

Jonathan's Rough Guide to Grey Literature, Samizdat and Collection Weeds

The art of collecting is to pursue a particular theme. Mostly the themes of collectors are quite simplistic; how many times do you hear the phrase, "She collects elephants" (for elephants, substitute buddhas, penguins, owls, seahorses or just about anything else). However, on occasions, themes can become quite strange. For example, a college lecturer in the 1980s was collecting a disjointed set of early 20th century book publications, not first editions, not the work of one author, not even the work of one publisher. The connection between these works was that they had all been highlighted in a special edition of the periodical 'The Studio' as excellent examples of (then) modern book production. His aim was to collect all of the volumes exhibited in both the articles and the adverts so that the periodical itself became the catalogue of his collection. The more eclectic a collection, the more likely it is that the collection will sprout the occasional 'Weed' or two, in fact some collectors concentrate purely on the 'Weeds' to the exclusion of all else.

So what do we mean by 'Weed'? Well a Weed is an item of dubious origin, a counterfeit, forgery or otherwise illicitly produced object. Weed collectors are generally concentrated in the field of audio arts, where they are mostly known as 'Bootleg Collectors'. There have however been several noticeable exceptions to this generalisation. One British lord of the late 19th and early 20th century, specialised in the collection of fake medieval incunabula. Another specialised in the collecting of counterfeit Egyptian artefacts. One wealthy collector of the late 20th century specialised in the collection of art forgeries.

Depending upon the quality of a collection weed and its production intention, it can sometimes be very difficult to spot the difference between a counterfeit and an original item unless the examiner has specialist knowledge in a diversity of areas.

For many collectors, the presence of a weed is an anathema, while to others weeds are as much part of a collection as the genuine item. This article will describe the various forms of weeds that may be encountered by any serious collector.

Grey Literature

The Fourth International Conference on Grey Literature in Washington, DC, in October 1999 defined grey literature as follows: "That which is produced on all levels of government, academics, business and industry in print and electronic formats, but which is not controlled by commercial publishers."

In general, grey literature publications are non-conventional, fugitive, and sometimes ephemeral publications. They may include: non-commercial translations, unauthorised copies of works and unauthorised facsimiles of works.

Grey literature is generally produced for the purpose of the dissemination of information; it is extremely rare that such material commands a purchase price, except when arriving at second hand dealers.

Samizdat

During the cold war period, the import of literature to the Soviet Union was rigidly controlled. As a consequence, an illicit underground printing and distribution network materialized to make available to the Soviet public those works considered by the Kremlin to be 'subversive'. Translations of western literature were printed on presses hidden in attics or basements, copied one at a time on typewriters or even written out by hand. Samizdat was traded via 'friends of friends'. The most notable Soviet Underground Pirate to have been printed is of course Dr Zhivago by Boris Pasternak, the print run of which exceeded 1,000,000 copies, an immense number for an underground publication. Even so, the acquisition of a Soviet Underground copy is extremely difficult and expensive. Samizdat generally possessed covers which were simply titled on plain card, some more decorative issues used wallpaper laminated to card for covers. Generally, the paper stock of the underground pirates was of a more sound quality than the cold war issues. This was because the paper was often handmade from recycled paper and cotton rag as the purchase of bulk supplies of paper would have drawn attention to the underground enterprises.

Pirate Copies

Pirate Copies, sometimes also known as 'Bootleg Copies'¹, are illicit copies of currently available works, reproduced without the authorization of a rights owner. Generally, a pirate copy is manufactured solely for the purpose of profiting the producer, however, on occasions; there may be mitigating reasons for the production of such material. Profiteering pirate copies usually

¹ Not to be confused with bootleg recordings which are generally marketed copies of illegally recorded concerts.

attempt to replicate in every way, the 'official' publication, ending up on flea-market stalls at apparently knock-down prices. With the increase in small-run print capability and improved production techniques, pirates are almost indistinguishable from original copies, many pirate copies are now finding their way into bona fide retail outlets. This made headlines a few years ago when a shipload of Harry Potter forgeries, destined for highstreet bookstores was intercepted on its way from the far east.

It is argued by many that big-business piracy subsidises crime and terrorism and there is substantial evidence to support this, but with regards to small scale piracy, this seems doubtful. With the less 'commercial' pirates, the creation of an exact facsimile of an 'official' version is generally avoided as the main purpose is to disseminate the literature. Generally, modern pirate issues of works which are no longer 'officially' available are considered to be 'Grey Literature' rather than Pirates.

Asian Pirates

In Cambodia, Korea, Thailand and India, since about 1990, there has been a large business in pirated facsimiles of books, ranging in quality from glued photocopies to fully printed facsimiles with genuine paperback covers. Despite recent crackdowns, the asian book counterfeiting enterprises constitute 90% of book forgeries worldwide. Two non-asian countries are also responsible for the output of Pirate editions; Uganda and Zimbabwe. Kenya is also suspected of turning a blind eye to this trade.

