

E-Resources and Consortia Management



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Outline

- E-Resources
- E-Resources Vs Print resource
- Various modes of subscription of E-Resources by the Libraries
- Emergence of Library Consortia in India
- Benefits of Consortia approach to E-resource Subscriptions
- Issues and Challenges related to Library Consortia
- Model License Agreement
- Major Points of Negotiations with Publishers
- Some of the Tips for Successful Negotiation (tested and practiced)

E-Resources

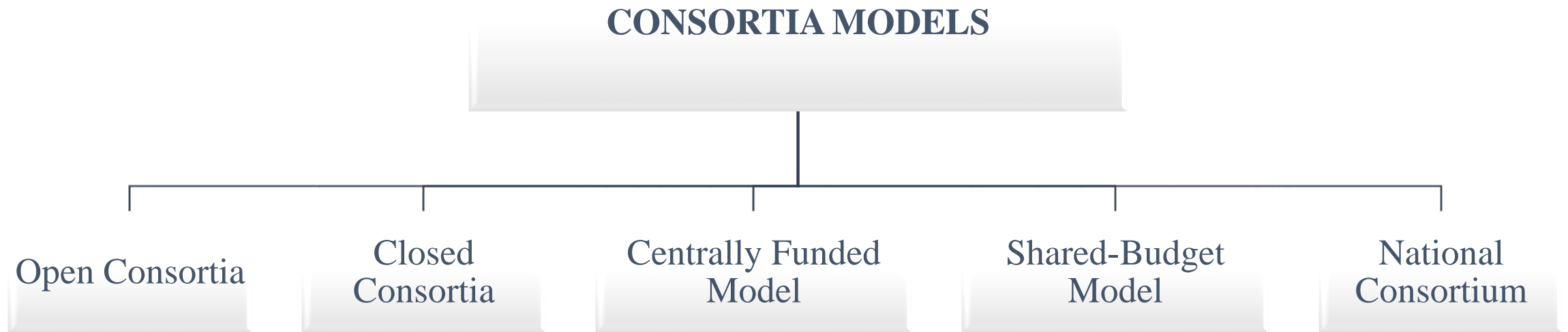
- Mainly refers to e-journals, e-books, or all types databases, e-images, audio-visual content etc.
- These differ from other library materials, because of,
 - complexity of the licensing agreements;
 - need to set up access;
 - confusion over pricing models;
- These resources are available through,
 - Respective publishers, aggregators, vendors, Library consortia;
 - Some times on more than one platform;



Modes of Subscription of E-Resources

- Directly Subscribed by the Library
- Through Library Consortia

Library Consortia Models...



Library Consortia Models

- International Consortia
- Specific Group Consortia
- Subject based Consortia
- Regional Consortia

Emergence of Library Consortia in India



Emergence of Library Consortia in India...

- Prior to setting-up to consortia, the access to e-journals was restricted to premier institutions like IISc, IITs, IIMs and a few central universities.
- Launch of 'INDEST Consortium' in 2003 and
- 'UGC Infonet DL Consortium' in 2004, availability and accessibility of E-Resources increased.

Emergence of Library Consortia in India...

More than 10 Government-sponsored library consortia (or consortia-like) initiatives were in operations till December 2015, including three consortia under the MHRD, i.e.

- INDEST-AICTE Consortium (Technical Education Bureau, MHRD),
- UGC-INFONET Digital Library Consortium (UGC) and
- N-LIST programme (NME-ICT)

Emergence of Library Consortia in India...

Other 7 consortia initiatives are :

- NKRC-National Knowledge Resource Consortium (CSIR),
- DAE Consortium (DAE),
- MCIT Consortium (MCIT),
- ERMED (MH & FW),
- DELCON (DBT),
- CERA (ICAR) and
- DRDO Consortium (MoD)

Emergence of Library Consortia in India

The MHRD formed e-Shodh Sindhu Consortia in December 2015, after merging following three consortia initiatives :

- INDEST-AICTE Consortium (Technical Education Bureau, MHRD),
- UGC-INFONET Digital Library Consortium (UGC) and
- N-LIST programme (NME-ICT)

Benefits of Consortia approach to E-resource Subscriptions



Benefits of Consortia approach to E-Resource Subscriptions...

