Cites & Insights
Crawford at Large

Perspective

Wanted: Conference and Program Reporters

I still miss the *LITA Newsletter*, and particularly the extended sets of program and discussion reports from the ALA Annual Conference and Midwinter Meeting. If there's anything I'm particularly proud of from my nine-year tenure as *LITA Newsletter* editor, it's making it a great and successful home for conference reports.

How successful? I can't speak for the readers, but I never had to scrounge for reporters, and the Annual Conference report section grew to 27 pages in 1988, 39 in 1990, 30 for 1991—and a 128-page paperback *LITA Yearbook* in 1992.

The next editor chose a different path—a more graphically interesting newsletter with more color and fewer pages, including much briefer (but still useful) program reports. Then LITA decided to make the newsletter electronic-only, to save money and show LITA's technological bent. Unfortunately, the e-newsletter never attracted a critical mass of writers and soon disappeared altogether.

Last year, I started grumping publicly about the lack of good program reports and my sense that I was losing touch with LITA. The lead PERSPECTIVE in *Cites & Insights* 3:3 (March 2003) addressed this issue directly. Elsewhere, I even (facetiously) suggested a *Not the LITA Newsletter* movement. After some email responses and discussion on LITA-L and elsewhere, I received assurances from LITA's elected officials that they were aware of the problem and working on it. In *Cites & Insights* 3:4 I stepped back:

> I'll quote one key sentence from Pat Ensor's LITA-L message: "I think…it is safe to say that the Board appreciates the same need for information and thinks that if it's to be done, LITA needs to make it an official thing—we're just not sure what the 'thing' would be and who would do it!"

Given that "LITA needs to make it an official thing" and the relatively low level of feedback (17 out of more than 1,300 members on LITA-L and more than 4,000 LITA members), I'm stepping back. I do not intend to pursue the silly *"Not the LITA Newsletter"* idea. I'll pass along the volunteers' names and notes to Pat. And leave the future of LITA communications up to the division's officers and volunteers.

That was March 2003. It's now November 2004. I've seen little or no action from LITA. There is a "LITA Newsletter Revival Page" on the LITA website, but it hasn't been updated since April 21, 2004. I'm convinced that *Not the LITA Newsletter* was a dumb idea. I'm also convinced that many of us would like to know more about what happened at the programs we can't attend (and the conferences we've never heard of), and that some of you would like the chance to report to a fairly wide (and growing) audience. That's not specific to LITA programs by any means.

Inside This Issue

Cites & Insights: Conference and Program Reports

Beginning January 2005—specifically, beginning with the 2005 ALA Midwinter Meeting—*Cites & Insights* is adding a new feature. I'm inviting people to report on discussions and programs that relate to the broad foci of *Cites & Insights:* The intersections of libraries, policy, technology and media—and the people they serve.

I'll publicize this invitation as widely as possible—on the lists that currently publish new-issue announcements, on LITA-L, on library-related writing lists that I know of, as a *LISNews* story and in

my journal there, via email "press releases" to *American Libraries*, *Library Journal*, and a handful of others, and (with luck) by readers forwarding the notice to other lists whose subscribers might be interested. Publicity will start in mid-December or early January. I'll repeat a shorter invitation periodically here and on a few lists (probably in conjunction with new-issue notices).

This is *not* an attempt to replace the *LITA Newsletter*. It won't include official communications or notes about program plans. It's also not limited to LITA programs and discussions or ALA's conference programs, although I hope to see good reporting from those venues.

I hope to see enough reports from ALA Annual and certain other major conferences to justify separate issues of *Cites & Insights.* When there are fewer reports, they'll appear in special sections of regular *Cites & Insights* issues.

I'm not planning to reduce my own contributions to *C&I* (although more brevity wouldn't hurt). I am hoping to make this a welcome home for new (and old) voices and a source of prompt, rich program reports.

This is somewhat experimental. If the experiment results in a trickle of reports that aren't very interesting, I'll drop it. If it results in so many reports that I don't have time to edit them, I'll look into some other mechanism.

The following instructions may be refined over time and will appear as a new page on the *Cites & Insights* site, linked from the home page at cites.boisestate.edu.

Conference and Program Reporting Guidelines

Librarians and others in the library field are invited to submit reports on conference programs, discussions, and other events and, as appropriate, on conferences themselves. Appropriate programs and conferences include those related to the intersections and interactions of libraries, policy, technology and media—and the people they serve. If that seems too broad, consider the coverage within *Cites & Insights* and areas that you believe relate directly to it. (Or send me email noting the program or conference and asking whether I think it's in scope.)

Why Submit Reports to Cites & Insights?

➢ Your writing will reach a large and growing audience within the library and related communities. *Cites & Insights* already reaches more people than most print library publications. That reach will grow as you recommend it to colleagues.

➢ Your reports will be edited as lightly as possible, primarily to fix spelling errors, clean up the worst grammatical problems, add subheadings, and avoid legal issues. If your reports are coherent and reasonably well written, they'll appear in your voice.

➢ Your reports will be signed, with an email address, optional website address and brief author identification. *Cites & Insights* isn't a refereed journal, but publication here should be worth including in a curriculum vitae as publication and service to the profession. At the very least, your name will be out there, connected to your writing in a known and widely read publication.

➢ You'll inform your colleagues, show your interests and skills, and improve communication within the library community.

➢ Your reports will appear in a timely manner: **Always** within two months of submission (if they appear at all), generally within six weeks, ideally within two to four weeks.

➢ You retain copyright and almost all commercial rights, even though you must assign some rights (the Creative Commons BY-NC license is required for all *Cites & Insights* submissions).

➢ Since *Cites & Insights* is free, you can make as many copies as you'd like and point people to your report in the knowledge that they can see it within context. You can also post it separately in HTML form if you desire; there are no limitations on your use of your material.

What Must I Agree To?

➢ You agree to allow others to copy and redistribute your report, as long as attribution is provided and distribution is noncommercial, as spelled out in the Creative Commons BY-NC license, and to allow inclusion in print-on-demand volumes of *Cites & Insights*.

➢ You agree to accept my editorial changes without review, although you're free to send feedback if you feel I've misrepresented your intentions.

➢ You agree to submit reports in Rich Text Format (.rtf) or plaint text (.txt), as plain

text within email, or by pointing to web pages containing reports in HTML form.

➢ You agree to provide a real email address that will be published with your report (a website URL is optional), to use your real name, and to provide a one or two sentence biographical note (no more than 50 words).

➢ You agree to avoid slander, libel, deliberate falsehood, and other potential legal liabilities, and to accept my decisions to cut or refuse submissions based on possible vulnerability.

➢ You agree to report fairly and accurately on what you've seen and heard during a program or conference, adding your own thoughts and opinions as appropriate.

The Mechanics

➢ Tell us *about* the content of the program. Don't just say Speaker A from Institution B talked about Topic C; give us the gist of the talk or at least the parts you find new or noteworthy.

➢ Add your own reactions and comments but don't turn the report into your own editorial or try to convince people that you should have been giving the speeches.

➢ A page of *Cites & Insights* includes 700 to 800 words. A typical single-program report should run anywhere from half a page to three or four pages. A multi-program report or one that covers a special conference might run longer, but don't expect me to run 7,000-word reports unless they're extraordinarily meaningful. Figure 350 to 3,000 words for most reports.

➢ Reports must be text only, "Latin-1" (extended ASCII), submitted in one of the following ways, with the first preferred:

➢ **RTF or TXT attachments** in email, or just plain email text, to wcc@notes.rlg.org. I will *not* accept .doc attachments except from people I already know pretty well. RTF is preferable to TXT. If you think subheads and the like will be lost in the translation to RTF or TXT, feel free to mail a print copy to me (Walt Crawford, RLG, 2029 Stierlin Ct., Suite 100, Mountain View, CA 94043-4684)—and let me know you're doing so in the email.

➢ **Web text-only pages (HTML)** pointed to in email to wcc@notes.rlg.org. If you're planning to post your own version anyway, this is a reasonable way to submit the report. I'll probably cut-and-paste to make sure I'm only getting text.

➢ Reports *must* be signed with your real name, *must* include a legitimate e-mail address, and *should* include a one or two sentence author identification, no longer than 50 words, preferably 25 words or less. "Suzanne Gregory is an Acquisitions Librarian at Old St. Mark's College Library who is active in ACRL" would be a reasonable author identification; so would "Julian Calendar is pursuing an MLIS at Rosary College, plays guitar in a grunge band on weekends, and plans to work as a children's librarian. This was his first ALA conference." If you include a website URL, I'll include that as well (after checking it and rejecting the entire report if it's inappropriate).

➢ Write in your own voice. Clear, informal writing works best. Many of you are better stylists and briefer writers than I am, and I hope to see some of that writing. Avoid footnotes. Keep URLs to a minimum. Illustrations and graphs will not be used, period.

➢ If you know you're planning to report on a particular program or discussion, particularly at ALA Annual or Midwinter, you might send me email beforehand (wcc@notes.rlg.org). Then, if someone else says they're planning to cover the same program, I'll let them know you have the same plans (and include your email address). Maybe you can figure out who's more interested, consider alternative programs, or do a joint report.

I hope you'll consider submitting reports. I'd like to learn about the programs I've missed, I'd like to hear from more fresh voices, and I'd like to see *Cites & Insights* be more useful to a wider audience.

disContent
Turn On the Radio

Two mottoes appear on facing doors at most Max's restaurants in the San Francisco Bay Area: "This is a bad place to diet" and "This is a good place to diet." Both sayings are true. Max serves big portions of traditional and deli-style American food—but Max also offers a range of satisfying salad entrees and uses low-calorie ingredients where they make sense.

What does this have to do with econtent? Nothing, except that I was reminded of the contradictory mottoes when I thought about the Web and September 11. I would argue that Web content sources failed badly on September 11—and that Web content sources succeeded brilliantly on September 11.

I'm writing this in early October 2001. There's been enough time for some perspective and more than enough time for various sources to make conflicting claims about what did and didn't work. I'm sure there will be many more attempts to write and rewrite the history of Web journalism in mid-September 2001 by the time you read this.

My wife was bound for Quebec City (work-related) on a 7:30 a.m. flight out of San Jose on September 11. After helping her get out the door at 5:45 a.m., I went in to work even earlier than the usual 7 a.m.. I heard something on the radio about a possible explosion at the World Trade Center, but nothing more. Shortly after I got to work, my wife called from the airport: flights had been delayed 90 minutes and she wondered what was going on. By then, enough people were there so that I could get a quick overview and agree with her notion that she should cancel the trip and come home. The flight never departed and the Quebec City meeting was cancelled.

Here I was at work—RLG didn't shut down—wanting to stay aware of what was happening. Here's what didn't and did work.