Cold War Issues

During the cold war, the import of literature to the Soviet Union was expensive and not consistent with the fixed-price regime used by the governments behind the iron curtain. The consequence of this was that western works approved by the Soviet Government were printed within the USSR for sale within the union. These printed works never recompensed the rights owners in the west and since the Kremlin were both unapproachable and unrepresable, the rights owners could not stop these publications. Cold War issues generally did not replicate western covers, but were bound in Soviet designed covers ranging from single colour to multi-colour printings. On occasions, the paper used for printing was substandard, often being contaminated by unrefined river water during the papermaking process. One Cold War Issue examined by me, required a mask and gloves due to the noticeable odour of effluent emanating from the pages.

Plagiarised Copies

A plagiarised copy is a work which has been issued by a person claiming to be the author of the work. Generally, plagiarised copies are of technical and scientific works, however plagiarised works of literature are not uncommon.

Forgeries

A forgery is a work (usually original) which has been illicitly produced with the intention to dupe others into believing that the work is that of another. Forgeries commonly appear in the art world, and many mediocre artists have made a handsome profit through passing their pastiche works off as the works of others. Forgeries are also common in the world of literature; many an 'original' or 'new work' by William Shakespeare has apparently been discovered over the years, only to be exposed by forensic paper scientists as forgeries. Even such dubious tomes as the diaries of Jack the Ripper and Adolf Hitler have appeared only to be debunked after production to the public.

Referencing Weeds

In the opinion of some intellectual rights owners, weeds should not be referenced in any way considering that such referencing may constitute an advertisement of the work which therefore may promote its sale. To date, there is no evidence to support this supposition and the referencing of weeds in critical, research and analytical bibliographies is generally considered to be acceptable. At the moment, there is no formalized structure of identifying a weed (except plagiarisms) within references, however the recent increase in the necessity of referencing grey literature for scientific, technical and governmental purposes has led to a drive towards formulating a coordinated strategy.

Since Titles and Names are not covered by copyright legislation (they may only be trademarked), it is not illegal to produce a bibliographic reference without the permission of a rights owner. Therefore, although the owner of an intellectual right may object to the inclusion of a weed within a bibliography, they have no legal foundation for exercising the editorial control necessary for having it removed.

Collecting Weeds

Many collectors specialise in the acquisition of illicit copies centred upon their collection themes. The legality of this is somewhat dubious and has not been tested in court. It has been argued that the collecting of weeds promotes their production and this may be true for forgeries and bootleg recordings (not to be confused with bootleg publications), however it is unlikely that this will be the case with Gray Literature and Pirates since for a production to become profitable, there needs to be a sufficient demand and this will only generally occur with mass-market publications where the demand is to read, rather than to collect.

The acquisition of weeds is, in most cases quite a difficult occupation, which is why it presents such a challenge to collectors. This is due to the inability of a collector to trace copies, even if precise production information is known. Occasionally, a weed will appear in a re-sale shop such as an antiquarian or second hand book dealers. Usually, weeds tend to be acquired on behalf of collectors, near the production locality when they appear on market stools or in thrift shops. Today, ebay has become a source for the acquisition of weeds, although unless the counterfeit is a tertiary sale, payments made will undoubtedly be subsidising some form of criminal activity.

For highly collectable weeds, such as for example the USA first librettos of the Mikado (Gilbert and Sullivan) these only now appear in auction house catalogues, due to the rarity and collectability.

In some cases, the cost of collecting a weed may exceed the cost of collecting a genuine artefact. This is borne out by the present cost of early Alice in Wonderland forgeries, which now retail at up to three times the cost of the 'official' first edition, principally because of smaller printing runs and destructions resulting in an increased rarity.

The Legality of Collecting Weeds

According to UK copyright law; 'a person may import an infringing copy for personal and domestic use'. This seems to imply that a collector may import and own a copyright infringing work. However, other aspects of the same legislation indicate that a collector will be required to surrender copyright infringing work to the owner of the intellectual property, or someone acting on their behalf. This creates a quandary; can a collector in fact collect and own infringing copy? So far, no literary executor has challenged collectors pursuing this sport, and it is generally accepted that a collector may possess such material as a collection item, since the intention of the rights owner is to destroy the distribution of counterfeit goods (which interferes with their legal right to profit from the material) rather than destroy the goods themselves. Probably one of the most interesting and early examples of this is the Curtis Warren set of Azan the Ape Man, which after a short court case in the 1950s was accepted as being an infringement of the Intellectual Property rights of the Edgar Rice Burroughs estate. Curtis Warren were ordered to withdraw and destroy all copies. Although a few were destroyed, enough had been released to the market that even now it is possible to acquire and assemble a complete set of the six books with relative ease. The ERB estate, (according to the legislation), are within their rights to demand that the volumes in the possession of known collectors be handed over for destruction, however they don't. Why? Probably because of the costs involved in pursuing individuals for the criminal act of owning a book would not be an effective use of expenses. Besides, Curtis Warren collapsed many years ago, and so the issue of distribution does not arise.

So, although collecting weeds may be considered to be legally dubious, it is unlikely that a collector will be pursued for copyright infringement on account of owning a weed. Please note that this applies to publication weeds alone, audio recordings are a completely different issue.