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<u>Perspective</u>

# Folksonomy and Dichotomy

You've probably heard of folksonomy, either under that neologism or as tagging. Some of you doubtless help create folksonomies as users of flickr or del.icio.us or Yahoo! My Web 2.0 or Technorati or…the list seems endless. Tag: you're it—and you're building folksonomies.

You may have heard that folksonomy will replace all traditional classification and taxonomy systems because it's so much cheaper and so much more…well, fun…than cataloging and classification. At least that's what some people seem to be saying. "Some people" may or may not be Clay Shirky. He's probably the most prominent name in the "Folksonomy über alles" camp," but his statements on the subject vary a *lot* in the extent to which he sees folksonomy as a universal solution and wholesale replacement for traditional classification schemes.

An admission: I don't tag (by that name), at least not yet. I haven't used del.icio.us or Yahoo! My Web 2.0 or flickr (except to view linked photos) or Technorati (except for certain canned searches). But I'm not a cataloger either. I believe I understand the principles underlying Dewey Decimal, the LC call number system, and LCSH, but that's as far as it goes.

I started collecting the occasional article and blog essay on folksonomy about a year ago, when I started hearing how revolutionary it was and how it was going to sweep away formal classification systems. That collection was never comprehensive and no essay ever got written. I think I now understand just enough to offer an opinion—and you can pick up part of it in the title of this PERSPECTIVE. I considered "Ontology"

(one of Shirky's contrast words) or "Taxonomy" (a more plausible contrast to Folksonomy) or even "Classification" or "Cataloging." The middle word could be "versus."

The more I look at the situation, the more I see folksonomy and dichotomy—that is, *false* dichotomy thanks to unwarranted universalization. It's yet another "and not or" situation: inclusionary thinking vs. exclusionary claims.

A second admission: The first admission above may be false, depending on your definitions of tagging and folksonomy. You could argue that WordPress "categories" are tags by another name, and I do provide categories for almost every *Walt at Random* post.

## Inside This Issue

Note "categories," plural. As in other tagging systems, I can and do use more than one for each post. Some commentators claim multiple topics as one distinction between folksonomy and traditional classification or taxonomic systems: Traditional systems require one and only one "name" for any item, where you can provide as many tags as an item seems to call for. That's another false dichotomy. There is *nothing* in classification and taxonomy systems that inherently requires that they be "folders," that items have one and only one name. Ever seen a cataloging record with more than one subject heading? Ever seen one with six? Sure you have.

## Dichotomy is Overrated

I couldn't resist that, and yes, it's a play on one of Shirky's most quoted articles, "Ontology is overrated:

Categories, links, and tags" (www.shirky.com/writings/ontology_overrated.html). The article may be worth reading if you haven't encountered much background on claims of folksonomy supporters. I'd also suggest Emanuele Quintarelli's "Folksonomies: power to the people" (www.iskoi.org/doc/folksonomies.htm) and "Social bookmarking tools (I): A general review" by Tony Hammond, Timo Hannay, Ben Lund, and Joanna Scott (*D-Lib Magazine* 11:4, April 2005, www.dlib.org/dlib/april05/hammond/04hammond.html). Between those three papers and links within them, you should get a good overview of formal "pro-folksonomy" perspectives, noting that the authors don't form a monolithic set of views. Hammond, Hannay, Lund and Scott see folksonomy as additive and complementary; Quintarelli seeks a "merged" middle ground. Shirky—well, I'm not quite sure *what* he really thinks about the ongoing role of traditional systems.

That's the pro-folksonomy side. Naturally, some commentators view tagging and folksonomy with less enthusiasm, including Michael Wexler of *The Net Takeaway* (www.nettakeaway.com/tp/), Peter Merholz of *Peterme.com* (www.peterme.com) (see particularly "Clay Shirky's viewpoints are overrated" in the August 2005 archives), and others.

Some (including many librarian bloggers and some of Clay Shirky's fellow posters at *Many 2 many*, www.corante.com/many/) are in the middle—most commonly because they see both the virtues and defects of tagging and because they see there's no need to assume that one system or the other will or should become universal.

I'm with that group.

Some "pro-folksonomy" articles make erroneous assumptions about formal systems, perhaps in order to demonstrate the superiority of tagging. Yes, call number systems require that a book be assigned one and only one call number (it has to go on the shelf *somewhere*)—but subject cataloging *never* assumes that an item can have one and only one subject. There are faceted classification systems that *inherently* assign multiple facets or subject categories for an item.

Others assume that formal systems don't scale—that the scope of the web is so much larger than anything in past history that tagging is the only solution. While it may be true that formal cataloging doesn't make economic sense for every web page (although there are many possible levels of "formal cataloging," some of which needn't be all that expensive), it's easy to underestimate the number of items that *have* re-

ceived formal cataloging and classification, or at least have been assigned subjects using a thesaurus. Given the size of the RLG Union Catalog and WorldCat, plus the size of A&I databases that include subject headings, I'll suggest that *at least* a quarter billion items have been formally classified (including duplicates, to be sure)—and once you include the taxonomies in use for species, and all the other formal taxonomies in use, I wouldn't be surprised if the number was at least half a billion. Have half a billion websites been tagged? Possibly, but I'm a little doubtful.

There should be no dichotomy. "Popular tagging" has been part of the process of organizing and identifying items throughout history. The web makes it easier and some tagging applications make it fun. I wonder whether most web users are really interested in doing lots of tagging, but that issue will be settled over a few years.

Once you eliminate the dichotomy—once you think "and, not or"—I lose interest in trying to put down folksonomy or determine whether it really is a superior tool for all applications. More interesting questions are how tagging can be used effectively, and how tagging and formal systems can best complement one another. I'd like to think that people smarter than I am are working on those issues. I'm *certain* that people are working on those issues who are better informed on the topics involved and far more likely to produce good results.

## Miscellaneous Grumbles

A few things about some tagging systems do bother me. Consider this list: blog, web, tools, blogs, search, fun, development, tech, tips, toread. How many of those would *you* use as a way to locate something on the web? Those are ten of the 50 most popular tags on del.icio.us on February 2, 2006. On their own, they're largely useless—but in combination with other words, they might (or might not) be significant.

That list shows one potential problem with some "folksonomy" tools: Limiting tags to single words. Many concepts just don't work as single words. "Toread" is, of course, "to read" without the space—just as "webdesign" and "web2.0" are phrases entered as words among the top 50. Why should such subterfuge be necessary? When did English become a language in which there are no nominative phrases?

Shirky, for one, makes a point of Google's success relative to Yahoo!—specifically, that Yahoo! failed because it attempted to classify sites using a taxonomy,

while Google succeeded because it ignored formal structures. That analysis overlooks some messy truths, such as the reality that *Yahoo! didn't fail*: It gets a *lot* more unique visitors each month than Google does, partly thanks to its *combination* of directory (formal taxonomy) and search (text-based retrieval). Some times, a directory is precisely what you need.

Those who believe folksonomy is the only future seem to believe we're all hot to tag, or at least most of us are. That has yet to be demonstrated. I wouldn't be surprised if it proves not to be the case. To some extent, it's true that folksonomy doesn't reduce the cost of identifying items so much as it shifts the cost—lowering the cost for those who might wish to identify, but increasing the cost (in time) for those searching. If, in the end, the population willing to keep tagging sites is only ten or twenty times the population of catalogers and indexers, the overall retrieval cost of an all-folksonomy universe might be considerably higher than the overall cost of an all-cataloging/classification/taxonomy universe. But that's a silly dichotomy: An all-traditional means universe is out of the question—and I believe an all-folksonomy universe is equally absurd.

## Recent Recommended Reading

Marieke Guy and Emma Tonkin, both of UKOLN, wrote "Folksonomies: Tidying up tags?" in the January 2006 *D-Lib Magazine* (www.dlib.org/dlib/january06/guy/01guy.html). Guy and Tonkin are "and" thinkers—they regard tags as supplements to formal classification systems, not wholesale replacements. The article examines "sloppy" tags and questions the usefulness of attempting to do too much "tidying up." It's **definitely worth reading**.

A less formal "article"—technically, it's a blog post, but it prints out as a 9-page single-spaced paper complete with 38 footnotes—is also **well worth reading**, even though I don't care for the title: "The hive mind: Folksonomies and user-based tagging" by Ellyssa Kroski at *Infotangle* (infotangle.blogsome.com), posted December 7, 2005. (I find "hive mind" a dispiriting term, but that's me.) Kroski's overview of (some) tag-based applications and some of folksonomy's strengths and weaknesses is good enough that it convinced me not to attempt such an overview: Why bother, when she's done it so well? As a tease for the article, here are the boldface-italic introductory sentences for the "strengths" and "weaknesses" sec-

tions that take up 4.5 pages of the seven text pages of the article (the last two pages are endnotes):

**Strengths:** Folksonomies are inclusive. Folksonomies are current. Folksonomies offer discovery. Folksonomies are non-binary. Folksonomies are democratic and self-governing. Folksonomies follow "desire lines." Folksonomies offer insight into user behavior. Folksonomies engender community. Folksonomies offer a low cost alternative. Folksonomies offer usability. Resistance is futile.

**Weaknesses:** Folksonomies have no synonym control. Folksonomies have a lack of precision. Folksonomies lack hierarchy. Folksonomies have a "basic level" problem. Folksonomies have a lack of recall. Folksonomies are susceptible to "gaming."

Kroski loves folksonomies, but she does a good job of citing critics—and, of course, Shirky's facile responses. You need to read the paragraphs that follow those sentences.

Tagging isn't going away, nor should it. Neither are formal taxonomies and classification/cataloging systems going away. There's room for both, and there should be ways to use each to enrich the other.

# The Library Stuff

*The Straight Dope* (www.straightdope.com) has done at least two remarkably good essays related to libraries: One on the history of public libraries in America and one (January 31, 2006) on the Dewey Decimal System. This is **seriously good stuff** at a popular but not dumbed-down level: the DDC essay prints as nine single-spaced pages.

Every article cited here comes with at least some degree of personal recommendation, even if it lacks a boldface note to that effect.

### Bergstrom, Theodore and R. Preston McAfee, "End free ride for costly journals," *Library Journal* (December 15, 2005).

Here's a radical proposal: Recognize that for-profit journal publishers have disrupted the "symbiotic relationship" between scholars and scholarly publishers—and act accordingly. "Large for-profit publishers are gouging the academic community for as much as the market will bear."

How to react? Universities should *charge*—for journal editing as a first step, although one might also suggest charging for refereeing (the article doesn't go

that far). The authors suggest that universities assess overhead charges for support services of editors for journals with library subscription prices higher than a certain threshold of price-per-article or price-per-citation. They've created www.journalprices.com, a web site providing such information for 5,000 journals and offering summary tables.

Block, Marylaine, "Information literacy: Food for thought," *Ex Libris* 271 (January 13, 2006). marylaine.com/exlibris/237.html

Short and to the point, this is a "few leading questions to ask at the start of information literacy sessions that might force students to examine their assumptions." For example, why is stuff on the web *free*? Given a set of items, what would you expect to find for free on the web—and what would you *not* expect to find. The last three questions push students toward the library's licensed and offline resources. It's a fine list, **well worth reading and using**.

Brown, Myra Michele, "Video libraries: More than a lure," *American Libraries* 36:11 (December 2005): 41.

It's just a one-page "On my mind"—an op-ed of sorts. Brown discusses her experience as video librarian at Texas Tech University, starting with "comments I heard questioning the academic authenticity of the video library." She discusses the power of video and specifically TTU's global collection as made available in film series on campus.

What doesn't surprise me: That film and video serve academic purposes. What *does* surprise me: That this op-ed can be anything more than example of good library programming in 2006. But it clearly is. I don't doubt Brown's finding that many academic (and public) librarians regard film and video as inferior to books. Heck, *I* regard video as inferior to books *for book-length stories expressed as text*, but far superior for other purposes, including different kinds of stories.

The pull quote: "It is counterproductive to stigmatize one format while deifying print." I'm a "print person" by many measures, and I agree.

Bucknall, Tim, "Getting more from your electronic collections through studies of user behavior," *Against the Grain* 17:5 (November 2005): 1, 18, 20.