The Web Fails

Since my computer was on and our LAN is always Internet-connected, I thought cnn.com would be a good place to start. Whoops. No connection. Ditto ABCnews, MSNBC, and every other national news source I tried: nothing there. There's a news feed on my "custom" home page, but it was clearly two or three hours old (as most syndicated news feeds seem to be, before and since).

By 7:45 a.m. (Pacific time), someone had rigged things up so that the Gateway Destination big-screen computer we sometimes use for training was receiving grainy TV in our biggest conference room. Nobody was pressuring us to keep working—but I was one of those who could not stare at the box for too long.

Nonetheless, I wanted to keep an eye or an ear on the events, and the Web just didn't cut it. Then I remembered that I had a crummy little radio at work, one that I'd never used and probably didn't

work anyway. I found it and turned it on; amazingly enough, it pulled in the local NPR outlet.

Google figured out the situation fairly rapidly, putting this advisory on their spare Web page: "If you are looking for news, you will find the most current information on TV or radio. Many online news services are not available, because of extremely high demand. Below are links to news sites, including cached copies as they appeared earlier today."

I knew better than to go to Google for breaking news—just as I wouldn't open a weekly magazine looking for yesterday's headlines. Google takes a month or more to refresh its magnificent database; that's the way of search engines. (Google has added a news link but that probably shouldn't be a core function for Google.)

Turn on the radio: that was the best advice Google could give. Too bad other portals and pages didn't offer the same sensible thought.

The Web Succeeds

I assumed *Slate* wouldn't feature breaking news: that's not their forté. I thought they might have useful perspective to offer by early afternoon—and so they did. "The Explainer" offered a clear, convincing analysis of why the WTC towers could collapse as they did, within hours of that collapse—and continued to offer clear explanations of other puzzles as they arose. That day and since, *Slate* did well by its readers and found new depths in some of its writers—not to give you this minute's headlines but to provide context, background, commentary and a little balance.

They weren't alone. I'm sure David Talbot has done his usual chest-beating that only *Salon* offers worthwhile independent news and analysis. I wouldn't know. After encountering one particularly loathsome commentary on that site (and failing to encounter anything as useful or satisfying as coverage in *Slate*, on SFGate, or on a variety of Weblogs), I purged it from my favorites. Since then, almost everything that might count as worthwhile coverage is behind the subscription wall, making *Salon* a closed little magazine that's irrelevant to issues of Web coverage.

Watching a variety of site owners cope with the situation was fascinating and, by and large, encouraging. I couldn't get through to the American Red Cross, but several known-reputable sites assured me that helping.org was a legitimate alternative. Humor sites handled the situation with class, understanding when to step aside and when to return (need I men-

tion *The Onion?*). Advertisers yielded to ARC and other charitable links. Even X10 redirected their intrusiveness for a few days.

My local paper, the San Francisco *Chronicle,* did a magnificent job on September 12 and beyond—as did most other metropolitan newspapers—packaging news, background and commentary in ways that only a major print newspaper can do effectively. SFGate is a sideshow for the *Chronicle* but one that handled its role well—after a few initial rough hours. That's also typical of most Web sites.

Which Web sites did the best early work? That's an odd story. Slashdot.org and Weblogs took an early lead, lacking demonstrable authoritativeness but providing fast, on-the-spot information. I find it hard to think of slashdot as a "news portal," as Robin Miller terms it in a September 14 *Online Journalism Review* story (ojr.usc.edu), but "news for nerds" provided an ad hoc news source for many people: there were more than three million page views that first day.

There's more to the story. Richard W. Wiggins focuses on Google's role on and after September 11 in a worthwhile article in *First Monday*: "The effects of September 11 on the leading search engine" (firstmonday.org/issues/issue6_10/wiggins/).

The best lesson was Google's. Don't depend on one medium alone. When the Gilder/Negroponte crowd touts the wonders of digital convergence, think about the virtues of divergence and traditional media. Sometimes your best move is to turn on the radio.

> This "disContent" column appeared, possibly in slightly different form, in *EContent* 25:2 (February 2002), pp. 44-5.

Postscript

It's been 17 months since the last rerun of a "disContent" column. Wouldn't it be wonderful if September 11, 2001 was now such a distant memory that this column is either irrelevant or in bad taste? Unfortunately, neither is true. For that matter, I'm not sure the situation has changed all that much.

When I started doing "disContent" reprints-and-updates, they were a little more than a year old; it was mostly a way to provide certain "disContent" columns to a broader library audience. Now, there's a little more chronological distance. That either weakens the reprint or gives it a different gloss. I don't believe this one is weakened by appearing nearly three years later.

Bibs & Blather
Experiment Concludes, Publication Continues

Lumpy issues, single themes, lack of time, monetizing—this has been an experimental year for an experimental zine. You may find this issue and the next to be peculiar as well.

When new issues come out in the first half of the month preceding cover date, it's usually a sign that an extra issue is on the way. That's not the case for this issue and the last. A bunch of other stuff is happening that makes the period from here through ALA Midwinter more hectic than usual.

What stuff? A major (paid) writing project with a short schedule. A major vacation. A little seasonal affective disorder, enhanced by this being the saddest year I can remember for my extended family.

Here's what I can say now:

➢ If the index for Volume 4 doesn't appear by November 17, it won't appear until mid-December. It will probably be as haphazard as previous volume indexes.

➢ I would love to do a proper print edition, but the silence about print-on-demand books is deafening. Self publishing with zero apparent market comes too close to vanity publishing for my taste, so until there's *some* inkling of interest in such books (either print volumes of *C&I* with better indexing or thematic volumes including original material), I'll set that aside.

➢ Volume 5, Issue 1 wraps up ten years that I've been "doing this stuff" (as defined broadly). That issue will probably reflect its status as the end of that particular decade. The issue should appear before ALA Midwinter (barring *truly* dramatic crises in health, family, or work) but might—gasp—actually appear in January, perhaps as much as seven weeks after this issue.

➢ If you've followed this experiment for some time, you'll know that Volume 5, Issue 1 is the point at which I was most likely to end this experiment, on the basis that a decade writing in *any* particular niche is long enough. Since the holidays are troublesome enough under the best of circumstances, and since I know some of you care, I'll avoid any suspense. Volume 5, Issue 1 will probably be

a special issue and will be the final issue of "this experiment." However, Gaia willing and the creek don't rise, it will *not* be the final issue of *Cites & Insights.*

➢ If the preceding paragraph seems internally contradictory (and way too vernacular even for an old Valley boy like me—the Great Central Valley, to be sure), it should become clearer over the next two issues. I expect *Cites & Insights* to be a stronger, more interesting, more varied and (I hope) more widely read publication in 2005 and beyond.

➢ A separate PERSPECTIVE sets forth the major initiative to increase the scope of *Cites & Insights:* Conference and program reporting, where I serve as editor rather than author.

➢ The sum total of donations to date is more than I'm paid for a single column in one of the magazines I write for, less than I'm paid for a single column in either of the other two. I'll continue to accept donations through the end of the year, for those who feel that they've gained enough from the first four volumes to wish to pay something (who haven't already donated and who aren't library school students). After that, the donation icons will probably disappear from the *Cites & Insights* home page, replaced by a sponsorship line. (Barring last-minute surprises, you'll see an announcement on sponsorship in Volume 5, Issue 1.)

➢ There will continue to be other ways to support *Cites & Insights*—mentioning it to other people who should read it but don't; pointing to particularly worthwhile issues and articles in your weblogs and other sites; adding *C&I* to library catalogs as appropriate—and seeing whether bound volumes make sense for library schools; inviting me to speak if the circumstances make sense otherwise; expressing interest in (and buying) print-on-demand books from *C&I*; buying my other books if you think you'd enjoy them.

For more details, stay tuned. The C&I Updates weblog is the best way to get early notification of new issues and any special announcements. The Atom feed for your RSS aggregator (the only way it makes sense to deal with C&I Updates) is at http://cical.blogspot.com/atom.xml. Sorry that the feed seems to lose all HTML markup (so you get one long undifferentiated paragraph), at least in Bloglines. If I knew how to fix that, I would.

Getting the Big Picture

Here it is, as promoted in the September 2004 *Computer Shopper*: wearable television! NHJ's $219 VTV-101 TV-Wristwatch, with a 1.5" color screen (0.9" high and 1.2" wide, I presume). "It's rated to run on an internal battery for *about an hour* and an external battery pack of four AA batteries for 3 hours." [Emphasis added.] They don't provide overall dimensions, but it looks to be a little over two inches in each dimension and more than half an inch thick. In other words, one *seriously* geeky watch. Wonder how long it actually functions as a watch after you've watched TV for an hour? It's designed for the Japanese market, which explains a lot.

When it comes to *real* big pictures, the unfortunate news is that Intel decided not to pursue liquid crystal on silicon (LCoS) imaging devices. LCoS has considerable potential for slim rear-projection TVs, and Intel believed that mass production would bring the price of 50" high-definition TVs down below $3,000. That will probably still happen, but possibly later or with an inferior technology.

Surface-Conduction Electron Emitters

Here's one contender for high-quality, low-power big displays, eventually. It's another version of a technology I've discussed in the past (3:10 and before), a variant on CRT technology that uses huge numbers of tiny emitters between two plates. Unlike LCD, DLP and LCoS, SEDs generate light directly.

It's been a long time coming. I read about the technology quite a few years ago. Last year, I reported that Canon and Toshiba expected to introduce SED displays this year. Now, in a September announcement, the two companies say they're investing $1.8 billion in a venture to manufacture the displays—and assert they'll turn out 3,000 50-inch panels a month next year, aiming for 3 million units a year by 2010. Toshiba plans to use SEDs for TV sets bigger than 32", LCDs for smaller sets.

OQO: Vaporware No Longer?

Another one from the vaults. When I mentioned OQO in July 2002, working from a *Wired News* posting, the promise was for a "full-fledged Windows-powered PC the size of a pocket novel," with 256MB RAM, a 10GB hard disk, 802.11b and Bluetooth wireless connectivity—for about $1,000. The CEO said, "Everyone we talk to wants this small

thing." Even the *Wired* writer wasn't convinced there was a market—and at the time, it didn't seem to include a keyboard.

