**Licensing Principles  
(2001)**

**Prepared by IFLA's Committee on Copyright and other Legal Matters (CLM)**

French[French](http://archive.ifla.org/V/ebpb/copy-f.htm)  Russian[Polish](http://archive.ifla.org/V/ebpb/copy-pl.pdf)  Russian[Russian](http://archive.ifla.org/V/ebpb/copy-r.pdf)

**Introduction**

1. The worldwide marketplace for all types of electronic information resources is rapidly being developed as publishers and vendors who create electronic information seek to attract libraries of all types (public, academic, special, national) as their customers. Today, libraries around the world continue in their role as mediators between citizens, including those affiliated with specific institutions, and information and cultural expression - roles that persist even more energetically, it appears, for electronic information than for print. And, just as libraries advance the archiving and preservation of traditional media, so they are seeking ways to ensure that electronic resources will be archived and preserved to be accessible over a long period of time. Pricing also remains an issue: libraries continue to express concerns about the fact that a number of electronic resources appear to be priced higher than were their print counterparts.
2. While the library community strongly supports the continuation into the digital environment of exceptions that have been granted under copyright law, there are some areas where different procedures and policies need to be developed to handle electronic publications. Of particular interest to IFLA in the development of licenses is the following:
   * 2.1 Use of electronic information everywhere in the world is, at this time, usually defined and described by contractual agreements, otherwise known as licenses. These licenses describe comprehensively the terms of the provider/library relationship. Contracting is a comparatively new (1990s) way of doing business for most parties in the information chain.
   * 2.2 Licenses are pure marketplace arrangements in which a willing information provider and a willing purchaser of information access come together to make arrangements, deal by deal, resource by resource.
   * 2.3 User rights are defined within the terms and conditions of the licenses. They are not governed by (comparatively well understood) copyright legislation to the same extent as is the use of "fixed" or traditional information formats.
   * 2.4 Libraries generally provide patron access to such information via access to remote publisher or vendor sites, rather than library-controlled sites. Yet, the tasks and costs of libraries and information providers with regard to long-term archiving and preservation of electronic resources are disturbingly unclear. While a license cannot resolve this complicated set of electronic archiving issues, it will, generally, recognize them and express a set of commitments or expectations on the part of the contracting parties.
3. IFLA views the licensing arena positively, although key issues remain to be resolved. In particular, licensing is showing itself responsive to the complex business arrangements being entered into between information providers and library consortia of different types and sizes. IFLA encourages and supports the evolution of all types of libraries negotiating as consortia. Nonetheless, even with the current move to licensing as a complementary means of regulating the use of electronic information, libraries and their users need effective, well-balanced national copyright laws that recognize not only the copyright owners' need for remuneration and recognition, but also the critical purposes of public information, education and research. This balance, struck in carefully crafted copyright legislation, must find expression in all information resource licenses.

*IFLA hereby presents a set of basic principles that should prevail in the contractual relationship and written contracts between libraries and information providers*

**Licenses and the Law**

P1. Licenses represent an agreement between the library that seeks to make an electronic resource available for its readers or constituents, and a publisher or vendor who has the rights to such resources and seeks to make them available in the library marketplace. License terms and conditions must be fully available to customers in advance of their contracting for said resources. Every license is subject to discussion of terms and to negotiation between the parties.

P2. In the case of "shrink-wrapped" and "click-through" non-negotiated licenses, the terms should support public policies in such areas as copyright, privacy, intellectual freedom, and consumer rights.

P3. Licenses (contracts) for information should not exclude or negatively impact for users of the information any statutory rights that may be granted by applicable copyright law.

P4. The choice of applicable law should be acceptable for both parties. Preferably it should be the national or state law of the licensee.

P5. Licenses should be negotiated and written in the primary language of the library customer.

**Licenses and Values**

P6. The license agreement should be clear and comprehensive, recognizing the needs of the concerned parties. In particular, important terms should be defined so as to be clearly understood.

P7. The license should balance the rights and responsibilities of both parties.

P8. The license should provide for remedy periods and other modes of resolution before either cancellation or litigation is contemplated.

P9. The contracting parties should have the right to back out of the arrangement under appropriate and defined circumstances.

