WHAT'S NEWS

REPORT

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INTERNATIONAL COPYRIGHT PROTECTION

AAP Underscores Importance of Copyright to U.S. Economy, Jobs

On January 30 AAP President and CEO Pat Schroeder joined with representatives of other copyright-based industries to bring a vitally important message to Congress: America's creative industries remain the most dynamic and fastest growing segment of the U.S. economy.

Mrs. Schroeder spoke at a press conference on Capitol Hill which accompanied the release of a report, *Copyright Industries in the U.S. Economy: The 2006 Report.* Prepared by economist Stephen E. Siwek for the International Intellectual Property Alliance (IIPA), the report updates ten previous studies. Among the highlights:

- The U.S. "core" copyright industries (industries whose primary purpose involves the production and/or distribution of copyright materials) accounted for \$819.06 billion or 6.56 percent of the U.S. gross domestic product (GDP);
- The core copyright industries were responsible for 12.96 percent of the total economic growth achieved by the U.S. economy in 2005;

- The core copyright industries led all other major industry sectors in foreign sales and exports, estimated to be at least \$110.8 billion in 2005;
- Some 5.38 million American workers were employed in the core copyright industries in 2005 (4.03 percent of the U.S. workforce), and they earned an average of \$69,839 in annual compensation, 40 percent more than the average U.S. worker.

Key members of Congress were on hand for the press briefing, including House Judiciary Committee Chairman John Convers (D-MI), Congressman Adam Schiff (D-CA), a member of the House Judiciary Subcommittee on the Courts, the Internet and Intellectual Property and co-Chairman of the Congressional Anti-Piracy Caucus, and Congressman Bob Goodlatte (R-VA) a member of the House Judiciary Committee. Other copyright industry representatives who joined with Mrs. Schroeder at the briefing were: Dan Glickman (Motion Picture Association of America); Mitch Bainwol (Recording Industry Association of America); Doug Lowenstein (Entertainment Software Association); Robert Holleyman (Business Software Alliance) and David Israelite (National Music Publishers Association).

Mrs. Schroeder, who focused her remarks on the report's findings of strong employment and high wages, said: "The U.S. copyright

industries provided jobs for **5.38** million American workers, more than 4 percent of the total workforce, in 2005. And not just jobs, but good jobs—the kind of jobs that are the backbone of the middle class! At a time when American jobs are disappearing overseas at a frightening rate, it's pretty obvious that our copyright industries are an invaluable resource and a national treasure!"

AAP, PA Applaud China's Crackdown on Textbook Piracy

AAP joined with the Publishers Association (U.K.) in issuing a statement on January 17 expressing approval of recent actions taken by officials in the People's Republic of China sending a message that the Chinese government intends to seek out and punish those responsible for the unauthorized textbook copying on university campuses.

The two groups cited the recent Punishment Decision (PD) issued by the Copyright Bureau in Hubei Province, in cooperation with the National Copyright Administration of China, against Tongji Medical College of Huazhong University after the medical college textbook center was caught with thousands of infringing copies of books in a raid (initiated by AAP and the PA) on September 22. Under the terms of the PD, Tongji Medical College was 100,000 RMB—about fined US\$12,000— the maximum fine permissible, and was ordered to stop all infringing activity. All of the pirated books were confiscated.

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The Huazhong PD follows others issued against universities throughout China as part of a recent nationwide crackdown on illegal textbook copying on university campuses. Following investigations, Chinese copyright authorities have taken action against a number of universities, including Tsinghua University in Beijing, Fudan University in Shanghai, South China Normal University in Guangzhou, and Wuhan University, among others. A total of seven Punishment Decisions were issued in the closing months of 2006, sending a message that illegal photocopying will not be tolerated on China's university campuses.

The AAP/PA statement took special note of the "unprecedented cooperation" between national copyright and publication authorities and education officials in the effort to get the word out on universitybased piracy. The National Copyright Administration of China and the General Administration of Press and Publication of China have joined forces with the Ministry of Education in issuing a series of notices in recent months, warning regional and local bureaus and universities at all levels that illegal copying will not be tolerated. The notices, dated August 29, September 27 and November 10, 2006, order universities to cease unauthorized activities and to implement measures to ensure use of legitimate materials by China's students and professors. All universities were urged to monitor implementation of the directives, stipulating that textbook centers be free of infringing materials by the end of December and that failure to comply would be punishable.