That was July 2002. An April 2003 *Computer Shopper* preview said the OQO Ultra-Personal Computer was "set to launch," with a 5" screen (800x480 resolution), 0.9x4.1x2.9" size and 9oz. weight, 1GHz Crusoe processor, "intended to be a primary PC" priced "around $1,500." As I noted at the time, "You know, PC prices have been increasing so much lately…"

Here it is November 2004 (as I write this). Some time in the past few weeks, *Newsweek* had a full-page writeup on "Fingertip Windows." Yep, there it is again, the OQO—to be unveiled "next month." The OQO Model 01 "looks like a PDA but operates like a laptop," with a "five-inch-wide screen," a thumb keyboard that slides out, the same Toshiba 20GB hard disk used in the iPod, and a Crusoe CPU. The weight is up to 14oz. Oh, and now it's $1,899, only available on OQO's website. A review at handtops.com gives OQO's dimensions as 4.9"x3.4"x0.9", so the screen isn't five inches wide. Oddly enough, it *is* a wide-format screen, still 800x480 resolution. It has a touch screen but without handwriting recognition.

Is it real at last? Apparently. Is it "a holy grail of sorts in the tech world," offering usable full-PC capacity in a fat-PDA case? Performance tests may be interesting: the Crusoe does a lot of emulation, making it substantially slower than its speed rating. It running Windows XP—but how well? I don't know the answers to any of these questions. But this sure is one of the longer-running "any day now" stories, for what seems to be an odd halfway point between PDA portability and the power of an ultralight portable PC. The handtop.com review doesn't help much here—except to simultaneously say that "those who only need simple emailing/web applications and the occasional Web document" will find the OQO, attached to an external monitor and keyboard, powerful enough—and that businesses could buy OQOs for their mobile employees instead of laptops. Battery life is estimated at two to six hours. The OQO does have a fan.

An item in *Media Life Magazine* for October 27 notes that OQO's Model 01 has reached the market to decidedly mixed reviews; "so far," the item says, "consumers aren't biting." "Some of the drawbacks: Model 01 doesn't have any built-in floppy disk or CD drives, making an add-on necessary to install software (unless it can be downloaded from the internet); the tool can get rather hot; and "the…processor isn't as up to speed as processors found in many of today's new computers." Here's the gotcha, and OQO's dazzling defense against negative reviews: "Reviewers say that at the same price consumers could buy a very nice laptop; OQO says critics are missing the point by reviewing it as a laptop in the first place."

There it is: You can't call it an overpriced laptop, because it's not a laptop. (An ultralight laptop would be cheaper, more powerful, *much* easier to type on, have a built-in CD or DVD drive, offer a much bigger screen—but it would also be bigger and at least twice as heavy.) You can't call it a wildly overpriced PDA, because it's not a PDA. (It won't fit in a pocket, there's no handwriting recognition, booting up presumably takes a lot longer—but it has a hard disk and runs regular Windows software.) It's *sui generis* for now (but not for long), leaving only one little question: Does it serve a real need for a real market?

Perspectives
A Year-End Potpourri

Some of these pieces could belong in TRENDS & QUICK TAKES, some in INTERESTING & PECULIAR PRODUCTS, some in FOLLOWUP. You may find some dangerously close to being offtopic (which usually means the topic range is expanding). As with any assortment such as this, the overall meaning is in the mind of the beholder.

Ghosts of Issues Past

Some ideas never quite go away, much as we might wish they would.

ClearPlay: DVD without all that nasty stuff
I've mentioned ClearPlay technology elsewhere (in copyright roundups), though perhaps not by name. It's a DVD censoring system available in players from Apex, RCA, and others. You get a CD containing lots of movie-specific censoring instructions; for $5 to $7 a month, you can download instructions for new movies.

Dan Tynan tried it and reported in "Censors and sensibility" (PC World 22:9, September 2004, p. 142). He started out modestly favoring the idea given his young children: "Today I can watch family-friendly versions of many films, thanks to a new technology that filters a movie as it plays, censoring the racy bits." So he gave it a tough test: Austin

Powers. ClearPlay noted that the movie had strong action violence, crude sexual content, and "vain references to deity." By default, all the category filters are on, but you can disable them.

"I quickly discovered that watching Austin Powers with filters is like eating a ham sandwich without the ham." Censored words were blanked, scenes ended abruptly, and some of the best jokes were gone—as were the Fembots. "Untouched, however, were several gun battles, a nuclear explosion, and various torture scenes." When it was over, his wife turned to him and said, "ClearPlay: Prude in a Box."

What about ClearPlay and copyright? Some in the motion picture industry find it objectionable and want to go after this company and its competitors with DMCA or other copyright-related laws. So proposed legislation, such as a section of HR 4077, the Piracy Deterrence and Education Act, would explicitly legalize ClearPlay-like technologies while toughening other aspects of copyright. After all, you can never be too prudish.

I believe ClearPlay should be *precisely* as legal as a commercial-skipping button on your TiVO, as long as there's a clear on-screen warning that the movie has been modified. I wouldn't use it, but that's my choice. Once you've purchased or rented a DVD, you should be free to watch as much or as little of it as you want, in any sequence you want, and with help from others in making those decisions if you choose. Just as you can buy or borrow a book and choose not to read certain chapters or even (if you bought it) tear out pages with nasty scenes—and if someone published guides to tearing out the nasty stuff, those should be legal too. I'm sympathetic to moral-rights issues for *original* creations, but not for individually owned mass reproductions as long as the altered versions aren't passed off as the originals.

Disposable DVDs

According to the LA *Times* (October 27, 2004), Flexplay isn't quite dead yet. I have yet to see positive reports of sales from Disney's experiments with these environmental absurdities (DVDs that self-destruct after 48 hours and cost $6 or $7, presumably attracting consumers too dumb to sign up for Netflix, too lazy to take back a $4 rental, too impatient to wait for the $10 rerelease a year later, and giving the same hoot about the earth's resources as Hummer2 drivers).

The story (by Rachel Abramowitz) informs us that Jeffrey Arnold, a "34-year-old multimillionaire" entrepreneur, purchased the patents and Flexplay itself. To "overcome consumer resistance" to the id-iot technology (oops, sorry, let an opinion slip through there)—and after all, Barnum informs us that 60 new potential Flexplay users are born each hour—he's doing something unique.

On November 12, the Convex Group released a movie, "Noël." It's an $8.5 million "feel-good" movie with Susan Sarandon, Penelope Cruz, and "an uncredited Robin Williams"(!) and will show in 20 cities. The same day, Amazon will start selling a disposable DVD version for $4.99. The Sunday after Thanksgiving, the movie (which might or might not still be in any theatres) will be on TNT, once only. A CD-ROM teaser with a song from the movie will be attached to two million soda cup lids sold in Regal theaters during the holiday season (Arnold owns Lidrock, which does this sort of thing).

Arnold says things like "grow the overall pie," as you'd expect, and just knows there are lots of consumers out there who want a movie "but don't want the hassle of returns or late fees or the $20 price tag." They can't be the computer-avoiding types for whom Netflix isn't an option, since you can only buy your two-day "Noël" from Amazon. But this new way of squandering resources and money "empower[s] an audience, allowing them to choose how best to experience the film." As with other Flexplays, there are no extras on these DVDs.

Blockbuster isn't impressed. I'm no friend of Blockbuster, but neither am I (impressed, that is). Disney's man in the fray calls Flexplay "revolutionary in nature." Maybe so.

CD sales, pseudo-CDs and flexible players

Most discussions on these topics have been in COPYRIGHT CURRENTS but this cluster feels at home here. First there's the issue of the dying CD industry and the legal-download industry that's replacing it. Not, perhaps, very quickly. Jupiter Research's latest forecasts assert that, in 2009, European music fans will spend $1 billion (equivalent) on downloading and streaming—about 8% of the total music market (excluding ring tones). Forrester thinks downloading and streaming will be 30% of the music market by then. It's always good to see forecasters disagree this sharply; as usual, neither one's likely to be right. (This was a Reuters report from London, but I believe U.S. projections are comparable.)

Edward W. Felten pointed out one alternate explanation for reduced sales in a September 30, 2004 *Freedom to tinker* entry: Census Bureau figures on hours spent using various media. Between 1998 and 2003, time spent listening to music by U.S. residents age 12 and over declined from 283 hours to

219 hours—more of a drop than the sales drop that RIAA blames on piracy. (By comparison, time spent on the "consumer internet" tripled, from 54 hours to 174 hours; time spent on videogames doubled from 43 to 90 hours; time spent watching home video—whatever that is—almost tripled from 36 to 96 hours.)

It may also be worth pointing out that RIAA's biggest claim for the impact of "piracy" is that sales of the biggest-selling CDs have gone down. Check GOOD STUFF in this issue: One essay cited there suggests that this phenomenon is part of a shift toward the "long tail" that's also happening in TV viewing, with movies, and maybe even with books.

Sony, a company with inherent internal conflict between consumer electronics (where copying is *good*) and media publishing (where copiers are pirates), seems to be moving back toward the electronics side in some ways. Sony Music Entertainment has stopped publishing copy-controlled pseudo-CDs. They say it's because consumers understand that illegal file sharing is wrong. It might also be because consumers won't tolerate pseudo-CDs.

Going a bit further, Sony's decided to get serious about portable digital music players. Their players will support MP3 by mid-2005 and may also support other formats. Sony has only supported Atrac in its flash players, and that may be part of the reason that Sony's traditional leadership in portable players has disappeared. MP3 doesn't have the DRM overload of Atrac and other formats.

Good News on the DMCA Front

For the second time, courts have ruled that there's a limit to DMCA's reach. Last time (Chamberlain v Skylark), it was that wonderfully creative work known as garage-door opening. This time: third-party ink cartridges. Lexmark includes a program (about 50 bytes, according to Ed Felten) in its ink cartridges. Software in Lexmark printers checks for that program and won't work with cartridges that don't contain it. Static Control makes a chip with the same program, so that third-party vendors can produce competitive ink cartridges.

Lexmark claimed copyright infringements for copying the program—but also DMCA violations because Static Control was circumventing the program-verification step. A lower court issued a preliminary injunction against Static Control; on October 26, the Sixth Circuit Court of Appeals reversed that injunction.

Had Lexmark won, it would mean that any company could use DMCA with a trivial locking mechanism to prevent a competitor from making interoperable products—and have the Federal government backing them. In this case, the Court said you can't use copyright on a program whose sole purpose is to prevent interoperability, at least not in a DMCA claim—and that DMCA's use of "access" couldn't be stretched to fit the facts of this case. As Felten concludes:

> To sum up, this ruling is a big victory for interoperabilty. It also strikes an important blow against one overreaching reading of the DMCA, by limiting the scope of the access control provision. The DMCA is still deeply problematic in other ways, but we can hope that this ruling has narrowed its scope a bit.

Is this meaningful for libraries? Possibly. Say a truly competitive market emerges for RFID chips and self-checkout/scanning systems. Could the maker of a checkout system force you to buy overpriced RFID chips from them by including short programs that only that maker could use—and threaten any RFID competitor with the DMCA hammer? Before this ruling, possibly; now, it's unlikely.