**Licenses: Access and Use**

P10. The license should provide access for all of the users affiliated with a licensee, whether institution or consortium, regardless of whether they are on the licensee's premises or away from them.

P11. The license should provide access to individual, unaffiliated users when on the licensee's premises.

P12. The license should provide access for geographically remote sites if they are part of the licensee's organization.

P13. Remote access should be provided by way of a web-based, user friendly interface.

P14. Data that is downloaded locally should be available in multiple standard formats (e.g. PDF, HTML, and SGML), portable to all major computing platforms and networked environments.

P15. At a minimum the license should permit users to read, download, and print materials for their own personal purposes, without restrictions.

P16. Resources provided via remote access to providers' sites should be available on a 24-hour basis, with appropriate "help" or service support, except for short scheduled downtimes announced with adequate notice to the customer library(ies). Penalties may accrue if service commitments are not met.

P17. A high degree of content stability, both in single and in aggregated resources, should be guaranteed and the institutional customer should be notified of changes. Penalties may accrue if content commitments are not met.

**Licenses and End Users**

P18. Libraries should work with users to educate them about proper use of electronic resources and take reasonable measures to prevent unlawful use, as well as with providers to halt infringing activities if such become known. Nonetheless, the library should not incur legal liability for actions of individual users.

P19. It is not appropriate to ask the individual user to agree to a contract, such as a "click" contract, where the institution/library has already made -- or may engage in making -- an agreement on behalf of its patrons.

P20. Users' privacy should be protected and respected in the license and in any intervention made by information providers or intermediaries.

P21. The networked information provider should offer usage (as opposed to user) data so that the library licensee may assess the effectiveness of the use of the resource.

**Licenses and Perpetual Access**

P22. A license should include provision for affordable, perpetual access to the licensed information by some appropriate and workable means.

P23. A license should address provisions for long-term access and archiving of the electronic information resource(s) under consideration and should identify responsibilities for these.

**Licenses And Pricing**

P24. Prices should be established so as to encourage use rather than discourage it. For example:

* Many suppliers price electronic information at lower than the print equivalent (if there is one)
* Many suppliers now offer incentives, such as consortial pricing, a choice of pricing models, and the like.

P25. Prices should be fully disclosed with no hidden charges.

P26. An unbundled (from print) price should be offered for electronic versions; a bundled price may be offered as well where this offers advantages for the licensee.

P27. There should be no penalty for canceling print in order to take up the electronic version of a resource.

P28. Requirements for non-disclosure of license terms are generally inappropriate.

**Interlibrary Loan**

P29. Provisions for interlibrary loan or equivalent services should be included.

P30. In general, libraries should be able to deliver reasonable length extracts from licensed information to libraries that have not signed a contract for that information for use by a specific patron.

**Teaching and Learning**

P31. Licenses should support local teaching and learning efforts, from elementary through university level, by permitting links to, or copies of, specific course-related information to appear in online course-support activities such as electronic reserve.

P32. Distance Independent Learning poses a challenge to providers and libraries. Licensors should recognize the affiliation of users with a given library or institution, regardless of users' physical location and should permit them routine access to licensed electronic information resources (see also clause 8).

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**Access and Ownership Issues of Electronic Resources in the Library - Presentation Transcript**