- Consortia acts as a single-window service for a large number of institutions to meet their diverse research and academic interest;
- A large number of electronic journals can be accessed through the membership of consortia;
- Smaller institutions can have access to wide range of journals;
- Libraries can get deep discounts through joint pricing negotiations with most favourable terms of agreement for a wider range of E-Resources;

Benefits of Consortia approach to E-Resource Subscriptions

- Consortia helps in effective document delivery systems;
- Researchers and authors get benefit, as consortia made it possible to expend greater potential readership;
- For publishers, the consortium offers improved income stability; incremental revenue; and greater visibility of their products;

E-Resource Pricing Models

E-Resource Pricing Models

- Number of pricing models available for the E-Resources;
- No standard pricing model for subscription;
- Different publishers are offering different pricing models;
- Subscription rates depending upon various factors;

E-Resource Pricing Models

- Print + e-journals, only e-journals
- List price, List price & discount
- Select title, Subject bundle, Entire package
- Core collection+ subject collection+ content/access fee
- Membership based pricing
- Tier based pricing-number of users & level (FTE), number of concurrent users
- Flat fee, cross sharing, core collection & custom collection
- Usage based model
- Single year, multi year, pro-rata pricing
- Single location, satellite locations, multi location
- Consortium prices - depends on number of members
- Subscription model, with perpetual access, entire back files, select year files
- Pay per article or collection of articles (number of download)

Library Consortia - Issues and Challenges

Library Consortia - Issues and Challenges

- Identification of E-resources
- Pricing of E-resources
- Negotiations
- Print dependent subscription
- Taxation Issues
- Archival Issues
- Continuity/Perpetuity
- Access Management
- Usage and usability Issues
- Licensing Issues

Identification of E-Resources

- With limited budget allocated by the funding agency, one of the greatest issues involved is to meet the expectations of the participating members.
- Every member have their own requirement and wish-list of e-resources;
- It is difficult to the consortia to arrive at a consensus over the e-resources to be subscribed;
- Needs of the members can be fulfilled only if the consortia has sufficient budget;
- In case of budget crunch, this issue becomes the prominent one.

Pricing of E-Resources...

- No standard practices or processes being followed by majority of the publishers;
- Pricing of e-resources is not fixed as in case of printed material;
- Different publishers have different pricing policies and models which go on changing from time to time;
- It is difficult to remain in touch with changing policies and models which may further vary from publisher to publisher also;
- Base price quoted for calculation of consortia deal often is worked out for developed countries and publishers are quoting the same price structure for Indian consortia;

Pricing of E-Resources

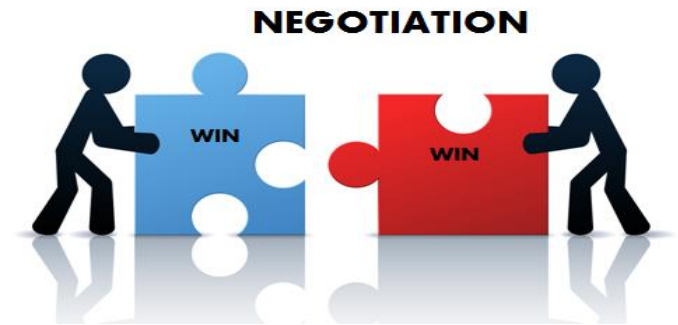
- In general, the price rise per year is about 3-6% from publishers;
- Increase in price due to inflation;
- Fluctuation in foreign currency impacted on budget in Indian rupees;
- While making deals, publisher typically seek to maximize their income, whereas libraries/consortia typically strive to optimize their costs;

Print Dependent Subscription

Some of the publishers like Elsevier's Science Direct, T&F, etc. are still quoting the print dependent subscription rates and insisting to maintain their print base/e-base subscription which create problem to the consortia as well as for the libraries to justify the rate of subscription.

Negotiations

- The Library consortia have to negotiate the subscription rates as rates are not fixed;
- Publishers want to protect their own interest which may not suit the consortia;
- Negotiations for subscription to e-resources, terms and conditions on purchases and legalities involved are done by Negotiation Committees;
- Committees consisting the experts in their respective subject fields and Committee members are not acquainted with art of negotiation;



Archival Issues...

