the 'death of the library' means for the future of books

Now there's a title to argue about, on this S.E. Smith piece [from August 18, 2014](#), originally on *The Daily Dot* but retrieved at *The Week*. What death of the library? Huh?

Except, as it turns out, the title is wholly misleading. Smith doesn't really talk about the future of books; instead, he or she is responding to Tim Worstall's [stupid piece](#) at *Forbes* (so stupid that I didn't bother to tag it—it's the one saying "~~Let them eat cake!~~ Give everybody Kindle Unlimited subscriptions and close all the public libraries!"

Bizarrely, given the sheer nonsense of Worstall's piece, made all the worse by his repetitious comment within the comment stream (whenever somebody points out that libraries are about *more* than books, he says, essentially, "Great! So it's fine to get rid of the books, then, right?"), Smith falls right into his trap:

> Is he right? Are libraries obsolete? He might be correct—but only if libraries were just about books, which they are not. Libraries are actually an invaluable public and social resource that provide so much more than simple shelves of books (or, for those in rural areas, a Bookmobile like the one this author grew up with). A world without public libraries is a grim one indeed, and the assault on public libraries should be viewed as alarming.

No, he might *not* be correct even if libraries were *just* about books (and Worstall seems to be the only person involved who believes that "more than

just books" equates to "books don't matter"). And saying so diminishes the importance of books in public libraries.

It gets a little worse: later in the piece Smith includes this line: "many libraries are embracing the digital revolution and becoming so much more than repositories of dead tree books." That's right—denigrate print books as "dead tree" collections.

The article is a defense of libraries. It would be a much better defense if it began with the importance of public book collections and built on that, rather than seeming almost to agree that the books don't really matter.

As to what it has to do with the future of books, as in the title? I read it twice. I couldn't find a damn thing. Maybe somebody switched words and the title is really supposed to be "What the 'death of books' means for the future of libraries."

And that's it for a cluster on books, readers and libraries. Either I forgot to tag a lot of stuff or 2013-2014 was a relatively light year for doomcrying on the future of books and reading. I'll opt for the latter interpretation. (Digression: I really love that Word's grammar checker apparently believes that the second sentence in this paragraph is about an enormously large distance, not a period of time.)

Goodbye, Cameras

That's the title on [this December 29, 2013 piece](#) by Craig Mod at *The New Yorker*. Let's see if I can sum it up before reading it:

Summary: Digital cameras are single-use devices. Tablets and smartphones now take pretty good pictures. Therefore, not as many people will buy separate digital cameras (although millions will continue to use them, if the story bothers to add that caveat, which most deathwatch stories don't). Therefore, cameras are dead.

There's my attempt. How does the story compare?

Mod begins with his six-day hike in Japan where he took "a powerful camera, believing, as I always have, that it would be an indispensable creative tool. But I returned with the unshakeable feeling that I'm done with cameras, and that most of us are, if we weren't already." Ah, so this is the second variant: "*I'm* done with X, therefore X is dead because everybody is or should be Just Like Me." It's Deathwatch By Egocentrism.

Mod's apparently been into high-end cameras since 2000—and also into oversaturated color, since he shot with Fuji Velvia, a slow film with Kodachrome-like "nice bright colors." (He calls it "lollipop-like." Back in the day, you could look at the specs on magazine photo contest award winners: many if not most of them used Velvia, and of course had that

More Realistic than Life feel. He also mentions "otherworldly" about Velvia slides, which sounds about right.)

He recounts his love affair with various cameras—and as soon as he buys an expensive digital camera, pretty much drops film.

> The benefits were too undeniable: results were immediately visible on the camera's rear screen, and I could snap thousands of photos on a trip without worrying about fragile rolls of film, which were always an X-ray machine away from erasure. But the D70 was unromantic. It didn't have the strangely alluring mechanical rawness of the 500C, while the shift to digital imaging disrupted the compartmentalized, meditative processes that had punctuated photography for the previous hundred and fifty years: shooting, developing, and printing.

This is interesting: he migrates to The Shiny almost immediately…but at some point recognizes that he's lost something in the process.

Mod's gone through a fair number of mostly high-end cameras. He spends a lot of time hiking in exotic places. Ah, but then he gets an iPhone 5. And decides that some differences don't matter:

> Of course, zooming in and poking around the photos revealed differences: the iPhone 5 doesn't capture as much highlight detail as the GX1, or handle low light as well, or withstand intense editing, such as drastic changes in exposure. But it seems clear that in a couple of years, with an iPhone 6S in our pockets, it will be nearly impossible to justify taking a dedicated camera on trips like the Kumano Kodo pilgrimage.

Mod clearly recognizes the failings of the multipurpose device, but says it's "nearly impossible" to justify the better device—and, apparently, thinks that what's true for him is likely to be true for pretty much everybody else. (For, say, 90% of picture-snappers? No question: careful photography has always been the hobby of a smallish group, I think—Nikon didn't sell hundreds of millions of SLRs.)

Mod's become a "more network-focused photographer," and that's both legitimate and telling—he wants to get the photos out into the world *immediately*. That's a valid choice. It's not the only choice: for some seasoned photographers, selectivity (call it "curation" if you're so inclined) is a vital part of the process, finding the 60 perfect pictures from that one-week vacation instead of 600 (or 6,000) pictures posted as soon as they were taken.

And it's all about transition—at which point, the story joins the run-of-the-mill "newer is better" stream:

> In the same way that the transition from film to digital is now taken for granted, the shift from cameras to networked devices with lenses should be obvious.

Oh, and metadata may be more important than image quality. His close:

> It's clear now that the Nikon D70 and its ilk were a stopgap between that old Leica M3 that I coveted over a decade ago and the smartphones we photograph with today. Tracing the evolution from the Nikon 8008 to the Nikon D70 to the GX1, we see cameras transitioning into what they were bound to become: networked lenses. Susan Sontag once said, "While there appears to be nothing that photography can't devour, whatever can't be photographed becomes less important." Today, it turns out, it's whatever can't be networked that becomes less important.

Rating my own summary: FAIL. Mod's story is, while sadly universalist, quite different from what I had in mind. (Never mind that many of the best current cameras *are* networked devices—you can edit and post directly from them.)

Thinking back on Craig Mod, I realize that he's a designer whose work in another area I also found well-written but, to my mind, lacking. To wit, a March 2010 piece in which he celebrated the Death of Print. See page 4 of the May 2011 *Cites & Insights* and a laudatory comment on Mod's piece by Nick Bilton, on page 16 of the September 2011 issue.

> (How was I able to locate two four-year-old items in five minutes? Not a superb memory, but the indexes that appear at the end of each print annual volume. You too could own these volumes with their wonderful cover photos, all taken by my wife who, unlike myself, has an eye for composition and lighting. Except for a couple of volumes—including 2011—the photos are wraparound. Buy the annuals and you're helping to support *Cites & Insights*. End of commercial.)