"Libraries spend a lot of money on electronic resources and understandably want to get the best possible return—in other words, the most usage—on that

investment." This article discusses attempts at the University of North Carolina at Greensboro to measure the effects of expanded title and article level access (via OpenURL) on database usage. It's an interesting article with results that might be predictable (or might not) but haven't been measured and reported that often. For ten of 12 full-text databases studied, there were more uses by way of a journal or article link than through the library's database list. Deep linking has increased use and OpenURL-compliant databases show greater usage increases than other databases.

There's more to the article, including work on matching system behavior to patron behavior by studying failed searches. **Well worth reading.**

Carver, Blake, "10 ways to make the internet a better place," *LISNews*, September 19, 2005. www.lisnews.com

"99% of the stuff on the Internet is trash. Don't help make it 100%. Here's some good ways to make the web a better place for all of us." Carver offers a sprightly list of 10 topics with a brief expansion on each one: Contribute, maintain, promote web standards, mentor, support, promote civility, be a good neighbor, write right, "add to this list," and unplug.

This is four pages with loads of white space; you can read it in two or three minutes, on paper or at *LISNews*. While the advice that "the Internet is permanent" is true enough as a warning, it's unfortunately not true as a general precept: sites move, links break. The best advice regarding internet permanency: the internet is permanent when you screw up—but may be evanescent when you exhibit touches of genius.

That aside, this is **good stuff**, the last item being one I've been pushing for years: "Unplug" from time to time. Turn it *all* off. No cell phone. No pager. No PDA. *Certainly* don't fill your ears with MP3. Go get a touch of nature, even if that means the sounds of the city. (Any other old KSFO fans out there hearing that magnificent custom-written theme song at this point?)

Eversberg, B., "On the theory of library catalogs and search engines." www.allegro-c.de/formate/tlcse.htm. (Version downloaded revised July 6, 2005.)

This paper bills itself as a supplement to a talk on "Principles and goals of cataloging" at the 2002 German Librarians' Annual Conference. There's also a German version—and if this is a translation, it's an

excellent one. Even though it's four years old, the general comments and specific comparisons between catalogs and web search engines still largely ring true.

The starting sentence, labeled "a banal sentence": "Nothing is more practical than a good theory." I thought that was a good start—and the discussion that follows lives up to the start. But then, I would: One key sentence in "contents of libraries and Internet" is: "No one single method can serve *all* purposes and *all* searchers *all the time*—everybody will know this who has tried to find anything on more than one occasion." Too many of today's librarians seem ready to buy into the notion that the web search approach is the only kind of searching anyone needs, ever; that's simply not true.

Eversberg posits a sensible distinction: Catalogs stink at factual searching, but they're superior to web search engines for at least two of three broad categories of *document* searching: known item and collocation searching. ("Collocation searching"—whether for all items by an author or for other groups that collocate using cataloging tools—is overlooked by some, who seem to think that catalogs are only good for known-item searching.) Subject searching may be the toughest aspect of catalog searching: "'What is this book about'" is a question that very often cannot be answered with a brief list of terms." On the other hand, as Thomas Mann points out, catalogs with browsable subject headings provide powerful tools for finding related items once one subject is known.

The three-page tabular comparison of catalogs and search engines is first rate; commentary would be almost as long as the table itself. **Take a look**.

### Mann, Thomas, "Research at risk," *Library Journal* (July 15, 2005).

Mann sees library managers arguing that the profession should "capitulate" to searchers' tendency to use keywords and nothing but. "In their view, we should abandon [LCSH] in our OPACs and scan in the table of contents of each book—or wait for Google Print to digitize 'everything.'" Mann argues that no addition of keywords will be as effective *for some purposes* as efficient research using, among other tools, browsable subject headings.

Mann teaches research orientation classes and finds that students "are hungry to know how to do research more efficiently." He shows one example of what happens without LCSH (an example that also shows the *difficulty* of LCSH): a researcher looking for linguistic studies of Cockney, who typed in "Cockney" as a keyword. That yields some juvenile fiction and other stuff, but not most of the linguistic studies, which can be rounded up under "English Language—Dialects—England—London."

Just for interest, I tried this on RedLightGreen and on the RLG Union Catalog using Eureka. With RedLightGreen, "Cockney" yields 230 hits—and in the "refine by" sidebar, the *first* subject listing is the proper subject heading, which yields 19 hits. Via Eureka, "Cockney" yields 313 hits [note that RedLightGreen "frbrizes" material but is also less current than the RLG Union Catalog]; the second one shows the proper subject heading, which itself yields 104 titles from the kind of browse display Mann calls for, including lots of multiple editions.

Mann notes that scholars want and need *comprehensive* searches, not a strong suit of web search engines—and that web searches "fail miserably at keeping relevant uses of a term separate from irrelevant ones."

His second example begins with Google and moves to a library catalog, assuming that a student wants to research Millard Fillmore's foreign policy. "President Fillmore Foreign Policy" brings back a paragraph from *MSN Encarta*, a link to a term paper mill, a fifth-grader's paper, and a brief speech from the *Britannica*, among others. By contrast, if you knew enough to *only* enter Fillmore's name as a subject in a catalog with subject browsing (and, by the way, knew to invert the name), you *might* realize that choosing the "bibliography" heading would lead you to a book with loads of sources on Fillmore's foreign policy.

Examples age. Right now (or, rather, as I wrote this on February 8, 2006), *Encarta* still comes up first, now followed by an odd "sciforum" posting. Third is a PDF copy of a speech by…well, you guessed it: Thomas Mann on "The future of cataloging" (the article I'm annotating now turns up sixth, with a posted "Japanese reply to Pres. Fillmore's letter" and a link to a scholarly article behind a fee wall in between). While the term paper mill and grade-school article are further down, it's still true that you wouldn't find much about Fillmore's foreign policy in the top results on Google. It's just not the right tool for the job.

Examples also get more difficult. How would Google Book Search do with "Fillmore foreign policy"? Pretty well—but it still wouldn't yield the results Mann describes. We need more than one tool.

"Rethinking how we provide bibliographic services for the University of California." December 2005.

I haven't read the full report from UC Libraries' Bibliographic Services Task Force, but the four-page executive summary is dynamite. I won't attempt to summarize what's already a summary, and I might question a few of the details in this set of recommendations (some of which are for further consideration rather than flat recommendations), but it's a remarkable starting point. I'm pleased that "abandoning the use of controlled vocabularies for topical subjects in bibliographic records" is a "consider" rather than a recommendation; for reasons such as those given by Thomas Mann, I think it's a bad idea, even as badly as many subject searches work. On the whole, all I can say is **go read this**. It shouldn't be hard to find.

### Tennant, Roy, "Is metasearching dead?" *Library Journal* (July 15, 2005).

Tennant loves controversy, but this time he poses a question rather than overstating a case. He wonders whether Google Scholar could replace the need for library-based metasearch services, as some of his colleagues believe. He doesn't, "no matter how good Scholar gets (and it will get better)." Why? Partly because "what you *don't* search can be as important as what you *do*"—very broad databases tend to flood searches with inherently-irrelevant results, while good metasearch interfaces can be designed for specific audiences or purposes.

## Ten Years of *D-Lib Magazine*

I've been a bit skeptical at times of "digital libraries" in general and the Digital Library Initiative(s) in particular. Early digital library work seemed to place all the emphasis on digital, with "library" being an afterthought—and maybe that's not surprising for work originally funded by DARPA and NSF. I still get the sense that it's mostly about being digital, with issues of librarianship a distant second, even when I attended one Digital Library Forum.

On the other hand, *D-Lib Magazine* has been a first-rate publication at least as long as I've been aware of it. The magazine began in 1995 and published a special ten year anniversary issue in July/August 2005 (www.dlib.org/dlib/july05/07contents.html). What follows are brief annotations on some (not all) of the items in that special issue. My congratulations to the editors and authors for a decade of work that's not only important but also interesting and readable. I don't provide specific URLs; you can get to these and other pieces from the contents URL above. I've kept these remarks brief; all the articles are **recommended**.

### Kahn, Robert E., "Ten years of *D-Lib Magazine* and counting."

Kahn, president & CEO of the Corporation for National Research Initiatives (CNRI, home to *D-Lib*), kicks things off with this brief editorial. "The magazine has proven to be an important source of timely and relevant information about digital libraries in particular and, more generally, of information production, consumption and management."

While *D-Lib* has proven its worth as a magazine, that doesn't pay the bills; apparently that's a problem:

> Producing a high quality magazine on the net each month turned out to be somewhat less difficult than I would have expected, due almost entirely to the quality of the editorial staff and the willingness of the readership to contribute interesting articles. Funding the continued production of the magazine has been, perhaps, its biggest challenge…

Staffing is the equivalent of "a little over one full-time person." Funding possibilities have been constrained by the basic (and, I believe, correct) decision to make *D-Lib* free and available without registration, and not to charge authors for publication. Advertising is one possibility, but the magazine is so widely mirrored that demonstrating readership may be difficult. Kahn estimates that ads might cover one-third to half the current costs. There's always foundation funding—but they haven't found that yet. (If you have great ideas, send them to dlib@cnri.reston.va.us).

Thus, despite the strong past of *D-Lib*, its future isn't quite assured:

> I cannot say with any degree of certainty how this will all work out over the coming months and years. However, the need for the kind of information dissemination mechanism that D-Lib Magazine has shown for quality information covering electronic aspects of libraries, publishing, and information creation, dissemination and management will only increase as the technology for access and dissemination of digital information continues to evolve.

### Wilson, Bonita, and Allison L. Powell, "A tenth anniversary for *D-Lib Magazine*."

This article discusses the makeup of the special issue and some aspects of *D-Lib*'s first decade. It's planned for 11 issues a year, around the 15th of the month (except August); 548 full-length features ap-

peared in the first 111 issues, with 538 brief items in "In Brief" (beginning September 1999)—the only place I've appeared in *D-Lib*. Seventy-two "exemplary digital collections" have been featured since 1999.

There's a good explanation of why *D-Lib* is *not* a refereed journal. The founders opted for "quick turnaround from submission to publication over peer review…" Despite its less formal status, *D-Lib* articles have been cited frequently, an average of nearly 118 citations per year.

I wonder about this statement: "Another indicator that authors appreciate the model we use is that 66 percent of the central authors in the field of Digital Libraries have either published in or cited an article from *D-Lib Magazine*." That statement leads to an article note leading to a paper that can be read as identifying "central and/or frequently published authors" from digital library conferences—but these are *entirely* computer/engineering digital library conferences.

One slightly odd aspect of *D-Lib* is reader feedback—or, rather, the *lack* of reader feedback. For the first four years, the magazine used HyperNews to facilitate reader responses—but readers didn't respond. Since then, they accept letters to the editor, but "letters received have been few and far between." This seems unfortunate. Perhaps, even though it's a magazine, *D-Lib* has enough of a journal's formality to discourage most reader feedback.

A table of journals or conferences that cite *D-Lib* articles does tend to support my sense that "digital libraries" are still more digital than library: the names are uniformly within technology or, at best, information processing/information science.

## Friedlander, Amy, "Really 10 years old?"

Friedlander was the first editor of *D-Lib*, working with Bill Arms. She recounts production of the first issue and where things went from there. She explicitly thought and thinks of *D-Lib* as a magazine, not a journal. "[W]e were freed from the canons of peer review to engage in speculation that might eventually feed into the formal process of juried results."

Friedlander "didn't know squat about editing a magazine when we started *D-Lib* but learned fast—by looking around at "publications I admired" and reading a couple of books about editing. She clearly saw articles as *stories*, an excellent starting point. She aimed for a combination of substantial research reporting and good writing—and good writing has been a hallmark of most *D-Lib* articles ever since.

## Larsen, Ronald L., "Whence leadership?"

This brief article addresses the nature of leadership within DLI and issues a call of sorts for readers to serve as leaders, including temporary leadership posts for DLI and whatever replaces it. Larsen includes an interesting comment about the magazine as compared to the Digital Library Forum: "The community didn't need the Forum as much as it needed the magazine."