- Online resources are remotely located which often remain under ownership of publishers or vendors;
- Publishers offer access to subscribed e-resources for the period of subscription;
- Access gets terminated as soon as the subscription period is over;
- Most of the publishers offer access to e-journal archives for the period for which subscription was paid for free or for a fee;
- Publishers, most often demand a fee for using their access platform for accessing archives after termination of subscription;

Archival Issues

- Maintenance fee, platform fee and license charges has to be paid, in case responsibility of archiving is assigned to the publisher which is not fixed and vary publisher to publisher;
- Archiving backfiles is also a issue;
- Decision has to be taken whether, archival responsibility would remain with the publishers or consortia will make its own arrangement;
- If the responsibility of archiving is assigned to the publisher, consortia shall have to pay maintenance and license charges for back issues;
- This is an area which needs utmost attention of consortia;

Continuity/Perpetuity

- Consortium need to subscribe e-resources in perpetuity since journals and databases are published in perpetuity.
- It is difficult for most of the consortia to convince their concerned ministry/funding agency about continuation of an initiative indefinitely.
- As such, continuation of a consortium in perpetuity becomes questionable.

Taxation Issues

Tax Deducted at Source (TDS)

- TDS under section 194J : 10%, 20% (in case of Non-furnishing of PAN)
- Publishers, particularly the foreign ones, are resisting the deduction, as it will be both financial and operational nuisance for them.



License Terms & Agreements



Licensing Issues Play Out in Day-to-Day Ways

Why no off-campus access?

What is this "user limit Exceeded" message?

I need to download this data

What do you mean there's no ILL for this?



Isn't the usage data available in COUNTER format?

Why can't I PRINT this?

But I want to put this in my course-pack!

Why Licensing is important ?

- In electronic environment, libraries typically license, or lease access to content.
- Licensing is a legal process of acquiring usage rights of intellectual property governed by the copyright laws.
- Defining legal/commercial relationship between library & publisher.
- It is a legal document governed by contract (commercial) law.
- Which is mainly prepared by content owner (publisher).
- Provides rights & protection mostly to owner, but also to the library.
- Binding both the parties—Publishers(Licensors) and libraries (Licensees).

License Clauses...

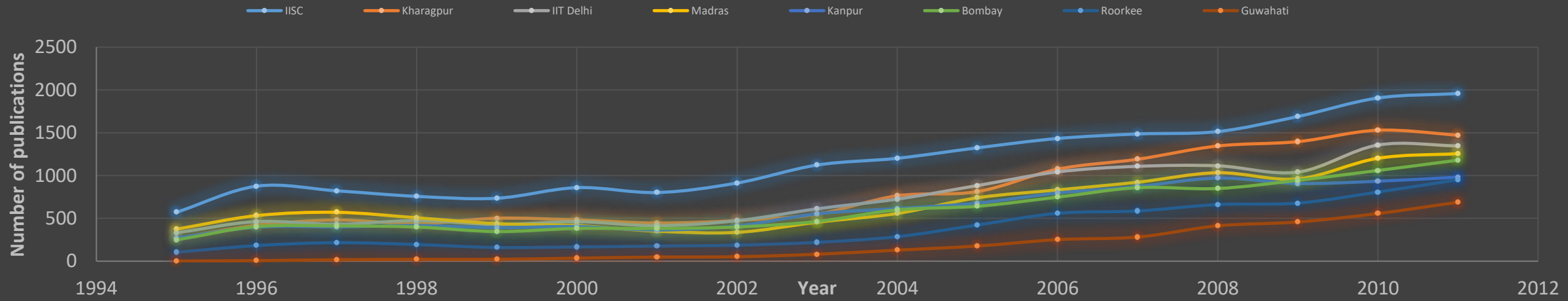
- Introduction
- Definitions of Terms
- Grant of License
- Permitted Usage
- Restrictions
- Responsibility of Licensor
- Responsibility of Licensee
- Mutual Responsibilities
- Fees and Payment
- Term and Termination
- Acknowledgement and Protection of Intellectual Property Rights
- Representation and Warranties
- Force Majeure
- Governing Laws and Dispute Resolution
- Notices
- Some of the General Clause