The Standalone Camera is Dying

This Robbie Gonzales story appeared on January 4, 2014 at *io9*, and it's a more straightforward Inevitable Death Of Whatever piece, as evidenced by the lede:

> Time's inexorable march has pushed another piece of tech to the brink of obsolescence. The dedicated camera is on the outs–or so claims designer Craig Mod in a contentious article for The New Yorker.

Yep, it's a commentary on the previous piece. Or, well, actually it's not much of anything: Gonzales discusses Mod's piece briefly, quotes one paragraph and finishes with this:

> Mod's piece is certainly worth reading in and of itself, but the comments section–where the readership's sense of nostalgia, individuality and craftsmanship collides at full force with a yearning for accessibility and technological advancement–is where this controversial subject really comes alive. Read it here.

Oddly enough, I hadn't looked at the comments when rereading Mod's article—and it's interesting that Gonzales offers such a qualified Deathwatch: "the brink of obsolescence," which for some items may mean a good ten years or more before something becomes obsolete, much less dead. Now that I look at the comments…well, it turns out that there's no apparent way to *get* to the comments on the Mod story, or at least none that I could find. So, you know, I don't get to see the "controversial" subject (really?) come alive.

But you can read the comments on the Gonzales summary, or at least I could. The first, from sometime professional photographer "rpx," says it pretty clearly. Excerpts:

> Oh yeah, video killed the radio star.

> As someone who dabbled in professional photography for years, I have observed the advance of smartphone camera tech with interest. It is impressive to squeeze that much out of a tiny lens, but it does not come without its cost. I am not talking about the technical limitations such das depth of field, which is physically limited, the lack of exchangable lenses or the high noise caused by the small sensors.

> With a phone, photography becomes fast, casual, spontaneous and somehow … less unique. On many photos I have seen or taken myself with a smartphone, I miss the personal touch, the attention to detail and the feeling that lot more than being at the right place at the right time went into an image…

> You cannot replace an art form with "better" technology. You can expand it and you can improve it or you can make it more accessable, but you cannot kill it.

Unfortunately, "rpx"'s excellent if spelling-challenged discussion is marred by this final sentence: "Also, I wonder how much the author got payed by Apple." Sad; the point was made better without a gratuitous and probably wrong suggestion of payola.

Some other comments are quite good (and some aren't). One commenter, who is generally favoring phone cameras, says this: "DSLRs still are the kings of photography, and will always be because of physical limits on smartphones. It's more of the middle ground of high-quality point and shoots that will probably fade away." Depending on where you draw the middle, this is an entirely reasonable statement (and does not herald the "death of cameras").

So is this all about "the death of point-and-shoot cameras" or, more likely, the slow decline of digital cameras being used for casual snapshooting? I vote for the latter, but that doesn't make much of a headline.

Magazines

This is a short item (since I chose not to watch the video), entitled "Warning: Do Not Kill Your Print Publication Before You Watch and Read This." and appearing January 27, 2014 at *mr. magazine* (thus presumably written by Samir Husni, "Mr. Magazine" himself). It's primarily about "marketing magazines"—e.g., alumni magazines—but I suspect it says a lot about magazines in general.

To wit: print magazines get read more than digital magazines do. Robert Magee at Virginia Tech did some research into the comparative effectiveness of digital magazines and print magazines, reporting the results in "Can a print publication be equally effective online? Testing the effect of medium type on marketing communications"

Husni offers that link with a "read the whole article here"—and he may not be aware that this is expensive advice for those of us who, unlike Husni, are not academics. To wit, the article appears in *Marketing Letters*, a Springer publication; if you're part of the great unwashed like me, clicking through yields the abstract and an offer to buy the article for a low, low $39.95. I chose not to.

Here's the abstract:

Faced with budgetary pressures, many marketing communication managers are canceling the print distribution of their flagship magazine in favor of an online version. However, if the online publication is less effective in achieving the organization's goals, this move may be ill advised. In a field experiment, subscribers of a promotional magazine received either a print version of the magazine or an e-mail invitation that linked to the online version. The print version had a higher open rate than did the online version. In addition, print readers had higher recall memory and engaged in more browsing. Ironically, although younger readers indicated a preference for receiving an online version, the effect of medium on memory performance was strongest among the younger readers. Therefore, ceasing a print publication in favor of an online-only publication might hurt the effectiveness of an organization's marketing communications, and managers should not make the decision based on cost alone.

Within the past couple of years, the World Wildlife Fund has introduced a glossy photo-intensive magazine (*print* magazine) that goes to its members. So has the ACLU. I suspect they've worked with the Nature Conservancy to judge the effectiveness of such a magazine—and *Nature Conservancy* is one magazine we look forward to each quarter. I'm guessing that these charities find that *adding* to the collection of "dead" magazines is cost-effective and worthwhile. (Unlike the world's largest

circulation print magazine, the ad-saturated *AARP The Magazine*, the ones I've just mentioned don't take external ads at all.)

Universities

The title is "Are Universities Going the Way of Record Labels?" and it appeared on July 7, 2014, by Martin Smith at *The Atlantic*. While I'm linking to it and using it as an interesting example of Deathwatch—note that the title says "Universities" rather than "Colleges," although the argument itself seems to suggest that colleges are in much more danger—the story is so muddled that I'm not sure what to make of it.

First we get a discussion of how unbundling songs has transformed the music industry and, I guess, made record labels irrelevant. That portion is interesting because the dramatic claims in the text are at least partially undermined by the graphics. For example, the text talks about the music industry generating "just over half of the $14 billion it did in 2000"—but look at the graph, based on RIAA figures that cover 1973 through 2009 (*surely* you could get figures that aren't five years out of date?) and use different colors for each recorded medium, including "digital" (who knew that CDs aren't really digital? the chart *means* downloads and paid streams, presumably). What the graph shows me is that "around $8 to $10 billion" is a fairly common revenue level for the *recorded* music industry over time, with overpriced CDs pushing that level up much higher for a while, but only for a while.

Oh, and let's not forget that the "music industry"—if defined as "revenue from making and selling music"—is *not* just CDs and digital downloads and a few LPs, the things tracked by RIAA. It's also live music, increasingly the major source of revenue for many bands. But, of course, the RIAA doesn't track that because its small band of big companies don't get that money.

Even the discussion of "superstar revenues" has a disconnect between the graph and the story. Yes, in 2013 the "superstars" took more than three-quarters of the revenue…but, if you look at the graph, the percentages appear to be just about the same, maybe even a little worse, in 2000. I read this as "superstars now get most of the recording industry revenues…which is pretty much the way it's always been." (I wonder why it's easy to get one-year-old artist-revenue numbers but we're stuck with five-year-old revenue-by-medium numbers. I mean, this is *The Atlantic*; surely it couldn't be cherry-picking or laziness, could it? While writing this, it took me all of two minutes to find 2013 revenue-by-medium statistics from RIAA, showing a four-year steady level of about $7 billion. Oh, and another source estimating more than $12 billion in music-industry revenue—but that might include live music. And yes, downloads and streaming do now dominate RIAA figures, although CDs and LPs still account for around 35%)

So after all of this, what's the impact on education? Basically that the author *asserts* that what's happened in music over the past decade will happen to education over the next decade. Hmm. Over the past decade we've gone from superstars dominating recorded-music revenues to…superstars dominating recorded-music revenues, with very little if any change in percentages. Ah, but Smith doesn't see that conclusion. Here's what he sees (helped by such legerdemain as comparing "$20 CDs" with "99-cent downloads," as though any sensible person was paying $20 for CDs in, say, 2010—and as though downloads have actually stayed at 99 cents):

➢ The price of "content" will "freefall" in the next seven years, and here he's apparently specifically talking about textbooks. Given that Pearson's revenues are larger than the entire revenue reported by RIAA, it will be interesting to see them and other educational publishers disappear or become bargain-basement suppliers by 2020. Interesting, but I'm not sanguine enough to regard it as likely.

