

# The Chronicle of Higher Education

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## How Streaming Media Could Threaten the Mission of Libraries

Digital music has made it easier to buy and share recordings. But try telling that to librarians.

In March 2011, the University of Washington's library tried to get a copy of a new recording of the Los Angeles Philharmonic, conducted by Gustavo Dudamel, playing Berlioz's *Symphonie Fantastique* that the library could lend to students. But the recording was available only as a digital download, and Amazon and iTunes forbid renting out digital files.

So the librarians contacted the Philharmonic to see if there was some way they could get a copy of the album that they could lend out like a compact disc. The orchestra referred them to a distributor, which referred them to the publisher, the Universal Music Publishing Group. At first the corporation said it couldn't license the recording to the university, [according to the librarians](#). Later it offered to license 25 percent of the album for two years in exchange for a licensing fee plus a \$250 processing fee.

No thanks, the librarians said.

Welcome to content licensing, a great source of anxiety for librarians in the digital era. In previous decades the university librarians might have bought a CD of the album for \$25 and kept it in circulation for as long as the disc remained viable. Here they were asked to pay the publisher 10 times that amount (plus a licensing fee that would probably exceed the processing fee) for access to a quarter of the album for two years.

"That's a new thing in the history of libraries, and a relatively new thing in the history of selling things," says D.J. Hoek, head of the music library at Northwestern University.

Old-fashioned media—books, tapes, CDs, etc.—are governed by the first-sale doctrine, a legal provision that allows a buyer to do whatever she wants with a copy.

The licensing of digital media, however, gives publishers far more power. Instead of

selling an album outright, they can sell permission to access its contents for a fixed amount of time. (This is a boon for textbook publishers in particular. Under a digital regime, they may not have to worry about losing sales to students' buying used copies.)

The licensing model stands to become the norm as physical media get phased out, says Mr. Hoek. "This isn't just a music problem," he says. Anything made of "ones and zeroes" can be kept on a leash.

Librarians see this state of affairs as an "existential crisis." That is how a group of them put it in a [summary](#) for a grant they have received from the U.S. Institute of Museum and Library Services to study the possible effects of a digital regime.

"As more and more books, videos, and sound recordings are licensed and distributed through online-only means, the amount of materials available for libraries to collect is shrinking," wrote the grantees.

John Vallier, head of distributed media at the University of Washington Libraries, is one of those involved in that study, which just got under way. As far as he knows, Universal and other major music publishers have not proposed an easier way for libraries to provide digital-only music recordings to libraries.

Rebekah Alperin, senior vice president for marketing and communications at Universal, said she could not immediately provide information on the company's practices in that regard.

The digital regime is evolving fast. Since 2011, music-streaming services such as Spotify and Rdio have boomed in popularity. The specific problems related to Washington's attempt to download the LA Philharmonic's performance may soon be obsolete. "Downloading is a transitional technology," says Mr. Hoek. "Downloading is going to be the punch line to jokes the way eight-track tapes are now."

These days, he says, if the students in Northwestern's conducting program want to listen to a recording, they don't have to go to the library. They can stream it online.

But streaming does not solve the licensing problem, Mr. Hoek says. It may provide students with an alternative avenue for accessing recordings not in a library's collection, but it also eliminates the library as the steward of digital artifacts.

"That puts the companies who own that content in charge of governing all access to that content," he says. "And that puts the companies as the sole keepers of that content."

*Correction (9/2/2014, 9:37 p.m.):* This article originally misidentified the recording that the University of Washington library had attempted to obtain. It was a recording of Berlioz's *Symphonie Fantastique* by the Los Angeles Philharmonic,

conducted by Gustavo Dudamel. It was not a piece by Mr. Dudamel. The article has been updated to reflect this correction.