Search Me—or Would You Prefer Lorcan Dempsey?

Two items here, not directly related. First, Vivisimo launched a new web metasearch engine for the consumer market with a truly awful name, Clusty (www.clusty.com). The name comes from one characteristic inherited from Vivisimo's roots: Preparing topical clusters on the fly from a set of results. (Vivisimo licenses its technologies to corporations and other metasearch sites such as Dogpile; the Vivisimo site was never intended as a general-purpose web search engine.)

The first PR I saw was a little overstated, along the lines of "Try Clusty and you'll kiss Google goodbye." I tried it. It's good, it's interesting, but it's not a replacement for Google (any more than Google is a replacement for Yahoo, for that matter). The interface is clean, with tabbed features such as news, image searching, weblog searching, and shopping databases.

Search Engine Watch has a preliminary writeup on Clusty dated September 30, 2004. It is an interesting new tool, worth looking into and possibly adopting as one of several web search engines.

What does this have to do with Lorcan Dempsey? Nothing directly; that's the second item. I don't know Dempsey and I don't believe we've

ever met. He's at a much higher level at OCLC than I am at RLG (and, of course, he's internationally known in the library field). I was surprised to get an amused email from him in mid-October. He was trying out another new web metasearch site, www.info.com. As most of us do (don't you?), he included an ego search. Above the results was a note asking whether he was looking for Walt Crawford. So he tried searching for Walt Crawford—and, along with results, got a note asking whether he was looking for Lorcan Dempsey. I got the same results when I tried it.

Gary Price offered a possible reason. He notes that Lorcan Dempsey will show up as a search refinement for my name at Teoma, and vice versa—and that checking this out yields more than 50 web pages that include both names. We've served on the same editorial boards in the past (e.g., *Public-Access Computer Systems Review*) and our names both appear in some bibliographies.

Between Teoma, Clusty, www.info.com, and some of the other web search systems with special features like this, there's a whole new area of fun and games. Spot the most peculiar "were you searching for" suggestions, refinements, and cluster topics. Just what we need: *Another* way to waste time on the internet. (Hmm. And if this essay appears within the first 150KB of this issue, there's another linking of Walt Crawford and Lorcan Dempsey on the same web page—three of them, in fact.)

PC Progress, August-October 2004

Abbreviations for magazine names (in square brackets): P = *PC Magazine*, W = *PC World*, C = *Computer Shopper*.

Desktop Computers

Intel keeps improving the Pentium 4, as demonstrated in this "first looks" roundup of four P4s with the new numbers instead of speeds [P23:13]. The P4 560 runs at 3.6GHz, the 540 at 3.2GHz. Chipsets accompanying the new CPUs also add new features to speed throughput. Two of four systems earn Editors' Choice honors: The $2,999 Dell Dimension 8400 (loaded, with 1GB RAM, *two* 160GB 7200RPM drives in RAID 0 configuration, ATI Radeon X800 XT graphics with 256MB RAM, a 19" LCD display, high-speed dual-layer DVD+RW drive

and CD-RW drive, and other stuff) and Falcon's $6,140 Northwest Mach V, brutally expensive and very fast—the CPU is overclocked to 3.8GHz. It comes with two 10000RPM 74GB RAID-0 hard disks and a 7200RPM 250GB "deep storage" drive, multiformat 8x DVD burner (and second DVD-ROM drive), 20"-viewable NEC CRT display, nVidia GeForce 6800 Ultra graphics, and all the rest. You could plausibly configure the Mach V for 4.8 terabytes of data—not bad for a desktop.

This "back to school" roundup includes 12 inexpensive notebooks ($1,500 tops) and nine *very* inexpensive desktops (under $800) [P23:14]. Editors' Choices include the $1,099 Apple iBook G4 (12-inch), $1,500 Velocity Micro NoteMagix B50 Campus Edition, $999 Averatec AV3225HS notebook, and—for cases where a desktop's OK and the budget's tight—the $710 eMachines T3092, a well equipped unit (160GB hard disk, multiformat DVD burner, 512MB RAM) for the price.

A "performance desktop" roundup compares top AMD and Intel CPUs, reviewing two Athlon 64 units and four Pentium 4s running 3.2 to 3.6GHz[C24:9]. It's never quite clear what elements count the most in *Computer Shopper*'s reviews, but in this case it seems odd that a "performance" category, with every machine but one priced and configured accordingly ($2,550 to $3,900), would be won by a business-class PC that's the slowest in the roundup, absurdly slower than the rest for gaming graphics, with the slowest CPU, the least RAM, the smallest hard disk—and no DVD burner, unique in the group. That's the HP Compaq Business Desktop DC7100, and while it's reasonably well configured for a $1,838 business PC, I don't believe it belongs in this roundup at all. It does come with a 19" LCD. I'd say the *performance* choice was between two identically-rated machines costing more than $3,000: the $3,899 ABS Ultimate M5-64, a 2.4GHz Athlon 64 3800+ unit that's very well configured (2GB DDRAM, a 256MB top-of-the-line graphics card, two 250GB hard disks, an 8x multiformat DVD burner and separate DVD-ROM drive, Klipsch 5.1 speaker system, 19" Samsung LCD display) and the $3,100 Dell Dimension 8400, a 3.6GHz Pentium 4 with a "mere" 1GB DDRAM, comparable graphics card, two 160GB hard disks, Dell's own surround-sound speakers, 17" LCD, 12x DVD+RW burner and CD-RW drive.

This unusual roundup offers three "favorite PCs" in each of three categories: budget, midrange, and performance[C24:10]. Best of the budget units

is the Gateway eMachines T3092, an Athlon XP3000+ system with 512MB DDRAM, 160GB hard disk, multiformat DVD burner (and, oddly, a CD-ROM drive), diskette, multiformat media card reader, and 15" LCD—all for $1,098. Next step up—Best in the midrange category but, unlike the Gateway eMachines, *not* an Editors' Choice—is the Hypersonic Fury GX: a $1,972 Pentium 4-3GHz system with 1GB DDRAM, multiformat DVD burner, media card reader and diskette, 120GB hard disk, a good midrange graphics card, Logitech speakers, and 19" CRT. Finally, $3,899(!) buys the "Best" performance system—the ABS Ultimate M5-64, configured as in the roundup above.

Digital Cameras and Software

Six megapixel cameras keep coming down in price. This mini-roundup [P23:12] covers three such cameras, two at $499 and one at $649. That higher price gets the Editors' Choice, Casio's Exilim Pro EX-P600, with solid image quality, a sharp LCD, a 4X Canon zoom lens (equivalent to 33-132mm on a 35mm camera), and great menus.

This larger roundup covers "20 of our favorites" in five categories[P23:17]. That makes for a lot of Editors' Choices. This roundup also shows both boot time and recycle time between shots. Among compact cameras, the $500 Canon PowerShot S60 (5 megapixels, 3.6x optical zoom) earns one, as does the $600 Casio Exilim Pro EX-P600 noted above (6mp, 4x optical zoom) and $300 Kodak EasyShare LS743 (4mp, 2.8x optical zoom). In the ultracompact category, the $500 Sony Cyber-shot DSC-T1 (5.1mp, 3x optical zoom) is Editors' Choice; among "superzooms," it's the $450 Olympus Camedia C-765 UltraZoom (4mp, 10x optical zoom). If you're an enthusiast, you have four Editors' Choices: Konica Minolta's $900 DiMage A2 (8mp, 7x optical zoom), Leica's $1,850 Digilux 2 (5mp, 3x optical zoom), and Olympus' $650 C-5060 Wide Zoom (5.1mp, 4x optical zoom) and $1,000 C-8080 Wide Zoom (8mp, 5x optical zoom). Finally, of the two hot digital SLRs, Editors' Choice goes to Nikon's $1,300 D70 (6.1mp, 18mm to 70mm zoom; $1000 without the lens).

Displays

While they're still a lot pricier than CRTs, 17" LCDs are getting cheaper. This roundup includes 11 monitors [P23:15]. There's an odd item in the discussion—true enough, but peculiar. That is, it says that all of the models have a 5:4 aspect ratio—another

way of saying they didn't include any of the "wide" 16x9 models. But the screen ratio is 4:3, not 5:4. The 1280x1024 pixel count that's pretty much standard for 17" LCDs (and is what I use on my 18"-viewable CRT at home) is irregular: the pixels aren't square. That's always been an anomaly—going from 800x600 (4x3) to 1024x768 (4x3) to 1600x1200 (4x3)—but with 1280x1024 (5x4) in the middle, even though the screens are *always* 4x3. Why isn't it 1280x960? Who knows? Anyway, Editors' Choice is the $450 Envision EN7220, which has a fully adjustable base, a swiveling panel, excellent viewing angle, and good image quality—although gray-scale performance was on the weak side and it's an analog-only display.

Mass Storage

Internal mass storage may be cheaper than dirt. External storage always costs a little more, but this 15-unit review shows that choices are getting better and cheaper.[P23:16]. These devices can be used for backup or other purposes. Editors' Choice among locally attached units is the WiebeTECH Fire800, a 250GB 7200rpm hard disk that connects via USB2 or FireWire 400 and runs $470. It's relatively expensive but also very fast. For a network-attached drive, consider the $280 Buffalo LinkStation Network Storage Station, with 120GB of 7200rpm storage attached via Ethernet or USB2.0. It includes a print server and creates a shared folder. If you need to take your stuff with you, Editors' Choice among portable disk-based units is the $293 Transcend 1.8" Portable Hard Drive—although it only includes 40GV of 4200RPM storage, it's tiny (3.7x2.8x0.6") and light (6oz), making it a good backup unit for notebooks.

Notebook Computers

This roundup includes 11 "mainstream" notebooks and five ultraportables, all in the general category of business notebook [P23:12]. Editors' Choice for a mainstream unit is the $2,300 HP Compaq nc6000, which has outstanding battery life and a fast processor (the Pentium M745, a 1.8GHz CPU) in a 5.7lb. package. The Editors' Choice box says it was a close decision, with IBM's $2,030 ThinkPad T42 being a close second. Among ultraportables, it wasn't close: IBM's $2,300 ThinkPad X40 was a clear winner. It weighs 3.2lb, 3.8lb total travel weight (compared to 6.6lb travel weight for the HP Compaq). Both winners provided more than six hours of battery life using *PC*'s benchmarks.

The newest Pentium M processor for notebook computers, codenamed Dothan, is supposed to offer better speed along with longer battery life—and two of the notebooks in this roundup operated five and a half hours on a charge [C24:8]. Editors' Choices include the $3,146 Dell Latitude D800—big and heavy, but with a 15.4" wide-screen display, nVidia GeForce FX Go5650 graphics with 128MB dedicated RAM, and 80GB hard disk—and $2,207 HP Compaq Business Notebook NC6000, lighter and with longer battery operation, but with a 14.1" LCD, 40GB hard disk, and 32MB display RAM. Both units include DVD/CD-RW drives (that is, reading DVDs and burning CD-R/RW).