The two groups noted that Chinese students benefit from access to the best information available, that American and British publishers are sensitive to the needs of Chinese students, and that legitimate trade in books produced by American, British and Chinese authors continues to expand. This year, more than a hundred representatives of U.S. and British publishing houses attended the Beijing Book Fair, and the number of Chinese publishers attending the London Book Fair and Book Expo America continues to increase, highlighting the enormous interest and opportunity for growth in publishing across borders. However, Chinese, British and American publishers have been losing hundreds of millions of dollars annually to commercial-scale photocopying of textbooks, and the PA and AAP reaffirmed their commitment to work with Chinese authorities and colleagues in the Chinese publishing industry to end the problem.

For additional information: Patricia Judd, AAP Washington (pjudd@publishers.org).

SMALLER & INDEPENDENT PUBLISHERS

Co-Publishers of Melville House Win 2007 Miriam Bass Award

AAP announced February 6 that Dennis Loy Johnson and Valerie Merians, co-publishers of Melville House Publishing (based in Hoboken, New Jersey), are the recipients of this year's Miriam Bass Award for Creativity in Independent Publishing. The award will be presented in New York on March 7, during AAP's Annual Meeting for Smaller and Independent Publishers.

The award, given annually, was created in memory of Miriam Bass to honor her many contributions to the book publishing community, and is co-sponsored by AAP, Rowman & Littlefield Publishing Group, and National Book Network (NBN). It carries a \$5,000 cash prize, which is fully funded by Rowman & Littlefield and NBN.

A judging committee representing a cross-section of the publishing industry selected Mr. Johnson and Ms. Merians, in recognition of their devotion to their calling and the strategic innovations that have made Melville House, within five years of its founding, one of the industry's most successful independent publishers. Recent successes include the best-selling Sister Bernadette's Barking Dog released in November 2006, Articles of Impeachment Against George W. Bush, authored by the Center for Constitutional Rights and released last February, What We Do Now, released a mere month after the 2004 Presidential Elections, and the highly publicized Who Killed Daniel Pearl?, released in September 2003.

Self-styled as "Publishing literary fiction, non-fiction and poetry – and liking it," Melville House has published widely respected literary figures, including Lewis Lapham, Bernard-Henri Lévy, Stephen Dixon, Mark Danner, Renata Adler, French Prime Minister Dominique de Villepin, Danny Schechter, Randall Kenan, and Edith Wharton. Melville House was founded in 2002 by Johnson and Merians and made its first big splash with with the publication of *Poetry*

After 9/11, whic received wide praise and was featured in interviews on NPR, CNN and elsewhere.

On learning they were this year's award winners, Dennis Loy Johnson said that "The Miriam Bass Award recognizes the fact that even in a business as old as making books, innovation and creativity are not only still possible, but vital. We're thrilled to be chosen to represent that idea, and we're particularly honored because five years ago, when we told Miriam Bass that we were thinking of doing something as crazy and difficult as starting a publishing company, she was one of the few who said, 'good idea!'."

Jed Lyons, President of Rowman & Littlefield and Chief Executive Officer of National Book Network noted that "Miriam Bass' philosophy was all about creativity. I have no doubt she would be thrilled Dennis and Valerie have been acknowledged, and in her name, for their excellence in literary art, in a business that continues to expand its creative bounds by the ongoing exploration of creativity both in content, as well as process."