## Lynch, Clifford, "Where do we go from here? The next decade for digital libraries."

> The field of digital libraries has always been poorly-defined, a "discipline" of amorphous borders and crossroads, but also of atavistic resonance and unreasonable inspiration. "Digital libraries": this oxymoronic phrase has attracted dreamers and engineers, visionaries and entrepreneurs, a diversity of social scientists, lawyers, scientists and technicians. And even, ironically, librarians – though some would argue that digital libraries have very little to do with libraries as institutions or the practice of librarianship. Others would argue that the issue of the future of libraries as social, cultural and community institutions, along with related questions about the character and treatment of what we have come to call "intellectual property" in our society, form perhaps the most central of the core questions within the discipline of digital libraries – and that these questions are too important to be left to librarians, who should be seen as nothing more than one group among a broad array of stakeholders.

That last sentence is challenging (perhaps less so if you believe that *physical* libraries have a bright future as social, cultural and community institutions)—and, after all, you should expect to be challenged by a Lynch article.

Summarizing seven pages of Lynch's idea-rich prose is beyond my talents. He believes that we won't see much more governmental funding of digital libraries *research* and that digital libraries offer a "relatively mature set of tools, engineering approaches, and technologies." He knows "digital preservation is going to be an enormous issue" for many parties and notes a broader set of stewardship issues. Lynch notes four areas for future research he finds "particularly compelling": personal information management, long term relationships between humans and information collections and systems, the role of digital libraries (and related services) in supporting teaching, learning, and human development, and active environments for computer supported collaborative work.

## Paepcke, Andreas, Hector Garcia-Molina and Rebecca Wesley, "Dewey meets Turing: Librari-

ans, computer scientists, and the Digital Libraries Initiative."

This article is unusual: It expressly argues that DLI *did* unite librarians and computer scientists. (It also asserts that Google emerged from DLI-funded work.) I admit that I haven't followed DLI and DLI-2 carefully since the beginning, but this casual history doesn't ring true with my own memory. The authors seem to say that the web disrupted the "reasonably comfortable nest for the emerging union between the two disciplines." They go on to say that librarians perceive that "computer scientists have hijacked the [DLI] money and created an environment whose connection to librarianship is unclear," while computer scientists don't understand why librarians "couldn't be, well, normal computer scientists."

It's an odd article. What are we to make of the statement that "the notion of collections is spontaneously re-emerging" when, in the *real* world of librarianship, the notion never departed? I suggest reading it (and, of course, all the other articles) yourself; those of you with more background in DLI may see a truth that I'm missing.

### Weibel, Stuart L., "Border crossing: Reflections on a decade of metadata consensus building."

Weibel recently left the Dublin Core Metadata Initiative management team—and DC is also celebrating its tenth anniversary. He reflects on "some of the achievements and lessons of that decade." It's a fascinating story (and I don't doubt Weibel's recollections for a moment). He raises a number of useful issues and points out what many of us know and believe: Most authors will *not* spend the time to create their own metadata (other than an article title). "Creating good quality metadata is challenging, and users are unlikely to have the knowledge or patience to do it very well, let alone fit it into an appropriate context with related resources." Then Weibel agrees with Erik Duval's statement, "Librarians don't scale." That may be true—but librarians (and their indexer colleagues) have, to date, created a whole bunch more and better metadata than anyone else, on the order of tens or hundreds of millions of records.

He notes the naïveté of the assumption that "metadata would be the primary key to discovery on the Web," then goes on to discuss the question this leaves: "What is metadata for?" It's a good discussion. Weibel seems to think we'll get the "answer" to the question of whether full-text indexing of books and the like is "better" for retrieval than high-quality metadata (cataloging). I'm not sure that's true, unless the answer is "It depends."

There's a lot here that I haven't touched on, and it's **well worth reading**.

## Ten Years of *Ariadne*

A little more recent (the tenth anniversary issue is either January or February 2006, depending where you look) and a lot less frequent (quarterly; the special issue is #46), but then the UK is also a little smaller than the U.S. *Ariadne* isn't a precise British equivalent to *D-Lib Magazine* but it's close: The primary focus is digital libraries within the UK.

Lorcan Dempsey was co-director of the initial publication and notes in his section of the editorial introducing the decennial issue:

> *Ariadne* first appeared in Web and print formats. A high-quality magazine-style publication appeared on people's desks, and an extended version appeared on the Web. It met two needs: it provided both a general update on the progress of the eLib programme and related national information services, *and* a forum for reflection and discussion about changing times. It was an important community-building tool.

After a few years, funding problems eliminated the print publication. The web version remains. It's strongly British and at times seems to assume an existing knowledge of the many programs under the UKOLN and JISC umbrellas. As with *D-Lib*, it's generally worth reading. The founders lack false humility: Here's how the other original co-director, John Mac-Coll, puts it in his portion of the shared editorial: "*Ariadne* is ten years old, and she is still the best guide I know to what is going on in the digital library world." Not, apparently, just in the UK digital library world, but in the *entire* digital library world.

I have just a few comments on four of the seven main articles in the special issue—which is not *at all* to say the others aren't worth reading. You'll find the issue at www.ariadne.ac.uk/issue46/.

### Dempsey, Lorcan, "The (digital) library environment: Ten years after."

Dempsey may be at OCLC now but was a figure in the UK digital library field in earlier years. As with Clifford Lynch, Lorcan Dempsey is a "thick" writer—he packs a lot of thought and ideas into every page and needs to be read with care to get the most benefit from his thinking. I respect that (and envy the thinking that enables such writing), but it makes it hard to

comment on his articles—particularly long ones. This one's 19 pages of small type (including two pages of endnotes), nearly 13,000 words in all.

> What happened clearly in the mid-nineties was the convergence of the Web with more pervasive network connectivity, and this made our sense of the network as a shared space for research and learning, work and play, a more real and apparently achievable goal. What also emerged—at least in the library and research domains—was a sense that it was also a propitious time for digital libraries to move from niche to central role as part of the information infrastructure of this new shared space.

> However, the story did not quite develop this way. We have built digital libraries and distributed information systems, but they are not necessarily central.

He considers the environment leading up to that convergence but spends most of the article "thinking about where we are today, and saying something about libraries, digital libraries and related issues in the context of current changes." Dempsey sees another convergence today: "the convergence of communicating applications and more pervasive, broadband connectivity." Note that Dempsey doesn't say "ubiquitous computing"—he sticks with the more certain "more pervasive, broadband connectivity."

He notes five general conclusions from his participation in and observation of the foundational UK digital library programs (excerpted):

> 1. They were major learning experiences for participants, many of whom have gone on to do important work in the library community.

> 2. They showed that the development of new services depends on organisational and business changes that it is difficult for project-based programmes to bring about. This is a continuing issue.

> 3. Many of the assumptions about technical architecture, service models and user behaviours in emerging digital library developments were formed pre-Web….

> 4. Their impact has been diffuse and indirect, and is difficult to assess. Compared to the overall number of deliverables, there is a small number of ongoing products or services which are direct project outcomes.
> 5. How does one transfer innovation into routine service? Certainly, alongside the project work there was service innovation in the JISC environment, but it flowed from central planning.

As promised, Dempsey spends much more time on the new environment and the challenge for libraries of "working in a flat world." Despite my red underlines on the article, I find it impossible to provide useful summaries of that rich, complex discussion. The red marks weren't points of disagreement; they were areas

I wanted to point out as deserving special attention—and there are too many to jot down here.

It's quite an article. I'd almost consider it **required reading** if you're interested in the past and future of digital libraries.

## Lynch, Clifford, "Research libraries engage the digital world: A US-UK comparative examination of recent history and future prospects."

Speaking of thick writers… The title's longer but the article is *much* shorter, a little over five pages (plus endnotes). Lynch writes in terms of transformations—the transformation of scholarship and teaching and the transformation of the library and the invention of digital libraries. He notes that UK work on digital libraries has a "much greater emphasis on the deployment of a national system of library services" than in the U.S.—and that libraries were "typically only peripherally involved" in the NSF-funded U.S. digital libraries program. Indeed, the short-term experimental nature of the projects did not fit well with the working models of U.S. research libraries.

> But digital libraries were fashionable, they were well-funded, they generated great interest during the great 'dot-com' bubble, and they were frankly sometimes threatening (and sometimes deliberately used as a way of threatening) research libraries in the US—if these libraries were not on the road to becoming digital libraries, they were backwaters, obsolete, 'book museums'; they were in danger of being supplanted or overtaken by commercial competitors. Much of this was, to be blunt, complete rubbish, at least in the near term, but the development of these information management and retrieval systems that were called 'digital libraries' and the confusion between these and what actual libraries as organisations do, and the systems that they might use to accomplish those missions, gave rise to a major problem in public perception.

Lynch notes the "great obsession" toward the end of the century within library and higher education communities to *define* digital libraries—and that, as funding for the prototype projects dried up, the discussion has become more constructive: "How research libraries could more effectively support teaching, learning and scholarship in a changing environment."

That's just a bit of another rich, dense article. He anticipates major changes in the way scholars use libraries and their resources. He notes that it was a mistake to think first about how libraries should change—rather than seeing how the library's *users* and their needs were changing, and how the library could meet those needs.

"So what has happened to the digital library? At least as I define digital libraries, what happened was that we realised that *they are just tools*, a bundle of technologies and engineering techniques—that find applications in a surprisingly wide range of settings beyond higher education and research."

Lynch includes speculations about public libraries and their future, and there I might take issue with him—but that paragraph is an admitted digression.

> We are in the middle of a very large-scale shift. The nature of that shift is that we are at last building a real linkage between research libraries and the new processes of scholarly communication and scholarly practice, as opposed to just repackaging existing products and services of the traditional scholarly publishing system and the historic research library. In this shift we have left the debate about digital libraries behind, recognising this now as simply shorthand for just one set of technologies and systems among many that are likely to be important.

**Well worth reading**, a comment that usually applies to Clifford Lynch's writing (as to Lorcan Dempsey's).

## MacColl, John, "Google challenges for academic libraries."

"How should we understand Google? Libraries still feel like the batsman at whom something has been bowled which looks familiar, but then turns out to be a nasty threat." MacColl offers a sprightly, relatively brief (4.5 pages plus notes) consideration of how libraries do and perhaps should feel about Google's various initiatives. MacColl gets at least one minor thing wrong (he says the Google Library Program "has stalled while the [AAUP] law suit is pending" with the libraries not giving Google any in-copyright books, and that's simply not true in 2006), and he says flatly that full-text book indexing offers power "much greater than that of indexes we are used to," where I'd suggest full-text retrieval is *different* (better in some ways, worse in others).

All in all, I **strongly recommend** the article. He notes that librarians are bothered by the opacity of Google Scholar. He notes that "new technologies do not change principles." He concludes:

> As librarians, running pleasant study environments, containing expert staff, providing havens on our campus which are well respected, and building and running high-quality Web-based services, we will decide which of Google's offerings we wish to promote, and which we are prepared to pay for. And we will stand up—no matter how wealthy we assume our students and academic users to be—for the principle of free and equal access to content, and for the principle of high-quality index pro-

vision, whether free or at a cost, because without those principles we are no longer running libraries.

## Rusbridge, Chris, "Excuse me…Some digital preservation fallacies?"

This one's just plain fascinating. Rusbridge was director of the eLib program when *Ariadne* began and now works for the Digital Curation Centre at the University of Edinburgh. He offers this set of six common assertions or assumptions about digital preservation:

> 1. Digital preservation is very expensive [because]
>
> 2. File formats become obsolete very rapidly [which means that]
>
> 3. Interventions must occur frequently, ensuring that continuing costs remain high.
>
> 4. Digital preservation repositories should have very long timescale aspirations,
>
> 5. 'Internet-age' expectations are such that the preserved object must be easily and instantly accessible in the format de jour, and
>
> 6. the preserved object must be faithful to the original in all respects.

He then proceeds to argue the case for each of the six being a fallacy—noting that in some cases he's carrying on "an argument with myself!" The discussions are engaging and clear. #2 is particularly interesting: Rusbridge is almost certainly correct in stating that *commercial* file formats (those used in consumer-oriented software) become inaccessible far more slowly than we might have expected. The copy of Microsoft Word I'm writing this on will *write* to many different formats including Word all the way back to 2.0 (how long ago was that?), and translation software will handle all but the most obscure commercial formats. His argument is much more subtle than this brief description might indicate; he's saying it takes a long time to *totally* lose information content (creating using consumer software), although partial loss may be more rapid.

