

Video At Risk: Strategies for Preserving Commercial Video Collections in Research Libraries

A partnership between New York University, UC-Berkeley, &
Loyola University-New Orleans

Funded by the Andrew W. Mellon Foundation

<http://www.nyu.edu/tisch/preservation/research/video-risk/>

VAR-CNI, Dec 11, 2012

1

Video At Risk

- **Background & Overview** (Howard Besser)
- **Intellectual Property & §108(c) Guidelines** (Melissa Brown)
- **Scarcity & Replacement Research Initial Findings** (Walter Forsberg)
- **Reformatting: technical issues, RFPs to vendors** (Walter Forsberg)
- **Future Issues** (Howard Besser)

VAR-CNI, Dec 11, 2012

2

Video At Risk Project: Background & Overview

VAR-CNI, Dec 11, 2012

3

NYU Mellon Video At Risk Grant:

Video replacement issues

- Expands on our "Preserving Digital Public Television" grant findings that public television distribution rights often expire after 6 or 12 years, either reverting to another distributor, or rendering the work legally undistributable (the "Eyes on the Prize" problem)
- Expands on our previous Mellon grant findings that many distributed VHS tapes had become both rare and difficult to replace (Circulating collections become preservation collections)
- It's almost always more efficient to replace than to treat or reformat
- Examine routine maintenance, preservation, and © issues in circulating video collections-

VAR-CNI, Dec 11, 2012

4

NYU Mellon Video At Risk Grant:

Examine routine maintenance, preservation, and © issues in circulating videocollections

- Research "scarcity" of videos originally purchased by libraries in commercial market (examine OCLC records)
- Research "replaceability" of videos (test several procedures for determining out-of-printness)
- Develop checklist procedures for determining whether replacement copy can be legally obtained (Orphan Works type procedure), and explore legal justification for digitizing without prior permission (section 108)
- Develop a model procedure to follow and identify trade-offs in preservation reformatting of library videos into digital (quality, file format, CODECs, QA/QC, line 21, ...)

VAR-CNI, Dec 11, 2012

5

How to help librarians make decisions

- When to look for a replacement video, and how to prioritize those "at risk"
- Where to go to find a replacement video
- How to legally rationalize reformatting/digitizing "at risk" videos
- What file formats, compression schemes, file size, metadata, etc. to use for reformatted video files
- How to deal with vendor outsourcing for reformatting and technical metadata

VAR-CNI, Dec 11, 2012

6

Partners and Origin of Partnerships

- Don Waters @ Mellon
- Laurie Phillips @ Loyolla-NO
- Gary Handman @ Berkeley
- OCLC—from top of Research down to Eric Childress
- Academic Librarians w/circulating video collections (VRT members)

VAR-CNI, Dec 11, 2012

7

Leveraging w/IMLS grant

- We already had an IMLS grant to examine job impediments for managers of academic library media collections (primarily aimed at improving training)
- Leveraged focus groups convened for that grant in 2010 to engage in discussions of VAR
- One interesting discovery—universities were rapidly removing video players from classrooms, causing serious problems for viewing anything in videotape collections-

VAR-CNI, Dec 11, 2012

8

Confronting a campus wide VHS

Deadline [Videolib], Oct 10, 2012

- "...I certainly understand the IT department's point of view, especially considering our cash-strapped state of late. They are looking for ways to not pay for or maintain "unnecessary" equipment. VHS is a likely target."
- "However, you can imagine the effect this announcement has had on our faculty when they were suddenly told that that *"if you have VHS tapes that you show in your classes, you will need to find replacements by May 6, 2013."* IT also mentioned the coming "analog sunset," which has evoked memories of the dreaded Y2K of earlier times (remember that apocalypse?). VHS death went from a lingering, gradual one (to which we seem to be slowly adapting) to a quick bullet to the head. Actually, it's more like a bomb tossed into a crowd at the moment."

VAR-CNI, Dec 11, 2012

9

Intellectual Property & §108(c) Guidelines

VAR-CNI, Dec 11, 2012

10

Section 108 Guideline 1:

When is a copy of a work "Damaged, Deteriorating, Lost, or Stolen"?

- With no standard metrics for "damaged" or "deteriorating", signal problems such as: visual dropout, audio dropout, other distortion, should be seen as acceptable justification. Damage to physical carrier is a less safe rationale.
- While safest to wait until "damage" or "deterioration" is perceptible, libraries may decide to make §108(c) copies when such harm is imminent.
- Preemptive creation of copies to avert "damage" or "deterioration" to original may be prudent under rights guaranteed by §107.
- In the case of "lost" or "stolen" copies, borrowed copies may be used to facilitate the creation of §108(c) copies.

VAR-CNI, Dec 11, 2012

11

Section 108 Guideline 2:

When is a format "obsolete"?

