Cites & Insights:
Crawford at Large

Perspective

Long-Term Access to Library Zines

Marylaine Block said it in *Ex Libris* 135 (March 22-29 2002): "Who's going to preserve zine content?" She focused on library-related zines, defining the field broadly enough to include this experiment as well as *Library Juice*, and raised two issues: Who would assure long-term access and who would provide the indexing that these publications deserve?

Should *Library Literature* index *Cites & Insights*, *NewBreed Librarian*, the *FOS Newsletter* and *Ex Libris* alongside *American Libraries* and *Online*? I'm not sure, and I'm not the person to make that call.

Do these and other library-related online zines and newsletters matter—enough so that they should be preserved for long-term access by scholars and librarians even after their founders lose interest or run out of money? Yes, I believe they do, even if that sounds self-interested.

There's a ferment in the field, with a variety of thoughtful people providing news and analysis in ways that would not have been possible a decade ago or practical five years ago. My "E-files" trilogy in *American Libraries* toward the end of 2001 covered a piece of this ferment. In the process, I've become acquainted with dozens, possibly hundreds of library people who I might never have met otherwise, and who in their turn might have dismissed me as a boring old middle-of-the-road (even "establishment") jackass unworthy of notice.

But this is about Web-based library-related zines, not me. I can't get Marylaine's column out of my mind. I think she's on to something, and I feel the need to push it a couple of steps further.

Thus, this essay, which will also appear as a link from a mailing to a few lists and a number of zine/newsletter editor/publishers. While I have no particular desire to take on a new leadership role, I do believe that some coordination needs to be done.

With luck, some younger, more energetic person will step up to the role. Otherwise, I'll keep on with this for a little while. This being:

COWLZ: A Call for Participation

COWLZ: the [Caucus/Coalition/Consortium/Cluster] of Online and Web-based Library-related Zines/Newsletters. I see the logo already, five letters in a suitable typeface imposed on public-domain clip art of a cowl (which shouldn't be hard to find). Maybe I've been reading too much stuff from UK libraries, with their remarkable penchant for clever acronyms. Sorry.

Inside This Issue

I've built a COWLZ folder in my Notes Mail space. With a little encouragement, I'd set up a COWLZ Topica list, even with the growing ad overhead of Topica—unless someone offers a no-ad list environment to help semi-organize COWLZ.

This is a call to proprietors of online and Web-based library-related zines and newsletters to do one of two things: Respond with indications of interest and the extent to which you're willing to be involved—or respond with a clear message that this is a stupid idea and you want nothing to do with it. For now, send email to me: wcc@notes.rlg.org. Include "COWLZ" beginning the subject line.

I think COWLZ could do three things as a virtual, informal, no-fee non-organization:

➢ Lobby for and locate an archival location, where current or "dark" archives of Web-based library-related zines and newsletters could reside, establishing long-term access. That location might also be a new home for some zines.

➢ Encourage firms that index library-related periodicals to include key zines/newsletters.

- ➢ Define the field (that is, potential COWLZ members) loosely enough to encourage ferment in the field and tightly enough so that hosting facilities aren't used entirely frivolously.

Pieces of the definitions of this group appear in the name. Let me spell it out a bit more, with the caveat that some *real* leader or council could say that I'm wrong, which would be fine with me:

- ➢ **Online and Web-based:** Available on the Web, either directly (HTML/XML) or indirectly (PDF etc.), with no *required* fee. This does not rule out publications with voluntary subscriptions, paid print subscriptions, or Pay-Pal-type arrangements, but does eliminate publications that require paid subscriptions.
- ➢ **Library-related:** Loose enough to include *FOS Newsletter*; largely defined by the membership.
- ➢ **Zines and newsletters:** Things that appear as periodicals, even if irregular in frequency, with some expectation of continued appearance. This leaves out Weblogs (which need their own archiving strategy) and Usenet/Google Groups, but also omits independent articles and occasional papers. There are probably two levels of COWLZ "members"—true startups and those that have lasted for at least a year and four issues. Dead zines—ones still available but no longer published—are particularly interesting, as they will disappear unless archived.

Tell me I'm wrong. Tell me it's stupid. Or tell me you're interested. I'll be sending a pointer to this piece to as many proprietor/editors as I can locate. I have no interest in controlling this process and would be delighted to turn it over to someone else.

Some of you out there could also tell me something else: That you have a home for COWLZ, that your firm is ready to index COWLZ members based on some criteria, that you're ready to host a face-to-face meeting of some COWLZ participants, or whatever. Ten bucks worth of hard disk space (five gigabytes) and a few hundred megabytes a month of Internet traffic would go a *long* ways toward archiving known library-related zines/newsletters, if connected to the right hosting environment.

Let me know: wcc@notes.rlg.org. Based on responses by May 15, there *will* be a follow-up in the next *Cites & Insights*—but responses are welcome later as well, with more coverage in later issues.

Feedback: Your Insights

Ian Winship of the City Campus Library, University of Northumbria at Newcastle, Newcastle upon Tyne,

UK writes to correct an indirect reference in *Cites & Insights* 2:6 (page 5, column 1, last paragraph):

> I was the UK librarian who posted to Web4Lib and it's my institution, not the library, that imposes Websense. The justification seems largely to be about preventing easy access to hacker sites.

That's consistent with what I've read about Websense marketing. It's widely marketed as a corporate tool rather than a traditional porn filter.

To Blog or Not to Blog

Blake Carver at Ohio State, the mover & shaker behind LISNews, offers his thoughts on my Early Spring question in response to Dave Winer's idea that *everyone* should be blogging, "What would you do with 150,000 library-related or librarian-related Weblogs?"

> I don't know, but if I did know, or if you knew, or anyone knew, we'd most likely be able to make ourselves rich, or at the very least be able to do it full time.
>
> I think Dave Winer (scripting.com) is on to something with the instant outliner thing, and all the work they are doing with XML. They are at least heading in the right direction. The real power of blogs now (vs. when there were only 10) lies in collaboration. When I say collaboration I mean not just on collaborative blogs like LISNews and metafilter.com, but the combined power of the collected knowledge stored in all blogs.
>
> The reporting, the insight, and the "wit and wisdom" of 150,000 librarians would be something that would have an impact on how we all stay current, and how we learn.
>
> If you could somehow combine, filter, and process all 150,000 sites in a way that allows us to see what is important, or interesting, or funny, then make it easy to read and figure out what is going on in those 150,000 minds, that would be something very useful. Right now, you're right, the good ones get lost, but someday the good ones will rise to the top quickly, thanks to something we can't see or use right now.
>
> So, I don't have a good answer for you, only to say, wait for it. I think we are all part of something that will change how we get and find news and information. I just wish I were smart enough to see the future.

Maybe, maybe not. I can't imagine more than two or three percent of librarians taking the time to do Weblogs—and I'm finding some of the librarian Weblogs, particularly those that lack a specific focus, becoming less and less frequent or fading away altogether. Or maybe I'm just ignoring more of them! I

continue to believe that if everyone blogged, nobody would read Weblogs.

Copyright Currents

DMCA, Eldred, CBDTPA (nee SSSCA), copy protection—the hits just keep on coming! That's the order of this casual overview, mixing various sources with offhand commentary. The gist continues to be clear: Today's copyright law serves neither individual creators nor consumers well, placing far too much power in the hands of intermediaries—and too many of those intermediaries treat their audience as thieves worthy of contempt.

DMCA: ElcomSoft in Court

Remember Dmitry Sklyarov? Russian programmer engaged in programming that's entirely legal in Russia; shows up for DEFCON, a U.S. hacking conference, to discuss his work; gets thrown in the slammer for that work, done as an Elcomsoft employee. He wrote a program that unlocks Acrobat eBook files; although Adobe withdrew its complaint, the government continued its criminal prosecution. Eventually, the case moved from the employee to the employer: Sklyarov is free and ElcomSoft is in court.

A March 28, 2002 story at law.com notes the arguments expected in the trial. The company's lawyers argue that DMCA is too vague and that American courts lack jurisdiction. Additionally, if computer code is speech, elements of DMCA violate First Amendment provisions.

You can guess the rest. The RIAA hopes ElcomSoft loses. The Electronic Frontier Foundation doesn't think people should go to jail for restoring fair use rights—and Justice Department attorneys seem to say it's OK if you lose most fair use rights.

A slightly later Reuters story downloaded from ZDNet UK on April 2 gets the headline badly wrong: "Lawyers say anti-copyright law is unconstitutional." (Yes, the spelling error is in the headline, twice.) Calling DMCA an "anti-copyright" law is a little bizarre. The case continues.

On April 15, Newsbytes had a story that Judge Ronald M. Whyte was expected to rule on motions to dismiss the ElcomSoft case—but later that day, the news was that Whyte was postponing a ruling.

Eldred v. Ashcroft:
The Mickey Bono Case

Mickey: Mickey Mouse, the reason the Copyright Term Extension Act zipped into law—so that the rodent wouldn't enter the public domain this year. **Bono**: Sonny, that is, the deceased semi-singer and congressman CTEA is named for. Essentially infinite copyright terms: what Lawrence Lessig and a lot of other people see in CTEA.