This paper is about as far from a doctrinaire list as you can get and is, to be sure, **well worth reading**. Rusbridge really is trying different notions on for size. I find myself agreeing more often than disagreeing. Here's how Rusbridge restates the six "possible fallacies," toward the conclusion that "lack of money is perhaps the biggest obstacle to effective digital preservation. Assumptions that make digital preservation more expensive reduce the likelihood of it happening at all":

> 1. Digital preservation is comparatively inexpensive, compared to preservation in the print world,

2. File formats become obsolete rather more slowly than we thought

3. Interventions can occur rather infrequently, ensuring that continuing costs remain containable.

4. Digital preservation repositories should have time-scale aspirations adjusted to their funding and business case, but should be prepared for their succession,

5. "Internet-age" expectations cannot be met by most digital repositories; and,

6. Only desiccated versions of the preserved object need be easily and instantly accessible in the format de jour, although the original bit-stream and good preservation metadata or documentation should be available for those who wish to invest in extracting extra information or capability.

# ©1: Term & Extent

This is probably the least well-defined area of copyright coverage in *Cites & Insights*—which may be why this is the first ©1 essay under that title. The last big splash in this area was *Eldred v Ashcroft*, an attempt to overturn the Copyright Term Extension Act. You can read my coverage of that failed attempt in 2002 (*C&I* 2:5, 7, 9, 14, 15) and 2003 (*C&I* 3:3, 5). I've covered the Public Domain Enhancement Act under ©2—and maybe there's no point in separating these aspects. For now, two areas merit discussion under this umbrella.

## Kahle v Gonzales

A second attempt to overturn CTEA on different grounds began in March 2004: *Kahle v Ashcroft*. I discussed the case in *C&I* 4:8 and, briefly in *C&I* 5:1, its dismissal by a Federal court in fall 2004. That dismissal was appealed to the Ninth Circuit court in January 2005. Since Ashcroft is no longer the Attorney General, the case is now *Kahle v Gonzales*. The case page at the Stanford Center for Internet and Society (cyberlaw.stanford.edu/about/cases/kahle_v_ashcroft.shtml) doesn't show anything past an April 12, 2005 post linking to the appellants' brief, government opposition, and appellants' reply brief.

What's it all about? Here's the summary at the SCIS page:

> In this case, two archives ask the U.S. District Court for the Northern District of California to hold that statutes that extended copyright terms unconditionally—the Copyright Renewal Act and the Copyright Term Extension Act (CTEA)—are unconstitutional under the Free Speech Clause of the First Amendment, and that the Copyright Renewal Act and CTEA together create an "effectively perpetual" term with respect to works first published after January 1, 1964 and before January 1, 1978, in violation of the Constitution's Limited Times and Promote...Progress Clauses. The Complaint asks the Court for a declaratory judgment that copyright restrictions on orphaned works—works whose copyright has not expired but which are no longer available—violate the constitution.

"Unconditionally" is a key term. Until 1976, you got copyright protection under U.S. law only if you *asked* for it—if you registered the copyright or at least included a copyright assertion. Otherwise, your work entered the public domain upon publication. Further, U.S. copyright used to require that you *renew* that copyright protection after a reasonable length of time.

Now, protection is automatic ("unconditional") and the term shows signs of being effectively unlimited (given expectations that copyright industries will ask for another 20-year extension come 2016, just as they did with CTEA in 1996). Where *Eldred v Ashcroft* dealt with term extension, *Kahle v Gonzales* questions the shift from conditional to unconditional copyright. Note the following, from the case FAQ:

> Under our traditional system of conditional copyright, the overwhelming majority (as much as 90%) of published works were neither registered nor noticed, and thus passed immediately into the public domain, where they were freely usable by others without the need to ask permission. Of the minority of works that were registered and noticed, and therefore protected by copyright, over 85% were not renewed after a relatively short (28 years) initial period of protection. These works also passed into the public domain. Our traditional copyright rules thus kept a vast amount of creative work wholly free of the burdens of copyright regulation—a freedom, it should be noted, that was granted by an author's voluntary decision not to register his work. Even for the subset of works for which authors secured copyright, the conditional regime's registration requirement served to keep records of works for which copyright was claimed, and moved most protected work into the public domain after a relatively short initial term—again, by the voluntary decision of the author. Both the existence and duration of copyright regulation was effectively narrowed to just those works that the author or his assigns had a desire to protect.

One interesting supporting brief comes from the Brennan Center for Justice at NYU, ACLU of Northern California, Public Knowledge, Center for the Public Domain, and the First Amendment Project. You'll find the brief at www.fepproject.org/courtbriefs/kahle.pdf

This brief supports the notion that eliminating the "formalities" of copyright registration and notifica-

tion *does* alter the substantive "contours of copyright protection," denying one basis on which the lower court dismissed the suit. It quotes writers who assert that the formalities helped "to ensure that most works entered the public domain promptly, so that the public could make unfettered use of them." Unquestionably, changes in copyright law have slowed the expansion of the public domain—or "dramatically reduced the public's ability to reproduce, distribute, access, and make new uses of historical and creative materials of all kinds."

How does this relate to orphan works, those whose creators can no longer be found in order to arrange licensing or permission? Quite simply, most creators didn't feel any need to protect their works—either no need at all, or no need beyond an initial 28 years. Most copyrights were not renewed. Those owners (specifically, all copyright holders for works produced between 1964 and 1978 who would not have renewed their copyright), whose current copyright protection was neither expected nor apparently desired, are most likely to be unfindable.

Naturally, there's a lot more to the brief and to the other papers in the case. As those involved have noted, passage of the Public Domain Enhancement Act (formerly known as the Eldred Act) would ameliorate the problems addressed in *Kahle v Gonzales*. So would other actions to improve access to orphan works. There's some activity in this sphere; see below.

## Orphan Works

The Copyright Office opened an inquiry on the problem of orphan works—works still under copyright whose owner cannot be identified and located by someone wishing to use the works—in 2005, asking for comments and holding roundtable discussions. I commented on some of the 850-odd comments received last September (*C&I* 5:10). Now the Copyright Office has issued its *Report on orphan works.* It's quite a document: 127 pages with clear recommendations for legislative action. The page at www.copyright.gov/orphan/ includes links to the 127-page PDF and a 200-page version (including appendices). That page also links to transcripts of the three roundtables (two in Washington, D.C. and one in Berkeley), audio recordings of the Berkeley roundtable, all but a few of the 721 primary comments and all of the 146 reply comments.

If you want to review the report but aren't up to reading 127 pages, I'd suggest printing out the execu-

tive summary, introduction, and description (pages 1-40 as numbered on footers, *not* the PDF page numbers) and the conclusions and recommendations (pages 92-127), although the legal background (41-68) and description of solutions proposed by commenters (69-91) are also worth reading. I haven't read the appendices, so can't comment on them. Herewith, a tiny set of extracts and comments.

*Executive summary and introduction*

> This Report addresses the issue of "orphan works," a term used to describe the situation where the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner. Even where the user has made a reasonably diligent effort to find the owner, if the owner is not found, the user faces uncertainty—she cannot determine whether or under what conditions the owner would permit use. Where the proposed use goes beyond an exemption or limitation to copyright, the user cannot reduce the risk of copyright liability for such use, because there is always a possibility, however remote, that a copyright owner could bring an infringement action after that use has begun.

It's clear that orphan works represent a real problem—and the report agrees that the most common outcome (would-be users choose not to use the works because of the risk of liability for infringement) "is not in the public interest."

Some commenters tried to expand the definition of orphan works to include cases where the owner *could* be located but failed to respond, refused permission to use the work or asked for a larger fee than the would-be user was willing to pay. Once those and other situations were discarded (by an agency admittedly favoring copyright interests), something over 25% of comments identified "a situation that could fairly be categorized as an orphan works situation."

The report gathers proposed uses of orphan works into four categories:

> (1) uses by subsequent creators who add some degree of their own expression to existing works to create a derivative work; (2) large-scale "access" uses where users primarily wish to bring large quantities of works to the public, usually via the Internet; (3) "enthusiast" or hobbyist uses, which usually involve specialized or niche works, and also appear frequently to involve posting works on the Internet; and (4) private uses among a limited number of people.

Skipping over discussion of existing remedies, proposed remedies, and the nature of the problem, we come to conclusions and recommendations.

*Conclusions and recommendations*

Four conclusions each receive a paragraph of discussion. The brief version: The orphan works problem is real; The problem is elusive to quantify and describe comprehensively; Some orphan works may be addressed by existing copyright law, but many are not; Legislation is necessary to provide a solution to the orphan works problem as we know it today.

The copyright office sees two overarching goals for legislation:

> First, any system to deal with orphan works should seek primarily to make it more likely that a user can find the relevant owner in the first instance, and negotiate a voluntary agreement over permission and payment, if appropriate, for the intended use of the work….

> Second, where the user cannot identify and locate the copyright owner after a reasonably diligent search, then the system should permit that specific user to make use of the work, subject to provisions that would resolve issues that might arise if the owner surfaces after the use has commenced. These provisions should balance the interests of the right holder with the interest of the user who has undertaken to use a work in reliance on the orphan works designation. Ideally those provisions should establish in the user's mind a measure of certainty about his or her copyright liability exposure in the rare event that an owner might surface in the future, while at the same time not carving back too much on the copyright owner's rights and interest in exploitation of his or her copyright.

A third consideration is *efficiency*: the solution should impose the least possible new burdens on all stakeholders involved.

Given those considerations, and in the interests of proposing low-overhead legislation, the report does *not* propose new registries either of ownership or of intent-to-use information. It also does not propose spelling out "reasonably diligent search," the basis for claiming a work is orphaned, but does offer several factors to be considered in defining reasonable diligence (identifying information on the work itself, whether the work has been published, age of the work, whether information is available in public records, whether the author is still alive, and the nature and extent of proposed use). The report also suggests that stakeholders in various sectors might wish to develop their own voluntary guidelines for reasonable diligence, and says that most groups involved in the discussion did *not* want the Copyright Office to develop such guidelines.

In addition to carrying out a reasonably diligent search, anyone wishing to use an orphaned work "must provide attribution to the author and copyright owner of the work if such attribution is possible and as is reasonably appropriate under the circumstances." That's a sensible balance: The user has a moral duty to make clear that this is someone else's work, and to identify who that "someone else" is—if it's reasonable to do so. When is that not the case? One good example is the reason Wal-Mart officials were concerned about orphan works: When someone wants to have an old commercially-taken family picture (wedding pictures, for example) copied and possibly restored. Chances are, the studio or photographer's name isn't on the original print; it would be unreasonable to insist that it appear on the copy.

The other key to any solution is making the user comfortable—which means eliminating statutory damages and full injunctive relief if the copyright holder suddenly appears. Who's going to use an orphan photograph within a new book if there's a chance that someone will suddenly ask for $150,000 or enjoin publication?

The proposed limitations strike me as reasonable. Possible monetary relief is limited to "reasonable compensation"—what a reasonable "going rate" would be for licensed use. That places some burden on the surprise copyright holder: they must have evidence that the amount requested is comparable to actual licenses for similar uses. Additionally, libraries, archives, museums and similar institutions *or individuals* making non-commercial uses (e.g., exhibits) would be free of *any* monetary penalty if a copyright holder emerges—as long as they're willing to cease the infringement upon notice.

Injunctive relief would also be limited:

> First, where the orphan work has been incorporated into a derivative work that also includes substantial expression of the user, then injunctive relief will not be available to stop the use of the derivative work in the same manner as it was being made prior to the claim of infringement, provided the user pays reasonable compensation to the copyright owner. Second, in all other cases, full injunctive relief may be available, but the court must to the extent practicable account for and accommodate any reliance interest of the user that might be harmed by an injunction.

An example of the second case is pure republication or posting. So, for example, if a publisher has printed 10,000 copies of a book that appeared to be an orphan work, and the copyright holder suddenly appears and asks for an injunction, "the court is instructed to avoid unnecessary hardship on the user

in those circumstances, say, for example, by allowing the unsold copies to be sent to retailers."

