

Is it acceptable for a librarian to locate catalog records in another library's online public access catalog (OPAC) and then nab those records for use in her own institution's OPAC without asking permission from the other library? Some librarians say the Z39.50 capability makes it the "Napster" of bibliographic utilities—some even suggest the term "Zapster." The ability to take electronic bibliographic records from across the Internet, most often using the Z39.50 protocol, raises questions of librarian etiquette and ethics.

Z39.50 is a communications protocol that allows computers with different software systems to exchange data seamlessly. The protocol was developed before the advent of the Web in the 1970s, when the Library of Congress, OCLC, RLIN, and WLN—each using its own software—wanted their systems to be able to share information.

Z39.50 specifies a standard, interoperable set of formats and procedures to provide remote access and information retrieval. It has evolved through the years and is now an information retrieval standard of the National Institute of Standards Organizations (NISO). It has been internationalized, in basically the same form, as ISO23950 of the International Standards Organization (ISO).

Applications based on the Z39.50 standard are appreciated and, in the main, are used appropriately by the library community. Z39.50 is the foundation for our union catalogs and our interlibrary loan subsystems, and it is extremely useful in our individual cataloging and collection development activities. This technological tool allows library staff and users to search other institutions' catalogs from afar. With the addition of inexpensive or free software provided by automation system vendors, again using Z39.50 as its basis, most

library automation systems can retrieve and download machine-readable cataloging (MARC) records from remote systems. This neatly facilitates the better, faster, cheaper path to cataloging and classification for which librarians in technical services are striving. It also raises the question of whether libraries are "sharing" their intellectual efforts without even knowing it.

Sharing is Fundamental to the Profession

Librarians have discussed the correctness of obtaining selected records in MARC format and importing them into their local catalogs for many years. Arguments range from "stealing my intellectual property" to "information wants to be free." Some librarians suggest that reciprocal agreements and/or acknowledging the source of the record in a 910 note field of the MARC record is a safe approach. Other librarians have pointed out that if they created an original MARC record as a state employee, all libraries in their states should have free access to it. In fact, some states have spent a lot of money ensuring Z39.50 compliance at all libraries within their states for this purpose, among others. Nothing definitive has come of these discussions.

Z39.50, in itself, is neither good nor bad. It is just a standard developed by, with, and for librarians specifically and other

information professionals generally. Its purpose is to facilitate the transfer of electronic information between different systems. Librarianship is a profession that values information and the sharing of that information. We work together to locate, organize, and make available needed resources. Sharing is fundamental to many of our daily operations; it is a characteristic that sets us apart from other professions.

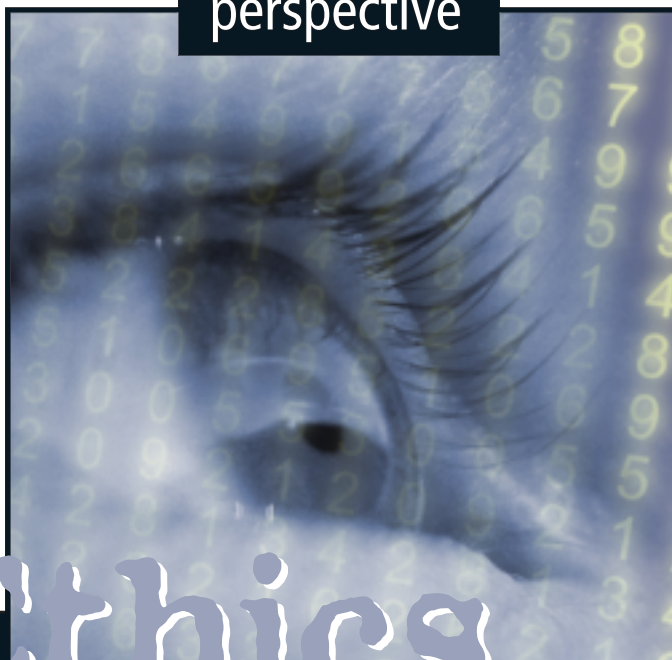
You don't see other professions sharing their institutional resources, as we do with our interlibrary loan services. You don't see other professions contributing their intellectual property to create the kind of worldwide resource we have in OCLC's WorldCat. Sharing is one of the underpinnings of our common philosophies. Z39.50 helps us to share.

Why, then, are so few law libraries using Z39.50 to share MARC records? Most likely, it is because there are too many unresolved questions surrounding what is and is not acceptable sharing. Is there a difference between sharing and stealing? Should there be limits on what is shared? Does it matter if permission is asked of the library that created the records? Should the taking library compensate the creating library?

