

# Where Do We Go from Here on Copyright Impacts and Solutions?<sup>†</sup>

BEN H. WEIL

Analytical and Information Division, Exxon Research and Engineering Company, Linden, New Jersey 07036

Received February 9, 1976

The papers in this symposium on the impacts of copyright developments on chemical-information transmission and use have given us some substantive overviews on many of the problems and conflicting interests involved. It seems evident that the traditional sources for journal revenues are becoming inadequate, because of inflation and the technological and financial temptations of library "resource sharing". It is also evident that the educational community and resource libraries are neither readily able themselves to provide equivalent revenues from their photocopying nor constitutionally convinced that they should serve as revenue collectors from users accustomed to free or near-free library services. Industrial researchers and information centers are more able and willing to pay for "value received", which they perceive as great; they are far more disturbed that the new copyright law may capriciously proscribe their copying, for lack of specifying a payments system, than they are about having to pay for copying rights.

Interestingly, some federal agencies now perceive the need for at least partial copyright protection for government documents, whereas others are still opposed to paying for copying rights for the photocopies that are essential to the fulfillments of their legislated missions. Meanwhile, technological developments give promise of better communication systems that require clear answers to other copyright questions, such as whether copyrighted data bases are protected at computer input or output, before their potential can be fully realized.

Of course, we have learned much more than this. We have heard again that the American Chemical Society is continuing its experiments with less expensive "summary" journals and with user-oriented journal derivatives such as microfilms and single-paper offprints. The contents and tenor of Dr. Burchinal's paper, and his willingness to present it before our Society, tell us much about federal concern with scientific and technical communication problems; we owe it to our profession to learn more about the numerous other NSF-OSIS studies that look toward better publisher, library, and user efficiencies, as well as copyright-problem solutions.<sup>1-3</sup>

It is also quite clear that most phases of our communication system are underfinanced, which raises a basic question as to whether they are underappreciated. We have repeatedly heard such words as "important" and "vital" applied to knowledge dissemination, but we have not heard much about programs to increase its funding. In our concentration about problems and individual-area needs, have we adequately explained the increasing importance of knowledge communication to those responsible for finances?

I suggest that we have not yet, individually and jointly, found the formulas for agreement, united action, and successful solutions. We are still like the blind men who described an elephant completely in terms of the parts that they were individually feeling. We talk about compromises—and at least such conversations are continuing—but we have not as yet applied real empathy to them.

So where *do* we go from here? We are likely to have to pursue several difficult paths while we search for those that will be optimum.

1. If Congress passes a copyright-revision bill in 1976 that

outlaws the systematic copying of copyrighted materials, we must insist that copyright owners have ready one or more workable and reasonable payment systems if they wish to avoid wholesale violations and the necessity for litigation. This need has been perceived at least by the Information Industry Association and the American Association of Publishers, which this February cosponsored a conference on "Essential Elements of a Copyright Clearinghouse" in cooperation with the Council of Engineering and Scientific Society Executives and the National Federation of Abstracting and Indexing Services. If such clearinghouses are indeed established, all concerned must give them a fair chance.

2. If Congress decides to maintain the status quo on photocopying by deleting or appropriately modifying Sections 107 and 108 in the present copyright-revision bills, pending the related recommendations of the National Commission on New Technological Uses of Copyrighted Works and the findings of the NCLIS study that NSF is funding on the extent of photocopying and the practicality of payment mechanisms, we must participate actively and soberly in these deliberations and studies, so that all points of view are taken appropriately into account in the resultant proposals. National Commissions have had a poor enough track record; we must not allow these to fail.
3. If there is no legislated solution soon, all involved must exercise reasonable restraints while pursuing their respective programs. Increases in subscription charges must be minimized, but their necessity must be made clear to and understood by subscribers. Work must continue on less expensive publication, with cooperation from both authors and users. "Resource sharing" by librarians will certainly go forward, but those involved must design their transaction-payment systems to make possible the later inclusion of payments to copyright owners.
4. In any event, all concerned must consult and plan jointly for maximum cooperation and minimum confrontations—must join in the design of, evolution toward, and implementation of a dynamic, responsive communications system for the future. Conflicts that come must be handled constructively, and preferably resolved. All this is possibly too much to expect, but is chaos preferable? Unilateral victories are likely to be hollow ones.

In this its Centennial year, the American Chemical Society and its members have a joint responsibility to the advancement of the science and practice of chemistry to continue to work cooperatively on communication problems impacted by copyright. Even if this symposium has served only to inform us more completely on the complexity of these problems and their various impacts, it will perhaps have been a step forward.

## LITERATURE CITED

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- (2) "Summary of Awards FY 1975", NSF 75-31, National Science Foundation, Office of Science Information Service, Washington, D.C., 1975.
- (3) B. H. Weil, "Copyright Developments", *Annu. Rev. Inf. Sci. Technol.*, **10**, 359-81 (1975).

<sup>†</sup> Presented at the 171st National Meeting of the American Chemical Society, New York, N.Y., April 5, 1976, in a Joint Symposium of the Committee on Copyrights and the Division of Chemical Information on "Impacts of Copyright Developments on Chemical-Information Transmission and Use".