➢ "The supply of learning content will swell" because, although textbook-writers won't make serious money, what money they will make will tempt professors in Mumbai to write textbooks. And, of course, students and local faculty will find those Mumbai textbooks to be entirely reasonable replacements for books written by "New York City" professors (I guess Columbia and CUNY?).

➢ "Education will be personalized" because students will build their own degrees from all those institutions offering on-demand courses.

➢ "Universities will be masters of curation, working as talent agencies."

His conclusions are that the hot universities and those with large endowments will become even more important (as will distribution platforms), with average professors and second-tier institutions suffering and those without endowments changing dramatically or going out of business. Oh, and for-profit publicly traded "universities"? He thinks they'll become content creators, competing with publishers—because who *doesn't* want to buy texts from University of Phoenix Press?

That's about it. Because everybody's going to move to online individually-designed degrees (with none of the socialization you get from attending a real, bricks-and-mortar college, but never mind that), because tuitions are going to plummet (which is happening…where?), because the few superstar universities will take over most content…well, you know, there's so little real case here that I find it difficult to take seriously.

I guess we need to rely on the credentials of the author. He's the Chief Revenue Officer of Noodle. What's Noodle? An "education site" offering

advice on higher education (founded by the founder of The Princeton Review). Oddly enough, Smith's name doesn't show up on the "Team" page at noodle.com, so maybe he's back to his other careers: "an entrepreneur, and adviser to a number of companies."

Color me unconvinced, although part of me thinks it would be lovely if tuition went down a whole lot and if very cheap or free textbooks (e.g., ones created via OA initiatives) helped lower student debt. Part of me also suspects that for-profit private colleges and universities are in a whole lot more trouble than second-tier nonprofits and public universities, especially those with poor graduation-to-enrollment and jobs-to-graduation ratios. Mostly, I just don't find the argumentation here clear or convincing.

Neither did at least some of the commenters. Here's the first one, I think (in part):

> No, this is the typical nonsense of education "innovators." Historically, innovation in higher education has been all about cheating the taxpayer through student loans. uPhoenix's online 4-year college operation has a 5% graduation rate in 6 years (9% [as a whole]). That's innovation!. Having the taxpayer pick up the enormous tab is old news. Though the government does count loan defaults and the interest on unpaid and defaulted loans as assets -- ~~creative~~ innovative accounting! -- so they claim large profits no matter how badly their loan portfolio does. [All emphases in the original.]

Believers in digital inevitability seem to favor Smith's ramble. Others, not so much. One believer says it's already happening—that employers are perfectly happy with people who've taken free MIT and Stanford courses—while another, who may be more in touch with reality, notes that many tech companies don't even *interview* anybody who didn't graduate from Stanford, Harvard, MIT or one or two other institutions. Which is a shame, but it's a huge leap from "only five top institutions" to "your MOOC certificates are good enough for us."

Editorial Ethics

That's not actually the Deathwatch announced in the title of this Eugene Kim piece on August 11, 2014 at *Business Insider*, but maybe it should be. Here's the actual title: "Gartner: The PC Is Dying, So Chromebook Sales Will Shoot Up"

So the heading here should be "personal computers" because Gartner says PCs are dying, right? Except Gartner didn't say that. It said Chromebook sales might reach 14.4 million units by 2017, *nearly tripling the current market size*, because the PC market "is no longer growing strongly."

What's that? "No longer growing strongly" isn't usually the same as dying? (By that standard, autos have been dead for a very long time…) What's that? 14.4 million $200-$300 units three years from now isn't all that impressive a piece of the computer-related market, although admittedly more impressive than five million? (The press release for the report itself actually has the title "Gartner Says Chromebook Sales Will Reach 5.2 Million Units in 2014." That would be 79% higher than in 2013. Oh, and by the way, most of those Chromebooks are used in education. Fact is, the press release also says this: "Chromebooks will remain a niche market during the next five years.")

Let's see: 14.4 million times $300 comes out to about $4.3 billion. In 2011, worldwide PC sales totaled about 355 million and revenue totaled about $329 billion. Those are Gartner figures; more recent figures (from *The Guardian*) do show lower quarterly shipments of PCs in 2013 than in 2011, when they peaked, but still show *quarterly* shipments well north of 75 million PCs. (Gartner figures are similar.) IDC tries to project out to 2018 and does show some declines, suggesting that *desktop* PC shipments might go from 129 million in 2014 to 119 million in 2018, with portable PC shipments only increasing from 167 million to 172.5 million. Presumably portable PCs include those 14.4 million Chromebooks.

Here, let's rework the title of this article: "Chromebooks might represent 7% of total PC shipments in 2017."

Only in the editorial judgment of *Business Insider* and similar online publications could a potential decline over the next four years from 129 million to 119 million become "The PC is Dying" (even if we don't consider notebooks to be PCs). Otherwise, it's a troubling sign of a decline in editorial ethics—which, of course, makes the assumption that linkbait sites ever had editorial ethics, an assumption I'm not ready to make.

Policy

©: Going to Extremes

Fair warning: this is going to be one of *those* discursive roundups—one where I cite (and occasionally offer insights on) a bunch of items, primarily in chronological order, united by the tag I gave them in Diigo. In this case, the tag is "copyright-extremism." I began with 69 items, but most fell out along the way, either because they've disappeared or because I decided they're redundant or no longer relevant. The threads that make them cohere may form in your own mind. Or not.

Some items are essentially historical reminders of hysterical excesses; some are current issues. It's a random walk of sorts. Even as I began the walk, I'm realizing that there was at least one missed opportunity in 2010 or 2011 to discuss the nonsense spouted by Mark

Halprin, the early attempts at mass infringement suits against peer-to-peer users and other excesses that are now simply too old to review. I include a few items that, in effect, update earlier discussions in *Cites & Insights*.

COICA Internet Censorship and Copyright Bill

Betsy McKenzie posted this on October 4, 2010 at *Out of the Jungle*. It concerns COICA, Senate Bill 3804 in the then-current session of Congress, entitled "Combating Online Infringements and Counterfeits Act." Here's the summary at OpenCongress.org:

> This bill would give the Department of Justice new power to shut down entire internet domains if they deem copyright infringement to be "central to the activity of the Internet site or sites accessed through a specific domain name." It would also require the DoJ to maintain a public list of sites they have determined are "dedicated to infringing activities," but for which they have not taken action against yet. Net neutrality and free speech advocates fear that the ambiguous wording of the bill could lead it to being used against sites like Rapidshare and YouTube that allow users to control content, and blogs that use excerpts from media articles under fair use.

