

Book Reviews

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The Digital Librarian's Legal Handbook. By John Ng'ang'a Gathegi. New York: Neal-Schuman, 2012. 223 p. \$130 paper (ISBN 978-1-55570-649-4). Legal Advisor for Librarians, Educators, & Information Professionals.

The Digital Librarian's Legal Handbook is intended to serve as a reference tool for library and information professionals to assist them in navigating the complex decisions and judgments necessary when working with electronic information. Author John N. Gathegi highlights a variety of legal considerations that are likely to be encountered in the digital library. Although at times overly detailed or abstract, this handbook provides good explanations of legal concepts and draws attention to issues often overlooked by the literature in this field.

Gathegi makes every effort to present the legal landscape of electronic information as straightforwardly as possible. Although copyright is the first, or even only, issue that comes to mind, Gathegi points out the many other legal issues—from trade secrets to privacy—that may become involved when working with the wide range of digital information in libraries. Explaining the nuances of intellectual property law in clear and explicit language is nearly impossible, so Gathegi can be forgiven for his lack of success in this regard. Nevertheless, Gathegi's decision to position his book in this challenging field, of which copyright is a major but not sole component, is a strong draw of the work.

Another foundational issue of this handbook is the scope of a “digital library.” This term, defined in the opening sentence as “collections of organized informational items in digital format that can be accessed utilizing

a computer,” (1) feels a little outdated, yet widens the range of the topics discussed. The handbook discusses many types of digital collections, including materials being digitized by a library, vendor-provided content, born-digital materials, and search engine technology to name a few. This breadth of treatment is useful because libraries are likely to deal with a variety of digital materials. That said, more focused discussions—for example, on the process of digitizing a collection—would have strengthened this section.

A great deal of helpful information is packed into this slim volume, with the main text running 155 of the book's 223 pages. Appropriately, Gathegi offers considerable explication of U.S. copyright law. Discussion of copyright, which makes up four chapters, focuses on content owners, rights granted to those owners under copyright law, duration of rights, and granting of rights to others, respectively. Because copyright connects to other legal matters, it is discussed in subsequent chapters. The last of the thirteen chapters in the handbook covers international aspects of copyright, which improved my understanding of rights associated with materials produced outside of the United States. Explanations of these sometimes less familiar topics are generally clear. For instance, I found the discussion of the first-sale doctrine in an international context to be particularly lucid. A recent article on this topic, whose relevance was originally lost on me, was clarified after reading Gathegi's explanation about the first-sale doctrine's relationship to the right of reproduction.¹

Despite the handbook's clear legal explanations and summaries of issues, the connection of these principles to

daily library practices is weak; additional explanations clearly situated in the library context are needed. Each chapter ends with a hypothetical scenario presumably intended to serve the context-setting and cohesive functions that are lacking in the work. Unfortunately, the hypotheticals are not tied specifically to the chapter in which they appear, so information from later chapters may be needed to address the scenarios. In addition, the hypotheticals themselves feel artificial and are poorly developed. An appendix provides potential responses to the hypothetical scenarios, but only at an abstract level. More useful would have been for the author to describe how a library would come to realize that it needs to address the issues raised by the hypothetical scenarios.

While lawyers such as Gathegi need to be detailed when discussing legal issues, such detail should have been set aside at times in this book. For example, Gathegi provides a lengthy discussion of the mechanics of both the Copyright Royalty Board and the copyright arbitration panels it replaced. Gathegi states, “For historical purposes, it is interesting to compare the setup” (129). Although knowing the basics of determining copyright royalties may be necessary, thoroughly explaining the appointment processes to a board that no longer exists is not useful to this book's audience. Throughout the work, similar unnecessary details distract from the key points to which a librarian should be paying attention.

Balancing the narrative's detailed discussions are sixty-two textboxes of “notable points” interspersed throughout the book and smartly collocated as an appendix. These textboxes highlight the key points of a topic. For example,

one set of notable points offers fair use considerations in the context of digital classrooms (94). In addition to notable points, several checklists also appear in the text and an as appendix. For example, one helpful checklist notes considerations for using audiovisual work in online distance education, which is governed by the Technology, Education, and Copyright Harmonization (TEACH) Act (95).