1. Access and Ownership Issues of Electronic Resources in the Library by Fe Angela M. Verzosa Presented at the Conference sponsored by the Central Luzon Librarians Association, held at Holy Angel University, Angeles City, 7 December 2009
2. Periodicals on display
3. More Periodicals on display
4. Print and e-resources
5. Print resources and online databases
6. Digital libraries
7. When librarians talk about “access”
   * bibliographic access - knowledge of information’s existence
   * physical access – actual possession of that information thru ownership
   * access thru shared ownership – combining access and ownership
8. Forms of Access
   * Inter-library loans (ILL) and similar resource-sharing services
   * document delivery
   * computer databases at remote sites
   * electronic resources such as CDROMs whose ownership is shared among a group of partner libraries
   * “ Open Access”
9. Access vs. Ownership
   * Traditional view of libraries as “ warehouses of information ” and librarians as “information collectors”
   * Modern view of libraries as “ providers of access to information ” and librarians as “information managers”
   * Choice between which is more important?
   * Or do we have to make a choice ?
10. Between ownership of information and provision of access to information, which will be the most likely to satisfy the information needs of tomorrow.s patrons?
11. Understanding the problem
    * Too many information sources
    * Access to them is limited by lack of human assistance and funds
    * Not enough ways to filter, sort, and narrow in on what is needed – lack of, or inadequate search tools
    * Ownership is expensive; free access is limited
12. Understanding the problem
    * Libraries need to provide access to more resources than ever before
    * Libraries are spending more, but acquiring less
    * Many resources are still in print, but increasingly available are those in digital form
    * Libraries want more full-text resources – but security of print
    * Users want 24 / 7 access to resources – preferably remote
13. Problems in Ownership
    * + Academic institutions are looking for ways to cut down on cost and maximize their educational budgets.
      + .
      + Academic libraries expect to obtain new electronic resources while simultaneously maintaining traditional print collections.
      + Libraries also expect to do this with no additional funding towards electronic resources.
14. Impossible to damage Damaged / pages torn out… !!!?? Fractional Cost Full Price Empirical usage statistics No accurate way of measuring usage MARC records supplied Catalogued No Binding, No Shelf Space and No Storage costs Bound and shelved Access 24/7 User waits Library gets it as soon as it goes online Library waits Multiple simultaneous users Only One user at a time Electronic Print
15. Another big difference…
    * Print resources
      + are not digitally searchable
      + Use of index & TOC
    * Electronic resources
      + Digitally searchable
16. What are the Issues and concerns over electronic resources?
17. Ebooks and Study ebooks allow students to read right out of an electronic device instead of flipping pages through a massive text book Students can read the exact same copy of a text book Ebooks can be circulated; ebook readers can be rented.
19. * E-books
    * Pick and choose model
    * Ex. ScienceDirect
    * Subject package model ( for institution and consortia)
    * Ebrary (for SMI-IC )
20. E-book licensing models
    * Print model - treats e-book like a print book (one user at a time)
    * Database model – where content is licensed from the vendor, and paid subscription is required (simultaneous use)
    * Open Access model – allows free access to e-books
21. Licensing concerns
    * Involves issues of “fair use” (allows multiple classroom copies, etc)
    * Digital Rights Management (not allowed to alter or abridge database)
    * Preservation (allows e-copying or migration in case of obsolescence)
    * Perpetual ownership (for content from years for which they have paid)
    * ILL restrictions
22. Pricing Concerns
    * + Current pricing models for e-information,
      + are not sustainable.
      + With their diminishing fiscal resources, Libraries will rapidly be unable to afford or support the pricing strategies for electronic information.
      + For example, academic libraries cannot afford to commit long-term to the now-prevalent electronic journal pricing model that is premised upon a base price of &quot;current print price plus electronic surcharge plus significant projected inflation surcharges.&quot;
23. Pricing Schemes
    * Single Institution for Journals
    * Print plus Electronic for Journals
    * Consortia for Print and Online: Cross Sharing
    * Consortia for only Online
    * Closed Consortia Model
    * Open Consortia Model
    * Pay per view for both single institute and consortia
    * One time payment for Archives
    * Pick and choose eBooks
    * Subject Package for EBooks: Single Institution and Consortia
    * Thomson’s Reuters (direct to Thomson Philippine Representative)
    * APA PsycArticles and Psyclit (subscription through EBSCO host)
    * Jstor (Subscription direct to the aggregator)
    * IEEE Electronic Library (subscription direct to IEEE Philippine Representative)