Just looking at that summary, I'm inclined to say "Wowser!" and look for some far-right-wing corporatist Republican as the sponsor. Unfortunately, as is so frequently the case with copyright extremism, it came from the other side of the aisle: Democrat Patrick Leahy of Vermont. The bill was supported by the usual suspects: the Chamber of Commerce, MPAA, AAP, various Big Media units, the Screen Actors Guild and the like (including the odd "Coalition Against Domain Name Abuse"). At the time it opposed by the Electronic Frontier Foundation (EFF), the Center for Democracy & Technology and the Distributed Computing Industry Association.

McKenzie's post links to an EFF analysis and quotes from another commentary.

Wikipedia offers a concise history of what happened to COICA: passed the Senate Judiciary Committee unanimously (!) and never reached a full Senate vote, with Ron Wyden opposing it. It came back in another form as the PROTECT IP Act (there's a long bill name, the usual Congressional reverse acronym: see the Wikipedia article) in 2011. As with its cousin SOPA, it was never adopted.

Why even mention this? Because, like SOPA/PIPA, bad legislation to undermine the open internet on the grounds of copyright infringement keeps coming back.

The real cost of free

Cory Doctorow published this on October 5, 2010 at *The Guardian.* It involves a bit of extremism on both sides, although in this case primarily on the pro-extreme-copyright side. (I have mixed feelings about Doctorow and his ongoing campaign to convince "creatives" and others of us who write that we should make our livings by, I dunno, stage appearances and crowdfunding campaigns, but that's another story.)

In this case, Doctorow is responding to a column by Helienne Lindvall in which Lindvall called it ironic that advocates of free online content charge hefty fees to speak at events. Lindvall names a few examples of such "advocates" and the high fees they charge. The problem is that Lindvall is lumping several very different people with very different perspectives together in an attempt to undermine assertions that artists can make money by other means than selling copyright material.

In fact, there's no irony: those who make such claims offer *personal appearances* (including speeches) as one such way of making money. Doctorow makes that point—but also notes that Lindvall got her facts wrong. Still, the key is here:

> You see, the real mistake Lindvall made was in saying that I tell artists to give their work away for free. I do no such thing.

> The topic I leave my family and my desk to talk to people all over the world about is the risks to freedom arising from the failure of copyright giants to adapt to a world where it's impossible to prevent copying. Because it *is* impossible. Despite 15 long years of the copyright wars, despite draconian laws and savage penalties, despite secret treaties and widespread censorship, despite millions spent on ill-advised copy-prevention tools, more copying takes place today than ever before.

To some extent that's the other side. It's impossible to stop people from exceeding speed limits, but most of us don't think that means that we should forget about speed limits. I've never understood the concept that, because digital copyright infringement is essentially impossible to prevent, that makes it OK.

> So, assuming that copyright holders will never be able to stop or even slow down copying, what is to be done?

> For me, the answer is simple: if I give away my ebooks under a Creative Commons licence that allows non-commercial sharing, I'll attract readers who buy hard copies. It's worked for me – I've had books on the New York Times bestseller list for the past two years.

> What should other artists do? Well, I'm not really bothered…

Yes, there's more that follows, but it's hard to miss Doctorow's somewhat dismissive attitude, the sense that copyright infringement is *perfectly OK with him*. I find that extreme.

I agree with Doctorow's other position: that imposing DRM and draconian rules does more harm than good. And I surely agree that lumping Doctorow together with Seth Godin is a little bizarre.

Copy some webpages, owe more than the national debt

That's Nate Anderson's headline for this January 5, 2011 story at *ars technica*, and it's a charmer, related to stories covered in the past. The math? The Internet Archive's Wayback Machine, which inherently involves retained copies of presumably-copyrighted pages. Anderson links to an EFF *amicus* brief in one of those cases, with this key paragraph:

> As of December 18, 2010, the Internet Archive had 600 preserved images of the website for the Recording Industry Association of America (RIAA). Were the RIAA to sue the Internet Archive for copyright infringement based on these preserved images and prevail, the Archive would face up to $89 million in statutory damages, even absent a finding of actual harm or any reprehensibility. And these 600 images of the RIAA website are but a small drop in the large lake of information that the Archive has collected, which includes over 150 billion web pages. Based on this figure, if all copyright owners of those webpages (or a certified class of them) were to sue and prevail, the Archive would face potential statutory damages of close to 2,000 times the United States' national debt.

As Anderson points out, it's not the *actual* probability of such massive damages—it's the threat:

> [T]he possibility of losing is so terrifying that it might encourage settlement—or scare entrepreneurs off such ideas altogether. And damages can be awarded without any need to prove actual losses.

The timely portion of this story was the appeal of decisions *reducing* huge awards to something closer to statutory damages: Big Media wanted the huge damages upheld, at least on the books.

BitTorrent is to stealing movies what "bolt-cutters are to stealing bicycles"

Another Nate Anderson piece in *ars technica*, this time on February 16, 2011, reporting on a Senate Judiciary Committee hearing on COICA (see earlier). The quote's a modified version of part of what Scott Turow said (in his role as president of the Authors Guild):

"BitTorrent is to stealing movies, TV shows, music, videogames, and now books what bolt-cutters are to stealing bicycles."

"It's as if shopkeepers in some strange land were compelled to operate with wide-open side doors that would-be customers can sneak out of with impunity, arms laden with goods. In that bizarre place, an ever-growing array of businesses that profit only if the side exit is used eagerly assist the would-be customers, leaving the shopkeeper with only one thing to offer paying customers: the dignity of exiting through the front door."

"Piracy has all but dismantled our recorded music industry. Any business plan in the music industry must now take into account that piracy is the rule, not the exception."

"The Digital Millennium Copyright Act's 'safe harbor' for online service providers has turned out to be an exploitable gold mine for unscrupulous online enterprises."

Consider that fourth paragraph: Turow thought they should remove the safe harbor provision from DMCA. Other folks had even more extreme suggestions—the story's an interesting read (especially if you love or loved Rosetta Stone software). At the time, COICA looked like a likely winner—and a pretty extreme one.

The first paragraph in the Turow quote is interesting because *bolt-cutters are perfectly legal*. To the best of my knowledge, neither Schwinn nor the makers of bike locks have convinced Congress to outlaw bolt-cutters because they're used to steal bikes. So if you accept his analogy, BitTorrent should be legal as long as it also has legal uses.

(The "recorded music industry" is still a multibillion-dollar operation despite its best efforts to commit suicide, incidentally. I'm sure Turow would rather ignore the apparent fact that, with inexpensive and easy legal downloading, illegal downloading of music has declined substantially. It doesn't suit his narrative.)