- A work or format is "obsolete" when it is no longer manufactured, or new playback equipment for that format can no longer be obtained in the commercial market at a fair price.
- The following non-exhaustive list of formats can be considered obsolete:
 - 2" Quadruplex videotape, Hi-8 videotape, 1" Type A videotape, M format, 1" Type B videotape, M II format, 1" Type C videotape, S-VHS, all ½" open-reel videotape formats, LaserDisc, ¾" U-matic videotape, wire recordings, Betamax videotape, MiniDisc, 8mm videotape (aka "Video8").
- The following can be considered currently available:
 - Beta SP, DVD, LP, MiniDV, Blu-Ray.
- The following can be considered currently available, however soon-to-be-obsolete:
 - VHS, compact audiocassette

VAR-CNI, Dec 11, 2012

12

Section 108 Guideline 3:**What constitutes a “replacement”?**

- A “replacement” is a copy that can serve the same educational and scholarly purposes as the original: materially the same content, and equally easy for patrons to access and use.
- Burned-on-demand copies are as valid as “replacements” as those mass-produced.
- Region-restricted formats may make §108(c)-made copies a safer strategy, in lieu of running afry of DMCA anti-circumvention prohibition.
- Circulating bootlegged copies is less safe than creating §108(c)-made copies.
- Subscriptions must be perpetually-guaranteed, otherwise they do not serve the same functionality of the original.
- Special Editions, Restorations, etc. may be deemed not adequate replacements due to changes in content and form.

VAR-CNI, Dec 11, 2012

13

Section 108 Guideline 4:**Can copies made under §108(c) be digital?**

- Copies of a work made under §108(c) may be either analog or digital.

VAR-CNI, Dec 11, 2012

14

Section 108 Guideline 5:**Can copies made under §108(c) be circulated?**

- If the work being replaced by the creation of a §108(c) copy is originally a circulating copy, then the replacement for that copy should be a circulating copy as well.
- Analog copies may be circulated to the same extent as original materials.
- Digital copies may be circulated insofar as circulation does not involve making the digital copy available to the public outside the premises of the library.

VAR-CNI, Dec 11, 2012

15

Section 108 Guideline 6:**In locating a “replacement” copy, what qualifies as “reasonable effort”?**

- Consult commonly-know trade sources in the United States: IMDB, Amazon.com, web search engine.
- “Reasonable effort” means different things in different circumstances.
- Documenting all replacement research will ensure more proof of due diligence, in case of any litigation, than not.

VAR-CNI, Dec 11, 2012

16

Section 108 Guideline 7:**In locating a “replacement” copy, what qualifies as “fair price”?**

- An unused replacement copy should presumably be at, or near, the retail price of the work when new
- Any additional collector’s-item value the work may have accrued by reason of its scarcity should not necessarily be deemed “fair” just because there is a market participant willing to pay it.
- Remember that “replacement” copies available in the marketplace must be “new, unused.”

VAR-CNI, Dec 11, 2012

17

Scarcity & Replacement ResearchVideo At Risk AMIA 2012
December 6, 2012



Scarcity - OCLC-Generated Data Pull, April 2011

- Indices revealed 1,763,004 total records for videos in WorldCat
- 69,682 of these records cataloged as **Location=ZJU, CUY, or LLM**
- PRIMO FRBR and de-duplication algorithms applied to these records
- Additional filtering for **Holdings=1**
- UC-Berkeley; 4,489 'scarce' titles
- NYU; 2,122 'scarce' titles
- Loyola, New Orleans: 31 'scarce' titles

VAR-CNI, Dec 11, 2012

Scarcity – Methodology

- Parse 2,122 'scarce' videos (VHS/Umatic/DVD/LaserDisc) into sub-groups
- By cataloged MARC format:
 - 300 \$a videocassette; \$c ½ in.
 - 300 \$a videocassette; \$c ¾ in.
 - 300 \$a videodisc; \$c 4 ¾ in.
 - 300 \$a videodisc; \$c 12 in.
- By cataloged MARC publisher and their geography:
 - 260 \$a Tokyo : \$b Manufactured and distributed by VAP Inc., \$c c1992
- Sub-groupings facilitate replacement research: amass title lists for possible Section 108 (c) replacement inquiries to original distributors
- Sub-groupings reveal trends (eg. PBS subset):
 - only 17% of NYU's PBS-distributed titles are replaceable through PBS;
 - 30% of PBS titles were replaceable through Amazon.com;
 - when available, a replacement copy of a PBS work averages \$42.84.