The proposed Section 514 (a new section in copyright law) is terse and reasonably clear; the entire proposed section takes less than one printed page in the report. Here it is in full—and note that it's designed as a ten-year experiment:

SECTION 514: LIMITATIONS ON REMEDIES: OR-PHAN WORKS

(a) Notwithstanding sections 502 through 505, where the infringer:

(1) prior to the commencement of the infringement, performed a good faith, reasonably diligent search to locate the owner of the infringed copyright and the infringer did not locate that owner, and

(2) throughout the course of the infringement, provided attribution to the author and copyright owner of the work, if possible and as appropriate under the circumstances, the remedies for the infringement shall be limited as set forth in subsection (b).

(b) LIMITATIONS ON REMEDIES

(1) MONETARY RELIEF

(A) no award for monetary damages (including actual damages, statutory damages, costs or attorney's fees) shall be made other than an order requiring the infringer to pay reasonable compensation for the use of the infringed work; *provided*, however, that where the infringement is performed without any purpose of direct or indirect commercial advantage, such as through the sale of copies or phonorecords of the infringed work, and the infringer ceases the infringement expeditiously after receiving notice of the claim for infringement, no award of monetary relief shall be made.

(2) INJUNCTIVE RELIEF

(A) in the case where the infringer has prepared or commenced preparation of a derivative work that recasts, transforms or adapts the infringed work with a significant amount of the infringer's expression, any injunctive or equitable relief granted by the court shall not restrain the infringer's continued preparation and use of the derivative work, provided that the infringer makes payment of reasonable compensation to the copyright owner for such preparation and ongoing use and provides attribution to the author and copyright owner in a manner determined by the court as reasonable under the circumstances; and

(B) in all other cases, the court may impose injunctive relief to prevent or restrain the infringement in its entirety, but the relief shall to the extent practicable account for any harm that the relief would cause the infringer due to the infringer's reliance on this section in making the infringing use.

(c) Nothing in this section shall affect rights, limitations or defenses to copyright infringement, including fair use, under this title.

(d) This section shall not apply to any infringement occurring after the date that is ten years from date of enactment of this Act.

I haven't seen much commentary on the report as yet, and as far as I know it hasn't been proposed as legislation. It's a better proposal than I might have expected and would yield at least some relief for works that are stuck in the twilight zone of semi-eternal copyright protection even though their owners have no expectation of further use or reward.

# PC Progress, October 2005-February 2006

## Backup Devices

This roundup covers three classes of backup device with a sidebar for backup software [W 23:9]. Best Buy among external drives for single-PC backup is the $280 Western Digital Dual-option Media Center, which includes a 320GB hard disk and comes with Retrospect Express 6.5. (Retrospect Professional 7, $95 from EMC Dantz, gets the Best Buy for software.) The pick for network drives—which operate a lot more slowly but can back up several computers—is the $350 Maxtor Shared Storage Drive, 300GB (no software). Finally, if you have the kind of setup where direct-attached storage makes sense, there's no Best Buy. The $2,200 Silicon Image SV2000 (800GB storage) gets the best rating—but it's "too pricey to get our Best Buy."

A similar roundup [P24:15] breaks things down differently: "traditional backup" (where you explicitly choose to back up once in a while), continuous backup, imaging software, backup for home networks, and online backup services—with sidebars about hardware devices. There's one similarity: Retrospect 7 for Windows Professional is Editors' Choice for traditional backup. Norton GoBack 4.0 ($50) gets the nod among continuous-backup choices; Norton Ghost 9.0 ($70) is the choice for imaging software; there is no Editors' Choice for home networks; and

Connected DataProtector ($15/month for 2GB) gets the award for online backup.

## Desktop Computers

This "first look" roundup covers "back to school" computers—five notebooks costing around $1,100 and five desktops costing $1,000 or less with monitor[P24:14]. Editors' Choice among the notebooks is the Gateway M250XL, $1,170 with a 1.86GHz Pentium M750, 512MB SDRAM, 60GB hard disk, 14.1" widescreen display, multiformat DVD burner, fairly good battery life (3 hours 16 minutes), fastest peformance in the group, and reasonable weight (5.1lb.) For desktops, the award goes to the $999 Dell Dimension 5100 with 3GHz Pentium 4 531, 512MB SDRAM, 160GB hard disk, 128MB ATI Radeon X300 SE graphics (driving a 15" LCD display), dual-layer multiformat DVD burner, and solid performance.

What do you get from dual-core computers—that is, chips with two CPUs on board? This roundup covers five systems using either the Athlon 64 X2 or the Pentium D 840 or EE 840, all of which are dual-core chips [P24:15]. The short answer is that dual-core CPUs should be better for true multitasking and some applications such as Adobe Photoshop and Premiere, coded to take advantage of multiple CPUs, should run substantially faster. Editors' Choice among the five systems: the $5,375 Velocity Micro Vision 64 X2. It's loaded: 1GB SDRAM, two 74GB 10,000RPM disks in RAID 0 and a 250GB 7,200RPM disk for real storage, *two* 256MB nVidia GeForce 7800GTX graphics cards, a 19" LCD display, dual-layer multiformat DVD burner and separate DVD-ROM drive, and so on. It's overclocked: The AMD Athlon 64 X2 4800+ isn't specified as a 2.6GHz part, but that's how it's running.

Another odd segment: "digital content creation desktops" [P24:18]. Mostly dual-core, with at least 1GB RAM but a mere half-terabyte of storage or less. Editors' Choice among "value" systems: HP Media Center 7160n Photosmart PC, $1,529. That buys a 2.8GHz Pentium, 1GB SDRAM, 250GB hard drive (which seems small for creating digital content), integrated graphics, dual-layer multiformat DVD burner and DVD-ROM, 19" LCD. For another kilobuck or so, the high-end Editors' Choice is Sony's $2,800 VAIO VGC-RA842G: also 1GB RAM, but a 3.0GHz dual-core CPU, two 250GB drives, 256MB nVidia Geforce 6600 graphics, similar optical drives, and a 20.1" LCD—or skip the LCD and pay around $1,900. The Sony uses liquid cooling, making it quiet.

The hottest PCs—literally and figuratively—are gaming systems. This roundup includes "eight screaming high-end systems" costing $3,259 to $6,023 [P24:22]. Two Editors' Choices emerge, both expensive: the $5,671 Falcon Northwest X2-4800 SLI (2.4GHz Athlon-64 X2 4800+, overclocked to 2.7GHz; 1GB SDRAM, two 300GB hard disks; two 256MB nVidia graphics cards; dual-layer multiformat DVD burner; Creative X-Fi sound card; Klipsch Ultra surround speakers) and the $6,023 Voodoo Omen a121 (2.8GHz Athlon-64 FX-57 overclocked to 3GHz; 1GB SDRAM, two 500GB hard disks; two 256MB nVidia graphics ards; dual-layer multiformat DVD burner; integrated sound; Logitech surround speakers). Both use liquid cooling systems. Those prices don't include displays, apparently. Hey, what do you expect for a mere $6 grand?

This big roundup [P24:22] covers "desktops & notebooks for every budget." There's an amusing typo in the first sentence, where we learn that you can buy "a PC with a 17-inch monitor, a 2.93-GHz Celeron processor, and a 160MB hard drive for $300." I'm guessing that no manufacturer has made 160MB hard drives for several years now; it would be hard to sell them against $20 flash drives with 50% more storage space! That goof aside (copyeditors cost money), the review comes up with one Editors' Choice desktop and notebook in each of three price categories. Winner for an entry-level desktop is the $499 Compaq Presario SR1620NX: 1.8GHz Sempron 3400+, 512MB RAM, 160GB drive, integrated graphics, dual-layer multiformat DVD burner, speakers. Dell's $969 Inspiron 6000 (Media Center) gets the nod as a cheap notebook: Pentium M 725 (1.6GHz), 512MB RAM, 80GB drive, integrated graphics, 15.4" 1280x800 widescreen display, wireless, DVD-ROM/CD-RW combo. If you can afford a little more, the $1,299 Dell Dimension E510 is the desktop of choice (Pentium 4 630 at 3GHz, 512MB RAM, 160GB drive, 256MB ATI Radeon graphics, dual-layer multiformat DVD burner, 17" LCD, Creative Audigy 2 ZS sound card and Dell speakers). For a notebook, the honor goes to HP's Pavilion dv4000; $1,627 buys a Pentium-M 770 (2.3GHz) and essentially the same configuration as the Dell Inspiron, except that you get a multiformat DVD LightScribe burner. If money's not much of an object, consider the $2,799 Dell XPS 400 desktop (Pentium D 840 at 3.2GHz, 1GB RAM, two 160GB drives, 256MB nVidia graphics, dual-layer multiformat DVD burner, 20" widescreen LCD, Creative X-Fi

sound card, 5.1-channel speaker system) or the To-shiba Qosmio G25-AV513 notebook ($2,899, Pentium M 760, 1GB RAM, two 60GB drives, nVidia graphics, 17" 1440x900 LCD, wireless, dual-layer multiformat DVD burner).

This quick roundup [W24:1] covers four Media Center PCs (and has a sidebar review of a higher-end multimedia system). While two of the four have cases designed to suit a living room, the Best Buy is a traditional tower: HP's Media Center m7260n Photosmart PC. It costs $1,700, including 300GB hard disk, a DVD burner with HP's "label burning" LightScribe feature, a 19" LCD display, and fairly strong graphics. (It's hard to tell exactly what's in it; *PC World*'s roundups don't include separate paragraphs for each machine and have sparse descriptive boxes.)

## Digital Cameras and Software

There are enough moderately priced digital *SLR* cameras to make this roundup feasible [W23:9]. No SLR will ever be tiny, but many skilled photographers find them more suitable than any other camera design. Best Buy in this group is Canon's EOS Digital Rebel XT, which has been around for a while; it costs $899 for the body or $999 for body and an 18mm-55mm lens (a much better deal). It's an 8 megapixel camera and offers outstanding battery life and very good image quality along with good speed and small size.

This roundup [P24:17] offers three groups of possibilities for "your next digital camera"—the one you buy when you're tired of your first one. D-SLRs provide the most flexibility at the highest price; Editors' Choice is shared between Canon's $1,599 (with lens) EOS 20D and the $799 (with lens) Nikon D50. Canon's $999 EOS Digital Rebel XT scores an identical five dots. If you like Canon D-SLRs and price is no object, a sidebar gives the $7,999 EOS-1Ds Mark II five dots—but note the price! "Super-zoom" cameras offer at least 10x optical zoom (the only zoom that matters), and all those in this roundup have 12x optical zoom. Editors' Choice is the $699 Panasonic Lumix DMC-FZ30, an 8MP camera. If compactness is your primary criterion, go for the $500 Canon PowerShot SD500 Digital Elph: 7.1MP, 3x optical zoom.

If you have or are taking video footage and want to edit it down to worthwhile DVDs, the time has never been better, according to Jan Ozer's roundup[P24:21]. He focuses on two consumer-friendly video editing packages with serious power: Pinnacle Studio Plus 10 and Adobe Premiere Ele-

ments 2.0. Premiere Elements is a scaled-down version of the professional Adobe Premiere (with DVD authoring added); "it delivers power heretofore unavailable in a $99 package" and gets an Editors' Choice. Pinnacle Studio Plus (also $99.99) isn't far behind; it's easier to use and efficient, but not quite as powerful.

## Digital Video Recorders and PC Equivalents

You don't *need* to buy a new Windows Media Center PC to use your PC as a digital video recorder—but you do need a powerful contemporary PC with loads of disk storage. This roundup [P24:17] describes five software or software/hardware "solutions" for existing PCs to serve as media centers and DVRs, ranging from the software-only InterVideo Home Theater 2 Platinum ($70) to ATI's $199 All-in-Wonder 2006 graphics card, TV tuner, software, and remote control bundle. Editors' Choice is Meedio Pro ($80), a software package that offers similar functionality to Media Center with a different (and better, according to the review) interface; you'll need your own TV tuner and other hardware.

This roundup of standalone DVRs [W24:1] only provides rankings for the "top three" units without hard drives and the "top three" with drives. Best Buys go to Samsung's $400 DVD-VR325 (no hard drive), which includes a VHS recorder as well, and the $700 Toshiba RD-XS54, with a 250GB hard disk. Both units handle DVD-R/RW and DVD-RAM but not DVD+R/RW, unlike, say, $40 internal PC drives.

