

THE FUTURE OF PUBLISHING – A VETERAN’S PERSPECTIVE

Earlier this year, the acclaimed publisher Jason Epstein participated in the WIPO High Level Dialogue on the Book and Publishing Industry. He shared his views about the future of publishing, and the need to fine-tune copyright law to the demands of the digital environment. Throughout a distinguished career spanning 50 years, Mr. Epstein’s foresight and entrepreneurial flair have helped push forward the frontiers of publishing. In addition to serving as Editorial Director of Random House¹ for 40 years, he co-founded the *New York Review of Books*, launched the paperback revolution with the creation of Anchor Books, and was a founder of the Library of America and the Reader’s Catalogue, the precursor to online bookselling. The following are excerpts of his remarks at the WIPO event.

What I know about copyright is only what I needed to know as Editorial Director of Random House. Of one thing I was sure: our industry and the writers on whom we depended, and the culture which they helped create, could not have survived without effective copyright. Writers must eat. Without well-fed writers contributing over millennia to human knowledge, we would know practically nothing about who we are, where we came from and where we may be going. Of ideas, the great J.M. Keynes said “the world is ruled by little else.”

The onrushing digital future, a radical departure from the 500-year-old Gutenberg system, while a blessing to readers and writers, presents a complex challenge to copyright theorists not only to contrive new systems of protection but new means of policing.

Gutenberg’s press mechanized copying and made copyright necessary. Digitization makes copying instantaneous and viral, and renders existing laws obsolete. I leave it to experts to find a solution and hope they succeed, for – to put it bluntly – they must.

Our civilization has been enriched, preserved, interpreted and handed down to us mainly by writers. Our future too is in their hands. Copyright is the *sine qua non* of their survival. Without it, writers cannot afford to write, and how then shall we learn who we are?

The publishing industry... is in the early stages of a radical transformation that will render all traditional functions, procedures and infrastructure technologically obsolete, including traditional copyright

law. The 500-year-old Gutenberg system, with its physical inventories, costly warehouses and fixed retail locations, is being replaced by a radically decentralized, digital world market served by a virtually unlimited and largely unfiltered, multilingual and rapidly expanding digital inventory, stored and delivered at virtually no cost and which can be downloaded with the click of a mouse practically anywhere on earth.

In the digital future, anyone, anywhere, can be a published writer, and anyone can become a publisher. The traditional filters – agents, editors, reviewers – will continue to identify talent, for this is a function of human nature. However, even the great, undifferentiated mass of content made possible by digitization requires protection, for who knows in advance when other Shakespeares will emerge from the digital chaos?

Tomorrow’s publishers will be very different from today’s multinational conglomerates with their many imprints, costly and time-sensitive physical inventories, layer upon layer of management, costly midtown premises and, in the United States, a shrinking retail marketplace. Today, an edited manuscript ready for production is assigned a place on a publisher’s production schedule whose stages – copy editing, design, legal vetting, galley proofs, galley corrections, market planning (including publicity arrangements, manufacturing, shipping and so on) – will consume months before the book is finally put on sale. In the digital future these functions will be eliminated or compressed so that most content will be posted online for instantaneous worldwide distribution and evaluation within days of completion.

¹ Random House is the largest English-language general trade book publisher in the world. In 1998 its ownership passed to the German private media corporation Bertelsmann.

The radically decentralized marketplace and the proliferation of content providers in the digital future are at once a blessing for readers, millions of whom may never before have had access to books much less in their own languages, and to writers who will now have access to armies of new readers.

The transnational, digital marketplace will obliterate traditional territorial boundaries so that content generated anywhere may be downloaded everywhere, directly from content provider to end user. Much of this content will be of no value, commercially or culturally. Nevertheless, any future protocol must provide worldwide protection to all content, regardless of its merit or origin, from the moment of first distribution. It must also allow for legitimate worldwide sharing.

For content printed on demand at the point of sale, policing will not be a problem since the sale is instantly recorded, payment received and distributed and the file deleted as the book is printed.

For content downloaded onto portable devices or computer screens, the file is vulnerable and policing will be a problem. Digital Rights Management - software designed to protect digital files from unauthorized copying - is penetrable not only by pirates but by self-described public benefactors who believe that content should be free, as well as by legitimate researchers.

The doctrine of first sale² and secondary markets must be reconsidered. I leave it to experts to solve this problem and pray that they succeed, for if they don't the entire digital enterprise becomes problematic, and there will be no prior infrastructure to return to.

Reference materials – dictionaries, atlases, manuals and similar compendia – whose content is dated the moment it is printed need no longer be published in book form but made accessible online by subscription and downloaded item by item, protected by password. The same will be true of journal content and similar technical and scholarly materials. File sharing among friends and professional colleagues willing to share their passwords will be commonplace and difficult, if not impos-

sible in some cases, to prevent. In such cases, the only possible policing may be self-policing as in the informal honor system that has always protected such works in progress.