The Shakespeare Conspiracy

This item, by Alan Wexelblat on February 17, 2011 at *Copyfight*, is also about COICA and Turow, this time a column by Turow and others that seems to suggest there would have been no Shakespeare without copyright. Wexelblat also links to a David Post piece (also February 17, 2011) at *The Volokh Conspiracy* responding to the earlier column.

It's useful to remember that Scott Turow is a novelist and doesn't necessarily need to be concerned with facts. Because the fact is that *Shakespeare did not depend on copyright*. He couldn't have: he died years before the first copyright law was passed. Or, in Wexelblat's abbreviated version, "So, you know, without copyright laws we'd have... Shakespeare." Some commenters on Post's post claim that there *was*

copyright in Shakespeare's time, it just wasn't the law—it was enforced by monopoly printers. Except that the monopoly was only established after Shakespeare died.

> That bit of obfuscatory mis-history aside, the point of the Times column is to claim that the decline of things like traditional publication for books, newspapers, you name it is all due to illegal copying. Nothing is said about e-books, or about online publications, or about any of the myriad of causes a reasonable person might want to discuss in regard to the ongoing collapse of traditional publishing mechanisms.

> Instead, what we get is defense of a bill that would create a legal pretext for silencing people that the Cartel doesn't like, without all that messy stuff about being able to defend oneself. It's just much simpler and more efficient if the authorities can be told to shut down sites that someone doesn't like. There's a nasty piece of indirection here since what's authorized in the bill isn't exactly silencing an individual—it's seizure of the domain name. The equivalent in the real world would be something like the authorities saying "We're not going to stop you talking—we'll just padlock all the doors from the outside and tell everyone you canceled your talk." Presumably some genius thinks this indirect approach doesn't raise First Amendment concerns.

What Wexelblat calls "the Cartel" is what I tend to call Big Media and its supporters. As to the decline of books, that one's interesting because it hasn't really happened—in fact, traditional publishing mechanisms are nowhere near collapsing.

You may find it interesting to read the three pieces. Wexelblat is somewhat of an extremist himself, and possibly believes "the internet treats censorship as damage and routes around it" a little too much. In fact, countries *have* succeeded and continue to succeed in limiting internet access.

Intellectual Property and the Incentive Fallacy

Here again is the opposite extreme: an argument that all intellectual property laws should be abandoned, if I'm reading it right. This is a 58-page law review article by Eric E. Johnson <u>from January 2011</u> (the link is to the SSRN abstract, which includes a link to download the full PDF). I admit that I haven't read (and won't read) the whole thing; I did skim the beginning and end. Here's the abstract:

> The enterprise of intellectual property law has long been based on the premise that external incentives—such as copyrights and patents— are necessary to get people to produce artistic works and technological innovations. This article argues that this foundational

belief is wrong. Using recent advances in behavioral economics, psychology, and business-management studies, along with empirical investigations of industry, it is now possible to construct a compelling case that the incentive theory, as a general matter, is mistaken, and that natural and intrinsic motivations will cause technology and the arts to flourish even in the absence of externally supplied rewards. The result is that intellectual property law itself needs a fundamental rethinking.

How fundamental? Considering that the U.S. Constitution explicitly speaks of encouraging new creations as the rationale for copyright and patents, pretty damn fundamental. Do I buy the argument? As noted, I haven't read the whole article, but I'm dubious.

Kill Copyright, Create Jobs

Let's stay on the anti-copyright extreme of the spectrum, this time with Rick Falkvinge's essay (I tagged it on March 11, 2011 so it must go back that far) at his *Infopolicy* website. Falkvinge—founder of the first Pirate Party in Europe—calls himself a "political evangelist" and is speaking from a European perspective. Here's the "executive summary" of his case against copyright:

> Executive summary: for every job lost (or killed) in the copyright industry due to nonenforcement of copyright, 11.8 jobs are created in electronics wholesale, electronics manufacturing, IT, or telecom industries—or even the copyright-inhibited part of the creative industries.

He's willing to be more extreme: even though he doubts a claim that failure to enforce copyright would lead to 1.2 million lost jobs in Europe by the end of 2015, he's ready to say that this translates to 14.2 million *gained* jobs in "copyright-inhibited sectors."

His analysis is a little tricky. He calculates that all advertising and marketing is *inhibited* by copyright, as is 75% of visual arts, architecture, design, films, TV, radio and photos—and at least half of music and performing arts. He's also asserting that three-quarters of software, games and electronic publishing is *inhibited* by copyright.

Given the kinds of assumptions he's making, he can calculate his way to:

> Prevent copyright enforcement, or weaken or kill copyright, and create jobs. Lots more of them.

Maybe. Maybe not. In any case, it's a forthright statement of one extreme, one certainly no more removed from factual certainty than Scott Turow and his buddies.

Facebook shoots first, ignores questions later; account lock-out attack works

This is an independent story of sorts, by Ken Fisher (and others) at *ars technica*, beginning on April 28, 2011 some time in the morning and updated several times, the most recent being 8:37 p.m. It's an interesting and, frankly, horrifying little narrative, illustrating how extreme Facebook was back then in taking down pages without providing the pages' owners with enough information to appeal properly.

In this case, it was *ars technica*'s own Facebook page. Facebook locked out the page with this notice:

> We have removed or disabled access to the following content that you have posted on Facebook because we received a notice from a third party that the content infringes or otherwise violates their rights:

> Fbpage: Ars Technica

> We strongly encourage you to review the content you have posted to Facebook to make sure that you have not posted any other infringing content, as it is our policy to terminate the accounts of repeat infringers when appropriate.

> If you believe that we have made a mistake in removing this content, then please visit http://www. facebook.com/help/?page=1108 for more information.

That page (remarkably) is still there—and it's pretty much useless. Here's the key paragraph, after FB offers "possible reasons" a page was removed or disabled:

> Facebook is not in a position to adjudicate disputes between third parties. If you believe these reports are not being made in good faith or are inaccurate, we suggest you or your legal counsel contact the complaining party to discuss this further.

What's that you say? The notice *ars technica* receives doesn't offer *any way* of identifying the complaining party, much less contacting them?

As is pointed out during one of the updates, *ars technica* has resources and contacts within the industry that the average Facebook user does not (not only is it a very successful website, it's part of Condé Nast). They used them. Eventually, the page was restored—although, oddly, Facebook offered more information to third parties (e.g. *ReadWriteWeb)* than it did to *ars technica*.

The three-year-old story is worth a read.

Copyright Holders Claim That They Should Get To Decide Any Copyright Exceptions

This *techdirt* story by Mike Masnick on June 21, 2011 has beneath that title "from the *are-they-serious?* dept." *Of course* they're serious—in a discussion held by the World Intellectual Property Organization, according to Masnick.

> In fact, a recent discussion put together by WIPO of copyright holders had them claiming that not only were they the sole stakeholders, but that they, alone, should be the ones to determine copyright exceptions:
>
> Copyright is necessary to allow authors to live from their trade and to guarantee their independence, and exceptions should be decided by authors and publishers, according to panellists on a copyright dialogue held at the World Intellectual Property Organization this week.