Three items this time around are all discussions, all worth reading—and cover a wider time range than usual. "Copy catfight" by Jesse Walker appeared in *Reason* for March 2000 (reason.com/0003/fe.jw.copy.shtml). Walker begins with a slightly bizarre 1999 incident, in which a *Buffy the Vampire Slayer* fan (good taste!) transcribed shows including descriptions of scenery and action, posted the results on the Web, got fan mail from producer/creator/writer Joss Whedon—and got The Letter from Twentieth Century Fox. Take down the transcripts or face a lawsuit; Whedon doesn't own the copyrights, we do. Note that these weren't really scripts; they were, in effect, derivative works.

Walker goes on to discuss the "tension between your right to control a story you've written and my right to use it as raw material for my own work," the original intent of copyright law, the extent to which "Congress acts as a rubber stamp for copyright holders," and what this all means. "The Gershwin heirs, who didn't even write the songs that keep them wealthy today, found themselves essentially arguing that the 20-year extension would somehow be a further incentive to their dead ancestors' creativity, a claim that smacks of either spiritualism or desperation." That may not be the worst problem, as copyright extension and narrowing of fair use is used to suppress new works or even some forms of criticism. Would you believe that the Rock and Roll Hall of Fame *successfully* sued a photographer to suppress a poster depicting the outside of the museum at dusk? (Overturned but on appeal once more.) Those are only samples from an information-rich, well-written article. **Recommended**.

The March 5, 2002 *FindLaw* includes "The mouse that ate the public domain" by Chris Sprigman (writ.findlaw.com/commentary/20020305_sprigman.html). A shorter piece that makes key points, among them that today's copyright extension "is not 'progress,' but corporate welfare." "Borrowing [from other works] is ubiquitous, inevitable, and, most importantly, good." (Where would *West Side Story* be if Leonard Bernstein couldn't lift the plot from *Romeo and Juliet*?) **Recommended.**

And, leaping into the future, here's an article that *hasn't appeared yet* if you believe issue dates: Wendy Kaminer's "Copywrong" from *The American Prospect* 13:8 (May 6, 2002). She considers the ridiculous extent to which what she writes will be protected after she's dead and makes the claim that

Congress' repeated extensions arguably "subvert the intent of the copyright clause: to provide for artistic progress." I don't believe in extremely short-term copyright—but I have trouble buying into copyrights that last longer than, say, the life of the creator or 28 years after date of creation, whichever comes last. Anything longer isn't really protecting most heirs; it's protecting corporations, period—at the expense of progress in the arts. **Recommended**.

Fair play for an opposing perspective. On April 15, Damien Cave interviewed Morton David Goldberg for *Salon*. Goldberg may be "the unofficial point man for a movement within the American Bar Association to defend the controversial Sonny Bono Copyright Extension Act." Worth reading—but I have to say this: If you read Goldberg's sneering "arguments" and feel he's made his case, there are a couple of bridges nearby that I'd like to sell you. (Here's one: not allowing Congress to indefinitely extend copyright will result in "fewer derivative works, because there's much more of an incentive to create a derivative work if you can get an exclusive right from the copyright holder.")

Bad Ideas Redux:
SSSCA becomes CBDTPA

March 14, 2002: the death of SSSCA. The Senate Committee on the Judiciary held a hearing on competition, innovation, and public policy in the digital age. Several of the statements are available on the Web (unless Ashcroft has removed them by now), within the www.senate.gov/~judiciary area. Charles W. Bailey, Jr.'s sterling Scholarly Electronic Publishing Weblog pointed me to several—and they make fascinating, disturbing reading. The more I read, the more I see Lewis Carroll's books as models of linear logic and uncomplicated meaning.

➢ Senator Cantwell from Washington: "The question to me is not whether there should be copy protection, there must be. The real question is how protection standards should come about." Ms. Cantwell is, I believe, opposed to government intervention.

➢ Richard Parsons, AOLTW: "Our goal is both to stop piracy and to offer consumers what they want in terms of access to digital content"—and I bet you didn't know you "wanted" hardnose protection measures that would truncate your fair use rights. Parsons says it's "illogical" to believe publishers would deny reasonable rights, including "any ability to make home copies," but that sure doesn't mesh with what other companies have said. Parsons *does* favor government intervention: there must be "a le-

gal requirement" that all broadcast reception devices detect and respond to a new "broadcast flag." Why? Parsons says it's to indicate "that the content should not be redistributed over the Internet," but others have made it clear that such flags could *and would* be used to prevent high-resolution copying and possibly to prevent taping completely and even erase recorded programs from PVRs.

➢ You expect Craig Barrett of Intel to speak out boldly in favor of consumer rights—after all, Intel has a lot to lose if government mandates begin and millions of us stop buying new computers in disgust. But no! "Piracy for the high-tech industry means losses of about 12 billion dollars a year" (a wholly unprovable figure)—more than three times as much as content owners lose, in his argument. Barrett argues for consensus and says that completely stopping piracy is implausible without absurdly invasive techniques. Barrett thinks the DMCA is great legislation. He's anti-SSSCA, but not what you'd call a big friend of consumer rights except on his terms.

➢ Jonathan Taplin of Intertainer, Inc. has a vision: "to enable Americans to have instant access to the immense library of film, television and music content that this country's artists have been producing for decades." Streaming over broadband, all encrypted, following "the genius of [DMCA]." He doesn't think Congress needs to intervene; the market will adjust user rights just fine. But he does want "regulatory guidance" so that broadband takes off, whether people want it or not. Anti-SSSCA, sort of.

➢ Joe Kraus of Digitalconsumer.org (see later in this section) founded Excite. "I am a proponent of intellectual property." He believes that the balance of rights "has shifted dramatically in recent years, much to the detriment of consumers, entrepreneurs and the risk capital markets." He offers examples and points out that copy protection does more to "prevent my mom from copying her legally bought music to her MP3 player" than it does to diminish "major commercial piracy operations in China and Taiwan." He says bluntly that consumers are losing their historic personal use rights—and notes, correctly, that "many in the copyright community will not admit that there is such a thing as fair use."

➢ Prof. Justin Hughes, a visiting law professor at UCLA, continues this discussion. He's pro-DMCA, but he doesn't buy the new proposals.

- Senator Leahy (VT) is pro-DMCA (and helped craft it) and stands ready to promote legislation to "implement some of the intra-industry agreements that are reached." Government mandates to restrict user rights seem to be just fine with Leahy.
- Finally, Senator Hatch (UT) also worked on DMCA but does see a need to pay attention to legitimate consumer concerns. "I have said that if the media and technology companies will focus on the people at the two ends of their networks, the artists and the audience, there can be benefit for everyone from end to end."
- Other reports on that day include RIAA's Hilary Rosen speaking at South by Southwest: "It would be outrageous that you can't combat technology with technology. Let the music industry deal with its consumers because it's in our interest to make products that people will buy." Sounds good, if you've never heard anything else from Hilary "you're all thieves" Rosen. The same *Wired News* report notes that Rick Boucher continues to suspect that copy-protected CDs violate "time-honored fair use" provisions.
- A *Newsbytes* report offers Senator Leahy's conclusion that "no legislation will pass this year" barring the unlikely prospect that the technology and entertainment companies actually agree on a solution.
- And that was it for SSSCA, as far as I can tell. Senator Hollings abandoned the act.

That was March 14. Then comes March 21, and the whole crazed process begins once more, as Hollings introduces the Consumer Broadband and Digital Television Promotion Act. Different name—national security's no longer involved—but the same key provision: pretty much every digital device would be legally required to include undefeatable copy-protection circuitry defined by the government. Here we go again.

- Reuters, March 21: Hollings introduces the bill, which gives the entertainment and technology companies one year of secret meetings to come up with a standard—and says the government will mandate one otherwise. He says it "would encourage media companies to make more material available online, encouraging more consumers to sign up for high-speed 'broadband' Internet connections and digital television sets." Sadly, Dianne Feinstein is a co-sponsor. Disney loves it; Intel hates it.
- *Wired News*, March 22: Another summary of the act, including its "breathtakingly broad" definition of "digital media devices" that would require copy-protection mechanisms: "Any hardware or software that reproduces, displays, or 'retrieves or accesses' any kind of copy-righted work." OK, so digital thermometers probably aren't included. Jack Valenti says this serves "the long-term interests of consumers." Bwahahah… What fair use rights are mandated by the act? Backup copies; "reproducing short excerpts from books, songs or movies," and copying a TV broadcast "for one-time personal use at home." Compilation CDs for the car? That's piracy, as Hilary Rosen will be happy to tell you.
- The text of the bill itself became available on March 22 at Politech, as part of a growing Politech archive on CBDTPA. It's lovely. The first finding is that we're not buying digital TV and broadband because there's not enough digital content. Later we hear of the "exponentially increasing piracy threat in a digital age" and that current security measures "fail to provide a secure digital environment"—because we can still buy PCs that are something other than locked-down entertainment devices. (I'm paraphrasing, of course.) This draconian measure will "benefit consumers and lead to the rapid growth of broadband networks"—with luck, it could "benefit" us to the tune of $150 a month or more right into the hands of publishers, the whole idea of pay-per-use "digital everything."
- Alex Salkever offers "Guard copyrights, don't jail innovation" in the March 27, 2002 *BusinessWeek Online*. Salkever refers to Hollings' "folksy doublespeak" in introducing the act and says, "the proposed cure is far worse than the disease." "The entertainment industry is hell-bent on stifling technology, rather than using it in ways that eventually could become highly profitable." Has Jack Valenti learned anything since the Betamax case? Probably not. (In an April 4 *Cnet* item, Valenti says that file swappers are "terrorizing" motion picture companies.) Salkever's article covers some other points and is worth reading, particularly coming from a business magazine. **Recommended**.
- Two separate items appear on *Wired News* for March 28. A brief item with what becomes a recurring pun, "Howling mad over Hollings' bill," discusses the likely effects of CBDTPA on computer-based home entertainment networks (bad). A Declan McCullagh article notes that Rep. Adam Schiff (Burbank, CA) is seeking co-sponsors for a House equivalent of CBDTPA.
- *Salon*'s Paul Boutin weighs in on March 29 with "U.S. prepares to invade your hard drive,"

a nicely written little piece about the dangers of the kind of "standard" CBDTPA would involve. Says one techie, anonymously, "Hollywood people know just enough about technology to be dangerous." The article is pro-protection, I think, but interesting.