OCLC's promulgation of guidelines on sharing records, although poorly understood by most, may be part of the reluctance to use Z39.50's sharing capabilities. Once a record becomes part of the OCLC database, can contributing libraries still allow others to borrow that record? While the latest revision of the Guidelines for the Use and Transfer of OCLC-Derived Records states unequivocally that member libraries may share records of their own holdings with each other and with nonmember libraries without restrictions, libraries may be hesitant to do so at the risk of displeasing OCLC. (The guidelines are available online at www.oclc.org/support/documentation/worldcat/records/guidelines.)

Sharing is a two-way street for the University of Colorado Law Library. We place a premium on

perspective



The Ethics of Electronic Record Sharing

by Barbara A. Bintliff and Georgia Briscoe

high-quality records and are almost always happy to share our experience and expertise. We contribute the “Web site of the Month” to the AALL Online Bibliographic Services Special Interest Section (OBS-SIS) list, and we encourage others to use that information in their own catalogs. We have consulted the catalogs of other libraries as we move through the seemingly endless JX/international law reclassification projects.

On occasion we have asked permission to use records from another library, usually for a big set or a series, which become the basis for our own records after we add local information. We have offered to pay for those records. We appreciate those librarians who agree to share their records, and we respect those who choose not to. We think it is to our advantage, and to everyone else’s, to have clean, correct, and consistent, or at least coordinated and comparable, catalogs. We think sharing is a good thing, something to be encouraged.

Taking without Asking is Stealing

But sharing, whether making the most of Z39.50 or using any other program, requires knowledge. You are not sharing if you did not ask for permission or the other party does not accede to your request. When librarians or library staff take records by using Z39.50, or by any other means, without the knowledge or permission of the other library, they are not sharing. They are basically stealing the intellectual property of the other library.

The practice of occasionally checking one or two records of another library to verify the subject headings of a book or a series in hand is not in question. That is an accepted use of other’s work and should not require prior approval. However, taking an entire series of records without asking, especially if those records are then imported into the taking library’s catalog, should not be condoned. This is especially true when the taking library does this consistently,

compiling its own catalog from the work of others.

OCLC has valid concerns about these practices when it results in a member library creating its catalog from “shared” records for which no contribution to its OCLC holdings is made. “The cooperative suffers when libraries do not actively add records and holdings information to WorldCat,” says Bob Van Volkenburg, director of cataloging products and services at OCLC. “OCLC’s services that depend on WorldCat are stronger and more beneficial to the cooperative when more libraries participate. OCLC

has modified its pricing and moved to a subscription approach for cataloging to encourage libraries to use the most efficient workflow without any effect on price. OCLC has introduced new pricing to bring in the smallest libraries. The company continues to monitor the situation.”

Using Z39.50 to nab records is not just OCLC’s problem, however. It is a problem within librarianship. Some libraries have “borrowed” the cataloging and classification of other libraries for years, and they have not needed Z39.50 to do it. We librarians need to be the ones to stop the unauthorized use of records. We need to have a dialogue with the entire library community to determine the extent of the practices and decide if a solution is needed. If so, we must define clear ethical behaviors in the use of others’ records, including using Z39.50. The problem, if it is a problem, cannot be solved fully by only one segment of the library world.

Records Sharing Policy Needed

We propose an electronic records sharing policy, comparable to the interlibrary loan code that we have had since the early 20th century. The ILL code outlines

responsibilities and obligations of all the participating libraries. Under the various ILL implementing procedures, libraries have an opportunity to provide lending profiles and charge for services. An electronics records policy could be similar.

Once a code is in place, we might work with one or more software vendors to develop an application that helps regulate the program as provided for in that policy. For example, the software might block unauthorized borrowing, offer IP authentication of approved borrowers, or create a system for billing those who borrow records. We should not feel compelled to turn off our Z39.50 programs or disable viewing of our MARC records for fear that someone would steal our work product.

The AALL OBS-SIS has established a Special Committee on Record Sharing under the leadership of Patricia Callahan, associate director for technical services at the

University of Pennsylvania Law School Biddle Law Library in Philadelphia. Callahan’s committee is exploring the idea of developing a policy on record sharing. AALL can take the lead in the librarian community for developing such a policy. A code of ethics and etiquette for sharing electronic records, similar to the ILL code that has evolved through the years,

would be a tremendous contribution to the profession.

Z39.50 is not going away. It will continue to be refined and enhanced and will be used by libraries for myriad of data transfer purposes. We need to start working together now to structure and define its appropriate use before it gets out of control. ■

Barbara A. Bintliff (barbara.bintliff@colorado.edu) is the Nicholas Rosenbaum Professor of Law and director of the law library at the University of Colorado in Boulder. *Georgia Briscoe* (briscoe@colorado.edu) is the associate director and head of technical services at the University of Colorado Law Library.



Georgia Briscoe



Barbara A. Bintliff

Ability to take electronic bibliographic records from Internet raises questions of etiquette and standards