Masnick's immediate reaction: "That's simply crazy. That's like saying we should let alcoholics determine driving-while-drinking laws. It puts those who would abuse the laws the most in charge of laws that are designed to protect others and to limit the damage they can do." No additional comment needed.

House takes Senate's bad Internet censorship bill, tries making it worse

Remember COICA? It morphed into PIPA, leading to this Nate Anderson report on October 26, 2011 at *ars technica*. More recent history, but it is history that should be remembered, given the bipartisan support PIPA and SOPA had for a while.

> Imagine a world in which any intellectual property holder can, without ever appearing before a judge or setting foot in a courtroom, shut down any website's online advertising programs and block access to credit card payments. The credit card processors and the advertising networks would be required to take quick action against the named website; only the filing of a "counter notification" by the website could get service restored.

That's the lede, and it's a pretty decent summary of what was going on here.

> The scheme is largely targeted at foreign websites which do not recognize US law, and which therefore will often refuse to comply with takedown requests. But the potential for abuse—even inadvertent abuse—here is astonishing, given the terrifically outsized stick with which content owners can now beat on suspected infringers.

There's more. Search engines would be required to avoid having these sites appear as hyperlinks. Oh, and ISPs (and payment processors) wouldn't even have to let site owners know they'd been blocked—if they believe the site is "dedicated to the theft of US property" the ISPs couldn't be sued.

UMG claims "right to block or remove" YouTube videos it doesn't own

You know, I don't like that video you posted—it opposes something I support. So I'll tell YouTube to remove the video.

That's nonsense, of course: YouTube wouldn't do that for me. Ah, but I'm not Universal Music Group (UMG)…

The story is from Timothy B. Lee on December 15, 2011 at *ars technica.* The video is "Mega Song" by Megaupload, a "pop-star-studded promotional video." UMG sent YouTube a takedown request. UMG does not hold copyright on the video, so it can't use DMCA provisions to take down the video.

At which point UMG said it *wasn't* using DMCA provisions. It was using other (unstated) criteria in UMG's agreement with YouTube. It said this when Megaupload asked for a restraining order to prevent UMG from further attempts to interfere with the video's distribution. It also said that, while DMCA allows for monetary damages against copyright holders who abuse the takedown process, it does *not* give the courts the power to block such takedown requests. Even if they're blatantly abusive.

Here's an interesting paragraph from a letter sent by a UMG attorney to YouTube:

> Your letter could be read to suggest that UMG's rights to use the YouTube "Content Management System" with respect to certain user-posted videos are limited to instances in which UMG asserts a claim that a user-posted video contains material that infringes a UMG copyright. As you know, UMG's rights in this regard are not limited to copyright infringement, as set forth more completely in the March 31, 2009 Video License Agreement for UGC Video Service Providers, including without limitation Paragraphs 1(b) and 1(g) thereof.

The apparent separate agreement isn't public, so nobody else gets to see Paragraphs 1(b) and 1(g). It's a rather astonishing claim: "we get to take down videos we don't own Because Reasons."

YouTube got back to *ars technica:*

> "Our partners do not have the right to take down videos from YouTube unless they own the rights to them or they are live performances controlled through exclusive agreements with their artists, which is why we reinstated it."

And, as noted, the video went back up.

When Is a Takedown Notice Not a Takedown Notice?

James Grimmelmann commented on this nonsense [on December 16, 2011](#) at *The Laboratorium*—and as is almost always the case with Grimmelmann, it's worth reading. We find out that the video cost $3 million (!) and features "the likes of Kanye West, Snoop Dogg, Kim Kardashian, and many others"—and we get this regarding UMG's position:

> Think about the implications of this position. It gives copyright owners free bites at any apples they like. They're free to tell YouTube to take down any videos they like, even when there's absolutely no basis in copyright law for the takedown, and they know there isn't one. Instead of facing only the weak remedies of 512(f) (under which the courts have exonerated copyright owners who sent takedowns based on a genuine but unreasonable belief of infringement), they face no legal remedies at all. They're playing poker without an ante: they can quietly fold whenever their bluff is called, and be none the poorer. In other words, in UMG's view, YouTube's CMS allows copyright owners to opt out of the parts of the DMCA they don't like, while retaining all the benefits of the parts they do like. So much for the copyright "balance."

There's more, and an interesting group of comments. One goes to some length to try to *justify* the freedom of YouTube to take down any video for any reason or no reason—and, just to my ignorant eyes, such a claim would seem to remove the "safe harbor" provision because it would show YouTube's editorial oversight of and responsibility for its content. But maybe I just don't understand.

Breaking technology

This [January 5, 2012 piece](#) by Kevin Smith at *Scholarly Communications @ Duke* covers several topics and relates them nicely. As is par for the course in Smith's writing, it's worth reading—and I may not have a lot to say about it. Here's the lede:

> In the past few weeks I have seen several news reports and other actions that seem to form a pattern, where the traditional publishing industry has set out to break digital technologies in order to preserve their traditional business models.

He discusses SOPA—"the most radical effort to break the Internet so that it does not threaten the legacy content industries"—but also the situation with ebooks in libraries, why etextbooks don't offer much savings, a HarperCollins lawsuit to prevent an ebook being published when they don't offer the ebook themselves—and the strange claims by publishers when supporting RWA, essentially that journal publishers "produce" research articles.

EFF to ask for sanctions against copyright trolling astrologers

What's more extreme than suing somebody for copyright infringement when all they've done is copy facts (which *are not copyrightable*)? Getting away with it.

Cory Doctorow posted this item at *boingboing* on January 13, 2012. The gist: Astrolabe, an astrology operation, sued two researchers who "maintained the critical Internet timezone database, which is used by servers and PCs and phones all over the world to figure out how to correctly display timestamps and local time." The suit maintained that Astrolabe had a legitimate copyright on the facts of what timezone is in effect in what place.

Bad enough, but the last sentence in this paragraph is even worse:

> We've seen a lot of bogus lawsuits over the years, but this one is a doozy. Facts are not copyrightable, which means the developers were free to use the Atlas as a source. What is more, it appears that Astrolabe knew that the database contained only facts from the Atlas—its Complaint states repeatedly that the database developers copied "information"–i.e., facts. Indeed, the case would be laughable but for the dangerous consequences: Confronted by this legal threat, and lacking the resources to defend himself, Olson promptly took the database offline, to the shock and dismay of the many users and developers who relied upon it.

Eternal Copyright: a modest proposal

The subtitle here is a dead giveaway, but Adrian Hon's [February 20, 2012 piece](#) in *The Telegraph* is still a pleasure to read and think about. He "proposes" eternal copyright—but, of course, says *rightly* that it must be retroactive. So, Walt D., just how much *have* you paid the heirs of Lewis Carroll for *Alice in Wonderland*—and how do we locate the appropriate descendants of various 1st-century (and before) Jews to pay royalties on all that copyrighted material in the Bible?