➢ An April 1 *Computerworld* piece quotes several computer people on how badly CBDTPBA would damage computers and this comment from Rob Enderle at Giga: "It would probably crash the [PC] consumer market, given that being able to [copy] songs is one of the reasons that people are buying new machines." That's both cynical and too narrow: CBDPTBA would damage the PC market because sensible people would avoid crippled systems on general principles. On the other hand, it would be tempting to buy large quantities of high-end PCs just before a CBDPTBA mandate went into effect: they'd be legal as used machines, and might be much more valuable than new systems.

➢ My local paper, the San Francisco *Chronicle*, has done a fine job on this story, both in news section and in a typically perceptive Jon Carroll column. You can go to sfgate.com for the latter; an April 8 story by Benny Evangelista, also at sfgate.com, is an example of the former. Unless badly misquoted, our senator Feinstein comes off as not knowing what she's talking about: peer-to-peer programs allow "you to almost instantly copy a movie or compact disc. This is such a violation of patent rights that it could destroy the entire recording and movie industry unless there is some copyright protection involved." I'm not sure what "patent rights" have to do with copyright; I'm pretty certain that you *can't* copy a movie, at movie quality, "almost instantly" or anything like it. And, lest we forget, Napster and Morpheus haven't destroyed the record industry. In a year in which the big international recording companies dealt with ever-lower production costs by *raising* prices, released little new music of any interest, and faced the same post-September problems as everyone else, the monster of casual piracy *and all the other factors* reduced sales by 10% worldwide, 5% for CD albums in the U.S.. (Sorry: there I am editorializing again.) Evangelista includes a brief timeline and some interesting sidelights. Speaking of Valenti, Evangelista repeats a quote from the time of the Betamax suit: "The VCR is to the American film producer and the American public as the Boston Strangler is to the woman alone."

Jack Valenti: modulated voice of reason, with an unbeatable track record!

➢ A Reuters story on April 9 indicates where people stand with regard to the MPAA and RIAA to protect our rights by imposing draconian legislation: "We haven't received one e-mail in support of the Hollings bill," said Judiciary Committee spokeswoman Mimi Devlin. "It seems like there's a groundswell of support [against the bill] from regular users."

➢ Finally—for this installment—the *Christian Science Monitor* offered a clever story on April 12 under the headline "Web pirates pillage Hollywood." It starts with a typical MPAA horror story: teen Sherie Tree is obsessed with *Moulin Rouge*, so she downloaded it using Morpheus and watches it repeatedly on her computer. AOLTW's Parsons says "this entire business could be pirated away." The MPAA's Fritz Attaway says "we have seen our future, and it's terrifying." The MPAA estimates that 350,000 "digital movie files" are downloaded *every day*. (OK: I hereby estimate that six million people read *Cites & Insights*, and I suspect my evidence is just as strong.) The News Corp's Peter Chernin says "We are taking a multipronged approach with legal action and a legislative approach"—or, to paraphrase, sue 'em and screw 'em. We get Joe Kraus noting that the entertainment industry wants to "eliminate the notion of personal-rights use and use technology to control content completely"—to which Attaway responds, entirely logically, "This is the first I've ever heard that there's an inalienable right to fast-forward a film." Then he goes further: "This is a marketplace issue. Consumers will make their interests known, and studios will respond to those interests." It's useful to remember at this point that the MPAA is pushing harder than anyone for CBDPTBA; in other words "the consumer can ask for whatever we're willing to grant, once the government has put full control into our hands." An unusual "marketplace" approach, although well-suited to the pre-1990s USSR. Here's what makes this story **recommended** and particularly neat: a paragraph near the end about that LA teen pirate, Sherie Tree:

Yes, she downloaded *Moulin Rouge* onto her computer. But she also put down $19 of her allowance money to buy the DVD when it finally became available. And she dragged friends and family to the multiplex on repeated trips to watch the film at $9 a sitting. Her original "free" download resulted in a considerable number of purchases.

But she's a *pirate*! If we can't throw her in jail, surely we must fix her PC (and set-top box and broadband router and…) so she can't do those evil deeds!

Other Copyright Stuff

Remember Joe Kraus and digitalconsumer.org? Go take a look: www.digitalconsumer.org. The overview offers examples of how reasonable fair-use rights are being eroded. The typography is horrendous (mixing paragraphs of sans and default type for no apparent reason) but the information is interesting. An FAQ mixes questions with answers and brief quotations. A proposed "bill of rights" suggests six fair-use rights that should be recognized in any copyright-related legislation: Timeshifting of legally acquired content, "space-shifting" of such content (e.g. copying a CD to a portable player), backup copies, use on the platform of your choice, translating into comparable formats, and using technology to achieve the other five rights. It's a fairly modest set of "rights" that flies right in the face of DMCA and Hollings' proposal. **Recommended**.

The April 2002 *Sound & Vision* includes a six-page article on copy protection, "Access denied!" by Stephen A. Booth. It's a refreshing change from the constant pro-industry, "pay per use is wonderful" view of another *S&V* writer and lays out the issues well from a music-listener's perspective. **Recommended.** Similarly, Rik Fairlie offers a forthright one-page opinion piece in the April 2002 *Computer Shopper*: "Protect your right to copy, write CDs." He cites Rick Boucher's excellent argument that copy-proof CDs violate the Audio Home Recording Act and suggests that we need legislation on the *consumer*'s side—which does not, of course, mean MPAA's idea of "consumer orientation." He closes: "If you pay full price, you're entitled to full—and fair—use. It's your data, after all."

There's more, of course. Here (Cnet, April 12) you have SunnComm "adding a spoonful of sugar to its anti-copying medicine." The firm provides technology so that your CDs won't play on your computer (or any CD-ROM-based player), but "PromoPlay" will let you "e-mail songs from protected albums to family and friends," songs that expire after a few playings. What a deal! You can't play *CDs you paid for* on your preferred drive; you can't make *entirely legal* compilation CD—but you can do a variant of the "piracy" that record labels claim to be so widespread. Naturally, SunnComm calls it the best of both worlds. Restriction of legal rights and promotion of quasi-legal copying: what could be better? Along these lines, I was charmed by an April 17, 2002 *Wired News* story (by Brad King)

that reports the trivial drop in CD sales last year—and, instead of just saying "Ooh, piracy, bad" offers views of some critics. Dave Allen of the Gang of Four: "I would suggest that the labels have lost touch with their customers." Sir Elton John thinks that big label executives don't know much about music. Of course, irrationally high CD prices and abysmal new music introductions have *nothing* to do with declining sales.

Maybe (cross fingers) the vultures at MPAA and RIAA have finally gone too far. Writers seem to be waking up instead of swallowing the industry line. And the PC and electronics industries are, in the final analysis, substantially larger than the movie and record industries (particularly if Sony comes to its corporate senses, unlikely as that now appears). One can only hope.

I hadn't encountered *The Filter* until now. Look for it at cyber.law.Harvard.edu/filter/; it's a "regular dose of public interest Internet news and commentary from the Berkman Center for Internet & Society at Harvard Law School." So far, I've only looked at the most recent issue (as this is written), No. 5.0, dated 4/10/02; it includes pointed commentary on CBDTPA and other issues, mostly copyright-related, with loads of links. **Recommended.**

Intellectual Property Beyond Copyright

Michael Seadle has a provocative, thoughtful article in the March 2002 *D-Lib*: "Whose rules? Intellectual property, culture, and indigenous articles." You'll find it at www.dlib.org; **recommended** without comment, as it's not central to my usual themes.

