

## **Submission to the Information Futures Commission**

An Individual submission from Stephen Young  
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This submission proposes answers to some of the questions asked explicitly by the Consultation Paper, and suggests further questions for the consideration of the Commission.

### **Questions posed by the Consultation Paper**

#### **1. The overarching question: "How should we develop our scholarly information and technologies, services and infrastructure to achieve our research, learning, teaching and knowledge transfer aspirations over the next decade?"**

For information technologies: in such a way that the environment for students and staff working with information technology at the University of Melbourne is at least as good - as flexible and agile - as it is when they work at home, or for that matter at Starbucks, or at a Qantas Club lounge. The online facilities and services offered to meet student and staff needs, especially for collaborative work, should at least be as agile and inexpensive as those offered to ordinary consumers by ISPs and others - think Google Apps, Google Sites (wikis), blogger, gmail...

For scholarly information online, we should seek to provide a rich environment with ease of use that matches the best the commercial world of information provision has achieved - look to iTunes and to Amazon as examples of what can be achieved in ten years or less.

#### **2. "What happens to the role of the university and the role of the library when we live in a digital world, a world where almost anyone can publish, almost anyone can access this published material, where the amount of information is growing exponentially?... A world where the scarce commodity is no longer the information itself, which is often free, but the time and the skills to use it?"**

Universities are places and communities of scholarship. Yes, they produce and use information but it is scholarship that distinguishes a university. Rigorous teaching and learning, research, and intellectual leadership in the broader community. Yes, almost anyone can publish. and almost anyone can access a rapidly growing body of online information, but not everyone is a scholar. Not everyone can teach, especially at the higher education level; not everyone can learn at that level, and not everyone can make significant and lasting contributions to the sum of human knowledge. Not everyone can provide intellectual leadership. Access to information and the means by which it is created, exchanged and manipulated is necessary but not sufficient for scholarship. Even in a so-called "digital world", the role of the university remains fundamentally the same: a place and community of scholarship.

What has already changed? Universities are no longer the sole, and often not even the major, provider of information technology for their students and staff. And nor are they necessarily the major provider of scholarly information.

University libraries fulfill a number of scholarly needs which are not fulfilled by mere internet access. In a campus-based university like Melbourne, they are an important place in which scholars access and use information, especially information which is

not, and probably never will be, available on line. For many people, especially students, libraries are **the** on-campus places for undirected private or collaborative study. Rightly or wrongly, they are also social spaces, and this university has few other such spaces for students, especially few which can be used at no charge and in which there is network access, electrical power, and other amenities useful for study. The fundamental role of the library as a place is not changed much by a "digital world", although the ways in which people access and use information in that place will continue to change.

Particularly, we have already seen a shift from the idea that people use only library-provided devices to access information in libraries. People bring their own devices - notebook computers are the obvious example, but looking ahead to 2018 it is reasonable to anticipate less expensive and more portable personal devices, able to access online information and approaching ubiquity. Library-as-equipment-provider will become less important.

Similarly, although library-as-place will remain important in a campus-based university, much use of library resources happens in and from other places, as students and staff access online resources from their homes and offices.

Another view of 'library' is the library as a collection and as a collector, an organization which, on behalf of the scholarly community, selects and acquires physical objects (books, journals, vinyl records, videotapes, photographic slides, microfilm, and other kinds of object) which contain information useful to scholars. Some of these objects can be accessed using only the human senses, others - whether digital or analog - require some kind of equipment. Subject to the survival of the object and the continuing availability of any required equipment, these are long term assets - perpetual access to information, though not without ongoing storage and access costs. Ownership of the objects does not in itself provide the right to do anything comprised in copyright with the information.

The significant shift is not the use of digital storage formats. The significant shift is that we now also acquire access to online information resources rather than acquiring physical objects, and that in many cases the acquisition is more like renting than buying. If we cease subscribing to an online journal, we not only lose access to future issues but also to those of the past. Such arrangements are like those that apply to Microsoft's Zune pass - use of millions of songs for \$14.99 per month, but only as long as you pay \$14.99 per month - or whatever price Microsoft sets in the future. Another model in the music industry is "download-to-own", offered by Microsoft's Zune Marketplace, Apple's iTunes, and others.

When you buy or rent information resources online, you also acquire limited rights or licences to do some things comprised in copyright with the information - either in perpetuity or for the life of the subscription. To some extent, the same applies to information which is provided online for free, especially in cases where the copyright owner has applied a Creative Commons, open-source, or similar licence - these are free download-to-own licences. Conversely, online information resources are subject to contracts and to technological protection measures which may take away normal user rights.

