The Million Book Project:
Confronting Copyright Absurdity, Creating Copyright Hope

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Copyright Facts

• **Purpose** – Promote progress of science & art

• **Duration** – 95 years or life of author + 70 years

• **Statistics** – 92% of books ever published are still in copyright, but out of print

• **Impacts** – research, teaching, learning, preservation, & creating digital library
## Cost of Copyright Permission

<table>
<thead>
<tr>
<th></th>
<th>1,000 Articles</th>
<th>7,307 Ads</th>
<th>30 Images</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transaction</strong></td>
<td>$24,500 (49%)</td>
<td>$10,450</td>
<td>??</td>
</tr>
<tr>
<td><strong>Permission</strong></td>
<td>$26,000 (51%)</td>
<td>??</td>
<td>$2,142</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$50,500</td>
<td>$20,900</td>
<td>$4,284</td>
</tr>
</tbody>
</table>

- Wayne State 2000
- Duke University 2000
- Carnegie Mellon 1989

<table>
<thead>
<tr>
<th></th>
<th>40,000 Books</th>
</tr>
</thead>
<tbody>
<tr>
<td>netLibrary</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>Questia</td>
<td>$127,000,000</td>
</tr>
</tbody>
</table>
Open Access Feasibility Study
Random Sample of Library Catalog
1999 – 2001
## Success of Copyright Permission

<table>
<thead>
<tr>
<th></th>
<th>Books</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total items</td>
<td>337</td>
<td>96</td>
</tr>
<tr>
<td>1. Copyright protected</td>
<td>94%</td>
<td>70%</td>
</tr>
<tr>
<td>2. Publishers contacted</td>
<td>88%</td>
<td>70%</td>
</tr>
<tr>
<td>3. Publishers responded</td>
<td>51%</td>
<td>45%</td>
</tr>
<tr>
<td>4. Permission granted</td>
<td>43%</td>
<td>90%</td>
</tr>
<tr>
<td>Overall success rate</td>
<td>22%</td>
<td>28%</td>
</tr>
</tbody>
</table>


Wayne State 2000
### Analysis by Publisher Type

<table>
<thead>
<tr>
<th>Publisher Type</th>
<th>Success Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scholarly associations</td>
<td>45%</td>
</tr>
<tr>
<td>University presses</td>
<td>37%</td>
</tr>
<tr>
<td>Museums &amp; galleries</td>
<td>31%</td>
</tr>
<tr>
<td>Commercial publishers</td>
<td>12%</td>
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Overall, 22% of the content was responded to.

![Graph showing response rate and success rate for different publisher types.](image-url)
Fine & Rare Books Study
Posner Memorial Collection
2003
## Success of Copyright Permission

<table>
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<th>Step</th>
<th>Posner Copyright H</th>
<th>Posner Books</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>114</td>
<td>1106</td>
</tr>
<tr>
<td>1. Copyright protected</td>
<td>326 (30%)</td>
<td></td>
</tr>
<tr>
<td>2. Owners contacted</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>3. Owners responded</td>
<td>72%</td>
<td></td>
</tr>
<tr>
<td>4. Permission granted</td>
<td>71%</td>
<td>66%</td>
</tr>
<tr>
<td><strong>Overall success rate</strong></td>
<td><strong>34%</strong></td>
<td><strong>44%</strong></td>
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</table>
Analysis by Title / Volume

• 44% permission granted
  – 10% restricted Carnegie Mellon only
  – 6% restricted limited time

• 9% permission denied

• 76% success rate U.S. titles

• 45% success rate foreign titles
Analysis by Copyright Holder Type

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</tr>
<tr>
<td>Estates</td>
<td>35%</td>
</tr>
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Overall success rate: 34%

(response rate vs. success rate vs. collection content)
Transaction Costs

$78 per book/volume

$ 10,808  FTE labor

$  379  Phone calls

$  100  Paper & postage

$ 11,287  TOTAL

May 2003 – October 2003

Does not include legal fees, administrator time, or cost of Internet connectivity or database creation.

167 letters & 159 follow-up calls or email
Problems Seeking Permission

- Identifying & locating copyright holders
- Getting timely responses
- Publishers can’t find contracts
- Learning copyright laws
- Publisher fears
  - Open access
  - Lost revenue
Educate Publishers

• Users want to find information online, but use it in print

• Online access increases use, even use of older materials

• Open access does not decrease & can increase sales

• Currently no revenue from out-of-print books
Request & Incentive

• **Ask** for **non-exclusive** permission to digitize & provide open access
  – Print & Save one page at a time

• **Give** preservation-quality images, metadata & OCR text
  – $$ Added-value services
  – $$ Print on demand
  – $$ Buy button
Epiphany & New Approach

• Focus on publishers of quality books
  – *Books for College Libraries* has 5600 publishers

• Ask for permission to digitize
  – All out-of-print, in-copyright titles
  – All titles published prior to a date of their choosing
  – All titles published # or more years ago
  – List of titles THEY provide

• Prompt follow-up phone call or email
Current Status

- Publisher database created & data migrated
- Limited labor June 2002 – August 2003
  - Couldn’t locate 30 publishers
  - 5% permission granted – 4,400 titles
  - 8% permission denied
- FTE November 2003
Estimated Transaction Costs

$ 6,400 Labor
$ 10 Follow-up
$ 93 Paper & postage

$ 6,503 TOTAL

June 2002 – August 2003

Does not include legal fees, administrator time, or cost of Internet Connectivity or database creation.

207 letters & 57 follow-up calls or email
“More Bang for the Buck”

Requires 6% success rate with BCL publishers & 1500 books each
Snags with University Presses

• Copyright often reverts to the author when books go out of print

• More recent books will never go out of print because of print-on-demand contracts

• Third-party copyright ownership issues

• Will consider specific titles that WE select
Phased Approach

• Publisher ➔ title or author approach as needed
  – Increased costs? Need to identify titles, copyright status & ownership, & print status either before or after negotiate permission
  – Also increased success? 35% estate success rate

• Research ➔ partner with U.S. Copyright Office
  – Study accessibility of out-of-print books & transaction costs of large scale copyright permission efforts
  – Develop cost-effective IT solution
Copyright Assessments – 2006

• Number of copyrighted books in the collection
• Success rate of permission requests
• Analysis by copyright holder type
• Analysis of time & costs
• Survey of participating publishers
  – Satisfaction with quality of copies
  – What they did or plan to do with the copies
  – Impact on revenue & view of open access
Disseminate, Educate, & Lobby

- Results of copyright assessments
- Successful negotiation strategies
- Best practices
- Databases
- Current & proposed copyright law . . .
Public Domain Enhancement Act

• Copyright holders
  – Pay small fee ($1.00) 50 years after publication
    & every 10 years thereafter to retain copyright
  – Provide contact information

• U.S. Copyright Office
  – Handles financial transactions
  – Creates publicly accessible database

• Introduced June 2003 by Representative Lofgren
Thank you!

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