single institution price

1. single institution price
   * American Society of Civil Engineers
     + Journal of Geotechnical and Geoenvironmental Engineering
     + Journal of Structural Engineering
     + Journal of Transportation Engineering
   * American Society for Microbiology
     + Applied and Environmental Microbiology
   * American Statistical Association
     + Journal of the American Statistical Association
   * Berkley Electronic Press
     + Business and Politics
   * Blackwell Synergy
     + Clinical Psychology: Science & Practice
   * Cambridge University press
     + Applied Psycholinguistics
     + English Today
     + Journal of Southeast Asian Studies
     + Language in Society
     + Religious Studies
     + Review of International Studies
     + Studies in Second Language Acquisitions
   * Oxford University Press
     + Applied Linguistics
     + International Journal of Lexicography
     + Literature and Theology
   * Sage Publications
     + American Journal of Evaluation
     + Applied Psychological Measurement
     + The counseling Psychologist
     + Journal of Management
     + Journal of Marketing Education
     + Journal of the Academy of Marketing Science
     + Television & New Media
   * SpringerLink
     + Journal of Economic Growth
   * Lex Libris
     + Jurisprudence, Philippine Laws and Taxation
2. print plus electronic (Swets/EBSCO)
   * Review of Accounting Studies
   * Enterprise Development and Microfinance
   * Small Business Economics
   * Developing Economies Journal of Economic Growth
   * Soundview Executive Summary
   * ACM Digital Core Package
   * Journal of Sociolinguistics
   * RELC Journal
   * TESOL Quesrterly
   * The Modern Language Journal
   * Asian Journal of Communication
   * Quarterly Review of Film and Video
   * Journal of Southeast Asian Studies
   * Review of International Studies
   * Continental Philosophy Review
   * International Journal for Philosophy of Religion
   * Journal of Applied Philosophy
   * Asian Journal of Political Science
   * Journal of Clinical Psychology
   * Ethical Perspectives
   * Irish Theological Quarterly
   * Journal of the American Oil Chemists Society (JAOCS)
   * Computer Application in Engineering Education
   * Integrated Computer-Aided Engineering
   * Science and Ethics
   * Robotica
   * Journal of Chemical Education
   * Analysis
3. consortia for print and online (cross-sharing) and closed consortia models
   * DLS System Consortium (subscription : payment through consortium representative; savings of US$ 14,000)
     + Proquest 5000
     + Emerald
4. open consortia model
   * South Manila Consortium (open to other PAARL members like JRU, etc)
   * EBSCO Host (subscription direct to the publisher)
   * ScienceDirect (subscription through Philippine representative – I-Group; offers perpetual access by purchase)
5. pay per view for both single institution and consortia
   * Proquest Dissertation (subscription through Philippine representative – I-Group)
   * Sage Publications (subscription direct to the publisher)
   * Emerald (subscription direct to the publisher)
6. one time payment for archives
   * ScienceDirect BackFile ( purchase of the backfiles of 9 databases is about $30,000.00 higher than than the current subscription price of the ScienceDirect Freedom Collection ).
   * IEEE Electronic Library (subscription direct to IEEE Philippine Representative)
7. Archiving of Information – another issue of concern
   * + Print publications provide a degree of permanence.
     + if not managed properly, e-resources can be highly short-lived.
     + Perpetual access to backfiles (once subscription is discontinued) is offered for purchase; not guaranteed unless contract stipulates
   * DLSU-Manila Experience:
     + For the back files of Science Direct, DLSU-Manila purchased it separately. What the supplier did was to free DLSU from paying a year&apos;s subscription to enable the library to acquire the backfiles (otherwise, DLSU won&apos;t be able to afford the price) “Di rin binigay sa amin lahat. Yun lang equivalent dun sa price na kaya naming bayaran.” - Library Director

Archiving of Information

* + Solution:
    - It is critical to libraries and their patrons that permanent archival access to information be available, especially if that information exists only in electronic form.
    - Libraries cannot rely solely on external providers to be their archival source. Therefore, agreements to procure e-resources must include provisions for perpetual ownership and not just temporary access.