Optical Drives and Software

Here comes dual-layer DVD burning: three of five drives in this roundup[C24:10] can write double-layer, 8.5GB, DVD+R discs. That's great for people planning to master DVDs at home, but the high price of the new dual-layer discs makes them a poor choice for most applications. One gotcha with dual-layer burning: It's relatively slow (2.4x), and it doesn't matter how little data you actually need to burn: The technology requires that the drive burn all of both layers before the disc can be played back. Figure 45 minutes to do the job. Meanwhile, the Editors' Choice in this roundup doesn't do dual-layer—but the $179 Plextor PX-712A *does* write some 8x DVD+R media at 12x, comes with a good manual and extensive software, and works faster than the other drives (except for DVD+RW, where it's the slowest). It can also, oddly enough, squeeze 200MB extra on a CD-R, but I'm not sure why you'd bother.

This roundup also includes dual-layer recorders, four of them, plus five other 8x burners[P23:15]. As usual for *PC Magazine*, you get a thoughtful, illustrated discussion of how dual-layer works. The editors decided to break the nine drives into three categories: external 8x, internal 8x, and dual-layer. Editors' Choice for a dual-layer drive is the BenQ DW830A ($129), cheapest of the lot and very fast for ripping DVDs and recording DVD+R, although it's slowest for dual-layer recording. ("Slowest" in this case means 44 minutes 44 seconds as compared to 40 minutes 12 seconds for the fastest, Sony's DRU-700A.) Best bet for an external DVD unit: the $230 Memorex True 8X Dual Format External DVD Recorder, which comes with a comprehensive software bundle and is cheaper than other 8x external drives. Among internal drives, the Editors' Choice

goes to the $190 Pioneer DVR-A07XL, which "combines excellent performance and sophisticated hardware with a top-notch software bundle."

Portable Players

Has the iPod met its match? Maybe, at least if money matters. This four-unit "first looks" roundup [P23:14] (with three more units getting mini-reviews) gives four dots to the $460 Apple iPod 40GB—but five dots and Editors' Choice to the $370 iRiver H140, also 40GB but with built-in voice and audio recording (analog or digital) as well as FM radio. You can load it by dragging folders of songs via Windows Explorer; it supports Ogg Vorbis as well as the typical codecs; they got about 10 hours battery life; and it's *exactly* the same height and width as the iPod, although it is 0.2 inches thicker and 0.4 ounces heavier. It even comes with two microphones for live recording: a builtin one with good quality that may pick up hard drive noise, and a lapel mike that eliminates that problem. If you don't need 40GB capacity, a 20GB version goes for $270.

Note the heading "Portable Players," with no "music" in the middle. While it's still an odd little category, *PC Magazine* offers a mini-roundup of two Portable Media Centers [P23:17], both based on Windows PMC and integrating nicely with Windows Media Player 10. I'm a little surprised to see Bill Howard say these units have "enough essential usefulness…that you won't kick yourself a year from now for buying early." Are we really that desperate for video all the time, everywhere, no matter how crude? Higher-reated of the two $500 units (both 20GB) is Creative's Zen Portable Media Center, 3.2x5.7x1.1", 0.8lb., sleek black with a roughly 3.5" 320x200 screen. They got almost 7.5 hours battery life playing video. You can output video to a TV from the Creative—if you *really* want to watch 320x200 resolution on a TV set! There's no kickstand (also true with the Archos, I believe), so this will be a bear to watch under most conditions. But it's *cool*.

Printers

"Different inkjets for different folks"—15 models categorized as general-purpose, mobile, photo, and snapshot [W22:8]. Mobile and snapshot printers really are specialized devices (and two of the three snapshot printers are *not* inkjets but dye-sublimation printers). The difference between a general-purpose inkjet and a photo printer has always been one of

nuance and probably irrelevant to most users. For example, two of the five general-purpose printers (including the Editor's Pick) have "Photo" in the model name. (The difference here appears to be that all "photo printers" use at least six inks, but so do two of five general-purpose printers that *don't* say "photo.") Category confusion aside, what's notable is that most printers these days do remarkably good work—and ink costs aren't as outrageous as they used to be. Editor's Picks include the $150 Canon i860 Desktop Photo Printer as a general-purpose unit, $349 HP Deskjet 450wbt as a mobile printer, $480 Canon i9900 Photo Printer as a photo printer, and $199 Epson PictureMate (the only inkjet in the snapshot category) for snapshots. If you want the best text and color graphic output, surprisingly, drop down from the $150 Canon i860 to the $80 Canon i455, although its ink costs are on the high side (and, since it uses a tricolor tank, you'll waste color ink in most cases).

This roundup of multifunction printers [P23:14] includes nine units from five vendors; Epson's release dates seem to be out of synch with *PC Magazine*'s review cycles, so there's no Stylus. Editors' Choice for business applications is the $180 Brother MFC-3420c, with an automatic document feeder, built-in fax modem, and good cost per page for monochrome pages (a little high for color). It's fast for business printing, slow for photo printing. For photos, the Editors' Choice is the $200 Canon MultiPass MP390—borderless printing, excellent photo output, memory card slots and an LCD menu, and reasonable ink costs, even though it's a two-cartridge printer.

Video/DVD Software

With inexpensive DVD burners (and blanks for less than a buck), there's no excuse for showing unedited camcorder footage—unless the editing is too much hassle. This roundup by established video expert Jan Ozer [P23:12] covers five video editing and DVD authoring packages that cost no more than $100; all five get respectable ratings. Editors' Choice is Ulead VideoStudio 8, strong on capture and import, fast scene trimming and deletion, special features and audio editing, and overall rendering time. It's not the best for DVD menu creation, but it's powerful in almost all other respects.

The six video-editing programs in this roundup [C24:9] also cost less than $100 and all get respectable ratings; there's a fair amount of overlap with the roundup above. In this case, two programs

emerge as Editors' Choices: Ulead VideoStudio 8 and Sony Screenblast Movie Studio 3.0 (both $99.95).

Utility Software

Antispam tools continue to improve in what may be a hopeless attempt to save email from the scourge of spam. This "First looks" roundup [P23:14] includes five current tools. Editors' Choice is MailFrontier Desktop 4.0 ($30, formerly Matador), which combines rule-based filtering with challenge/response blocking (where, if mail isn't clearly spam or legitimate, the sender is asked to respond to a visual challenge that a computer can't handle—e.g., "how many kittens are in this picture?"). MailFrontier managed to avoid almost all false positives (where legitimate mail gets labeled as spam); configured to minimize false positives, it let through 8% of spam (false negatives). You can do better on blocking spam, but at a price—for example, while Spam Shredder had only 2.1% false negatives, it blocked 9% of legitimate email. Then there's SpamBully 2.0, which gets one of those rare one-dot ratings for good reason: Even after training, the software labeled *more than 80 percent* of legitimate email as spam. Bully indeed!

The Good Stuff

Anderson, Chris, "The long tail," *Wired* 12:10 (October 2004), downloaded 10/5/04.

Even though this predictive essay has the slight over-the-top nature that's so common in *Wired*, Anderson makes good points. His thesis: "The future of entertainment is in the millions of niche markets at the shallow end of the bitstream." Substitute "Part of the future" and remove some other universalisms and I believe Anderson is probably right. To some extent, it's not even novel: The difference between book publishing and movie production is partly the wealth of niche markets for books. Anderson distinguishes between Amazon's nearly limitless inventory and Barnes & Noble's 130,000 titles, but there's a huge difference between even 130,000 titles and the 3,000 DVDs at Blockbuster.

The new point is just how far people go into niche markets—the "long tail" of the popularity power curve. More than half of Amazon's book sales come outside its top 130,000 sellers—but that may

be partly because those 130,000 are readily available in *real* bookstores, and many of us would prefer to buy them there and retain some retail business. By comparison, only 20% of Netflix rentals are outside its top 3,000 titles. "Only 20%" is still a big market, and Netflix has revolutionized the marketplace for documentaries, foreign films, and true independents.

Some facts are fascinating. Ecast offers digital jukeboxes for barrooms, with more than 150,000 tracks in each jukebox—and finds that 99% of the top 10,000 tracks get played at least once a month. With Rhapsody's streaming music service, at least 400,000 tracks are requested once a month or more—that's remarkable.

There are some questionable statements here and some extrapolations that I don't buy, but those mostly come from the "digital good, physical bad" mindset that makes *Wired* so special. "It is a fair bet that children today will grow up never knowing the meaning of out of print." Maybe, maybe not, and authors wishing to regain rights might disagree. Anderson offers a breakdown of the costs for producing music albums and concludes that downloads should cost about 79 cents each—but that figure appears to exclude profit for the online music store. And he's with prophets who say "the future" (there's that *the* again) of music is "to move away from the ownership model entirely"—trust to the digital jukebox in the sky, paying a "flat" fee (which, as every cable viewer knows, will *never* increase) for all the music you want, whenever you want it.

Worth reading, for all its faults.

Lasica, J.D., "Balancing act: How news portals serve up political stories," *Online Journalism Review*, posted 9/23/04.

Confession: I used to check *OJR* regularly, but it seemed to go dormant for a while and left my bookmarks. That may have been a mistake, based on this discussion of Google News and other news aggregators. I'm sure I'm not the only one who's noted something odd and disturbing in Google News of late: Political stories show a decidedly conservative slant, with high-ranking links sometimes leading to places I'd consider part of the fringe right.

J.D. Lasica found that Google News and Yahoo News were both willing to explain how they acquire and display political news. The subheading for Google News is "Unintentionally skewing to the right?" and I'll be charitable enough to assume that's true of my neighbors. (Google headquarters is about half a mile from RLG headquarters.) Google News

"scours" 7,000 "information" sources, 4,500 of them English-speaking; a "sourcing team" decides who should be tracked. Lasica says Google News "most astonishing accomplishment is that it's produced entirely by computer algorithm" and notes the company's apparent delight in the fact that it has no editors or reporters. The process is far from flawless, as any user knows: Misplaced photos—and missing major news. The Columbia disaster didn't show up for more than an hour.

But that's not the disturbing part. "It's been puzzling to read Google News' takes on John Kerry and George W. Bush over the past month." On August 24, users clicking on "John Kerry" got a first page of 100 search results including items from Useless-Knowledge, Enter Stage Right, BushCountry, Intellectual Conservative, RushLimbaugh.com, Frontpagemag.com, WorldNetDaily, and more. There was one pro-Kerry item, 34 anti-Kerry items "from the second-tier websites," and a bunch of mainstream items from both sides (NPR—but also the Washington *Times*). "By contrast, a search on George Bush or George W. Bush typically results in a fairly neutral, evenly balanced set of results...with many of the same small conservative sites showing up to sing the president's praises."