Two issues back, I noted British Telecom's bizarre patent claim in a "Trends & Quick Takes" item, "Here's your link, where's your nickel?" BT claims that it holds a legitimate patent to hyperlinks themselves and began by suing Prodigy. According to a March 14, 2002 *Wired News* item, the judge didn't quite throw BT out of court—but raised questions so tough that the case becomes almost unwinnable. Judge McMahon said in court, "The language of this patent is archaic. And it appears that this technology was already outmoded by the time it was patented." You can retrieve the opinion itself on the Web (all 38 pages!) with some difficulty. Here's the address: http://www.nysd.uscourts.gov/courtweb/pdf/D02NYSC/02-02452.PDF

Following Up

The Machrone Video Odyssey

The late-March Bill Machrone column is *not* about editing digital video on a PC. Meanwhile, his March

12, 2002 *PC Magazine* column recounts another odd experience—this one providing a possible cautionary note for those pushing "locked" formats. The story even involves the Segway Human Transporter ("Ginger"), but only peripherally.

Two of his people had a chance to ride one of the superscooters and shot digital video on the West Coast, which Machrone wanted to mount on the ExtremeTech Website—but he needed to do the editing and uploading in New York. The raw video was too massive to upload or email and he didn't want to wait for shipping. So he had the California people encode the video in Windows Media Video form, a lossy format that brought them down to reasonable size.

But WMV isn't designed to be editable—that's part of Microsoft's digital rights management strategy. *None* of the standard editors would import WMV files. Eventually, his people found a way, using a peculiar series of steps and little-known software. Do note that he *was* able to turn WMV into editable AVI form—if with difficulty.

Shared Wireless and Security

Two issues ago, I noted a *PC World* column about the security of wireless networks (or lack thereof). A fascinating article by Craig Ellison in *PC Magazine* 21:7 (April 9, 2002), pp. 66-8, shows just how much of an issue this might be. Set aside the fact that WEP, the encryption standard for the 802.11b wireless standard, is relatively weak encryption. A bigger problem is that so many networks run without enabling WEP.

How does Ellison know? He and his associates ran a few surveys using modestly-priced antennas and standard-equipment network cards, seeing what networks they could log into if they chose. On a deck in Ziff-Davis' Manhattan office building, they found 61 access points—of which 48 lacked WEP. Picking one at random, they were able to log in immediately, found that the router still used the manufacturer's default password, and noted that they could have changed the router configuration remotely—which, of course, they didn't do.

Driving around Manhattan, they found 130 access points; only 50 had WEB enabled. Over a couple of weeks, they tried similar tests in Jersey City and Hoboken, Boston, and in Silicon Valley. Overall, of 808 networks detected, only about 39% had WEB. Even discounting networks intended for public access and those in coffee shops, more than 50% of access points lacked even minimal protection. The article offers some sensible tips for improving wireless security—unless, of course, you're willing to have a drive-by hacker seize control of your network.

DisContent
I Will Buy No Content Before It's Time

Sometimes an item in the press can push you over the edge. The following item in the December 26, 2000 *[INSIDE]* (the print magazine) served as the trigger for this month's hunk of discontent:

> Sony markets content. Sony markets hardware that plays Sony content. Now Sony provides a virtual space where the devoted can share their passion for All Things Sony…

There's more, but the first two sentences told me that it's time. That is, it's time to say that *only middlemen buy content*.

Sony manufactures and markets motion pictures and sound recordings. Sony also manufactures and markets devices to play back sound recordings, television programs, and motion pictures converted to analog or digital video form—and another range of devices to create and manipulate video and sound recordings, as well as forms of digital data. In general, Sony does not make hardware that favors Sony sound and video over other suppliers (MiniDisc and SACD may be temporary exceptions).

Sony does not market content. I have never seen a Sony ad that urges me to "Go buy some Sony content." But then, I've never gone into Tower and said, "I want $100 worth of content." Neither, I would suggest, has anybody else.

There: Only Words

Semantics, you say? Yes, but what we say influences how we think. The path to a rational "content marketplace" seems no clearer now than it did in the glory days of dot com mania. New Economy analysts struggle to explain how companies can "monetize content" or "repurpose content." Eventually, it all comes down to getting people like me—users who aren't part of the content industry—to pay for "content," either by the piece or (preferably) by the month.

That same issue of *[INSIDE]* has a cover story by Charles C. Mann, "The Hot New Bad Idea," that discusses the various "celestial jukebox" plans—the notions that we'll all pay flat monthly fees to listen to any music we want anywhere we want. The article offers a number of reasons that these plans won't work, but I believe it misses a fundamental issue:

most of us don't buy music by the month any more than we buy content by the bushel.

Most of us don't buy music, period. We buy specific CDs (or albums or SACDs or DVD-Audio discs) containing specific songs, instrumental pieces, operas, or whatever, that interest us—or that contain performances by artists who interest us. Maybe we buy specific songs to download or have burned on custom CDs—but we're selecting specific songs, we're not just "buying some music."

Then again, going to Tower and saying, "Sell me 80 minutes of music on a CD-R" is a lot more specific than my earlier order. Almost equally improbable, but more specific. I might be wrong (as might [INSIDE]): some people may be willing to pay $25 a month for all the music they can listen to. But who's going to pay $100 a month for "unlimited content"?

Packages and Services

"Of course you pay for content," I hear some readers grumbling, "and you probably subscribe to it as well." Not really. Consider an Audible.com ad in that same issue of [INSIDE]; then I'll defend my "Not really."

Audible.com believes people will pay "the low price of $14.95 a month" for "unlimited access" to Audible.com's audio versions of the *New York Times*, the *Wall Street Journal*, *Fast Company*, etc., and for time-shifted versions of public radio programs that they can tape for free. Maybe so, although I'd love to see subscription numbers for this DailyListener plan a year or two from now.

But Audible.com is not selling a content subscription. It's selling a package of newspapers and magazines, along with a service providing specific radio programs in more convenient form. The ad does not say, "Listen to audio content." It says, "Listen to audio editions of…"—selling specific publications and programs.

People subscribe to the *New York Times*. Ongoing subscriptions represent the most common user-revenue model for newspapers and magazines. Not the major revenue model, to be sure; that's advertising, and advertising makes it possible for me to get an endless supply of music everywhere for free—albeit not necessarily the music I want. People don't subscribe to the *New York Times* because it's "a daily pile of content" dropped on their doorsteps. They subscribe because it provides a trusted combination of news stories, commentary, reviews, and other articles, combined with advertising that may also be useful to them.

When I look at the *San Francisco Chronicle*, I don't see content. I see Jon Carroll, Leah Garchick,

Mick LaSalle, Adair Lara, John Carman, Gwen Knapp, and Tom Abate. I also see Nanette Asimov, Suzanne Herel, Peter Stack, and five hundred other writers, editors, photographers, and supporting cast. I read stories, reviews, columns, and commentary. I also read "sourced" material—syndicated items from the *Washington Post*, Associated Press, Scripps-McClatchy, and a dozen others. I pay for those voices and stories by subscribing to the paper.

I subscribe to *PC Magazine*, *Condé Nast Traveler*, *Asimov's Science Fiction Magazine*, and too many other magazines, in addition to a few controlled-circulation freebies. In every case, I subscribe to a known editorial approach, paying for a periodic package of insight, reviews, stories (fictional in the case of some, not intentionally fictional for others), and related advertising in a form I can use. I do not subscribe to content.

Exceptions and Middlemen

There are exceptions, but they're specialized. Cable TV started by providing reception where antennas didn't work; that's still one reason I have cable. Otherwise, people do pay a subscription fee for more choices in television—but most people stop at the $30-$35 expanded basic level, and they're buying a package of television, not "content."

NetFlix may be an exception of sorts—but I would argue that it's not. NetFlix works by monthly subscription, but what you're buying is access to DVDs: the higher the fee, the more DVDs you can use at any time. It's basically complementing the local video rental store by providing vastly more selection with less immediate gratification, at prices that work out to be roughly comparable to local rentals unless you're a truly avid viewer. Each subscriber selects the queue of DVDs he or she wants to see and the desired order in which to see them. If my local video store said I could keep any two movies out as long as I wanted, exchanging them any time, for $14 a month (or three movies at a time for $20 a month), I might sign up. It's a valid business model, and NetFlix has a decent little business (200,000 active subscribers, suggesting around $4 million monthly gross)—but it's not "paying for content."

Can you generalize from these cases to other media? I don't believe so—and I certainly don't believe that you can lump all media together into content.

"Content" and the newer "e-content" may serve useful roles for middlemen. Reuters sells content streams to portals and other Web sites. Presumably *EContent*'s conferences sensibly cross package and

media boundaries. Some issues do affect all media, to be sure, although rarely equally or uniformly.

I believe, however, that the content industry (if there is such a thing) serves itself badly by thinking in those terms. Pundits may sell books and earn speaking fees by muddling media and proclaiming that it's all one bitstream, but people don't buy content. Smart sellers don't try to sell what people don't buy.

> This "DisContent" column originally appeared in *EContent* 24:3 (May 2001), pp. 50-1.

Postscript and Update

NetFlix now has some 600,000 subscribers. While the company's PR firm early suggested to me that NetFlix was profitable, it's actually still operating at a loss—but a steadily shrinking loss combined with growing revenues. Other than that, I don't believe there's much to add. The content industry still has problems defining what it is and people still don't pay for content. Does this affect libraries? Only to the extent that companies with bad business models try to find libraries and others to bail them out. One more thing: You do realize that the title is *not* a grammatical error and the first subheading is not a mistake, don't you?