Archiving of Information

1. What about Open Access?
2. eBooks & Journals
   * Academic libraries, faculty, and university presses are teaming up:
     + Faculty write and edit
     + Libraries provide technical expertise, online access, professional collection management
     + University presses provide editing, print publication, marketing, etc.
   * Examples: University of California
   * Massachusetts Institute of Technology
   * University of Michigan
   * Cornell University Library
   * Oxford University
4. http://repositories.cdlib.org/
5. A web-harvesting initiative of the Univ of Michigan
6. The records of the open archive digital resources available via OAIster lead to a wide range of materials and include:
   * Digitized (scanned) books and journal articles
   * Digital text
   * Audio files (wav, mp3)
   * Video files (mp4, QuickTime)
   * Photographic images (jpeg, tiff, gif)
   * Data sets (downloadable statistical information)
   * Theses and research papers
8. Project Euclid holdings as of October 26, 2009:
   * Total pages in Euclid: 1,362,702 (931,578 open access) Journal articles: 103,587 (72,696 open access; the rest pay-per-view) Monographs: 100 (1,123 monograph chapters) Conference proceedings volumes: 23 (651 proceedings)
9. theses Multimedia/videos
10. Dspace screen shot http://dspace.org/ http://dspace.mit.edu/
11. DSpace at MIT
    * MIT&apos;s institutional repository built to save, share, and search MIT&apos;s digital research materials including an increasing number of conference papers , images, peer-reviewed scholarly articles , preprints, technical reports, theses , working papers, and more.
    * an expanding collection of Philippine academic journals made accessible globally through a single Web-based platform
    * hosted by C&E Publishing, Inc.
    * uses the Open Journals System (OJS)— which has a built-in facility that indexes all journals in the Philippine E-Journals platform through the Open Archives Initiative search engines
12. http://www.ejournals.ph /
13. 33 journals http://www.philjol.info /
15. Free eBooks Online
17. Emerging copyright models in Open Access
18. Questions, questions, questions
    * What do we need to do to serve our users better?
    * How can we better integrate access to print and digital material?
    * What should we stop doing so we can do what is more important?
    * Or better yet, what should we start doing so we can do what is more important?
    * The Libraries of the Future :
      + Academic libraries must use information technologies to facilitate increased information delivery
      + Also make e-information more generally, readily, and flexibly accessible to their users for cost effectiveness and time saving.
      + Achieve a delicate balance between access and ownership.
19. The Libraries of the Future :
    * Libraries will continue to purchase materials in high demand that cannot be obtained except by owning them
    * For materials in moderate/low demand, libraries will purchase access to the information from full-text e-databases
    * Electronic resources will be complemented by Internet access.
    * Libraries need to work towards shared ownership over electronic resources for cost-efficiency
20. Libraries today must live in a DIGITAL ENVIRONMENT ONLINE !
    * Connectivity, Linking, Consortia are all important factors
    * Cooperate and share resources with each other
    * Build (virtual) bridges !
21. will have both Access and Ownership. Libraries of the Future

Today’s eBooks can be read on computer

screens, readers, personal digital assistants,

and even mobile phones. The same electronic

nature that accommodates those delivery

options does the same for features that more

actively engage students, including built-in

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content from the Web 2.0 environment—such

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education vary, there is little doubt that

eBook sales are growing. Investments in

eBook collections and shifts in delivery

models by prominent U.S. private and public

institutions confirm that eBooks have indeed

entered the mainstream.

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time is right for your campus to explore the

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of the ways eBooks keep students coming back for more. Whether content

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by addressing a range of learning styles, eBooks are more than just

fun: they’re effective.

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eBooks work with you. Versatile and varied, they can be delivered through

course and learning management systems, Web portals, custom Web

sites, DVDs, USBs, and mobile devices. Format options include PDF,

FlashPaper, CaféScribe, CourseSmart, VitalSource, and Pearson eText.

Revisions

eBooks take the guesswork out of textbook revision cycles. Unlike print

textbooks, you decide how, when, and whether you want to revise your

eBook—annually or less frequently.

Time

Online delivery means seamless coordination of course materials and

course schedules. No more back orders, late shipments, or wrongedition

hassles with the bookstore

According to Project Tomorrow’s Speak Up survey,1 students have a clear

vision of how to drive achievement and ensure that they are well prepared

for the future. With a focus on transformational changes in the learning

process itself, their vision draws heavily from the empowering and engaging

tools that are facilitated by emerging technologies.

Students want to be able to interact with and learn from their own personalized

network of experts via cutting-edge communication and collaboration

tools; they want learning tools and processes that are not tethered to

time, place, or geographic boundaries; and they recognize from their own

experiences growing up immersed in digital media that the best way to drive

educational productivity is through the effective use of rich and relevant

digital tools, content, and resources.

When asked to create their ideal digital textbook, student survey participants

responded with the following wish list.

• The ability to personalize their book with electronic highlights

and notes (63%)

• Quizzes and tests for self-evaluation (62%)

• Games (57%)

• Animations and simulations (55%)

• Links to PowerPoints, lectures, and other material that supports

textbook content (55%)

• Links to real-time data such as NASA and Google Earth (52%)

• Self-paced tutorials (46%)