Paying tribute to this year's winners, Richard Nash (Soft Skull Press), who won the award last year, called Melville House "the Big Hit Story." Nash said that "Dennis and Valerie have had more success with Charlie Rose than any indie I can think of, and they've only been around for five years!" In an industry where bloggers often turn into authors, Melville House's Johnson, the former ur-lit-blogger of the mobylives.com web site, made the unique transformation from blogger to publisher. Melville House and its

titles have also been featured in *The New York Times, Vanity Fair, Harper's, The Wall Street Journal, The Washington Post, The Los Angeles Times, 60 Minutes, The Atlantic Monthly, Bill Moyers, and The Boston Globe, to name a few.*

When Mr. Johnson and Ms. Merians are presented with the Award on March 7 at the Rosenthal Pavilion of the Kimmel Center, New York University, they will share their journey to becoming publishing's "Big Hit Story of 2007" with the more than 100 independent publishers attending the AAP Smaller and Independent Publishers meeting. year's SIP Meeting is entitled Taking It to the Next Level" Seven Approaches To Make Your House More Successful," and sessions will address such topics as branding, niche marketing, lifestyle publishing, special market sales, subrights profitability, Internet connections with readers, and publicity. The full program and registration information can be found on the AAP web site at:

www.publishers/org/conferences.

AAP ANNUAL MEETING 2007

March 6 Meeting Will Explore "The Book World Gone Digital"

AAP's 2007 General Annual Meeting, which will be held at The Yale Club of New York on Tuesday, March 6, will look at "The Book World Gone Digital...In Debate."

Heavy-hitters on the speaker's roster include: Time, Inc. CEO Ann S. Moore; international intellectual property rights management guru Mark Bide of Rightscom Ltd; Bruce

Chizen, CEO of Adobe Systems; Tina Sharkey, Chairman of BabyCenter LLC (the leading online resource for new and expectant parents); Microsoft's Associate General Counsel Thomas C. Rubin; and Peter L. Bloom, Managing Director of private equity giant General Atlantic, LLC.

The meeting will also include presentation of the AAP Honors Award (this year's honoree will be announced in the coming weeks).

Additional information and online registration are available at: http://www.publishers.org/confer-

INTERNATIONAL FREEDOM TO PUBLISH

AAP Condemns Murder of Turkish Journalist

AAP joined international colleagues in expressing outrage at the assassination of journalist and editor Hrant Dink, a Turk of Armenian descent, who was shot outside the offices of his newspaper in Istanbul on January 19.

In letters addressed to the Turkish Prime Minister, the Turkish Ambassador to the U.S., the Minister of Justice, and Turkey's Permanent Representative to the United Nations, AAP welcomed the "immediate and emphatic" condemnation of the murder by the Turkish government and the prompt arrest of the individual suspected of pulling the trigger, and encouraged the government to carry out a full and far-ranging investigation to "bring all the conspirators to justice."

Mr. Dink was editor of *Agos*, a weekly Armenian/Turkish-language newspaper, who, while speaking out about the Armenian genocide during World War I, was seen as a strong voice promoting Armenian-Turkish dialogue. He was among the Turkish writers and intellectuals who have been prosecuted under the infamous Article 301 of the Turkish Penal Code, which makes it a crime to "insult Turkishness."

The AAP letter, co-signed by AAP President Pat Schroeder and Hal Fessenden (Viking Penguin), chairman of the International Freedom to Publish Committee, expresses strong support for current moves in the Turkish Parliament to repeal Article 301. "Turkish ultra-nationalists are using this and other articles to stifle freedom of expression, to target writers and journalists for attack, and to undermine Turkey's campaign to join the European Union. Swift and determined action to apprehend all those involved with Mr. Dink's murder, a transparent legal proceeding, and renunciation of the repressive articles that support the ultranationalist agenda are crucial for Turkey to ensure membership in the European Union and continued democratization," the letter states.

COPYRIGHT

Federal Appeals Court Rejects Latest Challenge to Copyright Term Extension

On January 22 ruling in *Kahle v. Gonzales*, a panel of the U.S. Court of Appeals for the 9th Circuit rebuffed what it characterized as plaintiffs' "attempt to tangentially relitigate" the U.S. Supreme Court

ruling in *Eldred v. Ashcroft*, which rejected a constitutional challenge to the Copyright Term Extension Act (CTEA). The appeals court affirmed a lower court ruling dismissing the suit, which was brought by the Internet Archive and argued by Stanford law professor Lawrence Lessig, and which asserted that the change from discretionary to automatic renewal of copyrights for works created between 1964 and 1977 had altered a "traditional contour of copyright" and therefore required First Amendment review of its constitutional challenge to the CTEA. The 9th Circuit panel noted that the plaintiffs in Kahle "make essentially the same argument, in different form, that the Supreme Court rejected in Eldred," while providing "no compelling reason why we should depart from a recent Supreme Court decision." The decision can be found at http:// caselaw.lp.findlaw.com/data2/circs/ 9th/0417434p.pdf