## Displays and Graphics Cards

In the market for a 19" LCD? This "top 100" roundup [W23:10] includes seven new tests (but as usual you'll have to go to the web to get detailed results) and offers buying hints. Oddly enough, of the 10 displays listed in descending rating order (tricky, since the top seven all get 4 stars), the two Best Buys are in fifth and sixth place—HP's $379 F1905 and Dell's $479 UltraSharp 1905FP. They don't have the best text or graphics display; they don't have the best usability; but they are the cheapest of the four-star group, and apparently that's what matters. (Hmm. It's still "Best buy" here rather than "Best bet.")

This roundup [W24:2] says it covers graphics cards starting at $99, but as usual with *PC World* ratings are only provided for the "top N," whatever arbitrary figure "N" has for the category. In this case, that's five "mainstream" and five "power" boards, and the

cheapest rated board runs $165. The winner among mainstream boards is the EVGA e-GeForce 6800 GS, $200 with 256MB RAM; among power boards, the winner is also from EVGA, the e-GeForce 7800 GTX K0, also with 256MB RAM; it costs a cool $570.

## Headphones

This quick roundup of six headphones [P24:16] gives sole Editors' Choice to "the most unassuming-looking and least expensive headphones in this roundup": Sennheiser PX 100 open-back headphones. At $40, they're light, comfortable, sound terrific, and fold into a little plastic case.

## Notebook Computers

Tablet computers may still be niche devices but they do keep improving, as this roundup shows [W23:9]. Lenovo's $2,059 ThinkPad X41 Tablet has a 12.1" screen, a fingerprint scanner with biometric security scanner, 1.5GHz Pentium M LV 758, 512MB RAM and a 40GB hard disk. It weighs 4.2lb., but that includes a keyboard, since it's a convertible tablet/notebook. *PC World* gives it four stars. The $2,439 LE1600 Tablet PC from Motion Computing isn't rated because it's a preproduction model; it's faster and a little better equipped (768MB RAM, 60GB hard disk), and a pound lighter if you don't need a keyboard (the keyboard is a $170 option). Both have 802.11g built in, and the ThinkPad gets remarkably good battery life (5 hours).

Three media center notebooks are big (each has a 17" widescreen LCD), heavy (11 pounds or more travel weight), and expensive ($2,217 to $3,736)—but they're loaded, with fast processors, high-end graphics, DVD burner, TV tuner and—well, the article doesn't include boring details like disk space. If this is what you want, the Best Bet is what I would have guessed: Toshiba's $2,999 Qosmio, a well-designed media machine.

This roundup [P24:19/20] includes five ultraportables (four pounds or less) and another five tablet convertibles. Toshiba's $2,099 Portégé R200 is Editors' Choice among ultraportables; it weighs 2.7lb. (second-lightest of the lot) and is well equipped, including a biometric fingerprint reader. Among tablets, the Lenovo ThinkPad X41 Tablet ($1,899) gets the nod; it's relatively light (3.5lb.) and offers fine security, battery life, and keyboard.

How low can you go? This mini-roundup [W23:12] considers three notebook computers selling for around $500 after rebate. The ratings (on *PC World*'s new 100-point scale) are close—75 at the top (Acer's $499 Aspire 3003LCi) to 72 at the bottom (the $529 HP Compaq Presario M2000). These are all reasonably capable units—astonishingly capable for that kind of money!—but they all cut corners. Two lack WiFi; two have 256MB RAM, marginal for Windows XP; none has a DVD burner; two have 40GB disk storage or less. The Compaq doesn't have an optical burner at all, just a DVD-ROM player. Battery life ranges from crappy (1:19) to poor (2:24). Still, they all have fairly big screens (two 15", one 14.1") and are fast enough for most work. The Acer probably deserves its higher rating: It's the only machine with 512MB RAM, a 60GB hard disk, and WiFi, and it's the fastest of the three—but the battery life is pathetic.

## Optical Drives

DVD burners are in the usual PC curve: prices keep coming down while speed keeps going up. This roundup [W23:11] features seven internal drives and three external, all including dual-layer capability. Best Buys are the $90 Pioneer DVR-R100 as an internal drive, fast and with a "robust" software bundle, and the $180 LG Electronics Super-Multi GSA-2166o as an external device, offering strong performance, LightScribe labeling capability, and support for *all* formats including DVD-RAM. What I find most impressive is that you can buy a dual-layer burner for $50 (Samsung TS-H552U)—and it's pretty good as a +R burner (but won't handle DVD-R DL, uniquely among the ten—they all handle DVD+R DL).

## Pointing Devices

Jim Louderback's done a bunch of comparisons of cheap peripherals; this one [P24:16] is on mice—optical mice costing $5 to $16.50. The two *best* devices, in his tests, are the cheapest: a $5 BTC mouse (normally $7) from Fry's and a $10 CompUSA house-brand mouse. Worst, as in a previous keyboard test, was Nexxtech's $13 mouse (at Circuit City). The $10 mouse is "sleek, fashionable and effective"—not bad for that price.

## Portable Players

This mini-roundup of large-capacity disk-based music players [W23:11] compares five 20GB models—ranging from 4.8oz. to 5.9oz. weight and $260 to $299 price. Although it's the heaviest of the lot and one of only two that doesn't offer FM and voice re-

cording, the $285 Apple iPod still gets the Best Buy for outstanding ease of use. Close behind is the Cowon iAudio X5, with lots of music formats, voice recorder, FM—and video playback.

If video playback is your primary purpose, this mini-roundup [P25:2] awards Editors' Choice to the $500 Archos AV500 (4" widescreen LCD display, 480x272 pixels; 30GB capacity—or $700 for 100GB capacity—in a 9oz. 3x4.9x0.7" package). It offers exceptional direct video recording and playback and a complete set of accessories; audio recording is another strong point.

## Printers

Color lasers keep getting cheaper, as this seven-printer roundup shows [P24:21]. The Editors' Choice for light duty (with a duty cycle of 35,000 pages per month, "light" is relative) is HP's Color LaserJet 2600n; it prints both monochrome and color pages at 8ppm, and costs $399. It's light enough (40lb., not bad for a color laser) for one person to handle and comes with a network card. If you need heavier duty, the other Editors' Choice is the Xerox Phaser 6300/DN, $1,500; claimed speed is 26ppm color, 36ppm monochrome, and it's rated for 100,000 pages per month. By the way, *both* the $400 and $1,500 printers support duplexing! The HP printed a 50 page color text Word document in 6 minutes (as fast as claimed) and the Xerox took just over two minutes.

Another color laser roundup [W23:12] covers ten printers costing $700 or less. The HP2600n came in ninth out of ten in this roundup, probably because it's relatively slow and has high estimated supply costs. Best Buy and first in the group is the $449 Dell 3000cn, with fast text printing (17.9 pages per minute), high text print quality, very low monochrome supply costs (1.5 cents a page), and a relatively small footprint (17" square). You can add a duplexer for $300 and a 500-sheet drawer for $230.

Multifunction or "all-in-one" printers continue to improve. This roundup [P25:1] covers seven of *PC Magazine*'s favorites over a broad price range ($90 to $500), including three Editors' Choices. The $200 Canon Pixma MP500 Photo All-in-one is a value winner, lacking a document feeder but offering duplexing, excellent paper handling, and "superb performance"; it's fast and offers true photo quality output, waterproof with the right ink and paper. As an office unit, the $500 HP Officejet 7410 All-in-One shines, with builtin wireless, high speed, a 50-page

document feeder, builtin fax modem, and good print quality (though not up to the best). Finally, if photos are a prime use, the $400 HP Photosmart 3310 All-in-One offers high speed, true photo quality output, and a transparency adapter—although output is only "water-resistant," not waterproof.

## USB Keys

Who knew there were so many *varieties* of these handy little devils—the real death of the diskette? This "superguide" [P25:2] covers a dozen USB keys in three categories: conventional flash drives, new U3 flashdrives (U3 is a software platform that supports applications running *directly* from the USB key, with no changes to the system registry—purely portable software), and very small hard drives packaged as oversize USB keys. Editors' Choices are the $400 Kingston DataTraveler Elite (also available in capacities as low as 256MB for prices as low as $43), which comes with security and file management software, and $35 Memorex U3 smart Mini TravelDrive, a U3 drive. The applications that come with it— Thunderbird email, antivirus, and Migo file synch— only use about 4MB space. (Just as you can buy lower-capacity Kingston DataTravelers, you can buy higher-capacity Memorex units, up to 2GB for $180.) None of the mini-hard drives earns Editors' Choice, but the $200 Apricorn MicroKey (6GB) gets a solid rating; according to the review, the mini-hard drives may be tougher than some flash drives.

## Utility Software

This quickie on anti-spyware programs covers three updates since *PC Magazine*'s most recent roundup [P24:14]. While Ad-Aware SE 1.06 scores high for removal and Trend Micro Anti-Spyware 3.0 does reasonably well on spyware blocking, neither of them is as effective overall as Spyware Doctor 3.2, *PC*'s current Editors' Choice. (But note below.)

Half a dozen desktop search utilities [W23:10], five of them free, one $199. The reviews offer decent details on what each of the six does—and you may be surprised by the Best Bet (*PC World*'s new term for Best Buy, what other magazines call Editors' Choice). While Copernic Desktop Search and Yahoo Desktop Search both score 3.5 stars (Google only three, tied with the $199 DtSearch), MSN Search Toolbar with Windows Desktop Search gets top honors.

The anti-spyware software picture changes more rapidly than antivirus or firewall. This roundup

[W23:11] awards Best Buy honors to Spy Sweeper 4.0 ($30) among paid standalone programs and Panda Platinum Internet Security 2005 ($50) as a suite.

Another *PC Magazine* mini-roundup on anti-spyware programs [P24:23] results in that rarity: Agreement between the two big PC magazines. To wit, Spy Sweeper 4.5 ($30—actually $30/year) gets the Editors' Choice as the best available anti-spyware tool.

## Offtopic Perspective
# 50-Movie All Stars Collection, Part 1

All stars! All color! All talkies! Some as recent as the 1980s. Some even with stereo sound (maybe)! Oh, and by the way, these are all TV movies. Nothing wrong with that, to be sure.

I naïvely expected that TV movies would be defect-free, taken from master videotapes. In general, there are a lot fewer defects here—but there are, in some cases, the kind of scratches and jumps you expect from overused prints.

I also figured out something about TreeLine/Mill Pond megapacks, more or less by accident: These are *not* double-density double-sided discs. They fit two movies on each side, never totaling much more than three hours, because they're standard resolution with VHS quality: They can compress them even more than regular DVD.

The current rules for these minireviews:

➤ Date, director, and the first run time are taken from IMDB, as are most names of stars and featured players.

➤ When there's a bracketed time, it's because the *actual* runtime (as Windows Media Player shows it) is at least a minute different than the IMDB run time. With this set, there's a third time (although I've left it off in some cases): the claimed run time on the jacket, which sometimes appears to be the total time of the TV slot (i.e., 1:30) including commercials.

➤ Unless otherwise stated, assume VHS-quality video with few major problems and OK sound quality, and assume "full screen" (but most of these were filmed that way anyway).

➤ The dollar amount is what I might be willing to pay for this movie in this condition separately—with a $2 maximum for any single movie. If there's no dollar amount, I wouldn't pay a quarter for the movie.

### Disc 1
*Divorce His; Divorce Hers,* 1973, color, Hussein Waris (dir.), Richard Burton, Elizabeth Taylor, Carrie Nye, Barry Foster. 3:00 [2:27]

I don't understand either the 3:00 claimed run time at IMDB or the 2:34 combined run time on the sleeve (two portions, 77 minutes each). I'd guess the latter difference represents the "in part 2" trailer and "in part 1" leader that the TV presentations would have, which don't appear on the DVD—but I would assume that these were 90-minute episodes *including ads*, which makes sense for 73-74 minute runtimes. Is it plausible that 33 minutes are missing? I doubt it. In any case, this two-sided view of a marriage falling apart is well photographed (mostly in Rome), in glorious color, and you can't fault the cast. It's a little slow moving (as one reviewer noted, it would have made a good 2-hour movie), but it's certainly worth watching. Generally very good condition. (This counts as two of the four movies on disc 1: *Divorce His* and *Divorce Hers*.) $2.50.