It's a cute piece. It wouldn't fly in the U.S., of course, as the Constitution specifically says "for a limited time." It's a matter of record (I believe) that Sonny Bono found this objectionable, saying writers should *always* be protected; presumably, Congress could define a limited time as, oh, say, 2,500 years?

More than 200 comments. Given that the most recent one seems to assume that Hon is serious (and the next most recent apparently feels that copyright is Property that should be fully inheritable), I won't suggest that you should plow through all of them. I certainly didn't.

Copyright kings are judge, jury and executioner on YouTube

Andy Bato tells this nasty little story [on February 29, 2012](#) at *ars technica*, and even if the situation has improved, it should never have been this way.

To wit: YouTube's Content ID system goes *beyond* DMCA and allows companies claiming to own certain items (music, etc.) to either take down or seize control of (and add ads to) YouTube videos in an automated process—and appeals from the people who post the videos are judged by, ahem, the companies. With no appeal possible.

Or, as the tease says: "Copyright kings are judge, jury and executioner on YouTube"

The example is a video showing a person foraging in a field, with bird calls and other nature sounds in the background. There was no music in the video. But Rumblefish, a music licensing firm, flagged the video as using its music—and when he disputed the claim, his appeal was rejected. By Rumblefish. Going back to YouTube, they simply said: "All content owners have reviewed your video and confirmed their claims to some or all of its content." Case closed.

This guy raised enough of a ruckus to get Reddit involved and cause the Rumblefish CEO to remove their claim, saying they made a mistake.

Apparently, this isn't particularly unusual. It does seem to be a perversion of anything like plausible balance—with the side effect of essentially eliminating fair use. Which, of course, much of Big Media has been trying to do for some time.

Belgian rightsholders group wants to charge libraries for READING BOOKS TO KIDS

That title, including the ALL CAPS section, is on Robin Wauters' [March 13, 2012 story](#) at *The Next Web*—and, sadly enough, Wauters is apparently not making this up:

> People with a healthy interest in fundamental freedoms and basic human rights have probably heard about [SABAM](#), the Belgian collecting society for music royalties, which has become one of the global [poster children](#) for how outrageously out of touch with reality certain rightsholders groups appear to be.

Examples: SABAM wanted to force ISPs to install filters preventing illegal downloading. They lost. Then they wanted social networks to filter or block trading of copyright material. They lost that one too. (The article has links for each battle.)

> Don't expect those setbacks to make them back down in their quest to display a stunning amount of stupidity to the world, though…
>
> This morning, word got out in Belgian media that SABAM is spending time and resources to contact local libraries across the nation, warning them that they will start charging fees because the libraries engage volunteers to read books to kids.
>
> Volunteers. Who – again – READ BOOKS TO KIDS.

The newspaper reporters checked with libraries—and checked with SABAM. And got confirmations from both. To the best of my knowledge, neither the Authors Guild nor the AAP has yet told public libraries that they need to pay—what? performance fees?—for story hours. Maybe it's because volunteers are involved? Maybe SABAM is even more extreme than comparable American agencies. (I would ask what a music-royalty company has to do with books, but in fact SABAM is an association of authors, composers and publishers: sort of a witch's brew of ASCAP/BMI, other media-specific rights agencies and the CCC all rolled up into one.)

Stop innovating, please: Kaleidescape loses DVD ripping case

That's Timothy B. Lee on March 13, 2012 at *ars technica*, and it's one where the extremists won, thanks to the absurdities of DMCA, which says that it's illegal to circumvent an encryption methodology *even for legal ends*.

Kaleidescape makes very expensive media servers (and some less expensive ones these days), including ones that can store the content from hundreds of DVDs or Blu-rays on a hard disk. Kaleidescape tried to play by the rules: it got a license from DVD CCA (the DVD Copy Control Association) and thought it was complying with all the rules. (Decrypting without such a license is pretty much an automatic DMCA violation—and all commercial DVDs and Blu-rays are encrypted.) When you rip a DVD to a Kaleidescape server, it's stored in encrypted form so you can't copy it elsewhere—and the device tries to recognize rental DVDs and won't rip them at all. DVD CCA admitted to the judge involved that it knew of no evidence that Kaleidescape's products had caused any financial or other harm to anybody.

It didn't matter. The judge was satisfied that one breach of the license agreement (allowing users to play disc contents without the disc actually being in the player) might lead to further breaches. Kaleidescape had to stop selling the servers. Or, rather, they had to cripple them in one of two ways: you can either couple the server to a disc jukebox, which must contain the discs you're playing—or *buy the movies again*, downloaded from Kaleidescape's new store. Net effect: DVD CCA controls and prevents innovation.

The e-book lending wars:
When authors attack

There are times I really do suspect that, if public libraries and the First Sale doctrine didn't already exist, the Authors Guild and others would do their damnedest to make sure such "piracy" was never permitted. Although AG itself wasn't involved, that's what I see in [this August 11, 2012 piece](#) by Matthew Ingram at *GigaOm*—and I see it from the comments as much as from the story itself.

The story itself is odd and a little sad. A tiny little website, LendInk, used the odd Kindle one-lend-of-an-ebook-if-it's-OK-with-the-author feature to allow readers to connect with other readers to share ebooks. After a couple of years in which the one-man site just ran, some authors heard about it…and went nuts. Using Twitter and other fora, authors claimed the site was pirating their content (wrongly) and started calling for DMCA-based takedown notices against LinkedIn. Eventually, the site was taken offline by its web host.

LendInk was not hosting copies of the ebooks. It wasn't offering links to illicit downloads. All it was doing was using a legal Amazon API to connect readers who owned lendable ebooks with other readers who wanted to borrow them. The borrowing is a one-time thing, and it *is* borrowing—as with most library ebooks, the books disappear after a certain period. What LendInk was doing appeared to be entirely legal (which, incidentally, makes the DMCA takedowns fraudulent—but the LendInk owner didn't have the resources to go after them).

How copyright enforcement robots killed the Hugo Awards

The story's by Annalee Newitz, [posted September 3, 2012](#) at *io9*—and it's a prime example of enforcement gone nuts. To wit: the Hugo Awards ceremony at Worldcon, one of the two most prestigious sets of awards in science fiction/fantasy, was streamed live.

Until it wasn't—because Ustream shut it down for copyright infringement just as Neil Gaiman was accepting a Hugo for a *Doctor Who* script.

How could a telecast of an awards ceremony be infringing copyright?

> Gaiman had just gotten an award for his Doctor Who script. Before he took the stage, the Hugo Awards showed clips from his winning episode, along with clips from some other Doctor Who episodes that had been nominated, as well as a Community episode.

Automated copyright patrols shut it down. Automatically. *Of course* the Hugo Awards people had explicit permission to broadcast the clips—and

doing so in the context of awards ceremony would almost certainly be fair use anyway.

Doesn't matter. Not only did the bots shut down the stream, they *kept* it shut down: the conference organizers were forced to announce that the video feed would not resume.