Arbitration Clause

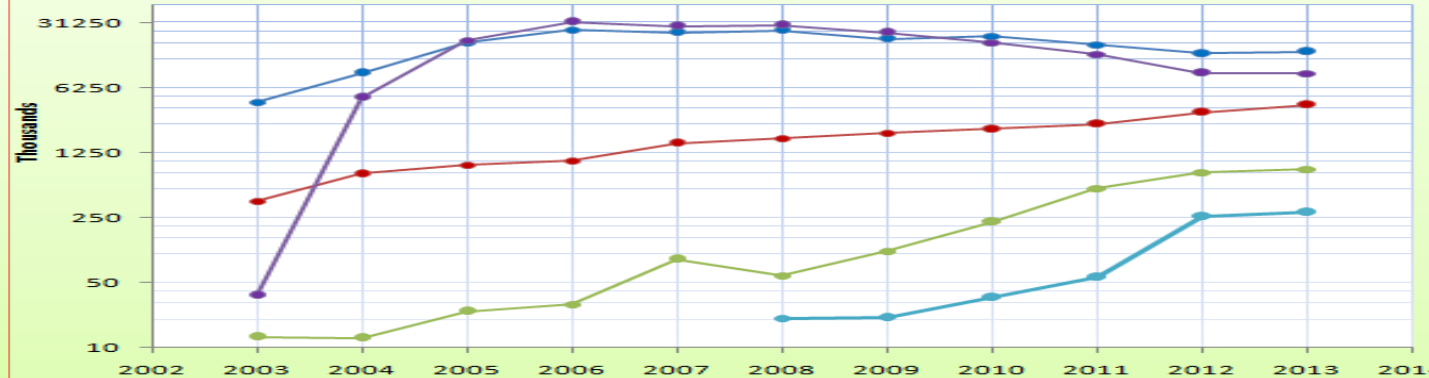
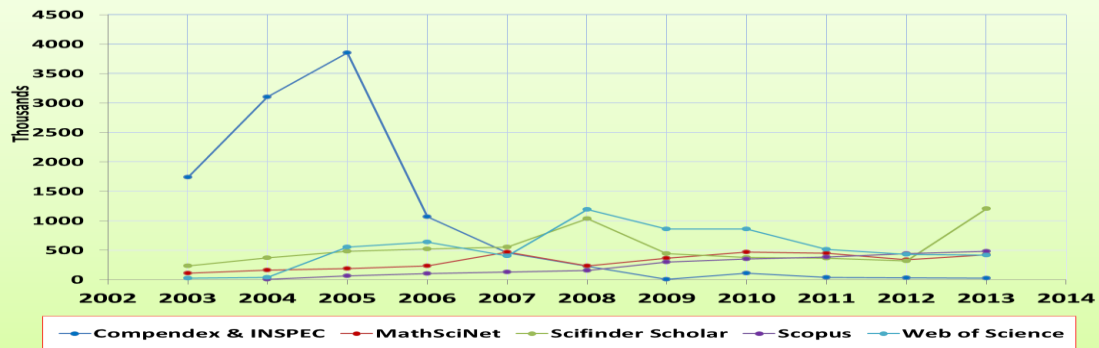
- Most of the publishers put a clause in the license agreement that in case of any dispute, litigation suit will be settled in the courts of their own country.
- Some are agreed on reciprocal arbitration clause (court of law of respective countries).
- At this point of time, one has to deliberate and insist on settling the issues in the courts of our own country.
- Body in India for settling the dispute to arbitration is International Center for Alternative Dispute Resolution (ICADR), New Delhi.