*The Brass Ring,* 1983, color, Bob Balaban (dir.), Dina Merrill, Sylvia Sidney, Dana Baron. 1:21

Dina Merrill plays this kind of role well, I guess. She's a depressed mother of three who won't take her meds, runs away from her mother's house in New York (Sylvia Sidney as the mother), camps out on supposed family property for some months, gets a job for a little while, and then goes completely out of it…while the older daughter narrates and tries to keep the family together. The mother also chain-smokes. Not very interesting, a typical "trouble" TV-movie. (Of the movies on disc 1, this is the only one *not* shown as available on individual DVD at Amazon. There's a lesson there…)

*Catholics,* 1973, Jack Gold (dir.), Trevor Howard, Raf Vallone, Martin Sheen, Cyril Cusack. 1:37 [1:13]

Another puzzler: Is it possible that *24 minutes* are missing? [The sleeve, which has the run time right for *The Brass Ring*, says 1:18; the DVD itself has 1:13 of movie.] Maybe so, but I can't imagine where—unless they *added* 24 minutes for the video release, called *The Conflict*. The full title of the TV movie is *Catholics: A Fable*. It's set in "the future"—1999—in a time in which the Catholic Church has not only abolished the Latin Mass but also private confession, Lourdes has been closed by the church, and transubstantiation is no longer Catholic dogma—now you're eating a wafer and drinking wine with only metaphoric religious meaning. A bunch of monks on an Irish island maintain The Old Ways, going to the mainland to do an open-air Latin Mass, and bus- and plane-loads of people flock to attend these now-heretical services. A very young Martin Sheen (this was 33 years ago) shows up as a representative of Rome, to investigate and quell the rebellion. He's not dressed as a

priest. It's an interesting story about faith (or lack thereof) and change. Unfortunately, this one appears to have been transferred from an overused film print; there's a fair amount of damage. $1 because of damage.

## Disc 2

*Rehearsal for Murder,* 1982, color, David Greene (dir.), Robert Preston, Lynn Redgrave, Patrick Macnee, Lawrence Pressman, Jeff Goldblum. 1:36 [1:40 jacket]

Remarkable cast, nicely done staged mystery. The setup: Preston's a playwright, Redgrave the star of his new show—and his fiancée, with the two to be married the day after opening night. Opening reviews are bad. Everybody leaves the cast party at her place. Next thing we know, she's an apparent suicide. A year later, Preston gathers the rest of the cast and the producer (the money man) together to read scenes from a new play—which turn out to be various scenarios as to how each of those gathered could have murdered her. Sure, the final plot twists are a bit implausible, but it's all very well done. Very good to excellent print and sound. Engrossing, satisfying. $1.50.

*How Awful About Allan*, 1970, color, Curtis Harrington (dir.), Anthony Perkins, Julie Harris, Joan Hackett. 1:13 [1:30 jacket]

Anthony Perkins in a movie about a son stricken by hysterical blindness when his father dies in a fire and his sister (his father's favorite) is disfigured—and, after some time in a hospital, he's only semi-hysterically semi-blind and comes home to his sister, who wears a plastic appliance to cover the scar. Anthony Perkins: what more need be said? It's TV-movie quality, but not bad. Very good to excellent print and sound. $1.

*F. Scott Fitzgerald and "The Last of the Belles,"* 1974, color, George Schaefer (dir.), Richard Chamberlain, Blythe Danner, Susan Sarandon. 1:38

Part fiction, part (apparently) nonfiction: F. Scott Fitzgerald copes with a failing marriage by writing a story that, sooner or later, is about him and his wife. (Well, that and drinking a lot.) Big cast, big scenery, well played; interesting enough that, one day soon, I'll read the story and read more about Fitzgerald himself. Very good to excellent print and sound. $2.

*To All My Friends on Shore*, 1972, color, Gilbert Cates (dir.), Bill Cosby (also exec. producer, music), Gloria Foster, Dennis Hines. 1:10 [1:30 jacket]

The jacket calls this "an uncharacteristically grim role": True enough. Cosby as an airport luggage handler, odd-job hauler, and whatever else he can do to try to save up enough to buy and restore a decrepit old house and get his wife and kid out of the ghetto. The kid turns out to have sickle cell anemia, and Cosby's character must deal with his always being a "tomorrow man" (forsaking today for the promise of tomorrow, where his father was a "yesterday man," always looking back on the way things

were). Good to very good print, but dark, and I'm not that wild about Cosby's scoring, but it's a low-key, powerful TV movie in its own right. $1.

## Disc 3

*Anatomy of an Illness*, 1984, color, Richard T. Heffron (dir.), Edward Asner, Eli Wallach, Millie Perkins, David Ogden Stiers. 1:36. [1:38 jacket]

Ed Asner as Norman Cousins, editor of *Saturday Review*: How could you go wrong? You can't: This is an excellent fact-based movie (based on Cousins' autobiography of the same name) with a first-rate cast, about using laughter, will, and (maybe) vitamin C to overcome a crippling degenerative spinal disease. First rate, and generally a very good transfer. $2.

*Black Brigade*, 1970, color, George McCowan (dir.), Stephen Boyd, Robert Hooks, Roosevelt Grier, Moses Gunn, Richard Pryor, Billy Dee Williams, Susan Oliver. Also called *Carter's Army*. 1:10. [1:30 jacket]

Stephen Boyd as a redneck captain dropped behind Nazi lines to take the only available group of soldiers on a mission to *keep* a German dam from being destroyed (although the jacket and IMDB review both say it's to *destroy* the dam!). The only group is an all-black support brigade, basically a group that digs latrines and fills them in; most of them have never shot at anything but tin cans. Robert Hooks plays the lieutenant in charge of the brigade—and as you can see, pretty much everyone in the brigade is or would be a name actor (I've left some out). Well played and worth watching. The transfer isn't as good as it should be, reducing this to $1.50.

*A Christmas Without Snow*, 1980, color, John Korty (dir.), Michael Learned, John Houseman, Ramon Bieri, James Cromwell, Valerie Curtin. 1:35. [1:40 jacket]

OK, I'm a California native, so the title seems a little odd—and it's set in San Francisco, where a recent divorcee from Kansas has moved (leaving her son behind temporarily) to try to get a new start as a teacher. It's certainly dated in one respect: There are no jobs anywhere in the Bay Area for a credentialed teacher (!) so she winds up doing temp office work. Most of the story, however, is about the choir she joins, John Houseman as the crusty old retired musician who takes over as director, and the trials of going from a bunch of truly rank amateurs to a group capable of handling the *Messiah* with some flair. There's even organ rebuilding along the way. Too much plot and a lot of subplots left hanging, but all in all a good movie (and generally very good transfer). $1.50.

*Panic in Echo Park*, 1977, color, John Llewellyn Moxey (dir.), Dorian Harewood, Catlin Adams, Ramon Bieri. 1:12 [1:13]. [1:30 jacket]

If you're wondering why I mentioned Ramon Bieri in the previous film—here he is again, in an entirely differ-

ent role, also doing a solid job in some key scenes. But he's not the star; Dorian Harewood is as a black doctor in LA coping with an epidemic centered on one housing project in Echo Park. The jacket blurb calls it a "classic story of the underdog fighting a closed-minded bureaucracy," and that's not a bad description. Generally well acted (Harewood is excellent—but the closing theme, which he sings, has lyrics that are banal even by TV-movie standards). Generally very good transfer. The most "TV movie-ish" of this group. $1.

## Disc 4

*Love is Forever*, 1983, color, Hall Bartlett (dir.), Michael Landon, Edward Woodward, Jürgen Prochnow, Laura Gemser, Priscilla Presley. 1:36 [1:31]

> Based on the true story of John Everingham (Landon), a newsman in Laos accused of spying, imprisoned, and deported—who goes back across the river to rescue the native Laotian woman he loves. Good cast, reasonably well acted. Unfortunately, the color is odd (and sometimes fades to black and white), the sound isn't always great, and there's damage as evidenced by five missing minutes. $0.75.

*Betrayal*, 1974, color, Gordon Hessler (dir.), Amanda Blake, Dick Haymes, Tisha Sterling. 1:14.

> What a disappointment. I was really looking forward to this one based on the sleeve blurb and cast: "The story follows the case of a woman who claims to have been forced into a sexual relationship with her psychiatrist, under the pretext of its therapeutic value. When the police try to investigate, they find their inquiries face many obstacles." Leslie Ann Warren, Rip Torn, Richard Masur, Ron Silver. How can you go wrong: Any movie with Rip Torn *and* Leslie Ann Warren *and* Ron Silver must be worth watching!
>
> Only one problem: That's the **1978** TV movie *Betrayal*. The **1974** teleflick that's actually on the disc is, despite Miss Kittie's presence (as a tough middle-aged widow who hires a young woman as a companion—but the young woman's part of a con-artist couple…), a disappointing mess. Some decent acting, but damaged and generally incoherent. I felt a little betrayed. $0.

*Intimate Agony,* 1983, color, Paul Wendkos (dir.), Anthony Geary, Judith Light, Mark Harmon, Arthur Hill, Robert Vaughn. 1:35.

> Sure, it's a TV-movie cast, but a good one—and Robert Vaughn is his villainous best as a real-estate speculator trying to make sure Paradise Isle doesn't get tagged as having Social Diseases while he's trying to build and sell upscale condominiums. Anthony Geary is the hot young doctor who takes over Arthur Hill's practice on the island for the summer, and finds himself dealing with a fair amount of genital herpes among the residents, and Vaughn (and colleagues) don't want to hear about it. Nothing special, but not bad as disease-of-the-week movies go. $0.50

*The Disappearance of Flight 412,* 1974, color, Jud Taylor (dir.), Glenn Ford, Bradford Dillman, David Soul, Guy Stockwell, Greg Mullavy. 1:12.

> How do you make a UFO movie without UFOs? In this case, three dots on a radar screen seem to do the job. A crew goes up to diagnose electrical anomalies in a radar setup; they get the three dots; fighter jets scramble—and disappear. Then the flight is diverted to "Digger Control," where the men are "debriefed" for 18 hours—apparently to convince them that they want to say they didn't see a thing. Deep, serious narration, Glenn Ford doing his best Glenn Ford impression, a solid cast. No action to speak of, lots of talk, and strong intimations of government suppression of UFO sightings. $0.75

## Disc 5

*The Death of Richie*, 1977, color, Paul Wendkos (dir.), Ben Gazzara, Eileen Brennan, Robbie Benson, Charles Fleisher. 1:37. [Jacket time 2:00]

> I made the mistake of looking at IMDB user comments after looking up info on this movie. They mostly talk about the Oscar-caliber performances of Robbie Benson and Ben Gazzara and the apparent true story behind the movie. Unfortunately, maybe because I didn't read the book, what I saw was a scenery-chewing performance by Benson and a reasonable interpretation of a block of wood by Gazzara. At the end of the movie, my thought was, "If the DEA didn't pay for this, I'm surprised"— since it's got the exact same message as *Assassins of Youth*: "Smoke pot and *you will die*." I thought it was a pathetic example of TV movie as drug propaganda—but what do I know? Good print and sound. $0.50 purely as a propaganda piece.

*Shell Game*, 1975, color, Glenn Jordan (dir.), John Davidson, Joan Van Ark, Tom Atkins. 1:30 [1:12]

> Just plain fun, in the way that sting movies usually are. John Davidson is a convicted-and-paroled con man working for his good-guy lawyer brother. He conducts a nicely plotted sting to get the head of a charitable organization who's been stealing the contributions—and gets back the money as well (which, of course, goes back anonymously to the charity). Well-acted, very good print and sound; probably some holes in the logic, but entertaining enough to make a decent second feature. I doubt IMDB's "90 minute" timing; the jacket time and actual time are both 72 minutes, and I suspect the TV movie showed in a 90-minute time slot. $1.50.

*Hustling*, 1975, color, Joseph Sargent (dir.), Lee Remick, Jill Clayburgh, Monte Markham, Alex Rocco, Howard Hesseman. 1:38.