VAR-CNI, Dec 11, 2012

1,397 Videocassettes

- U.S.-Based Imprint/Distrib. 'Orphans'
- Foreign Imprint/Distrib. 'Orphans'
- No Cataloging Information
- U.S.-Based Major Imprints/Distrib.
- University Publications/Documentation
- Other Provenances

"Dead Media"
Noah Scalin, 2012 @ TCC Visual Arts, VA
497 tapes

VAR-CNI, Dec 11, 2012

Examples of U.S.-Based 'Orphans'

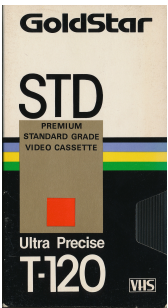
- "Strawberry Fields: Dolores Huerta & the United Farm Workers" (People's Video Network, 1997)
 - NYC-based collective organization's video interview with labor rights workers
- "Live from Europe: the Blind Boys of Mississippi" (Gospel Jubilee Video, 1999)
 - Long-running Chicago television program (1963-84) release
- "ISDN, Integrated Services Digital Networks" (1985, Bell Communication)
 - AT&T subsidiary technology educational video
- "Coital Alignment Technique: the Key to Simultaneous Orgasm" (2001, Marriage Science)
 - Sex education researcher's self-release

VAR-CNI, Dec 11, 2012

Examples of Foreign 'Orphans'

- "Ice Cream in Glym" (Pyramid for Cinema and Video, 1992)
 - Feature-length music video of Egyptian singer Amr Diab
- "Amas de casa [Housewives]" (Colectivo Cine Mujer, 199?)
 - Short by Mexican 1970s women's filmmaking collective
- "Léon-Gontran Damas: ce pays de Guyane à mon coeur accroché" (C.R.D.P Antille-Guyane, 1991)
 - Documentary on black French intellectual, writer, and founder of the 1930 Négritude movement
- "Fabulous Rio & Carnival" (Rio Productions, 1987)
 - Independent release from southern Ontario company

VAR-CNI, Dec 11, 2012




GoldStar
STD
PREMIUM STANDARD GRADE VIDEO CASSETTE
Ultra Precise
T-120
VHS

U.S.-Based Major Imprints/Distributors

- Electronic Arts Intermix (76 titles)
- Museum of Modern Art (35 titles)
- Video Data Bank (35 titles)
- Labor Institute of Public Affairs (30 titles)
- Shokus (29 titles)
- First Run/Icarus (21 titles)

VAR-CNL, Dec 11, 2012

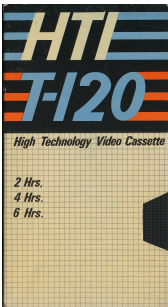


JVC
VHS VHS CASSETTE
T-120
DYNAREC

Other Provenances

- Broadcast News outlets (BBC, NBC, ABC)
 - Topical news segments no longer individually available for purchase, and journalistic documentary with expired distribution agreements
- PBS-distributed works
 - Finite distribution agreements provoke difficult issues with underlying rights (eg. footage licensing), and necessitate deeper replacement research in contacting original (often defunct) original producers and production companies
- Music Videos and Promotions
 - Rare and unavailable, yet rights-wrought miasmas in litigious new music marketplace

VAR-CNL, Dec 11, 2012



HTI
T-120
High Technology Video Cassette
2 Hrs.
4 Hrs.
6 Hrs.

Titles with No Cataloging Information

- Empty MARC 260 Field
- 163 of 1,397 [12% of NYU VHS holdings]
 - Titles held by Special Collections
 - Titles ordered, yet never received
 - Titles still requiring cataloging
 - Titles in ALL CAPS, whose ingest was never completed
- NB: research did uncover an out-of-print 1997 series of 100 lectures by profs @ Beijing Univ.

VAR-CNL, Dec 11, 2012

Scarcity Methodology – Cataloging Issues
Parsing editions of titles on item-level, developing selection & curatorial priorities in conversation with collections managers

Rolling Stone presents twenty years of rock & roll
Author: Dennis Hopper: MGM/UA Home Video (Firm)
Publisher: Culver City, CA : MGM/UA Home Video, 1980.
Edition/Format: VHS video : VHS tape (Visual material) : English View all editions and formats

Rolling Stone presents twenty years of rock & roll
Author: Lorne Michaels; Malcolm Leo; Dennis Hopper: MGM/UA Home Video (Firm)
Publisher: Culver City, Calif. : MGM/UA Home Video, 1990.
Edition/Format: VHS video : VHS tape (Visual material) : English View all editions and formats

Twenty years of rock & roll
Author: Peter Elbling; Dennis Hopper; Malcolm Leo; James Signorelli; Steve Muscarella; © All authors
Publisher: [Australia] : CEL Entertainment, [D1988]
Edition/Format: VHS video : VHS tape (Visual material) : English View all editions and formats

Rolling Stone - 20 years of rock & roll.
Publisher: Straight Arrow, 1987.
Edition/Format: VHS video : VHS tape (Visual material) : English
Rating: 4.0 out of 5 stars (144 user ratings) 100% with reviews - Be the first.