The implications for library-as-collector are:-

- A need to develop a sustainable model for stewardship of "download-to-own" resources. The same model should cover resources created by digitizing physical objects.
- A need for clear principles in rent vs buy decision-making.
- A need to pay close attention to the danger of contracting away user entitlements under fair dealing and other copyright exceptions. Similar dangers arise with resources that use technological protection measures.
- A preference for digital or online resources that are delivered using open standards, and free of technological protection measures.

Although it need not necessarily be so, in this university as in many others the Library also has carriage of statutory copyright licences - notably the CAL and Screenrights licences, and also has carriage of the voluntary Music Licence. These licences cost well over \$1 million per year. It is important to remain engaged, through Universities Australia and in other ways, in negotiation with the relevant collecting societies and in the copyright debate. As the Australian Digital Alliance, of which the University is a member, says "Australia's copyright laws are the chief means by which we as a society regulate the creation and distribution of knowledge. The effects of a misguided copyright regime would be dire and create enduring harm to our education system, our economy and our culture." As a creator and consumer, the University's interests would be best served by balanced copyright law. Technology offers great opportunities, but without the right law, or voluntary licences, we will not be able to exploit those opportunities.

**3. Should a great university take notice of technological or other trends as they emerge? What should it do about them and at what point? What level of resources should be committed in responding to predictions, some of which may never come to pass?**

Whether or not the University takes notice of technological trends and developments, some students and staff will. If they can't investigate and experiment with these developments on campus they will do it somewhere else. At the very least, the University should not get in the way of responsible innovation and experimentation. Information technology policies and practices need to strike a balance between efficiency, security and flexibility amongst other things, but an academic should never have to stay at home, or go through days of bureaucratic delay, to explore Second Life as a potential learning environment, or to videoconference with overseas colleagues.

At best, the University would provide an environment, technical and cultural, that encourages innovation and experimentation. When, but only when, the inevitable tinkerers and early-adopters find success, the University should move swiftly to provide resources to bring the development into wider use.

**4. What is the value of the original object to a university?**

Digital copies will suffice for many purposes, but information and context are always lost or discarded in the process. Technically, there is no such thing as a perfect digitization, and digitization projects don't always attempt to capture everything anyway. Subject to copyright, we can easily make a very good digital copy of the sound recording on an LP record, but what the researcher of 2038 may be interested in is the artistic and literary work of the album cover, and the metadata of the LP

label. Reading a well looked after newspaper from 1908 is a richer experience than viewing a series of page-images at screen resolution, and incomparable to doing so from microfilm. Technologies improve - screen resolution by 2018 may well approach, so far as the eye can see, print resolution; scanners and cameras are bound to improve too. But the digitized copy will never provide quite the same experience and nor will it contain all of the information present in the original object.

### **5. If a work is available in digital form, is it also needed in print?**

There's no one answer to that - it depends on the nature of the work, and how it is used. As a rule of thumb, the thicker the work is in print, the more likely it is needed in print.

Some works are like tools of trade. As Copyright Officer, I keep the Copyright Act on my desk in book form. It complements the digital version on my laptop computer. The book version is crucial for cross-referencing, for easy flicking between sections; and so that screen space can be allocated to other, less frequently referenced, legislation. The digital version is superb for searching. and is available even when I'm not at my desk. Even in 2018, I think it unlikely that Copyright Officers will want to do without a book-form version of the Act. I note though that I look to my department, not the Library, to provide my book-form copy of the Act.

### **6. Do people seek both print and digital versions because the current user experience of the latter has limitations on ease, cost and convenience? How soon will these limitations become trivial, and will this encourage people to choose digital over print?**

Of course they do, especially for books, as distinct from articles. It is more a matter of ease and convenience (and capability) than cost. You can spread five books out across a desk, easily, but nothing so effective can be done even on a generously-sized computer display, let alone a notebook computer screen. You can read some books while riding on a tram; it's not very easy to use a laptop computer on a tram.

Some of the paper book's advantages for some purposes are likely to remain compelling to 2018 and beyond. But there are developments, visible now in early stages and likely to mature by 2018, which will shift the balance.