> Based on Gail Sheehy's book, with Lee Remick as a Sheehy-like investigative reporter and Jill Clayburgh as the prostitute she tries to interview. Strong plot, with considerable attention to the people who *really* make money from call girls (e.g., the hot-sheet hotel owners). Great cast. (Howard Hesseman has a bit part, but

still…) Unfortunately, the print's dark and muddy. $1.75.

*The Gun and the Pulpit*, 1974, color, Daniel Petrie (dir.), Marjoe Gortner, Slim Pickens, Pamela Sue Martin, Estelle Parsons, David Huddleston. 1:14.

> OK now: The best movie on the disc. Add 16 minutes and you'd have a theatrical release—a well-done Western with Marjoe Gartner as a fast shooter disguised as a preacher (the jacket blurb gets it dead wrong), taking on a bully who's terrorizing a frontier town. Gortner used to be an evangelist, and it shows; he makes a great gunman-as-preacher-with-gun. The rest of the cast is good as well. Excellent print and sound; thoroughly enjoyable. $2.

### Disc 6

*Coach of the Year,* 1980, color, Don Medford (dir.), Robert Conrad, Erin Gray. 1:36 [1:34, jacket time 2:00].

> Chicago Bears star comes home from Vietnam partially paralyzed; Bears want to hire him, but as a PR person, not a coach. Meanwhile, his nephew gets sent to juvenile hall for one of many offenses—and, visiting him, the old football player offers to coach the juvies. Naturally, after getting clobbered when he challenges a hotshot local high school team, his team comes back to win in a rematch. Cliché city, with Robert Conrad mostly being angry. Not quite as bad as the worst IMDB user reviews, it's still mostly a rehash of a rehash of a done-to-death plot… Decent print, no special virtues. $0.50.

*Wake Me Up When the War's Over,* 1969, color, Gene Nelson (dir.), Ken Berry, Eva Gabor, Werner Klemperer, Hans Conried, Jim Backus, Danielle De Metz. 1:14.

> This one's a charmer. Berry's an American officer who falls out of a plane (he's supposed to be throwing out propaganda leaflets) over German-occupied territory. He lands in a young widow Baroness's (Gabor) estate. She hides him and takes advantage of the situation (ahem)…and continues to hide him for five years after the end of World War II, hiring local ex-Nazis to come once a week and tromp around looking for him. When he finally escapes, still not knowing the war's over (and, after five years, not speaking a word of German), he causes a certain amount of havoc before, of course, Everything Turns Out Fine. Fluff, but well-done fluff, with a first-rate TV-level cast. $1.25.

*Katherine*, 1975, color, Jeremy Kagan (dir.), Sissy Spacek, Art Carney, Henry Winkler, Julie Kavner, Jane Wyatt. 1:37.

> Apparently based on the life of Diana Oughton, an upper-middle-class young woman turned Weatherman. Portions are characters talking directly to the audience about their motivations; the rest is Spacek going from Peace Corps-style reformer to agitator to underground

Weathermen-style radical. Carney and Wyatt play her wealthy parents. Winkler, in the most sinister role I've seen, plays her revolutionary lover. Good songs from the period. So-so print and sound quality. Well acted for the most part, dramatic, could work as a modest theatrical picture (with a big cast); I'd give it a higher price if the transfer quality was better. $1.

*The Ballad of Andy Crocker*, 1969, color, George McGowan (dir.), Lee Majors, Joey Heatherton, Jimmy Dean, Bobby Hatfield, Marvin Gaye, Agnes Moorehead, Pat Hingle. 1:14 [Jacket time 1:30].

> With a cast like that, how can you go wrong? Turns out it's easy when there's no worthwhile plot and the hero loses our sympathy ten minutes into the movie. Majors, a grade-school dropout from Texas who lives for racing motorcycles on weekends and repairing them during the week, gets injured just enough in Vietnam to come home with a medal. First night out in LA, a hippie chick takes him to a pad shared by several couples. They *don't* spit on him or anything like that, but eventually make it clear that he'd be better off elsewhere. So the vet—the apparent hero of this story—*steals a motorcycle* from one of the hippies and drives home to Texas, where he finds that everything's a mess. His girlfriend's married (and pregnant, but still Joey Heatherton using the talents for which she's best known). His motorcycle/race track "business" (co-owned with Jimmy Dean) is in ruins (and Dean winds up selling it out from under him).  His farmer father (Hingle) is reduced to driving trucks. Marvin Gaye's in there somewhere, as an Army buddy now in Oakland, maybe in five minutes of the flick. Lots of good old boys offer help, but the vet's only interest is reviving that worthless business. The vet winds up beating up his partner, trashing the stolen cycle after a long chase with cops, somehow getting to Oakland…and the movie ends with him waiting for the Army recruitment office to open. What a waste of talented players. Generally good video and sound quality. $0.50.

## Conclusions on the First 24

This isn't quite the "first half"—the last two movies are on a 13th single-sided disc. So far, though:

➤ This half, at least, isn't the enormous bargain that the *Family Classics* megapack was. I count $26 total value for half of the $25 set: Not bad, but not such a stunning bargain. (Compared to $23.50 for the first half of the *Sci-Fi Classics* megapack, it's not bad.)

➤ Star power doesn't equal quality. That's always been true for real movies, but few real movies are as underplotted and underdeveloped as a few of these gems.

> ➢ Some pictures here are definitely worth an-other viewing; more would be if the prints were better.

# My Back Pages

## Domain Speculation

I was bemused by a December 2005 *Business 2.0* piece, "Master$ of their domain$." It's about the "industry" of buying and selling domain names—the realm of the domainers. There's even a trade show, "Traffic," drawing 300 people last year. A lot of it isn't snatching hot domain names and selling them—it's leasing domains like "www.property.com" or "candy.com" to load ad networks. Someone types in "candy," the browser fills in the pieces, and you're at a page full of links to candy-related products. Click on one of them (they're all ads); the advertiser pays Google, which sends part of its take to the lessor and the owner. This explains some of the strange pages I've encountered in searches lately.

## 1080p If You Care

Home theater aficionados presumably know that the "ultimate" in high-def is 1080p: 1,080 rows of picture elements all displayed at once. That's the highest resolution in the ATSC standard that governs HDTV. A set has to have 1920x1080 pixels to display 1080p images accurately; such sets only became available in the past few months. It also has to have an input that can accommodate that resolution, and some true 1080p sets don't. There is no 1080p programming of any sort, to be sure, but 1080i (most network HDTV) should look better at 1080p than at the 720 or 768-row resolution of most current HDTVs.

According to a piece by Scott Wilkinson in the December 2005 *Perfect Vision*, you may not care. "In home theaters with a seating distance of around 10', there's no need to spend extra for a 1080p display less than 70" because you won't be able to see any improved resolution." That's because the human eye can only resolve pixels down to 1mm resolution at a distance of 10 feet.

## Another Budget Speaker

You've probably seen single-driver speakers (where all the sound comes from one cone) and, more commonly, two-driver and three-driver speakers. How about 110? That's the McIntosh XRT2K. Each column (looking to be about six feet tall) contains six 12" woofers, 64 2" midranges, and 40 0.75" tweeters. The woofers are aluminum, the others are titanium: No paper cones here. The cabinet's internal structure is extruded aluminum. And it's only $80,000—per pair, one would hope. Why so many speakers? To avoid "dynamic compression," what you get when the volume increases so much that the speakers can't respond in a linear manner.

## …and a Budget Turntable

*Sure* you need a turntable. As Michael Fremer informs you elsewhere in the January 2006 *Stereophile*, playing LPs is "a lot more fun and musically nourishing" than playing CDs. He reviews a modest little turntable and the matching stand you really need to make it work properly: the Caliburn, Cobra, and Castellon from Continuum Audio Labs. (The Cobra is the tone arm.) The Caliburn costs a mere $65,000, but that includes the $12,500 Cobra. It weighs 160lbs. "not including motor." But you need the Castellon stand, which uses magnetic repulsion to float the turntable; it's a mere $24,999 and 176lbs. The combo will be at a comfortable playing height, about four feet above the floor. I'm not sure how much the motor weighs or where it's supposed to go. I do know this: for $89,999, you *don't* get a cartridge. Here's what Michael Fremer has to say about people who regard this as absurd: "the sort of product that envious, cynical, self-loathing audiophiles love to hate." Not ready to spend 90 big ones (plus another 5 or 10 for an appropriate cartridge) to play some LPs? You're "envious, cynical, self-loathing." Take that!

## Home Theater on a Budget

This one isn't a full review yet, just a "coming attraction" in the January/February 2006 *Perfect Vision*. Krell is offering a home theater audio system—seven speakers plus two subwoofers, along with amplifiers to match—under the name "HEAT" (High End Audio Theater). The system doesn't include sources (CD, DVD, turntable, tuner or otherwise) and doesn't appear to include a preamp/control center, but I might be missing that. Barry Willis does note that the price tag for this amplifier-speaker combo rivals "that of a nice home in most parts of the U.S." Around here, I'd love to see a nice home for this price—but "around here" isn't typical. The price? $344,500.

## Does the Earth Rotate? NO!

That's the title of a 1919 book by William Westfield (self-published), which proves that the Earth "is a *fixture* and the *sun does certainly move.*" He proves this because he can always see Polaris from a telescope mounted in a fixed position—and because it almost never rains in the Sahara desert. Which, as Westfield explains, would not be possible if the earth was actually rotating "over 10,000,000 miles daily" (he reduces that to 1,555,200 miles daily in errata—but that's still high by a factor of 60 or so). (You see, rain comes from "the heavens" which are, of course, fixed; thus…oh, never mind.) Note that the earth is also flat; he explains how hills and mountains cause the appearance of a horizon. Incidentally, the earth is less than 10,000 miles from both the sun and Polaris, as "ordinary mathematics as taught at schools daily" suffices to prove.

You'll find more at www.oddbooks.com/oddbooks/ westfield.html. Alfred Armstrong discusses other "odd books" at the site as well. (In the interests of clarifying the hoaxes so long sold to us as science by astronomers and other self-aggrandizing folk, you'll also want to explore *Gravity is a Push* by Walter C. Wright, Carlton Press, 1979, which explains that we experience the *sun*'s gravity pushing us down to the earth, the sun being made of "two types of metal" which create a repulsive magnetic/gravitic force.)

## TV Power Consumption: It's Complicated

I've read for years that plasma TVs are power-hogs compared to LCD or projection TV. (January 2006) ran tests to see what the real-world differences might be—but it's hard to gauge "real world" usage. LCD power consumption is pretty much constant, depending on the setting for the backlight; with plasma, the more colorful or brighter the picture, the more power you use.

The closest comparison is probably a video test loop. In that test, a 40" Sony XBR LCD display drew 111 watts while a 42" Panasonic plasma drew 315 watts. Projected over a month of use at two hours per day and 11 cents per kilowatt hour, that means the LCD would use about $0.73 worth of electricity per month while the plasma would use $2.08. Not a significant difference for most budgets—but projected over a few million TVs, a *big* difference in total power requirements.

## Even When He's Right…

John C. Dvorak thinks Google Book Search is neato-keeno and says so in his February 7, 2006 *PC Magazine* column. But he gets so much of it wrong… For starters, he finds his latest book in Google Book Search and seems to assume that it's from the Google Library Project, "but this doesn't bother me." As you might guess, the book is *from the publisher*, as is stated quite clearly in the result page. Then he says, "It's not as if Google is printing books, or that any of these books are readable as complete editions on Google: They are not." *Beep*. Wrong again: Public domain books from the Google Library Project *are* readable as complete editions, and it's certainly plausible that Google might support some form of print-on-demand in the future (although the non-archival-quality imaging might make that difficult).

Here's a bizarre sentence from a bizarre column: "The sad part is that this database will actually enlarge the fortunes of the publishing industry and writer alike by improving the accessibility of lesser-known works." Or maybe it's not bizarre that Dvorak considers it *sad* for writers to benefit, since he refers to lesser-known writers by the honorific "Joe Schmo" in the next sentence. Oh, he also calls Google's management "Burning Man goofballs" and seems offended by the [asserted] fact that they "drive around in Toyota Prius cars despite being billionaires." What? It's the *obligation* of the rich to squander fossil fuel?