VAR-CNL, Dec 11, 2012

Scarcity Methodology – Cataloging Issues
Research generated a list of multiple records for cataloging conforming

All Authors / Contributors: Dennis Hopper: MGM/UA Home Video (Firm)
Find more information about: Dennis Hopper (3) (Go)

ISBN: 0792801210 9780792801214
OCLC Number: 20984046
All Authors / Contributors: Lorne Michaels; Malcolm Leo; Dennis Hopper: MGM/UA Home Video (Firm)
Find more information about: Lorne Michaels (3) (Go)


ISBN: 0792801210 9780792801214
OCLC Number: 42487334
All Authors / Contributors: Peter Elbling; Dennis Hopper; Malcolm Leo; James Signorelli; Steve Muscarella: Rolling stone: Radio Vision
Find more information about: Peter Elbling (3) (Go)

OCLC Number: 221912491
Document Type: Visual material
OCLC Number: 22875694
Description: 1 videocassette (97 min.)

VAR-CNL, Dec 11, 2012

Scarcity Methodology – Editioning Problems
So-called "scarce" titles according to OCLC indexes, may appear in subsequent future 'media package' editions & compilations

- Mid-1990s Bonn, Germany distributor Inter nationales 'VHS Berlin Alexanderplatz [videorecording] : Beobachtungen bei den Dreharbeiten = Observations during the shooting of the film / ein Film von Hans Dieter Hartl



FEATURES

- Two new documentaries by filmmaker Hans Dieter Hartl: "Beobachtungen bei den Dreharbeiten" and "Beobachtungen bei den Dreharbeiten - Teil 2".
- Documentary notes on the making of Berlin Alexanderplatz.
- Interview with Hans Dieter Hartl.
- DVD-RS from the Criterion Collection.
- New video interview with Hans Dieter Hartl, and the DVD-RS from the Criterion Collection.

- Hans Dieter Hartl's short documentary appears as supplemental material on Criterion Collection 2007 DVD release

VAR-CNL, Dec 11, 2012

“Reasonable Effort” Replacement Methodology

- Step 1
Searching for new, unused replacement copies at a “fair price” on:
 - * Amazon-ia (Amazon.co.uk; Amazon.ca; etc.)
 - * Web searches
- Step 2
Direct email & registered mail inquiry to original distributor:
 - * available online contact information;
 - * forwarding info from catalog purchaser/company;
 - * via Secretary of State business registry addresses
- Step 3
List serv database & community inquiries
 - * VideoLib

VAR-CNI, Dec 11, 2012

Development of Request for Proposals Template

Video At Risk AMIA 2012
December 6, 2012



RFP Components

- Essential steps & specs needed to outsource video reformatting process
 - * Standardize language, outline technical characteristics of analogue video w/r/t A-D reformatting
- Recommend file formats & suggest A-D workflows
 - * Preservation master best practices
 - * Highlight partner delivery platforms & mechanisms
- Appendices
 - * Quality control protocol
 - * Video glossary
 - * User manual & annotated resources guide

VAR-CNI, Dec 11, 2012

Future Issues

VAR-CNI, Dec 11, 2012

36

Need for Metadata extraction tool

- When we get all these digital video files back from the vendor, need a tool for extracting technical metadata, adding it to our own metadata tracking systems, & managing them
- Would like to build an open-source well-documented tool with a friendly user interface to
 - Extract technical MediaInfo library metadata from AV files in batch mode
 - Generate & verify checksum fixity for AV files
 - Export results in various formats & SIP compliances needed by repositories (ie. CSV and XML)

VAR-CNI, Dec 11, 2012

37

Further Issues to Explore

- Indicators to show whether the content of a DVD replacement is close to that of the original VHS copy
- Concepts for determining which of these works are worth preserving (scarcity? circulation? others?)
- Analyzing video publishing/distribution market
 - Find predictors for longevity, going out-of-print
 - Tracing which backlists are bought up by which new distributors

VAR-CNI, Dec 11, 2012

38

Further Issues to Explore

- Expand and hone the due diligence search for Orphan works; develop metrics of success for various methods/procedures
- Investigating other metrics for tape degradation.
 - We are currently testing both the Fourier-Transform InfraRed (FTIR) and DART-MS spectrometry approaches at measurement of tape binder and degradation. Testing is being performed in collaboration with Eric Breitung, Preservation Scientist at the Library of Congress and IMLS.

VAR-CNI, Dec 11, 2012

39

NYU's Video At Risk

- <http://besser.tsoa.nyu.edu/howard/Talks/>
- <http://www.nyu.edu/tisch/preservation/research/video-risk/>

- **Video At Risk Project: Background & Overview**
- **Intellectual Property & §108(c) Guidelines**
- **Scarcity & Replacement Research Initial Findings**
- **Reformatting: technical issues, RFPs to vendors**
- **Future Issues**

VAR-CNI, Dec 11, 2012

40