In his discussion of copyright and related laws such as the TEACH Act and the Digital Millennium Copyright Act (DMCA), Gathegi also covers aspects that are not as frequently discussed.² A chapter discusses the provisions of DMCA that limit the liability of Internet service providers (ISP) when copyright is infringed. Although the connection could have been articulated more clearly, Gathegi notes that a library can be defined as an ISP, making this issue important for librarians to understand. He makes similar connections with other areas of law, some of which are less likely to come to mind than copyright. For example, libraries may be used to thinking of licenses as part of an acquisitions process for electronic journals, but may not have thought of licensing as a consideration of music that is used in a library podcast.

The Digital Librarian's Legal Handbook is recommended as a resource for all librarians and information professionals with an interest in intellectual property issues. For libraries that are digitizing or making born-digital available online, Gathegi's work also may point out areas of consideration that may have been overlooked, such as the role of international treaties, privacy requirements, or state trade secrets law. The logical arrangement and helpful appendixes, including text from the *Code of Federal Regulations*, make this a handy tool, particularly when used in conjugation with other resources.³—*Morag Boyd* (boyd.402@osu.edu), *The Ohio State University, Columbus, Ohio*

References

1. Katherine A. Chamberlain, "'Lawfully Made Under This Title': The Implications of 'Costco v. Omega' and the First Sale Doctrine on Library Lending," *Journal of Academic Librarianship* 37, no. 4 (2011): 291–98.
2. Technology, Education and Copyright Harmonization Act of 2002, 17 U.S.C. § 110(2) and 112(f) (2002); Digital Millennium Copyright Act of 1998, 17 U.S.C. § 512, 1201–1205, 1301–32; 28 U.S.C. § 4001 (1998).
3. U.S. Office of the Federal Register, Code of Federal Regulations of the United States of America (Washington, D.C.: U.S. GPO, 2011).

Directions in Music Cataloging.

Edited by Peter H. Lisius and Richard Griscom. Middleton, Wis.: Music Library Association: A-R Editions, 2012. 173 p. \$50.00 (ISBN 978-0-89579-719-3). MLA Technical Reports Series.

Although this book is officially titled *Directions in Music Cataloging*, it could easily have been called *Why Ralph Papakhian Mattered*. Arsen Ralph Papakhian, who passed away in 2010, was a music cataloging librarian at Indiana University (IU). He played a pivotal role in the direction of music cataloging for three decades, and served as an educator, mentor, or colleague to most music catalogers in the United States. Editors Peter Lisius and Richard Griscom have brought together a group of authors to pay homage either directly or indirectly to Papakhian and his influence on the music cataloging community.

The book is divided into three sections. Part 1, "The Foundations of Music Cataloging Today," features articles reflecting Papakhian's impact on scholarship and the professional community. "Music in the OCLC WorldCat, A Replication," was written by noted cataloging educator Richard Smiraglia with students from one of his library science classes at the University of Wisconsin-Milwaukee. It is a modern-day

recreation of the original 1981 study published by Papakhian and Smiraglia. The two had searched the relatively new OCLC WorldCat online union catalog for music-related bibliographic records. Their results concluded that records for more than 90 percent of the recommended musical monographs were available, while the percentages for scores and sound recordings were noticeably lower. Results from the replicated study by Smiraglia's library students proved similar. WorldCat held cataloging records for almost 99 percent of the recommended books and popular sound recordings, while percentages for scores and classical sound recordings hovered in the 60s and 70s. Following this chapter is Smiraglia's "Theoretical Implications Arising from the Study of Personal Name Headings in the Indiana University Music Library Card Catalogs," another homage to an earlier work by his late colleague and friend. In 1985, Papakhian wrote an article on the frequency of personal name authority records in the Indiana University Music Library. The study and subsequent paper were done in rebuttal to a series of earlier articles in the field promoting the concept of Lotka's Law, which argues the majority of authors in a union catalog have written only one work. Papakhian showed empirically that in a music library, where the majority of holdings feature works by a handful of composers, Lotka's Law did not hold. Smiraglia's chapter looks again at the findings of Papakhian's work and its subsequent impact on the field, demonstrating just how important it had become since its publication. The final paper in this part of the book is Jay Weitz's fascinating, "Furthering Access to Music: A History of the Music OCLC Users Group." The contribution is a wonderfully insightful look into the User Group's formation, growth, and distinguished board members.

Part 2, "Cataloging Theory in Transition," opens with Damian Iseminger's "Works and Expression