Some other Issues

- Overlapping of journals in aggregators packages,
- Publishers do not prorate subscription rates;
- Different terms and conditions of accessing, downloading and printing of subscribed content;
- Discontinuation of access during subscription period due to serial /systematic downloading of articles;
- Auto-renewal



Usage of Bibliographic Databases (2003-2013)



Economics of E-Resources

The factors that determine **economic viability** and **cost-effectiveness** of subscription to E-Resources are:

- intensity of usage,
- successful migration from print to electronic version (with discontinuation of print) and
- Cost recovery and Cost avoidance

Intensity of Usage

- **ROI** is measured in terms of increased usage of e-resources which is ultimately reflected in the scientific productivity of the institute.
- Usage is one of the most important parameters to judge effectiveness of E-Resource.
- “**Cost Recovery**” and “**Average Cost of article per download**” are used effectively to judge cost effectiveness of E-Resources.
- Intensity of usage of e-resources can essentially be judged in terms of **number of articles downloaded by users**.

Cost Avoidance...

Cost avoidance on account of lower rates of subscription for the members of the Consortium calculated in terms of :

- difference between cost paid by the consortia for member institutions for e-resources and
- cost payable by individual institutions in case the resources were subscribed by their own.

Cost Avoidance...

i. Lower Rates of Subscription

- Publisher offer 50 to 95 per cent lower rates of subscription to the Consortium for member institutions.
- The rates are further lowered as additional number of institutions are added to the Consortium.
- The lower rates of subscription are offered to the Consortium from the vendors not only because of combined strength of its members, but also due to the eagerness of publishers to enter the Indian market.

Cost Avoidance...

ii. Annual Increase in Rates of Subscription

- In general, there is an annual increase of 8 to 10 % of subscription rate of resources.
- However, Consortium negotiate the rates of increase in price of the e-resources and fixed the price cap within 0-5 per cent annually.
- Some of the publishers offer rates of subscription without annual increase in subscription.

Cost Avoidance

iii. Average Cost of Journals Subscribed in the Consortium

- The Consortium provides differential access to number of journals to its member institutions, if calculate the Average cost of single journal for which access is available through consortia it come very low.

Cost Per Article

Average Cost of an Article

- Average cost of an article is calculated by dividing total amount paid by the consortium for all member institutions by total number of articles downloaded by the users in all member institutions.
- This parameter has been used to take the decision on reviewing the continuation/ discontinuation/ negotiation of pricing of existing E-Resources.

Cost Savings

- Freedom to drop print subscription/Print-independent subscription;
- Discount on e-only subscription;
- After dropping the print subscription libraries can save lot of budget.

Impact of Access to E-Resources on Research Output of Institutions

- Access to print as well as E-Resources is known to make qualitative difference to research, learning, staff development, scholarly and R & D activities of an institute.
- In quantitative terms, the research output of an institution can be measured in terms of number of research articles, citations received by them, patents, research grants, consultancies, research reports, honours and awards, number of research students, placement of students, etc.

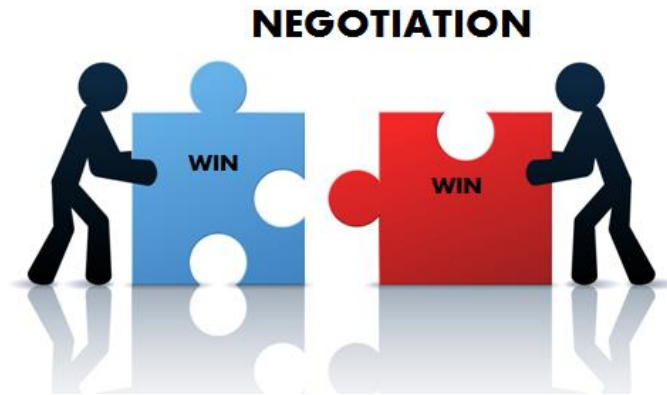
Model License Terms/agreement



License Terms & Agreements : Resources

- Model licenses- Liblicense (CRL), JISC, CDL & others;
- LIBLICENSE Listserv - Forum for discussing licensing issues, Q & A;
- SERU- Shared Electronic Resource Understanding (NISO);
- Key Issues for E-Resource Collection Development (IFLA);
- eShodh Sindhu Consortia - Terms & Conditions;
- Vast amount of professional literature;

Some Tips on Negotiations (tested & practiced)



Major Points of Negotiations with Publishers

- Coverage : Total number of journals covered in a resource (Records in case of databases).
- Journals Offered : Total number of journals offered in the proposal.
- Subscription Rates : Rates of subscription as compare to its list price.
- Dependency of subscription rates on print subscription.
- Increase in rates of subscription in subsequent years.
- Back-files : Access to back-files (no. of years)/backdata offered.
- Archival Access : Perpetual /DVDs /Print/Other media.
- Resource Sharing/Inter Library Loan (ILL) using soft copy/print copy.
- Open Access Policy: Policy regarding permitting self-archiving of articles by authors through institutional repositories.
- Subscription on prorated basis / non-calendar year basis.
- Trial Access : Is trial access available for new members?
- Acceptance of terms and conditions of subscription.