The first is print-on-demand, already offered overseas, largely for photo-books, by enterprises like qoop.com, blurb.com and lulu.com. Prices are relatively high compared to mass produced books, but the books they produce look and feel like real books with high production values. It's not unreasonable to expect that in coming years costs will come down and the underlying technologies and business models will support text-dominated works as well as photo-dominated works in a cost-effective manner. If that happens, then, so long as the licensing of works in digital form permits it, those whose work or preferences require a printed book would be able to obtain it so long as the University had an appropriate licence for the work in digital form.

The second is the e-book reader - a portable electronic device perhaps the size and weight of a paperback book, and using new or emerging display technologies to provide an experience similar to reading print on paper. These devices have not had much impact yet, but the story is not over - and there were some years between the first MP3 players and the transformation brought by the iPod, iTunes and iTunes

Store. The early e-book readers had poor battery life, small screens that looked like computer displays, and not a lot of available material. A very interesting recent product is the Kindle reader from Amazon. It's not cheap at \$399, but the first iPods were expensive too. It weighs 10 ounces, and measures 7.5" by 5.3" by 0.7". It uses an e-ink electronic paper display which, according to reviews, is indeed paper-like. The more critical reviews describe it as a "version 1.0", but it shows promise.

There are rough edges on any 1.0 product, and there's a long way to go. As with the initial launch of the iTunes Music Store, the online Kindle Store can't sell content to people outside the United States, for licensing reasons.

Amazon may or may not turn out to be a successful or dominant player, but give this category ten years, and if the right content is made available directly to scholars or to institutions on reasonable terms, then we can expect to see some consumption of paper books replaced by downloaded books on portable readers.

### **7. How should millions of digital books be organised, presented and integrated to be of value?**

<http://books.google.com>

### **8. Do we embrace the Open Access movement and similar movements like Open Source and Creative Commons, with a sense of public-spirited sharing and collaboration amongst the not-for-profit education and research community? If that is where we want to go, what are the appropriate policies, procedures and incentives?**

**Alternatively, do we seek a future in which universities actively license intellectual property for profit to each other and to wider communities?**

#### **Can we have it both ways?**

We can have it both ways. There is nothing wrong with seeking to profit from intellectual property owned by the University through patents and licensing, but that does not mean that we cannot at the same time embrace the open access movement.

The present University Statute on Intellectual Property grants academic staff ownership of the scholarly works that they create, but not of teaching materials that they create. Other than in special circumstances, students own their own works. The University owns the IP in all work done by professional staff in the course of their duties.

From the guiding principles given in the Statute: "In pursuit of its objects, the University strives to deal expeditiously, expertly and thoroughly with opportunities to commercialise the intellectual property in which it asserts rights, and in so doing, seeks to realise its full value for creators, the University and the wider community." The Statute secures the right of the University to use, and to exploit commercially, its intellectual property. Nothing wrong with that, but it would be better if the Statute also facilitated non-commercial licensing where appropriate.

Much University-owned copyright material of value to the broader community is created every day, for which there is good-citizenship value in granting licences free of charge, and for which there is no significant prospect of commercial exploitation. We often request free licences from third parties; it behoves us to have policies and

procedures to grant such licences ourselves. The granting of such licences requires approval at Deputy Vice-Chancellor level! Strictly speaking, approval at that level would be required in order for an academic to allow a colleague in another University to re-use or adapt a PowerPoint presentation. That's almost risible.

We can embrace the open access movement by establishing rules and guidelines under which creators of University-owned copyright material can, in appropriate circumstances, grant free non-exclusive licences to third parties, whether specifically or more generally in the manner of opensource and Creative Commons licensing. Such guidelines need not conflict with commercial exploitation. We can achieve a balance, commercializing when appropriate and being public-spirited when appropriate.

### **Some other questions the Commission might consider...**

The interplay between personal information resources (personal libraries or collections, personally-owned or personally funded computing and communications facilities), University resources, and external resources? The question is about where the resource comes from (student, University, external) and who pays for it.

Would it be right to assume or require that students have certain personal facilities and if so what, or on what basis would that be determined from time to time? The question arises when thinking about computers and internet access, but the same question applies to prescribed texts and references, to iPods... and to microscopes and skeletons for medical students.

Where is the line between that which is personal use of personal facilities and the internet, and that which is the University's business? Where does University support (funding, assistance, advice, consultation, documentation, training) begin and end?

Where does University authority to regulate online behavior begin and end? The challenge is this: the University has an interest in, and obligations in, the work and study environment., but the University does not provide all of the online work and study environment. Do we have a role in guiding or regulating online behavior by members of the University outside the University-provided environment?

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