> Dumb robots, programmed to kill any broadcast containing copyrighted material, had destroyed the only live broadcast of the Hugo Awards. Sure, we could read what was happening on Twitter, or get the official winner announcement on the Hugo website, but that is hardly the same. We wanted to see our heroes and friends on that stage, and share the event with them. In the world of science fiction writing, the Hugo Awards are kind of like the Academy Awards. Careers are made; people get dressed up and give speeches; and celebrities rub shoulders with (admittedly geeky) paparazzi. You want to see and hear it if you can.

It gets stranger. Eventually, the CEO of Ustream apologized—but with the explanation that Ustream *couldn't restart its own stream* once the bot (Vobile, a third-party service) had shut it down. Notably, Vobile claims that all it did was identify material covered by copyright—that it was Ustream's decision to have automatic shutdown happen with no way to reverse it in a timely manner.

Textbook Publisher Pearson Takes Down 1.5 Million Teacher And Student Blogs With A Single DMCA Notice

Speaking of extreme takedowns, you may already be familiar with this one, as recounted by Tim Cushing on October 15, 2012 at *techdirt*. The gist: a post hosted by Edublogs—one of some 1.45 million such blogs—included a copy of a five-year-old "Hopelessness Scale." Edublogs runs on ServerBeach servers, for which Edublogs' parent operation pays around $7,000 per month.

Edublogs already had a way to take down posts—and when a complaint was received, they took this one down. But, apparently, that wasn't good enough: ServerBeach shut down not only the blog in question but also the entire Edublogs operation.

Coming clean on technological neutrality

Stepping back from two specifics, Kevin Smith's October 23, 2013 post at *Scholarly Communications @ Duke* deals with broader issues, taking as a prime example a brief followed by a former U.S. Registrar of Copyrights on behalf of the plaintiffs who (eventually successfully) sued to shut down Aereo, a "TV or the net" operation that had one little antenna for

each subscriber, thus presumably following broadcast rules. (The courts disagreed.)

Here's the wonderful quote from a lawyer who used to be the government's key person on copyright—which may help show why some of us do not regard the Copyright Office as well balanced:

> Whenever possible, when the law is ambiguous or silent on the issue at bar, the courts should let those who want to market new technologies carry the burden of persuasion that a new exception to the broad rights enacted by Congress should be established. That is especially so if that technology poses grave dangers to the exclusive rights that Congress has given copyright owners. Commercial exploiters of new technologies should be required to convince Congress to sanction a new delivery system and/or exempt it from copyright liability. That is what Congress intended.

In other words, "that which is not expressly permitted is forbidden"—the very model of guilty-until-proven-innocent extremism. Or as Smith says:

> This is an extraordinary statement, suggesting that the Copyright Act was intended to force all innovators to go to Congress before beginning any service that might threaten some established form of exploiting the rights of copyright holders. It is a recipe for economic suicide in a digital world, apparently willing to sacrifice the gains we can make through rapid innovation, new markets, and online opportunities to the goal of protecting the legacy industries from any need to adjust their business models.

There's a lot more to the column, and as always it's well worth reading.

Mumford & Sons Warn Against 'Unauthorized Lending' of Their CD

Another little item—very little, actually—that shows how ridiculous claims can get. The story is by Angela Watercutter on December 23, 2012 at *Wired*'s "Underwire." It's simple enough: the back label of Mumford & Son's 2012 CD *Babel* has this warning:

> The copyright in this sound recording and artwork is owned by Mumford & Sons. Warning: all rights reserved. Unauthorized copying, reproduction, hiring, *lending*, public performance and broadcasting prohibited. [Emphasis added.]

Um. No. Not for copies sold in the United States at least. The First Sale doctrine *explicitly* means that once you (or your public library, or Netflix, or…) has purchased a recording or book or whatever, it can legally lend that copy (or sell it, for that matter). Claiming a prohibition that's not legitimate is a form of copyfraud: some Edelmanesque lawyer

could theoretically mount an action against the record company for that wording.

Then again, illegitimate copyright claims should be extremely familiar to librarians and booklovers. Consider this, from a book chosen almost at random:

> No part of this book may be used or reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in critical articles and reviews.

That's an invalid assertion. Fair use (Section 107 of copyright law) provides for any number of legitimate exceptions, as does Section 108 (exceptions for libraries and archives). But it's also fairly standard language.

Here's a *good* copyright statement for contrast:

> ©2014 by Walt Crawford. Any claim of copyright is subject to applicable limitations and exceptions, such as rights of fair use and library copying pursuant to Sections 107 and 108 of the U.S. Copyright Act. No copyright is claimed for content in the public domain, such as works of the U.S. government.

That's from *Successful Social Networking in Public Libraries*, my 2014 book from ALA Editions; ALA Editions provided the wording. (Looking back 15 years, the wording was a little terser but still explicitly recognized Sections 107 and 108. Why is copyright in my name rather than ALA Editions? Because, as with almost all reputable book publishers I'm aware of, ALA Editions offered me the choice when drawing up the contract.)

So if you wanted to be an extremist about copyfraud, chances are your library includes thousands or tens of thousands of examples, right on the back of the title pages of books: publishers prohibiting actions they are not legally entitled to prohibit, namely the use or reproduction of portions of the book under appropriate circumstances.

The Righthaven saga concludes (?)

I've talked about Righthaven in the past: the copyright-enforcement business cooked up by a Las Vegas attorney, who convinced the Las Vegas *Review-Journal* to let him use its copyrights to sue bloggers and others who were quoting from the paper's articles, demanding several thousand dollars from each one.

In most cases, there were two fundamental problems with the copyright shakedowns: fair use and standing, the latter being a problem because only a copyright holder can sue for infringement and the attorney didn't actually control the copyrights. As soon as things started coming to court, Righthaven started losing and getting hit with fairly substantial judgments.

Two stories from 2013 continue or conclude the saga. In "Remember Righthaven? On appeal, copyright troll looks just as bad" (Joe Mullin, February 6, 2013, *ars technica*) we see coverage of the first appeals court hearing after Righthaven lost its cases.

Come May 9, 2013, Nate Anderson wrote another *ars technica* story where the title tells you most of what you need to know: "Copyright troll Righthaven finally, completely dead" The U.S. Court of Appeals shot down Righthaven's attempts to reverse the original decisions, in an opinion that gets off to a good start:

> Abraham Lincoln told a story about a lawyer who tried to establish that a calf had five legs by calling its tail a leg. But the calf had only four legs, Lincoln observed, because calling a tail a leg does not make it so.

In essence, RIghthaven was claiming that a contract *calling* Righthaven the copyright owner—even though Righthaven didn't have any of the rights a copyright owner would have—was in this class: "merely calling someone a copyright owner does not make it so."

By this time, Righthaven's assets had been seized and its domain name sold off. But hey, there's always the Supreme Court…

Conclusion?

Extremism will continue: that's how extremism works. There are signs that U.S. negotiators will try to get extreme stances put into international agreements that they can't get in U.S. law, then later will argue that U.S. law must change to harmonize with international law (that wouldn't be new). There are occasional signs of progress.

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