FREEDOM TO READ

AAP Applauds Decision to Throw Out Hatfill Suit

AAP welcomed the action of federal district judge Claude M. Hilton in throwing out—for the second time—a defamation suit against *The New York Times* brought by former Army biological weapons expert Stephen Hatfill. The judge announced his intention to dismiss the suit in January and cancelled the trial, which was set to begin on January 29. In a written opinion issued on February 1 he explained his reasoning.

The long-running suit for defama-

mation and intentional infliction of emotional distress was brought in Virginia by Hatfill over a series of columns in which Nicholas Kristof castigated the FBI for its handling of the investigation into the anthrax killings in the fall of 2001 and its failure to pursue a "person of interest." Not identified by Kristof initially, Hatfill subsequently revealed himself to be the "person of interest."

The case was initially dismissed by Judge Hilton but was reinstated by a panel of the U.S. Court of Appeals for the 4th Circuit in the summer of 2005 in a very troubling ruling which interpreted the Kristof columns as accusing Hatfill of criminal conduct. In October 2005, when the 4th Circuit denied a motion for rehearing, one of the most respected members of the Court, Judge J. Harvie Wilkinson, issued a blistering 16-page dissent saying that the panel had seriously misinterpreted Virginia's defamation law.

In February 2006, in the hope of obtaining a ruling that limits the liability of the press for accurate reporting on government investigations, AAP joined in asking for U.S. Supreme Court review. The Supreme Court denied the request, sending the case back for trial (see *Monthly Report*, February 2006).

In dismissing the case for the second time, Judge Hilton ruled that Hatfill was both a "public official" and a "public figure" and therefore needed to demonstrate that Kristof and the *Times* acted with "actual malice," a very high burden of proof. The ruling points out that Kristof had made efforts to avoid implication Hatfill's guilt, reminding readers of

the presumption of innocence.

Hatfill has announced his intention to appeal.

Campaign for Reader Privacy Welcomes Leahy's Call to Restore Civil Liberties

Prior to assuming the Chairmanship of the Senate Judiciary Committee in the new 110th Congress, Senator Patrick Leahy (D-VT), in a speech at Georgetown University Law School, called for the "restoration, repair and renewal" of civil liberties in the United States, including new legislation to repair the "erosion of privacy." Senator Leahy's remarks were welcomed by the Campaign for Reader Privacy, the joint initiative undertaken by AAP, the American Library Association, the American Booksellers Association, and PEN American Center, to restore reader privacy protections stripped away by the USA Patriot Act. In a press statement, the Campaign applauded Leahy's assertion that "Privacy rights belong to the people, not the government," and indicated that the Campaign will renew its lobbying efforts to strengthen reader privacy in the 110th Congress. "When the Patriot Act reauthorization was signed, I promised that the fight for reader privacy was far from over," said AAP President Pat Schroeder. "Senator Leahy's expressed commitment to restore civil liberties gives us the jump-start we need to renew that fight."

In a subsequent letter to Senator Leahy, the Campaign asked to meet with him to discuss reader privacy concerns.

AAP Joins in Supporting Publisher's Right to Keep Subscriber Lists Confidential

AAP joined in filing an *amicus* brief on February 2 to the Maryland Court of Appeals (the state's highest appellate court) in Forensic Advisors v. Matrixx Initiatives, supporting a publisher's right to protect the confidentiality of his subscriber list. The names of subscribers to an electronic newsletter are being sought by a pharmaceutical company in an attempt to learn the identities of individuals who may have posted negative comments about the company and who have been named as "John Doe" defendants in a defamation suit brought in another state.

In December 2006 Maryland's intermediate appellate court ruled that the electronic newsletter fell within the definition of news media for the purposes of Maryland's shield law, but ordered the publisher's deposition to go forward while allowing him to raise objections to specific questions (see *Monthly Report* November/December 2006).