Traditional publishing and marketing will survive for categories as yet unsuited to digital reproduction and transmission, such as the fine arts and photography, case-bound children's books and so on.

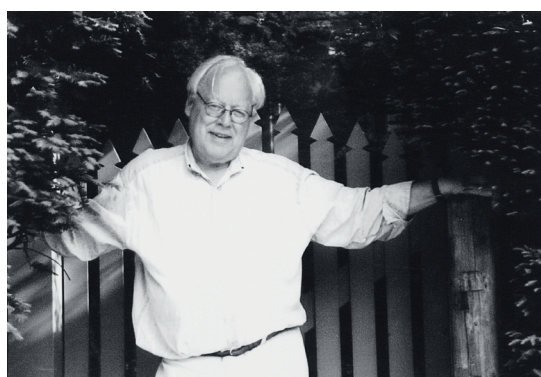


Photo: J. Epstein

Jason Epstein

Small groups of like-minded editors initially devoted to a particular subject – flower arranging, classical Chinese poetry, Indian cookery, nuclear fusion, yoga – to be marketed by websites of related interest, will be tomorrow's digital publishers. These start-up publishers will find customers by submitting their files to websites of related interest which will also serve as filters, selecting the best content and rejecting the rest. Reliable websites offering reliable content will flourish while disreputable websites will fail, according to the timeless pattern.

Titles of broader interest will migrate to social networks or general marketing websites, again in timeless fashion. Start-up digital publishers will depend upon freelance digital marketing experts until they learn the necessary skills themselves. Digital publishing groups need not occupy the same quarters or even the same city or country but, like software developers, can work online from wherever they happen to be. Since most support staff, copy editors, designers, legal experts and so on will be hired as needed and there will be no investment in physical inventory and its infrastructure, the cost of entry will be minimal.

Editorial talent will determine success or failure as it did in the Random House of the 1970s. Authors'

² Whereby the copyright holder's right to control the change of ownership of a particular copy ends once ownership of that copy has passed to someone else, as long as the copy itself is not an infringing copy.





Photo: Xerox Limited

The Espresso Book Machine automatically produces a library quality paperback within minutes at the point of sale

advance payments against future royalties may be provided by outside investors, or publishers and authors may form joint ventures. Production costs will be minimal. Editors may manage the business themselves or hire managers to handle these details for them. Systems and protocols, as always, will emerge in practice. In this way, the industry will have reverted to a traditional editorial environment adapted to the digital age.

I have outlined a very broad sketch of a likely digital future, as a 16th century Venetian might have done when contemplating the Gutenberg press that had

just arrived in his workshop. He could no more have foreseen the larger consequences of this new invention - the expansion of literacy, the proliferating Reformation and subsequent Enlightenment, scientific method, the French Revolution – than we can foresee the digital world to come. I can speak about the impact of this revolution only with respect to how literary content will be edited and sold in the digital future, which will arise spontaneously as it has already begun to do in the United States, where it will recreate the historic editorial function unencumbered by the accumulated distortions of today's industry. Existing publishers as well as Amazon have announced plans to launch such free-standing editorial groups, and one must wish them well. However, my guess is that the real impetus will come from outside the present industry, as the technological opportunity becomes increasingly apparent to would-be authors, editors and publishers.

The time is short in which to conceive and institute new worldwide uniform copyright protocols and new technology to prevent unauthorized access to the Niagara of content about to descend. I am delighted that WIPO has begun the process.

On Demand Books

Jason Epstein was quick to recognize that digital technologies would “change everything” in the publishing trade, and that it would be possible to deliver “a manuscript in electronic form directly to the end user with no intermediate step, no bookseller.” He recognized that “something like an automated teller machine (ATM) for books” would be required to make this possible.

Following a series of lectures on the future of publishing at the New York Public Library, he learned that an engineer, Jeffrey Marsh, based in St. Louis, U.S., had come up with such a machine. Mr. Epstein licensed it and, together with Dane Neller, co-founded On Demand Books, which licenses the machine, known as the Espresso Book Machine, to retailers, libraries and universities around the world.

Users access a digital file from a vast web-based catalogue of titles at the EBM (equipped with its custom EspressNet software) or remotely, and can also load their own files onto it. The files are transmitted to the machine which automatically prints, binds and trims a library quality paperback within minutes at the point of sale. All jobs are tracked, royalties are automatically remitted and the file is deleted the moment it is printed.

The EBM is helping to keep publishers in business and to draw customers into bookstores. It also holds great promise for those in regions where access to books is difficult. Characterized as a “bookstore in a box”, it offers immediate access to a vast, multilingual catalogue of titles at the click of a mouse and eliminates storage and delivery costs.

The patented EBM is the subject of an international patent application (WO/2002/045923) under WIPO's Patent Cooperation Treaty (PCT).