Before you Begin Negotiations

- Deal directly with the publisher, instead vendor, aggregators
- Be prepared with all the information required
- Know which resources you need
- Know your budget & price you can afford/willing to pay
- Be clear about what is sustainable price
- Who represents Library, publisher & consortium
- Plan what to gain, be open & but be flexible
- Try to understand publisher, market standing, values they stand for
- Have a trial access & use data
- Get initial price quote- review, check with other libraries
- Get draft copy of the license & thoroughly review & identify issues

During Negotiations

- Listen carefully & actively & be alert
- Ask proactive questions, communicate clearly
- Never assume anything- seek clarity
- Be assertive-but not aggressive
- Take notes, check them frequently, and use them often, do not miss out important points
- Clear up any misunderstandings promptly then & there only
- Know when to take a break- if not leading anywhere
- Know when to walk away- when not in agreement

Some more tips...

- Negotiation is not an “I win-you lose”, should be “win-win”
- Avoid oral agreements
- Know what you can give up & how much you can spend
- Plan your negotiations- timing, duration, people involved, moves
- Stay focused & on track with your needs
- Need not be in a hurry to complete process
- Sign license agreement before ordering

Summing-up

Resources for Reference

- Albitz, Becky (2014). Successfully negotiating an agreement, in *Licensing and Managing Electronic Resources*. Oxford, England: Chandos Pub., pp. 83-119
- Brown, Abbie (2014). Negotiation of e-resources licensing and pricing terms, in *ALCTS Webinar Association for Library Collection and Technical Services* ALA <http://www.ala.org/alcts/confevents/upcoming/webinar/050714>
- Brown, K. (2008). Tactics and terms in the negotiation of electronic resource licenses, in Yu, H., & Breivold, S. (Eds.). *Electronic resource management in libraries: research and practice*. Hershey, PA: IGI Global, pp. 176-192
- Carrell, M. R., & Heavrin, C. (2008). *Negotiating essentials: theory, skills, and practices*. Upper Saddle River, NJ: Pearson/Prentice Hall.
- CDL Model License Agreement (2011). *Standard license agreement: publisher and the regents of the University of California*. California Digital Library available at [www.cdlib.org/gateways/vendors/docs/Model License LATEST Revised 10-09.docx](http://www.cdlib.org/gateways/vendors/docs/Model_License_LATEST_Revised_10-09.docx)

Reference

- Fisher, R., Ertel, D., & Fisher, R. (1995). *Getting ready to negotiate: the Getting to yes workbook*. New York: Penguin Books.
- Harris, L. (2009). Un-intimidating negotiations, in *Licensing digital content: a practical guide for librarians*. Chicago: ALA, 2009, 2d ed. pp. 87-98
- IFLA (2001). IFLA licensing principles 2001. International Federation of Library Associations and Institutions (IFLA) available at <http://www.ifla.org/publications/ifla-licensing-principles-2001>
- Johnson, S. et al. (2012). Key issues for e-resource collection development: a guide for libraries. IFLA, Acquisition and Collection Development Section available at <http://www.ifla.org/publications/key-issues-for-e-resource-collection-development-a-guide-for-libraries>
- Libslicence (2014). Liblicense model license agreement & commentary. Libslicence Center for Research Libraries available at <http://liblicense.crl.edu/wpcontent/uploads/2014/11/modellicense2014new1.pdf>
- NISO SERU Standing Committee (2012). SERU : a shared electronic resource understanding. National Information Standards Organization available at <http://www.niso.org/workrooms/seru>

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THANK YOU