The *amicus* brief argues that Maryland's shield law bars disclosure of the publisher's sources and information collected in the course of reporting, and that First Amendment protections of the right to speak and to receive information anonymously protect the publisher's subscriber list. The brief argues that before intruding upon the First Amendment right to anonymous speech, the court should, in civil litigation, require a showing that the information is central to the claim and unavailable from other sources,

and then proceed to consider whether the need for disclosure outweighs the First Amendment harm.

For additional information: Judith Platt, AAP Washington (jplatt@publishers.org).

PROFESSIONAL & SCHOLARLY PUBLISHING DIVISION

PSP Co-Sponsors patientINFORM Demo on Capitol Hill

The Professional & Scholarly Publishing Division co-sponsored a demonstration of patientINFORM on Capitol Hill on January 31 as part of the kickoff of the Congressional Internet Caucus "State of the Net" event. In line with their commitment to make research information available to patients and caregivers, medical publishers joined with the American Diabetes Association, the American Cancer Society, the American Heart Association, the National Organization for Rare Disorders and other leading organizations to create patientINFORM, a free service offering easy and comprehensible access to some of the most up-to-date diagnostic and treatment research available. The patientINFORM web site can be found at:

http://www.patientinform.com/

Winners Chosen for the 2006 PSP Awards for Excellence

On February 6 the Professional and Scholarly Publishing Division announced that the R.R. Hawkins Award for the Outstanding Professional, Reference or Scholarly Work of 2006 was being given to *Evolutionary Dynamics* by Martin A. Nowak, published by Harvard University Press.

As described by Michael G. Fisher, editor-in-chief of Harvard University Press, *Evolutionary Dynamics* "offers not just the basics, but also conveys the excitement and challenges of cutting-edge research." The book serves as introductory material while also addressing active areas of research, making it "valuable to readers at every level of sophistication in biology and related disciplines," according to Fisher.

The Hawkins Award along with awards in 30 categories for outstanding books, journals and digital products covering a wide range of academic disciplines, were presented February 6 at a special awards luncheon during the PSP Annual Conference in Washington, DC. The award for Innovation in Journal Publishing was given to the American Chemical Society for its *ACS Chemical Biology*.

A complete listing of all of the PSP Award winners and honorees can be found on the PSP web site (www.pspcentral.org).

PSP's Diversity Scholarship Fund Increased

In line with its commitment to encourage diversity (defined broadly to include such factors as race, ethnicity, culture, class, and disad-

vantaged background) in the U.S. publishing industry, the Professional & Scholarly Publishing Division has increased its scholarship fund to \$10,000. This year the fund was divided among three college publishing certificate programs.

Applications from African-Americans, Hispanic-Americans, Native Americans and others whose backgrounds or experience provide additional dimensions to the educational environment and the quality of intellectual discussion are especially welcome. The scholarships are designed to support U.S. citizens or permanent residents currently working in or looking to work in professional and/or scholarly book or journal publishing. For more information contact Barbara Meredith at bmeredith@publishers.org

DIVERSITY RECRUIT & RETAIN

Young to Publishing Group Celebrates 6th Birthday

The Young to Publishing Group celebrates the sixth anniversary of its inception in February with a party for YPG members at the German Book Office. With a new website underway, a host of new committee members, and new group members joining all the time, the YPG has much to celebrate. An initiative of the Diversity, Recruit & Retain Committee, the YPG gives entrylevel and junior industry employees (typically with five or fewer years of book publishing experience) a chance to build a community outside

their own publishing house and learn about the industry as a whole. Membership is free and open to all "young" persons currently employed by a book-publishing house. For more information contact Christina Rodriguez at:

crodriguez@publishers.org

CALENDAR

February 12th, Monday

Young Publishers Group Planning Committee (YPG), 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (CHRISTINA RODRIGUEZ)

February 14th, Wednesday

Freedom to Read, 12:00 p.m. – 5:00 p.m., Rooms 1 and 2 (JUDY PLATT)

February 15th, Thursday

Trade Executive Meeting, 11:00 a.m. – 3:00 p.m., Rooms 1 and 2 (TINA JORDAN)

February 19th, Monday

Presidents' Day- AAP Offices are Closed

February 22nd, Wednesday RPAC, 10:00 a.m. – 12:00 p.m., Rooms 1 and 2 (ROMINA NAVEIRA)

