This working group has summarized the primary issues related to the transfer of MARC records via Z39.50 for cataloging purposes and is beginning to work on specific recommendations.

**Ethical and Legal Issues**

1. **Cooperation and Permission**
   The capture of MARC records via Z39.50 is most frequently accomplished with no interaction between the source library and the receiving library. The receiving library is, in essence, taking advantage of someone’s cataloging effort without asking permission or offering anything in return. Some libraries feel that this sort of activity negates the cooperative approach established and valued by libraries and undermines resource sharing because holdings are not contributed to shared catalogs or databases.

   - Permission is not required to use records from the Library of Congress database. The Library of Congress has expressly made their catalog and catalog records freely available for access and use. They consider their records to be products of government employees in the course of public employment which should thus be available to the public.

   - Many commercial Z39.50 providers (e.g., BookWhere) provide lists of Z39.50 accessible library catalogs configured into their software, but have never obtained permission from those institutions to use their catalogs in this fashion. [see http://www.bookwhere.com/library.html -- the U of M, MnSCU PALS and “MN Test Server” are on this list]

2. **Legality of using records obtained from another system**
   If libraries are members of a cooperative system or shared database, they should be aware of any obligations of membership or limitations which that organization may put on use or distribution of its records.

   - OCLC: Full OCLC members may redistribute OCLC records to other libraries for non-commercial use and they may obtain records from sources other than OCLC, but they are required to contribute holdings to OCLC for all current roman-alphabet materials added to their collection, regardless of where they initially obtained the records.

   - RLIN: The RLG Service Agreement states that “Neither Institutions nor Permitted Users may systematically download and store copies of records from any Online resources for the purposes of resale, redistribution, or performing ongoing searching, nor may any record be stored, printed, published or distributed in any medium for any commercial purpose....Institution may make any use desired of its own records created using RLG systems or otherwise contributed to files owned by RLG. Institution may extract data and make copies of any other records found in files owned by RLG for use in library, archives, and collections processing, interlibrary loan, and other noncommercial purposes.”

   - Some individual institutions, including the U of M, have copyrighted their databases. We are still investigating the implications of this.
3. Contractual and Legal Implications

Many libraries purchase bibliographic records or record enhancements from vendors or other providers. This information is often considered proprietary and its use may be contractually limited. For example, a library might contract with a vendor to enhance its records by adding table of contents notes. The content of those notes is proprietary, protected by contract and could not legally be shared with other institutions. Such vendors include: MARCIVE, CIS, Syndetic Solutions, ERIC, Bell & Howell (UMI), netLibrary, and so on.

- For example, the MARCIVE service agreement for the Enhanced GPO Database Subscriptions states that “The Library and Member agrees to acquire records from the database for the Library’s and Member’s own internal use only and will not transfer any such records in machine readable form to any individual, corporation, firm, partnership, association, library utility, network or any other person or entity without the express written consent of MARCIVE.”

Practical Issues

1. Inefficiencies of searching multiple databases

   Using Z39.50 to search multiple library catalogs can be time-consuming and ineffective.
   - Searching too many databases at once leads to slow response times and long lists of results through which to sort.
   - Different libraries collect different sorts of materials, which might affect the hit rate for a search. For example, although the LC database is large, it would be a waste of time to search there for a video since they do not collect or catalog audiovisual materials.

2. System implications of nabbing large records

   The capture of catalog records via Z39.50 can have serious detrimental effects on the host database. The University of Minnesota, Twin Cities has encountered serious system problems caused by external clients posting Z39.50 hits against their catalog.

3. Potential negative impact on resource sharing

   One of the primary benefits of libraries cataloging in shared databases is that holdings are then represented. Effective resource sharing is dependent on knowing who has what. Shared databases are one of the most efficient means of determining that information. If libraries no longer obtain catalog records from, or contribute records to, the shared databases, then it is important that they find ways to make sure their holdings are represented or available to other libraries.

   NOTE: OCLC members are contractually obliged to contribute holdings to OCLC for all current roman-alphabet cataloging, regardless of where they obtain their catalog records.

4. Cataloging Standards

   Shared bibliographic databases, such as OCLC, typically have input guidelines based on agreed-upon standards (AACR2R, MARC21, LCRIs, LCSH, etc.). This ensures a certain degree of standardization and quality. Individual libraries, however, are free to follow local practices and add non-standard headings and information to their records. Obtaining records from a wide variety of sources will thus lead to uneven quality and lack of standardization.

Draft Preliminary Recommendations

We encourage libraries to obtain permission from a target library before taking copies of their MARC records via Z39.50.

Libraries should be prepared to inform others of proprietary information included in their database.
It is our understanding that Z39.50 technology can be adjusted to prevent the export of specific MARC fields. This might be one means of protecting some proprietary information.

The working group discussed advocating the possibility of including an agreed upon MARC field wherein a library could indicate the source of a record, the inclusion of proprietary information in a particular field or other related data. Or, when libraries add proprietary information, they could add it in a unique field (such as a 970), so that it would be easier to identify and block from export, if necessary.

Small libraries should be aware that there are low-cost alternatives for finding quality records: CatExpress, LaserCat/FastCat, BiblioFile, etc.

At some point a “Best Practices” document might be helpful. Perhaps after a few libraries are up on ExLibris and have experimented with capturing records such a document can be put together. It is also something that should be monitored closely to see what other institutions are doing. Such a document might suggest good targets for specific types of libraries, outline the types of materials included and not included in common target libraries like LC or the U of M, give guidelines on asking permission before capturing records from another database, and give warning about proprietary information or trying to capture long records.

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