Google's people claim not to know how this could happen. Lasica's article discusses the ranking algorithms, which aren't the same as those in Google's web search. Krishna Bharat, chief scientist for Google News, says it's showing you "the world the way it is" and thinks typing in "Kerry" would yield a more balanced set of results—"but that ignores the fact that Google News itself uses 'John Kerry' as the preferred search term..."

Ethan Zuckerman, now at Harvard's Berkman Center, has a theory: Indeed, "Kerry" will turn up mainstream sources because they usually refer to a politician by last name in a headline and after the first occurrence—where the nutcases (oops, sorry, "alternative news sources" like WorldNetDaily) typically use "John Kerry" throughout. He does wonder "why some of these wacky sites make the cut." One Web site developer and search-engine optimizer has an idea: He works with a conservative news site to help it place high in Google News.

Yahoo News, on the other hand, uses "news partners," mostly major news organizations—and it has an editorial staff. Jeff Birkeland, product manager, says, "News is far too human of an endeavor to rely 100 percent on automation." He also notes that

Yahoo! works with "news partners who are in the accuracy business."

Pohlmann, Ken C., "A call to ears," *Sound & Vision* 69:8 (October 2004): 39.

Pohlmann, in his regular "Digital Horizons" column, complains that people aren't paying enough attention to sound quality—as opposed to the old days when audiophiles "hotly debated the sonic merits of every piece of equipment." His real complaint?

> Any piece of junk equipment that has a "Digital Quality" sticker on it is given a free pass. People shrug their shoulders and think it must sound good. After all, it is Digital Quality. That is so wrong for so many reasons that it makes me hyperventilate.

He mentions the most important reason it's wrong: "More and more of the music we hear has been perceptually coded, or compressed"—e.g., MP3, AAC, and the rest. "Don't get me wrong: I'm not against MP3 files. They can sound amazingly good. What I *am* against is the idea that *anything* digital is okay." Sure, Ken, except for one thing. Within the audio press, I know of no writer who's pushed the "If it's digital, it's better" line harder than Ken C. Pohlmann. Not always, to be sure, but Pohlmann usually seems to favor the new over the old, the digital over the analog, high-tech over low-tech. And people have been listening—or, rather, they *haven't* been listening. My sense is that the most common effect of over-compressed music is that you don't want to listen to it very long. You don't say "That sounds like crap," you just stop listening.

Now Pohlmann's saying what some of us have said for years: "Listen to a CD, then listen to your MP3s for things like changes in timbre, bursts of noise, weird swirling sounds, and shifts in stereo imaging." Or just see whether you find yourself spending more time listening to the CD than to the 128K MP3 version.

Ken's complaint is right. Too bad he's been part of the problem.

Scott, David M., "Where's the content?" *EContent* 27:9 (October 2004): 48.

Scott discusses his split week in early June: the first half at the Special Libraries Association conference and the second half at the Securities Industry Association. He notes that the information industry seems to be making a comeback, that conversations in exhibits were upbeat, that excitement is back. XML is hot in "our industry" (which for Scott is the "marketing of information products and services).

He is a little disconcerted about one lack, which seems natural enough for SIA but unfortunate for SLA. "At SLA and SIA, I heard a great deal about technology, applications, and solutions, but I found very few exhibitors talking about the actual information that flows through their products.... While technology discussions were everywhere, finding someone talking thoughtfully about content was nearly impossible."

Most library conferences I attend still include healthy amounts of content-oriented programs and exhibits—the *what* of libraries, not just the high-tech how. I don't attend SLA. If Scott's right about the lack of such discussion, he's also right in his closing sentence: "That's a shame really: after all, we're in the content business."

"Should I rip this," *London News Review*, September 8, 2004. www.lnreview.co.uk/music/should_i_rip_this.html

It's just a one-page flowchart, but it's truly fascinating—although some of the advice relates more to UK law than U.S. law. A "fair" number of boxes have to do with the ethical question "Is this fair?" rather than legal copyright issues—but it's one of the most nuanced ethical considerations I've seen, at least most of the time. Worth a look, even if you don't (and I may not) agree with all of the decisions.

Thouless, Robert H., *Straight and crooked thinking*, 1930, 1953, 1974, Pan Books; "Thirty-eight dishonest tricks" excerpted by Birger Nielsen at www.246.dk/38tricks.html

An odd little list from an old book on logic, or rather "straight and crooked thinking." Thouless didn't go for a standard collection of logical fallacies (or "fallacies" as he put it); instead, he wanted to provide a list that "can be conveniently used for detecting dishonest modes of thought." At one point, I knew all the logical fallacies; since then, I've come to realize that some "fallacies" in formal logic are real-world necessities (e.g., my *ad hominem* PERSPECTIVE in *Cites & Insights* 3:2). This list is a little different; you may find it interesting if not entirely persuasive. In five pages, Thouless lists the 38 "dishonest tricks" and offers ways of dealing with each of them.

Given his use of "crooked thinking" in the introduction, the first "dishonest trick" is an interesting one: "The use of emotionally toned words." To me, "crooked" is emotionally charged, but maybe that's just me. Just a few of the others:

- ➢ 2. Making a statement in which "all" is implied but "some" is true.
- ➢ 3. Proof by selected instances.
- ➢ 4. Extension of an opponent's proposition by contradiction or by misrepresentation of it.
- ➢ 6. Diversion to another question, to a side issue, or by irrelevant objection.
- ➢ 15. Putting forward a tautology…as if it were a factual judgement.
- ➢ 18. The use of a dilemma which ignores a continuous series of possibilities between the two extremes presented.
- ➢ 19. The use of the fact of continuity between them to throw doubt on a real difference between two things…
- ➢ 21.Suggestion by repeated affirmation.
- ➢ 23. Suggestion by prestige.
- ➢ 25. Prestige by the use of pseudo-technical jargon.

I probably spend too much time objecting to #2 or its contemporary version, "We all" and "Everyone," where "all" is *stated* rather than implied. "Proof by selected instances" is a classic. #4 might also be stated as *reductio ad absurdum*, "disproof" by claiming an extreme case, and it's a tough one to avoid. (In one way, it's the "slippery slope" argument, and sometimes it's necessary.) I sometimes believe there are too many people for whom #18 has no meaning, for whom there are *only* extremes—but that's another discussion.

We all see #21: "If I say something often enough it must be true," #23, the Great Man case, and #25, even where "pseudo-" doesn't apply.

Nothing major here, but a useful reminder that none of these rhetorical devices is at all new.

Copyright Currents

It's tempting to make bad jokes about Hatching plots to ban P2P by any means necessary, no matter the collateral damage to existing and new technological development. While Orrin Hatch continues his quest to further unbalance copyright law, it's not that simple. This installment continues the IN-DUCE/IICA saga and notes a House bill with interesting and in some cases similar provisions. Because of space, time, and energy, a bunch of copyright stuff will be discussed later (or abandoned altogether)—including ALA's lawsuit over the Broadcast Flag, possibly-heartening actions by the World Intellectual

Property Organization and various other stuff involving DRM, the RIAA and the usual gang.

One quick note in a rare three-issue sequence. In *Cites & Insights* 4:12, I discussed the Sima GoDVD! box, which "enhances" video in the analog domain so that you can convert it to digital form to burn to DVD, and in the process appears to undo Macrovision copy protection (which works by degrading analog video in a specific manner). In the following issue, I noted a clarification from Seth Finkelstein to my presumption that GoDVD! couldn't be prosecuted under DMCA because it operates entirely in the analog domain: DMCA had a special provision to protect Macrovision even in analog cases. I commented that GoDVD! was *still* probably in the clear, because the DMCA clause discusses recording devices, and GoDVD! isn't a recording device. An October 13 post at Finkelstein's *Infothought* blog (sethf.com/infothought/blog/, **highly recommended**) quotes my full discussion, highlights the last sentence ("…it's just a video enhancement box"), and suggests that GoDVD! probably doesn't violate the *letter* of the law. "On the other hand, this looks very much like what a hostile judge would view as a loophole. Or at least fodder for a quick amendment." His conclusion: "Even if it's true *now* that the GoDVD! box does not violate the Macrovision section of the DMCA, I'm not optimistic as to how long it will *remain* true."

INDUCE/IICA

When last we saw this rapidly mutating creature (*C&I* 4:12, COPYRIGHT PERSPECTIVE: IICA: INDUCING TO INFRINGE), it began as a badly written proposal that Orrin Hatch wanted to fast-track through to law without even holding hearings. Then the name changed (from INDUCE to IICA—but most people still call it INDUCE), Hatch issued an extreme statement followed by loads of analysis from various soruces, the Senate held a hearing during which almost nobody favored IICA as written, and a variety of new versions emerged. (Before anyone accuses me of partisanship, I should note that Patrick Leahy, a Democrat, introduced the bill along with Republican Hatch. Extreme copyright is not a party-line matter, more's the pity.)

A September 10 item from Fred von Lohmann of the Electronic Frontier Foundation (EFF) picks up where we left off: "Betamax under siege again." The article considers the Copyright Office's version of IICA (mentioned last time around), notes that the tried-and-true Betamax defense would be replaced

with a new three-part test, and asserts that "the Copyright Office is proposing that copyright owners get a new exclusive right over a certain subset of machines that are capable of 'disseminating' copyrighted works." "If this isn't about using copyright law to squash disruptive technological innovation, I don't know what is." He believes that, had this act existed in 1976, the VCR and cassette recorder would both be banned.

A September 14 *Wired News* story by Katie Dean notes a growing "anti-INDUCE" campaign with a website, Save Betamax. The campaign urges people to call their legislators, and specifically a key group of legislators, urging them to oppose INDUCE. The co-founder of Red Hat and founder of Lulu noted, "The Induce Act will make it more difficult for the next generation of entrepreneurs to be successful."

Yet another version of S.2560 (IICA) appeared by September 24. This version still makes copyright infringers of anyone who "intentionally induces [copyright infringement] by manufacturing, offering to the public, providing, or otherwise trafficking in any product or service." It defines "intentional" as requiring "conscious and deliberate affirmative acts which a reasonable person would expect to result in widespread violations…taking into consideration a totality of the circumstances" and adds three clarifying clauses:

➢ Knowing that someone uses your equipment to infringe doesn't *in itself* demonstrate intent.
➢ Evidence of private noncommercial use can't be the basis for IICA action.
➢ Financing, marketing, reviewing, or producing instructions that don't encourage infringement can't be considered violations.