February 23rd, Friday

PSP Books Committee, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

February 26th, Monday

Copyright Committee, 12:00 p.m. – 2:00 p.m., Rooms 1 and 2 (ALLAN ADLER)

February 27th – March 1st, Tuesday – Thursday

Paper Issues Working Group(tentative) 11:00 a.m. – 3:00 p.m., Rooms 1 and 2 (TINA JOR-DAN/ ED McCOYD/ CHRIS-TINA RODRIGUEZ)

MARCH

March 1st, Thursday

PIWOG, 12:00 p.m. – 3:00 p.m., Rooms 1 and 2 (TINA JORDAN) International Sales Committee, 3:00 p.m. – 5:00 p.m. (TINA JORDAN)

March 5th, Monday

ICPC (tentative) Rooms 1 and 2 (PATRICIA JUDD)

March 6th, Tuesday

AAP 2007 General Annual Meeting (The Book World Gone Digital...In Debate...) at the Yale Club, 50 Vanderbilt Ave, New York, 10:00 a.m. – 2:00 p.m. (TINA JORDAN)

March 7th, Wednesday

PSP/EIC Meeting, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

The Smaller and Independent Publishers Annual Meeting ("Taking It to the Next Level: Seven Approaches to Make your House More Successful") at the Kimmel Center, New York University (TINA JORDAN)

March 12th, Monday

ICPC (tentative) Rooms 1 and 2 (PATRICIA JUDD)

March 13th, Tuesday

Journals Committee, 12:30 p.m. – 2:00 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

March 14, Wednesday

Freedom to Read, 12:00 p.m. – 5:00 p.m., Rooms 1 and 2 (JUDY PLATT)

March 15th, Thursday

Trade Executive Meeting, 11:00 a.m. – 3:00 p.m., Rooms 1 and 2 (TINA JORDAN)

March 16th, Friday

PSPAMPC, 10:00 a.m. – 11:30 a.m., Rooms 1 and 2 (SARA BRANDWEIN)

PSP Executive Council, 12:00 p.m. – 3:00 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

March 19th, Monday

Copyright Committee, 12:00 p.m. – 2:00 p.m., Rooms 1 and 2 (ALLAN ADLER)

March 20th, Tuesday

IFTP, 12:00 p.m. Room 1 (MARLENE SCHEUERMANN) CEC Conference Call (tentative) @ 2:00 p.m. (ROMINA NAVEIRA)

March 21st, Wednesday

ICPC (tentative) Rooms 1 and 2 (PATRICIA JUDD)

March 23rd, Friday

ICPC (tentative) Rooms 1 and 2 (PATICIA JUDD)

APRIL

April 5th, Thursday

IFTP, 12:00 p.m., Room 1 (MARLENE SCHEUERMANN)

April 11th, Wednesday

Freedom to Read, 12:00 p.m. – 5:00 p.m., Rooms 1 and 2 (JUDY PLATT)

April 12th, Thursday

PSPAMPC, 10:00 a.m. – 11:30 a.m., Rooms 1 and 2 (SARA BRANDWEIN)

PSP Executive Council, 12:00 p.m. – 3:00 p.m. Rooms 1 and 2 (SARA BRANDWEIN)

April 13th, Friday

PSP Books Committee, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

April 18th, Wednesday

PSP/EIC Meeting, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA BRANDWEIN)

April 23rd, Monday

Copyright Committee, 12:00 p.m. – 2:00 p.m., Rooms 1 and 2 (ALLAN ADLER)

MAY

May 8th, Tuesday

Journals Committee, 12:30 p.m. – 2:00 p.m., Rooms 1 and 2 (SARA BRANDWEIN) CEC Conference Call (tentative) @

2:00 p.m. (ROMINA NAVEIRA)

May 9th, Wednesday

Freedom to Read, 12:00 p.m. – 5:00 p.m., Rooms 1 and 2 (JUDY PLATT)

PSP AMPC Seminar @ McGraw Hill (tentative) (SARA BRANDWEIN)

May 10th, Thursday

IFTP, 12:00 p.m., Room 1 (Marlene Scheuermann)