Ebooks and Etext

Quiet Notes in a Quiet Time

Perhaps the biggest ebook-related news in the last two or three months came on March 12, 2002: the U.S. Court of Appeals for the Second Circuit unanimously upheld an earlier decision rejecting Random House's request for a preliminary injunction against RosettaBooks. I've noted this case earlier; at issue is whether electronic rights are implicitly covered in pre-digital contracts because an ebook is just another version of a print book. Random House claims this to be true; RosettaBooks asserts otherwise and is publishing ebook versions of some books still under contract to Random House. Publishers tend to be on Random House's side; authors tend to be on RosettaBooks side. It's not settled yet; Random House "look[s] forward to pursuing [the case] in District Court." The suit goes back more than a year; if the injunction was granted, RosettaBooks would probably disappear. While the AP story used for this report says that "sales have been growing and the market likely will become increasingly important," it also reports the sales of the eight disputed titles (all of them major works) over the past year: "about 2,000 copies." That's the total for all eight combined.

Scholastic seems to be venturing a little further than their previous promotional ebook efforts, based on the KTD argument ("kids in the teen and tween age-groups will likely be adopters of this format," says a Scholastic spokesperson in Erin Joyce's report in *AtNewYork*)—and the usual "economics" of big-publisher ebooks apply. The ebook release includes 19 best-selling titles; they will be priced at a generous *$1.00* less than the printed versions and made available in the two major semi-open ebook formats, Microsoft Reader and Adobe ebook reader. The report doesn't say whether the buck-a-book discount is from list or from the asking price where these ebooks will be sold (such as Amazon and Barnes&Noble.com). Even with the KTD argument, the project is described as "first and foremost a branding effort designed to promote and drive print sales."

Ebrary's new library-oriented, subscription-plus-page-price model seems to be gaining ground. An April 2 press release notes that BCR, Michigan Library Consortium, PALINET, NELINET, Wisconsin Library Services and OHIONET have all signed on; that's a total of some 6,000 libraries as potential ebrary users.

Is Australia at the cutting edge of distributed PoD? A March 30, 2002 article in *The Age* notes that the University of Queensland booksho has established the UQ POD Centre, a collaboration between the University of Queensland Press, UQ Bookshop, and the UQ printing plant. Worth watching. PoD makes sense in many environments; for a relatively small and remote (but also highly literate and technologically advanced) market such as Australia, the technology could be more important, sooner, than in the U.S.

Then there's a *Guardian* article by Simon Midgley, dated April 9, 2002, that's received a lot of attention for its startling (and misleading) title: "The end of books?" The article is actually about a London conference on the future of *textbooks*—another area where ebooks seem to have a clear role. It's a good report. Rod Bristow of Pearson Education UK, Britain's leading textbook publisher, makes a sensible statement: "I think you will see a multiplicity of media in future, rather than one medium replacing another. If you look at the history of media in general, when a new medium comes along, it does not usually replace an earlier one; it just adds to it." Now where have I heard that before?

I recently stumbled onto Nicholas Negroponte's February 1996 *Wired* column, "The future of the book," which I probably read previously. He begins

by making the nonsensical comparison between the *cost* of storing *Being Digital* on an integrated circuit and its *price* as a hardcover, and goes on to tell us that "we will probably not print many [words] on paper tomorrow" and that "the art of bookmaking…will probably be as relevant in 2020 as blacksmithing is today." After all, the Media Lab's e-paper should be on the market in a couple of years (from 1996); after all, the Web is "doubling in size every 50 days" (probably false in March 1996; assuredly false in March 2002)—and all of those sites will be economically feasible. (He also notes that paper costs went up 50% in 1995. By simple linear projection, that means we *must* all be reading ebooks today: paper's been priced out of the market, since it must now cost 11 times what it did in 1996!) People still take Negroponte seriously and treat *Being Digital* as the future laid out in print. Why is that?

Speaking of *Wired*, the magazine has a new silly-season feature: betting on the future, where two people stake out opposing views and lay down significant chunks of money, with the winner designating which nonprofit gets the proceeds. Here's one $1,000 bet: "By 2010, more than 50 percent of books sold worldwide will be printed on demand at the point of sale in the form of library-quality paperbacks." That's Jason Epstein's bet (with NYPL getting the proceeds); he sees PoD as "the future of the book business." Opposing: Vint Cerf, who bets that "by 2010, 50 percent of books will be delivered electronically." Oddly, Cerf (who really should know better) uses Apple's iPod as an example of "smaller devices with high-quality displays and suitable access controls for intellectual property." Interesting, given that the iPod has just enough display area to show MP3-related information. Technically, all PoD books are "delivered electronically"—so they could both be right. But it appears that Cerf really is touting the future of reading on the palmtop as good enough for half of all books a mere eight years from now. I'd almost like a piece of that action.

PW Newsline for April 10, 2002 includes a quick note suggesting that Thomson/RCA has sold its remaining stock of REB ebook appliances to Gemstar after absurdly low sales. Either Gemstar offered to buy back the units or the contractual agreements called for the buyback if, say, people didn't want the idiotic devices. Who knows?

For the ElcomSoft/Sklyarov case, see "Copyright Currents" even though it also concerns ebooks.

KnowBetter.com

KnowBetter.com includes an Ebook section with original content that seems less extremist than some

other ebook sites—at least *some* of it does. Not this one—a November 15, 2001 piece from the founder, Kelly Ford: "Is the revolution here yet?" He notes that ebooks aren't making much headway in market share—no more than 0.1% of U.S. adult book sales for the first half of 2001. But he's optimistic— "Ebooks are revolutionary. They promise (some would say threaten) to overhaul how knowledge is disseminated… If you listen closely, you can hear faint sounds, created as cracks begin to form in the foundations of the print world."

J. Knight's January 8, 2002 "The stingy man, the greedy man, and ebooks" is a refreshing overview of the market. He begins with one of Tom and Ray ("Car Talk") Magliozzi's sayings: "The stingy man pays the most." That is, when you neglect regular maintenance to save a buck, you wind up paying a lot more in emergency repairs. His computer corollary is that the greedy man makes the least. (You might be surprised by the example—Steve Jobs is the greedy man, Bill Gates the non-greedy man.) And, as he says, "In ebooks, the non-greedy man does not exist." That's probably not true for the niche publishers, but it's certainly true for ebook appliances. He discusses the sad tale of Gemstar and how Henry Yuen killed the ebook appliance market; goes on to Palm and its purchase of peanutpress (selling only from its own Website); notes that the Hiebook came with its own proprietary software, making it a non-starter; and wonders whether Mobipocket might be a "non-greedy man." When it comes to Franklin, he says: "Aw, jeez…where to begin." Will Franklin's eBookMan still be around by the end of this year, after taking back more than they sold in the last quarter of 2001?

Knight does believe in dedicated ebook appliances as a concept. Indeed, he thinks Palms are bad not because the screens are small but because "Book readers don't want, and certainly don't want to pay for, games capability, wireless internet connectivity…[and so on.]" I think Knight's made a fundamental error here. There's little indication that *book* readers have any interest in appliances at all, while there's clear evidence that PDA and Pocket PC users might occasionally read "books" on them. So who does Knight think could save the day? Ronco— Ron Popeil of the Pocket Fisherman and Showtime 4000 rotisserie. "Call it the EveryBook. Throw it [sic] some free ebooks. Accept three easy payments. Grab the market. Show 'em how it's done. And no, I'm not kidding."

I'm sure he's not—but Ron Popeil didn't become king of the infomercials by creating products that nobody had much use for. Somehow, I don't believe

we'll see the Ronco EveryBook on late-night TV any time soon. I could be wrong.

There's a lot more at the site, including a series on specific epublishers and distributors that got off to a good start with a February 11, 2002 conversation with Scott Pendergrast of fictionwise.com. As is frequently the case with successful small operators, "ebook" frequently means "short story downloaded for a modest sum"—and science fiction short stories represent the beginning and one major aspect of fictionwise.com. That's reasonable: short science fiction matters and still has some regular magazine outlets, but it's tough to find great stories after a magazine's appeared. Buy a Mike Resnick story for a buck or so? Sure, why not? Reading 5,000 words on a notebook PC or even a Palm makes a lot more sense than reading a full-length book. Fictionwise doesn't encyrpt its files and supports every available platform; Palm seems most popular at the moment. Pendergrast doesn't see print dying and, despite some optimistic comments, probably doesn't anticipate a huge market for ebook appliances. He's crafted a modest business that can work.