Injunctions are supposed to be limited so as not to restrain noninfringing uses; actual damages (as opposed to statutory damages) can't be awarded without repeated deliberate violations; and there's an explicit statement upholding the Betamax doctrine.

Is this version a reasonable balance? Not if you believe Susan Crawford, the American *Conservative* Union, or ALA. Susan Crawford notes that the new draft, while better, is still too broad and that the "exclusion" clauses don't really exclude: They could be used as *part* of a finding of violation. The American Conservative Union, a new player in this game, begins its press release in a straightforward manner: "Third parties should not be held legally liable for the criminal acts of others solely to appease Holly-

wood millionaires and their trial attorney friends…" It goes on to quote ACU Executive Director Richard Lessner: "This misguided legislation would hold manufacturers of computers, software and other technologies criminally liable if their legal products were misused to reproduce copyrighted material." He goes on to call it a "basic foundation of American jurisprudence" that those who actually violate copyrights should be criminally responsible, not device manufacturers. "S.2650 is tantamount to holding gun makers liable for the acts of armed criminals, or automakers responsible for drunk drivers." The release calls IICA's standard of inducement "so subjective that it would chill technological innovation, severely restrict consumer choice in the marketplace, and create a whole new class of lawsuits for predatory trial lawyers." Lessner goes on to say that Orrin Hatch "should know better." I did mention that copyright issues don't break along party lines, didn't I? They don't break along traditional ideological lines either. (The Heritage Foundation, hardly a bunch of bleeding-heart liberals, also came out against the act.)

Another Katie Dean story, dated September 27, notes that critics aren't wild about the newer version. As noted by Andrew Greenberg of IEEE-USA, "If I release and distribute a product that *can* be used to infringe, I'm at least going to face a jury trial," by itself a substantial bar against innovation. [Emphasis added.] Noting the 40+ organizations that have called for more hearings, EFF's Jason Schultz said, "Hatch's staff still has not heard what the technology companies have been shouting as loud as they can. He just rejected them all and went back to his own version. It makes you wonder how much he was actually listening to what people were saying."

A September 28 alert from ALA's Washington office notes that there have been no hearings on the current (fourth) version of the act, call it "the greatest threat to date to the innovation processes that the copyright and patent laws were intended to promote," and considers the exceptions to its broad definition of inducement "full of loopholes." Another von Lohmann posting that day said staffers were now working on a *fifth* version of the bill (by his count) after facing "a withering hail of opposition from everyone other than the RIAA." He labels the bill "a tax on innovation" and "a damper on earnings, a drag on competitiveness." And, of course, unless all Internet lines are cut at national borders, the bill wouldn't stop P2P at all—it would just move the vendors overseas. (He notes that yet another

conservative group, the National Taxpayer's Union, has joined the list of opposing groups.)

An open letter from heads of the Business Software Alliance, Computer Systems Policy Project, and Information Technology Industry Council to Hatch and Leahy discusses these groups' eagerness to work with the Senate to "address the problems that illicit file sharing services pose to consumers and to copyright owners"—and says that the most recent IICA draft continues to endanger the Betamax doctrine and "encourage litigation and ultimately require responsible companies to spend resources defending themselves, even when no illicit aims are present." The letter urges a more narrowly tailored approach.

Come September 30, Hatch recognized that there was too much opposition to move IICA forward, but he was unwilling to concede that it was a stupid idea: "If I have to, I will lock all of the key parties in a room until they come out with an acceptable bill that stops the bad actors and preserves technological innovation." That "locked room" apparently began on October 1, with a select group meeting behind closed doors to try to create an appropriate draft within 6.5 hours. Edward Felten noted that in a post in which he also says that, as he reads it, the current draft (as of then) "would appear to ban the manufacture and sale of photocopy machines by companies like Xerox."

So what did that closed meeting—and possibly more work by staffers through October 4—result in? A draft that specifically cites peer-to-peer products and services, requires that "the majority of revenues…result from covered infringement" and the accused is aware that "the copies or phonorecords that are made available by covered infringement are the principal reason [the majority of] users use the product or service." Unfortunately, following sections undo the "peer-to-peer" limit. Here are the key paragraphs, verbatim:

> (B) the term "peer-to-peer" shall mean any generally available product or service that enables individual consumers' devices or computers, over a publicly available network, to make a copy or phonorecord available to, and locate and obtain a copy or phonorecord from, the computers or devices of other consumers who make such content publicly available by means of the same or an interoperable product or service, where

> (1) such content is made publicly available among individuals whose actual identities [and electronic mail address] are unknown to one another; and

> (2) such program is used in a manner in which there is no central operator of a central repository, index

or directly who can remove or disable access to allegedly infringing content.

Edward Felten understands this stuff a lot better than I do. His first reaction (October 5, 2004, *Freedom to tinker*): "By this definition, the Web is clearly a peer-to-peer system. Arguably, the Internet itself may be a peer-to-peer system as well."

According to AP and Katie Dean stories on October 7, 2004, the groups involved concluded that they weren't going to reach a compromise given Hatch's tight deadline. A letter from the "other side" (everyone except the entertainment industry) said the sides were "further apart now than at the outset of this process" because "the recording industry continues to propose language that would not solve the piracy problems in the manner you identified, but instead would effectively put at risk all consumer electronics, information technology products and internet products and services that aren't designed to the industry's liking."

The Cato Institute had a panel discussion on October 20, "balanced" by having speakers from MPAA, RIAA, NetCoalition and Public Knowledge. According to notes at *Copyfight*, the MPAA's David Green never mentioned Betamax, claimed IICA was *not* a new and radical change, and asserted that anyone can get current Hollywood products "in mere seconds" using P2P. Mitch Glazier from RIAA pulled the standard trick: P2P is a conduit to porn and we must think of the children.

Gigi Sohn from Public Knowledge started with Betamax, noted that this was about a lot more than P2P, called Glazier's porn gambit "cynical and unfortunate," and pointed out just how much innovation would be halted by IICA. Some time back, EFF drew up a mock (but entirely plausible) complaint against Apple's iPod on IICA grounds; as Sohn notes, the entertainment people say "we won't go after things like the iPod"—but the history of DMCA and other laws demonstrates otherwise. Markham Ericson from NetCoalition started out saying "the entire Internet is a giant copying machine"—that *everything* is a P2P platform in some way. He denies that there are tech companies supporting IICA.

A *Wired News* story on the same Cato discussion included predictions from Glazier that record companies would sanction "three or four" legal P2P services. More than one party felt that Hatch was simply pushing for a compromise on too tight a schedule (and Hatch promises to reintroduce IICA next year). Adam Thierer of Cato Institute feared

that the situation would lead to compulsory licenses for internet-distributed content, which to libertarians may be the worst of all possible outcomes.

So IICA is dead, at least until 2005. Or is it? Read on, and note the various provisions of HR4077, the Piracy Deterrence and Education Act, which actually *passed* the House of Representatives.

Piracy Deterrence and Education Act

This bill, HR4077, originated near the end of March. I won't assume that the acronym, PDEA, is *deliberately* identical to the Public Domain Enhancement Act; accidents do happen. It is based on findings that assert that the Internet has changed the nature of many crimes; that "trafficking in infringing copyrighted works through increasingly sophisticated electronic means, including peer-to-peer file trading networks, Internet chat rooms, and news groups," threatens jobs, income, tax revenue, and means higher prices; that P2P programs have been downloaded more than 200 million times; that "at any one time there are over 3,000,000 users simultaneously using just one of these services; that an average of 2.3 billion files are transferred among users of these systems each month; that many computer users believe they won't be caught; that P2P networks pose huge privacy and security threats; and that, because of all this, there needs to be a big enforcement and awareness program. It's interesting that the finding as to P2P *usage* say nothing about legal usage, leaving the implication that all 2.3 billion files represent copyright infringements. (Are "3 million simultaneous users" and "2.3 billion files" testable numbers?)

Actions in the original bill include a new information-sharing program under the FBI and Register of Copyrights to "deter members of the public from committing acts of copyright infringement through the Internet" and facilitate information on such infringement among law enforcement agencies, ISPs, and copyright owners. Other sections provide for specialized training in investigating intellectual property crimes, establishing an "Internet Use Education Program," and outlawing use of camcorders in motion picture theaters. The education program is interesting, as its stated purposes are to educate the public "concerning the value of copyrighted works" and "concerning the privacy, security, and other risks of using the Internet to obtain illegal copies of copyrighted works."

Then it gets interesting. There's a *long* section on the "sense of the Congress" regarding illegal activity on P2P services, rife with references to pornography and child pornography. Then there's the true killer clause: Reducing the threshold for criminal infringement to *one* or more copies of *one* or more copyrighted works with more than $1,000 total retail value, *or* a single copy of any pre-release work regardless of value, *or* causing the distribution of 1,000 or more copies of any work, regardless of value. The clause also increases the penalty, making such infringement a Federal felony (prison terms of up to three years for first offense, fines of up to $250,000)—and for civil remedies, *any* prerelease work is conclusively presumed to be worth damages of at least $10,000 per infringement. Notably, prosecutors don't even have to show that $1,000 worth of copyrighted materials was downloaded; they need only show that the files were accessible in a shared folder.

I'd guess that many balanced-copyright advocates would have no problem with the "no camcorders in movie theaters" provision; I certainly don't. I don't have much trouble with the training and information-sharing clauses, and only wonder about the one-sidedness of the education program. The new penalty thresholds and damage amounts may be another question.

The September 24 version
On September 24, the bill was modified by striking all of the substantive text and substituting a new version. The new version substitutes for the information-sharing program a voluntary program in which the Department of Justice (DoJ) would send notices regarding apparent infringement via internet to ISPs, which "may forward the notices to such persons"—with an 18 month and 10,000 notice limit and with a rule that the ISP may *not* disclose information about the recipient of a DoJ notice back to the DoJ unless there's a court order or other legal process. Further, DoJ would reimburse the ISPs for their costs in forwarding notices. Other than the issue of getting the DoJ involved in pursuing casual infringement, this clause seems harmless enough.

The P2P discussion now states that more than *600* million copies of P2P programs have been downloaded worldwide (without noting that non-U.S. copies are out of Congress's control). Finally, the new version adds the "Family Movie Act of 2004," specifically exempting ClearPlay and similar services (see elsewhere in this issue) from copyright and trademark infringement—with a hefty fine if the

service fails to provide a clear "this motion picture has been altered" notice when the DVD is played. The new version also diverts $15 million in Federal funds to prosecute copyright infringement.