I'm not surprised by J. Alan Hartman's April 11 piece, "Changing the face of e-publishing." He starts out discussing the problem of your limited-budget library buying a "textbook for $150" and having it fall apart in a short period of time through overuse. Clearly, ebrary is a better alternative—for those libraries that spend large portions of their acquisitions budgets on $150 textbooks! The rest of the story is a puff-piece interview with ebrary's Christopher Warnock. While I think ebrary may make sense, it's worth noting that this piece eliminates any mention that the new ebrary revenue model requires up-front payments from libraries in addition to per-page pricing. You get a sense of Hartman's perspective in his closing sentence:

> Time will tell if Warnock's vision of publishing in the future will come true, but with curtailed budgets and minimized spending within the library community and among everyday consumers, the likelihood of ebrary making a successful niche for itself in the publishing world seems *inevitable*…and most promising. [*Emphasis added*]

M.J. Rose in *Wired News*

As always, Rose offers a fascinating smorgasbord of mostly-brief reports; I look forward to clicking on *Wired News* every Tuesday morning to see what she has this week. A few highlights:

➢ Douglas Rushkoff's *Exit Strategy,* the first "open source novel," will appear in print from a small press. It combines his manuscript with annotations from more than a thousand readers dur-

ing its tenure as a free ebook. That same week (February 19) notes the effort at the University of North Carolina at Chapel Hill to recreate the experience of viewing a book in three dimensions—a project that drew scorn from a few "cutting edge" library observers. There's another chapter in the ongoing "evolution" of Amazon as it moves from dedicated bookseller to online department store. An author was upset by negative reviews of his new book, so he posted his own (signed) review. A week after it appeared, Amazon pulled the review because it was not a reader's review, belonging with "editorial reviews." But Amazon no longer has a place for the author to comment on a book—that's reserved for publishers. After all, who cares what the author thinks?

➢ Speaking of fictionwise (see above), February 26 includes the note that all nominees for the 2001 Nebula Awards are available as *free* ebook downloads from that site. That's a great idea but seems unlikely for the booklength nominees, unless science fiction books have unusual contracts. Still, most Nebulas go for shorter works—and most shorter SF works are out of print from original magazine appearance until, *maybe*, they show up in collections. The lead item that week discusses *Medical Approaches*, a free downloadable medical textbook planned as an ongoing work-in-progress with feedback.

➢ I won't name the core site, but you can guess it from the book's title: *F'd Companies* by Philip Kaplan (known as "Pud" on the FC site), published—in print—this April. He created Amazoncan.com to track sales of his book—but it works so well that it's "generated over $70,000 in sales in eight weeks for Amazon.com," according to the March 5 column. Since affiliate sales are tracked, that's a supportable claim—and a fair chunk of income for Kaplan! The site will make it possible for people to discuss books, not just review them, but it's mostly a way to track book rankings. Interesting, unusual stuff that has nothing to do with ebooks. Another item on Bookshare.org does, specifically one of the virtues of electronic distribution as an extension of print: books for the blind, which can be copied legally as long as use is limited to those who legitimately need them. An intriguing idea.

➢ March 10 brings a fairly long discussion of the ethics of Amazon's "used" book sales—many of which are preview copies and returned copies. Some authors want Amazon to downplay used-book availability; others look for the most visi-

bility they can get. That column also discusses BookCrossing.com (previously mentioned here), the oddball site where you register a book (entering the ISBN and getting a unique tracking number), write the number and the BookCrossing website on the book, then leave the book somewhere. If someone picks it up and visits the site, you get to see where your book has gone. The week also includes news of the Children's eBook Award—which went, disturbingly enough, to *My First Internet Manual* from Edizione Piemme.

➢ On April 2, Rose features Dorothy Bryant's book *Literary Lynching*, which is being distributed free chapter by chapter in Patricia Holt's *Holt Uncensored* newsletter. Bryant, 72 and an established author, has more or less given up on getting the book published. One unfortunate aspect of this, not mentioned in Rose's column: *Holt Uncensored* is, while a fascinating site, designed so that printing causes lines to run off the edge of the paper. I'm not sure how you'd assemble a clean copy of the book without considerable trickery, and that's a shame.

➢ April 9: Not a word about ebooks, but interesting notes about book recommendations now that Oprah's giving up on her "club." Other items include a new network of book review sites, CentralBooking.com, and a "virtual book tour" by Greg Knauss, who began contributing to 20 different Weblogs over a one-month period. His new books are essentially published as near on-demand items. 50 to 100 copies at a time, and his publisher says, "they're selling faster than we can print them."

➢ The April 16 column notes one of this year's great silly-season book stories: the Author's Guild, whoever they are, encouraging its membership to remove Amazon links because Amazon makes it easy to buy used books (see March 10). I'm no friend of Amazon, but most authors recognize that first-sale rights *help* them by making them better known—and Amazon isn't that big a force in the book field. Quite a few authors made fun of the Author's Guild campaign, for all the right reasons. The sole ebook item in the column is that six finalists for *ForeWord* book-of-the-year awards (traditionally honoring independent publishers) are ebooks/PoD books self-published through 1stBooks.com. Hmm. *ForeWord*: isn't that the formerly reputable magazine that now does book reviews for hire?

I'm noticing a growing trend in M.J. Rose's columns. To wit, most of the items are publishing-related but have nothing to do with ebooks, even using the absurdly broad definition that includes PoD. Could there be a message?

Product Watch

More GeekWatches

If you're happy taking grainy little pictures with your Casio watch, just ignore this item as technophobia. Fossil plans to release the WristPDA, a $145 watch that downloads information from a PDA via infrared. A Fossil VP says (quoted in the March 2002 *Computer Shopper)*, "Handheld owners want to have their information on them at all times, without having to carry around their PDAs." Hmm. You bought the notebook because you wanted your information with you all the time. You bought the PDA so you wouldn't have to carry the notebook. Now you buy the geeky, overpriced watch so you don't have to carry the PDA. What's next? One of those five-and-dime pocket notebooks at, say, $1.50?

Leave it to IDC. As with any good market analysis firm, they say, in essence, "it's just a matter of time." Analyst Kevin Burden notes that geekwatches haven't done well, "but that could change as people warm to the idea of having their information always conveniently at hand." Burden sees multifunction watches as "the kind of 'wearable computing device' that could potentially gain mainstream acceptance."

If I was dependent on that much contact and appointment information—"1,100 contacts, 800 appointments, 5,000 to-do items, or 350 memos"—being at hand all the time and found a Palm too bulky, I suspect I'd look for a cell phone with some extra RAM and IR capability or maybe one of those Palm/cell combos—but then, I like watches with hands on them. Even more fortunately, I lead a simple life here in the backwaters of Silicon Valley. 800 appointments? 5,000 to-do items? Good grief.

Canon Raises the Bar —and the Price!

"Canon raises the bar" is the headline on a drooling five-star half-page review in the March 12, 2002 *PC Magazine*. The Canon EOS-1D doesn't offer the most resolution on the market (it's a 4.1-megapixel unit), but it's a hotshot professional unit. Built like a tank with a magnesium body, full SLR operation, able to accommodate any Canon EF lens, and with a big imaging chip—which means that lenses perform more closely to their film ratings. (It's complicated; even here, a 16- to 35mm zoom lens turns out to be equivalent to a 21- to 46mm lens on a 35mm camera.) It weighs a ton—actually five pounds—but it's

well balanced and easy to operate. One little concern before you run out to buy this "prosumer" camera: $5,499 buys you the body and you'll pay another $1,600 for a lens—in other words, $7,100 for an operational system. Seriously, professional quality never did come cheap.

PC Emulation and Comparison Ducking

The good news, if you're a Mac owner who needs to run Windows programs at times: according to an April 2002 *Macworld* review, Virtual PC 5.0 from Connectix offers "excellent performance." The bad news: *Macworld* seems to have gone to pains to conceal real performance issues. There are *no* timed comparisons in this review. Instead, the writer "finds comparable performance" between Virtual PC on a high-end Mac (an 867MHz Power Mac G4 with 896MB RAM) and an IBM ThinkPad 600X with a 500MHz Pentium III and 192MB RAM. Toward the end of the review we learn that "Virtual PC is an inexpensive and incredibly useful alternative to buying a PC (for $1,000 or more).

Virtual PC with Windows 2000 costs $249; it wasn't available with Windows XP when the review was written. Yes, that's cheaper than buying a standalone PC—but $1,000 is hardly the entry point for a PC, particularly when you can share a monitor. Atlas Micro Logistic charges $569 for a PC with an Athlon XP 1800+ (3.6 times as fast as the ThinkPad's CPU), 256MB SDRAM, CD-ROM, XP installed, and so on. If you want a big-name system, Dell offers a 1GHz Celeron system for $599, and that *includes* a display and decent-size hard disk. In fact, $1,000 without display will buy a powerful system, typically with a Pentium-4 running at 1.6GHz or faster. Which raises the other point about the review: the comparative systems appear deliberately chosen to make Virtual PC look good. You can't buy a 500MHz PC today except as a used system. Midrange systems run four times that fast, with the slowest notebook PCs being roughly twice as fast.

Why bother? The message here is that Virtual PC is fast enough for most business applications (and, as they note, not really good enough for gaming). If you want to stay local to the Mac but must dirty your pixels with Windows at times, it's a good solution—and relative speed may not matter.

DataPlay: Still Almost Here

I mentioned DataPlay a few times last year—a "quarter-size" optical medium holding 500MB data with strong digital rights management built in.

Wired News for March 20, 2002 has a story claiming that four major record labels have signed up to use DataPlay. Looking back at my Midsummer 2001 item, you could reword that: *a fourth* label has joined the three that announced their support nine months ago. (The fourth is "Zomba Recording," and up to now I never knew Zomba was a major label. For that matter, I never knew it existed.) As I suspected then, the medium is all about "protection"—which, of course, means protecting the publishers, not honoring your expected use rights. Here's a cute one, given that DataPlay can be a record-once medium: "If there are no digital rights attached to the file, then DataPlay assumes none." If you burn MP3s to a DataPlay disc, no matter how legally, you can't copy them to another computer or device.

The article includes a KTD commentary. It also includes some questionable claims. The 500MB disc can hold up to five hours of CD-quality music due to advanced compression techniques. Good enough; at 192K bitrate MP3 recording, close enough to CD quality for most uses, five hours should fit on 500MB disc space. But Todd Oseth, a senior VP, says, "Because we are a newer technology, we can use newer compression techniques. Compact disc can't do that because the legacy technologies in CD really hamper how much you can put on a disc."

That statement is either obvious or absolute nonsense. **Obvious**: Red Book CD (that is, standard audio CD) uses no compression whatsoever; 80 minutes take up 700MB. **Nonsense**: an implied suggestion that "newer" compression techniques won't work on data CDs (e.g. CDs as MP3 carriers). In this case, bits really is bits: once you've applied a compression technology, the medium the bits are recorded to is entirely irrelevant.

There's been almost no change since last July except that one record label has signed on. That's about it. DataPlay players are promised in May, priced between $299 and $369.

SonicBlue ReplayTV 4000

I wouldn't mention a relatively new PVR (personal video recorder), but the 4000 series offers the biggest hard disks on the market—and *Sound & Vision*'s April 2002 issue includes some (gasp!) *objective* tests, unlike the typical rave reviews in most PC magazines. (Apparently, PC magazines don't believe you should use instrumentation for anything except PCs; if it's consumer electronics, it's beyond measurement. Stereo and video magazines have been using instrumented measurements for a lot longer than PC magazines have existed—but what do they know?)

The essentials: you pay $699 to $1,999; you get 40 to 320 gigabytes hard disk space ($699 for 40GB; $999 for 80GB, the tested model; $1,999 for 320GB); you can record at three quality levels; you get snazzy programming capabilities; it's easy to skip commercials automatically (some of the time); and you can share recorded programs with other ReplayTV users via the Internet.

The reality: Figure on 8 hours to send someone a half-hour situation comedy, 32 hours to send a 2-hour movie—at the lowest quality, which isn't as good as VHS. That quality gives you one hour per gigabyte. If you want S-VHS quality, move to Medium or High quality: an 80GB model will provide 26 or 50 hours recording. DVD quality? "Almost as good" at high quality. If you connect the ReplayTV between your cable box and your TV, figure on four or five seconds for each channel change.

The reviewer loves it, of course. "If you subscribe to the notion that time is money, given that a ReplayTV 4000 returns, on average, a quarter of every hour you spend watching commercial TV, then it is—in a word—priceless." If you don't just watch more TV—as most PVR owners do.

Convergence Cameras?

Wowie zowie. For a mere $199.99, Nexian sells the NexiCam add-on module for your Compaq iPaq pocket PC. It turns the iPaq into a "personal digital and video camera" with 800x600 resolution (just a bit less than half a megapixel). My naïve guess was that you could buy a much better digital camera for $200, one that didn't require a $600 iPaq. Hmm. A quick check of catalogs shows that Fuji, Pentax and Olympus all offer 1.3megapixel cameras for $180 or less, with HP offering a 2.3megapixel camera for $200. (Of course, the magnificent Olympus Stylus Zoom 80, which takes 6 megapixel shots, sells for $200 as well, but it uses film, so it's not even worth considering.) None of those have the benefit of requiring a hefty, expensive pocket PC to work. Ain't convergence wonderful?

Here's another option, rated five dots out of five in the April 9, 2002 *PC Magazine*: Minolta's DiMage X. It offers two megapixel resolution, four times as much as the NexiCam but less than you can get for that price today. What makes it special is fairly straightforward: it's three-quarters of an inch thick and "about the size and shape of a cigarette case," but capable of taking decent photos.

Road Tunes

I read about the NexiCam in the April 2002 *Computer Shopper* "Gear" section, one of the seven hot

new toys that every true geek needs to buy. Right next to it was this charmer from Sony: the Xplod MEX-5DI car stereo. It accepts CD, CD-R, and CD-RW discs and plays MP3 tunes. It costs $1,000. What makes it special? "Its 32,000-color TFT display. The screen displays photos you feed it through a Memory Stick slot." Right there in your dashboard, where the station or track or clock information would normally be, while you're driving. Didn't you always want to show off your photos while you're on the road?

Terapin Mine TX2000

I would have sworn that I poked gentle fun at Apple's iPod some time back as an overpriced, if nicely designed, portable hard disk with MP3 capabilities. Maybe I thought better of it (or maybe my indexing is getting even worse). In any case, the April 2002 *Computer Shopper* writeup on this $600 devil makes the iPod look *very* good, once Windows software is available for it or if you're one of the 5%. The Terapin has a slightly larger hard disk (10GB), but it's also a lot bigger and heavier (one pound and "roughly the size of a VHS videocassette"). It goes through a set of batteries in less than two hours. It's "Linux-enabled" and can connect directly to the Internet or show photos on a TV.

Digital ROC and Digital SHO

Remember Digital ICE? It's a technology built into a few scanners that allows them to clean up damaged photographs by scanning the surface itself and correcting for scratches. It works, apparently—if you have the right scanner. A recent scanner included not only Digital ICE but Digital ROC, a program to restore faded colors.

Now, for $50 each, you can buy Digital ROC and Digital SHO as Adobe Photoshop filters. ROC still works to restore color saturation and balance; SHO aims to correct exposure problems. According to a review by Les Freed in the April 9, 2002 *PC Magazine*, both of them work very well and are "excellent and affordable tools for your Photoshop arsenal"—Freed gives them perfect five-dot ratings.

The Good Stuff

Suber, Peter, "Analogies and precedents for the FOS revolution," in *Free Online Scholarship Newsletter,* March 11, 2002.

An interesting informal discussion of how other media and communications techniques—in particu-

lar, postal delivery systems since the late 1840s—may relate to free online scholarship. Worth reading.

Marks, John, "As we see it," *Stereophile* 25:3 (March 2002), p. 5.

If you have *Stereophile* at your library or full-text access, or if www.stereophile.com includes this column, it's worth reading for its essential point. That point is one I've probably made here before, although it has little to do with libraries.

To wit: When you go to local businesses to evaluate a purchase—browse for a book, test drive a car, find the new lamp you need, choose the speakers that suit you, whatever—and then use the Internet or other means to save a few bucks, you're "free riding." In the short run, you've saved a few bucks. In the long run, such practices will put local retailers out of business, leaving you with megachains at best, not being *able* to try things out at worst. It's another form of the Tragedy of the Commons, albeit with private businesses as the "commons."

In our field, the worst case is probably browsing at independent booksellers, then buying from the big chains or Amazon—and later wondering why the independent booksellers have turned into Starbucks outlets. Marks' advice: "Don't use other peoples' business resources in bad faith." It's a specialized version of a fairly well known simple guide to behavior. Something about doing unto others?

Bates, Mary Ellen, "Got the time?" *EContent* 25:3 (March 2002), p. 56.

Mary Ellen Bates' "end of file" column on the last page of *EContent* usually makes good reading and good sense. This one talks about "pre-digital" expressions, one of which is "about 10 to 3" as a time. I think she may be wrong on the example—but only because I don't believe kids these days are universally abandoning analog watches and other timepieces. She's absolutely right that, if you don't see analog watch and clock faces, "a quarter to two" or "about 10 to 3" probably isn't the way you'd refer to the current time. It's "2:51" or "2:49:13."

The example is her way of making a more important point about reference librarians and online searchers, and it's a point that's bothered me as well, although I haven't put it into writing. To state it broadly, too many librarians "strive for 2:49:13" when the user really wants "about 10 to 3." That is, there's a tendency to look for absolute precision and "the perfect result," while in many cases what users need is a good approximation, ideally with some nuances. Well, that's *roughly* what she's saying…

Shafer, Jack, "Who is 'Robert Klinger'?" *Slate,* March 12, 2002 (and associated stories, includ-ing "E-mail impersonators" by Bill Barnes, posted the same day). (slate.msn.com)

A different sort of "good stuff," perhaps, just for fun. This is an account of how someone—probably, although not certainly, Ravi Gunvant Desai—managed to impersonate Robert Klingler, supposedly CEO of BMW's North American operations, in order to write one of *Slate*'s "Diary" features. Three days into the five-day feature, *Slate*'s editors concluded that they'd been had, removing the first two diary entries and not posting the next two.

The main story (with a number of sidebars) recounts what happened, the precautionary steps *Slate* failed to take, how they finally investigated the situation, and who Ravi Desai is or might be. In fact, Desai (who lives in Menlo Park, not far from Mountain View) had written an earlier "Diary" in his more-likely guise of a Silicon Valley executive. Barnes' item discusses how Internet email works and how you can reveal headers to track down most spoofed email ("Klingler" email was almost certainly spoofed; despite a "From" address in one email of rk@ceo.na.bmw.com, the mail shows an initial header location of mail.considianconsulting.com—and that domain is registered to Ravi Desai.)