So, basically, the revised version added protection for DVD Bowdlerizing and changed one other clause. Then it passed—on September 28, on a voice vote, *sans* hearings on the totally-rewritten act. ALA and other library associations opposed it, as did Public Knowledge, the American Conservative Union, and the National Taxpayers Union. Somehow, between the last downloadable draft I obtained as of September 29 and the *actual* bill, things got worse. Now, the ClearPlay protection also became a weapon: You can't automatically skip commercials and promotions. That would seem to outlaw TiVo and other recording systems with features that automatically skip commercials.

Public Knowledge's commentary notes several other problems (and points I'd missed):

➤ The bill makes "offering for distribution" and "making available" the bases for criminal and civil violations respectively, not requiring demonstration of *actual* infringement

➤ It's always been the case that you need to register copyrighted works with the Copyright Office in order to enforce criminal copyright infringement. This act appears to remove that requirement (and eliminate one of the few reasons for registering a work, which lets others know who to contact to license it).

➤ The $15 million appropriation has the Federal government paying to enforce private claims, which it doesn't normally do.

➤ There are theoretically cases in which recording portions of a film in a theater is fair use—i.e., for criticism or study. That's true, but it's one case where—as a pragmatist—I'm inclined to balance possible fair use against known *true* piracy (that is, mass-produced DVDs and CD-Vs, sold mostly overseas for commercial gain, clearly made from camcorder recordings in theaters). The balance might be that circumventing DVD copy protection for fair use purposes should *not* be a DMCA violation, as it now is.

Apparently the final version of the bill designates the Oak as the national tree. What that has to do with piracy deterrence or education is beyond me.

More than one commentator, including Larry Lessig, noted that the assortment of provisions in HR4077 had originally appeared as single-page copyright acts—and that "these thousand tiny cuts have now been united in a single bill, HR4077, which is racing through Congress—while all our attention was focused on INDUCE." Lessig goes on: "Nice play by those lobbyists. I guess that's why they get paid so much."

John McCain to the rescue?

Just how clever was the push to get HR4077 and a related HR2391 passed under the radar? Their passage was proposed to the Senate as a unanimous consent measure: No hearings, no discussion, just pass 'em along to the Prez. That happened on October 11.

Fortunately for any sense of reasoned argument or balanced copyright, John McCain objected. His objection is based on the "don't skip ads" gotcha, but that's enough. "Americans have been recording TV shows and fast-forwarding through commercials for more than thirty years. Do we really expect to throw people in jail in 2004 for behavior they've been engaged in for more than a quarter century?" (McCain favors the primary goal of that section, making it legal to provide automated ways to skip offensive material *on your own copy* of a DVD. No disagreement here.) My understanding is that Senator Hatch said mean things to McCain for slowing up the process. Public Knowledge and Consumers Union representatives sent McCain a nice letter for his efforts to "ensure that there is proper consideration of H.R. 2391 and H.R. 4077." Notably, the letter asserts that ClearPlay and its ilk shouldn't require new legislation—"this is a right that most believe manufacturers of technology and consumers already have." The letter goes on to mention some of the other problems with the package.

That's where it stands, as far as I know. Will this can of worms re-emerge in various forms in 2005? You can count on it.

Trends & Quick Takes

Visitors: The Great Unknown

How much does your website get used? Do you have any real idea? It's a fairly complex question, depending heavily on your definition of terms like "used," "visitors," "sessions" and the like. If you're doing your own metrics, the answers may depend on your purpose. If you want to impress a funding agency or

your friends and competitors, you'll use measures (page hits, for example) that result in very high numbers. Otherwise, you'll look for a set of lower numbers that seem to mean something. And you probably won't be all that certain of the "real" numbers or what they mean.

According to Adam L. Peneberg's October 6, 2004 story at *Wired News*, the big guys aren't in much better shape. Two firms, Nielsen/NetRatings and comScore Media Metrix, claim to say which websites get the most visitors. Both do so using panels of web surfers (37,000 people for Nielsen, 1.5 million for comScore) who run monitoring software in return for various incentives.

But the numbers don't seem to agree very well. *Wired News* itself had 1.87 million visitors in June 2004, if you believe Nielsen—or 1.096 million if you believe Media Metrix. "Just under two million" and "just over one million" aren't roughly the same numbers any way you look at them. (*Wired News* thinks it gets *more* visitors than Nielsen's number.)

How's this for consistency? CNET's news sites scored 1.96 million visitors in April (according to Nielsen), 4.52 million in May, and 1.86 million in June. The story points out some of the problems, ones acutely familiar to webmasters who know libraries. If you're looking at unique visitors, you get it wrong on the high side by counting the same person twice (at home and at work)—but a lot *wronger* on the low side when hundreds of people use the same PC at a library or cybercafe, and you're counting a single IP address.

Web sites that aren't in the A list but have fairly high page ranks—such as the *Cites & Insights* home page—have different problems. Hits really don't mean much at all, because some search-engine spiders are hyperactive. I've counted Google's spider hitting cites.boisestate.edu *thirty times a day*—for a site that typically changes content roughly once every four weeks.

I only pay attention to "unique downloads" of the issues themselves. Is that number too low? Is it too high? I have no idea—but, apparently, neither do sites with millions of visitors.

Does Video Over Broadband Work?

I was a little surprised by this September 29 piece from Vint Cerf at news.com: "Broadband dreams and multicast 'beams.'" One of the internet's true pioneers, Cerf knows his stuff. He recounts the claim of technology pundits on how you should watch movies with your family: "Fire up your home PC,

download a movie (from a vast, legal online library of movies) and watch it via your homeless network on your big-screen TV." But that's not what happens. Watching movies from the internet requires time, planning, and a suitable connection. It can take too long to download a complete movie "and when the movie arrives, it often does not look as good on the DVD version."

> What's the problem? Unfortunately, the Internet is not ready to be a true entertainment medium. It cannot provide the instant gratification and quality consumers have come to expect from DVDs—once you have the DVD, that is. As a result of its architecture, the Internet cannot cater to a vast number of people simultaneously asking for large files such as movies.

The next paragraph is the shocker. Cerf says that, at any given moment, a broadband provider may only make about *20 kilobits per second* available to each subscriber—the 1MB rate is the aggregate over 50 subscribers. The fast speed claim is based on almost all subscribers just downloading web pages and checking eBay auctions and the like. "If you started using the network to download movies—and your neighbors did, too—your ISP would have one-fiftieth of the bandwidth required. This would make downloads slow and painful… And forget about using the Internet to download the high-definition movies that Hollywood will be introducing in the near future: These high-def movie files require five times the data of current DVDs."

Cerf touts a "solution" of sorts—MovieBeam, which uses a proprietary network (not the internet) to broadcast 10 movies a week using the "unused television broadcast spectrum" (presumably the vertical blanking interval) to a receiver, which stores 100 movies at any given time. As Cerf points out, even with MovieBeam's high compression (1GB for a DVD-equivalent, which is pushing it), using the internet and serving, say, a million subscribers would mean sending 10 petabytes of traffic just for that service, or about 15% of total U.S. internet traffic.

The problem with MovieBeam is that it's a hits-only solution: 100 movies, with 10 new ones a week. If MovieBeam is the answer, then the "celestial jukebox" is like top 40 radio, and that's sad. Cerf also mentions multicast as a possibility, but doesn't explain enough to see how that solves the problem.

What Is Wrong With You People?

Well, not *you* people. I'm sure every *Cites & Insights* reader knows that any PC with any connection to the internet—even a dial-up connection—*must* have

an active firewall as well as full-time virus software updated at least weekly. If you don't, do you sometimes wonder why your computer seems to be slowing down? Have you done a spyware scan?

I was appalled to read the results of a study of home PCs done by AOL and the National Cyber Security Alliance, who sent technicians to 329 homes to inspect the computers. 60% of the users didn't know a firewall from antivirus software. Twothirds didn't have firewalls. 85% had antivirus software, but two-thirds hadn't done an update within the week.

20% had an active virus on their system. 80% of the machines had spyware running—but 90% of the users had no idea there might be a problem.

Ad-aware: free. Spybot Search & Destroy: also free. The free Zone Alarm. Norton Personal Firewall. Norton Antivirus—or, for that matter, a free antivirus program. Or let your machine be used to attack other machines and spread spam even further, while taking most of the CPU power you're paying for. It's your choice.

Archos Revisited

I mentioned the Archos AV400 Pocket Video Recorder in October's INTERESTING & PECULIAR PRODUCTS. A half-page writeup in the September 2004 *Computer Shopper* justifies a followup note— and as you'd expect in the "Gear" section of *Computer Shopper*, it's breathlessly positive: "Get ready to revolutionize your relationship with portable entertainment in a big way." The Archos "promises to add tons of fun to your life on the go." It's still $550 for a 20GB unit, $800 for an 80GB unit; the screen still displays 320x240 (although this writeup expands the screen to 3.8"); but now it's even better. Somehow, "you can use the AV400 to view MPEG-4 movies at near-DVD quality (704x480 pixels at 30 frames per second)" and you can *record* MPEG-4 videos (512x384 pixels at 30 frames per second) through a composite line-in jack. I do want to see how you view 704x480 images on a 320x240 display. If the answer is "by throwing away 75% of the pixels," well, what's the point of all that resolution? One other note: Whenever someone calls MPEG4 "near-DVD quality," think about 68k MP3 as "near-CD quality." Heck, looked at the right way, Mountain View is "near" Los Angeles.

RFID and Browsing

I don't plan to discuss RFID in detail (although a project I'm working on does discuss policy issues).

Enough other, more knowledgeable library people are doing that. But I couldn't resist an October 18 news.com item by Alorie Glbert: "RFID, coming to a library near you." It quotes a consultant calling libraries a "wonderful test-bed in which to work through the issues of RFID because they have such a profound concern about the rights of their patrons." Are you ready to be a *testbed* for privacy issues?

Then it gets strange, with notes from Vinod Chachra of VTLS, which has transformed itself from its Virginia Tech roots to "Visionary Technology in Library Solutions." Vinod loves RFID—but also suggests that libraries add RFID chips to library cards, so "patrons don't even have to remove them from their wallets in order to check out." Which also means surreptitious RFID scanners can immediately associate the person with the books, for those who are concerned about privacy issues.

Here's the truly strange suggestion from Chachra: "He envisions a day when libraries completely do away with the time-tested Dewey Decimal classification system, opting instead for a sort of organized chaos governed by the vigilant and unblinking eye of RFID." No subject arrangement: Just shove books on any convenient shelf, using the RFID network to find it. As for readers who are accustomed to looking up one book on a topic, then going to the shelves to find similar books that may be more interesting? Well, what's high-tech about that? How would your library's users feel about randomly arranged shelves?

Masthead

URL: cites.boisestate.edu/civ4i14.pdf