It's a fascinating story. *Slate* is obviously embarrassed about the whole thing, to the extent of going into great detail about how they were duped and the oddities in Desai's background. But "Diary" features are just that, odd little features that offer informal glimpses into one person's life each week. Not investigative, not scoops, not hard news. In other words, this really counts as a prank.

For some odd reason, most of the worst spam I receive (including the "help me transfer millions from Nigeria" letters) comes in via my br.wcc address. Which means that I can't possibly contract a mail virus or worm from the mail (it all gets dumped into ASCII text) and that I see the headers—a nuisance at times, but quite revealing for spam and spoofs. You have to work a little to see headers in modern mailers, and most of the time you don't want to, but it's good to know how—just in case president@whitehouse.gov sends mail congratulating you on something.

Samuelson, Robert J., "Debunking the digital divide," Washington *Post,* March 20, 2002. (www.washingtonpost.com).

It's just two print pages but worth paying attention to, much as I hate to undermine yet another Important Library Campaign. Samuelson recounts some statistical studies that suggest fairly strongly that the so-called digital divide has been wildly overblown, at least in terms of its economic impact.

For example, that divide has been blamed for the *fact* that wage inequality—the ratio between workers at the 90th percentile and those at the 10th percentile—has worsened, going from 3.7:1 in 1980 to 4.3:1 in 1999. But it turns out that the ratio was 4.3:1 in 1986—and it's hard to blame economic changes between 1980 and 1986 on the greater availability of home PCs to certain classes!

Samuelson also notes that growth in computer usage among *all* racial and income groups is rising rapidly, and that "many computer skills aren't especially high-tech or demanding." His primary point is another variation on a theme that always bears repeating: We tend to oversimplify problems, and that never helps achieve solutions. In this case, "computers" are far too simple a solution for "poverty." Samuelson closes: "But computers never were the source of anyone's poverty and, as for escaping, what people do for themselves matters more than what technology can do for them."

Sonia Arrison wrote a brief related piece earlier at Cnet's News.com, "What digital divide?" She works from a Department of Commerce report, *A Nation Online,* that she interprets to mean that "the digital divide is not a crisis that places citizens in urgent need of more government help." Andy Carvin of the Benton Foundation's Digital Divide Network assaults her essay and others like it in an April 1 news.com essay, "Digital divide still very real." You won't be surprised to read Carvin's assertion that the Department of Education says that 44 million adults are functionally illiterate—and, given his position, you *certainly* won't be surprised to read what a terrible crisis it is. If you want ALA's take on the "digital divide," there's a policy brief from the ALA Washington Office that begins with a statement I find peculiar at best: "The challenge to libraries regarding the Digital Divide is to justify the role of libraries in the information age." You can read the brief yourself, along with a range of related statements, at www.ala.org/oitp/digitaldivide/.

Nunberg, Geoffrey, "On the bias," March 19, 2002, available from www-csli.Stanford/edu/~nunberg/bias.html. (Aired as a "Fresh Air" commentary.)

Continuing in a statistical vein, maybe it's time to debunk one of the most consistent harangues of today's political right: the liberal bias of the media. Nunberg is commenting on Bernard Goldberg's book *Bias,* which he doesn't much care for, and notes Goldberg's version of the "provable" bias claim: the media "pointedly identify conservative politicians as conservatives," but rarely use the word "liberal" to describe liberals. By differential labeling, those bi-ased journalists are making conservatives appear to be out of the mainstream.

Nunberg notes that this claim is testable. And so he does, using "a big online database" (which I strongly suspect is Lexis/Nexis). He looked at articles from 30-odd major newspapers, taking the names of five fairly well-known conservative politicians and five liberal politicians. He considered how often each name appeared within five words of "liberal" or "conservative" (whichever was appropriate), and hand-checked a sample of results to be sure he wasn't getting too many false hits. In all, there were more than 100,000 references to the ten names, so it's likely that the results are statistically sound.

You know what's coming, don't you? There is in fact a big disparity in treatment. "The average liberal legislator has a thirty percent *greater* likelihood of being identified with a partisan label than the average conservative does." Barbara Boxer gets labeled *twice* as often as Trent Lott. Nunberg, nothing if not fair, wondered whether he'd "inadvertently included a bunch of conservative newspapers in my sample," so he did the same search in three papers routinely accused of a liberal bias: the New York *Times*, Washington *Post*, and LA *Times*. While these papers use labels a bit less often, the difference is the same: liberal politicians get labeled 30% more often than conservatives do.

Goldberg claims that actors get slotted the same way: "it's not unusual to identify certain actors, like Tom Selleck or Bruce Willis, as conservatives. But Barbra Streisand or Rob Reiner…are just Barbra Streisand and Rob Reiner." Guess what? Nunberg's check shows that "The press gives partisan labels to Streisand and Reiner almost *five times* as frequently as it does to Selleck and Willis."

Nunberg expresses surprise—but only because he thought "liberal" had become such a problematic word that nobody wanted to use it. (As he notes, true leftists don't much care for liberals.) His conclusion: "The one thing that's certain is that there's another bias operating here…the one that leads media critics to hear what they want to hear."

Grimes, Brad, "Living (happily!) with dial-up," *PC World* 20:4 (April 2002), p. 43.

I was struck by this installment of Grimes' "Web savvy" column because it's so unusual for a professional tech writer. He loves broadband—but he moved to a new house in an area that doesn't have it. The column includes tips for living happily with dial-up speeds, which can be summarized as "Find faster Web sites." It's refreshing to find someone admitting that you don't need broadband to survive.

Norton, Meg, "The jigsaw puzzle, or why I love my job," *American Libraries* 33:4 (April 2002), p. 42.

Skipped right past this little "Opinion" piece? Go back and read it, particularly if you're discouraged about librarianship and reference work in particular. Meg Norton, a reference librarian in Escondido (Calif.), tells a wonderful story about a "librarian's ideal patron" who wanted to find out more about a soldier whose headstone he'd seen in the Omaha Beach cemetery in Normandy, France. Worth rereading even if you saw it the first time around. After which, go to page 91, pausing to read my MyLibrary column if you're interested, and turn the page to...

Schneider, Karen G., "Fiat Lux: a Yahoo with values and a brain," *American Libraries* 33:4 (April 2002), p. 92.

You never know just what to expect from Karen's "Internet Librarian" column—and it's almost always a pleasant surprise. This column introduces a new project, trying to bring together the teams of librarians that maintain resources such as Michigan Electronic Library, the Internet Public Library, and lii.org (which Karen now manages). "In the long run— which in Internet times is six months to a year— some of us have brainstormed about building one wonderful Internet resource, one well-known place we can direct our users, a site that is trustworthy and high-quality and dedicated to the public good."

I'm not involved in this project, and I think "Internet times" for "the long run" can still extend out several years—but I also think it's a worthwhile idea. Worth following, worth supporting.

Boyd, Stephanie, "A traditional library goes virtual," *Online* 26:2 (March/April 2002), pp. 41-5.

If you know my predilections, you must wonder whether I've mistakenly put this here instead of in "Cheap shots and commentary"—certainly I'd never treat a "virtual library" *favorably*? But this is about a special library (Bell Canada's Information Resource Centre), and special libraries are aptly titled. In some cases, the librarians and library resources of a corporation can serve better without a physical nexus; this may be one of those cases.

You do see a bit of the corporate bias in one sentence, referring to print subscriptions to reports from industry research firms. "Because of the cost of this type of material, and its ephemeral value (who wants to read a market analysis that is one year old?)…"

I have ready answers for that parenthetical question. A business historian, for one. A *smart* corporate

librarian or executive who looks at old reports to see whether the analysis has proven to be worth the high price. Neither of those answers may apply here.

Well written, interesting, and Boyd does *not* characterize special libraries as the leading edge of a universal tsunami of virtuality.

Nardini, Holly K. Grossetta, and others, "Lessons for working with Web designers," *Online* 26:2 (March/April 2002), pp. 51-6.

This fascinating article recounts Yale University Library's experience in transforming its Web site. Not much more to say; the article's worth reading as a case history with useful lessons for others.

Crawford, Walt, "Crashing every hour," *Online* 26:2 (March/April 2002), pp. 83-4.

I don't usually cite my own stuff, but in this case it's *your* own stuff: the material for this "PC Monitor" comes from the survey I did here last summer. Ninety of you responded, not enough for statistical validity but consistent enough to make a good story. And, since you're looking at the issue anyway for the Boyd and Nardini stories…

If you read the print magazine (highly recommended) instead of an online version, look back two pages; Péter Jacsó's "pan" of the month is one of those grotesque "let's all make an encyclopedia" efforts (Wikipedia) that help some of us appreciate professional efforts. He is astonished that MIT's *Technology Review* ran a serious interview with the CEO and that Peter Suber wrote a friendly notice. I am incapable of being surprised by *Technology Review* behaving like *Wired*, but the Suber notice does surprise me. (His first pick of the month is Suber's *FOS Newsletter*, which I read regularly and occasionally cite.)

The Details

Cites & Insights comes from Mountain View, California. Magazine editions are those received here; seasonal and other references are from a California perspective.

URL: cites.boisestate.edu/civ2i7.pdf