

## **PRINCIPLES FOR ACQUIRING AND LICENSING INFORMATION IN DIGITAL FORMATS**

### **Preamble**

The University of California continually expands and evolves its strategic approach to building well organized, professionally managed, comprehensive collections of information needed to realize the goals of the University's academic programs and its public service mission. The University of California Libraries collections strategy is to carefully coordinate and collaboratively manage a variety of library collections, including both those held in common and those held by a single campus that are shared across the university.

Comprehensive collections that meet the University's mission cannot be continuously assembled when scholarly publications are offered only at hyper-inflating subscription prices. Therefore, the University and its libraries also have a strategic interest in advancing a marketplace for scholarly materials that is economically balanced and sustainable.

The following principles are provided to inform and guide the University and its employees (at both campus and university-wide levels) in their business relationships with providers of scholarly information in digital formats.

These principles replace the University of California Libraries *Principles For Acquiring And Licensing Information In Digital Formats 1996*. The UC libraries have benefited from, and seek to contribute to the academic library community's longstanding efforts in the identification and promulgation of collection development principles for digital materials.

Further information about how the UC libraries operationalize these principles is contained in the California Digital Library's *Checklist of Points to be Addressed in a CDL License Agreement* and in the full text of the CDL *Standard License Agreement* available on the CDL website.

### **1) COLLECTION DEVELOPMENT**

a. Collection development criteria pertaining to quality and relevance should be paramount and should be applied consistently across formats, including digital resources.

b. Digital materials should be at least equivalent to their print counterparts, if such exist, i.e. they should be complete and able to be considered and managed as a copy of record.

c. Balance must be maintained among:

- disciplines;
- instructional and research tools;
- the differing needs of each campus.

d. UC should retain authority for selecting and deselecting materials. Its selection prerogative covers content decisions at the title level and preferences of format and should not be compromised by provider-defined connections between titles or between print and digital products.

e. UC will evaluate the cost/benefits of licensing digital resources of out of copyright information against opportunities to digitize equivalent UC resources or participate in other non-profit third-party digitizing efforts of that information.

## **2) COSTS & PRICING**

a. UC seeks and encourages methods for pricing electronic content that balance the financial requirements of information providers and the budgets and mission of the UC libraries. UC will give preference to vendors and products that have, or are developing, business models and practices that are economically sustainable for UC. Sustainable practices include reasonable absolute price changes, and explicit and reasonable bases for price changes, ideally reflecting actual amortized and/or operating costs.

b. The price of a resource to UC should be aligned with its value to UC. Value is necessarily multi-variate, including but not limited to use, price-per-page, price-per-citation, impact factor, and relevance to UC academic programs. UC will endeavor to refine indicators of value and to share the use of those indicators with resource providers.

c. Publishers can and should gain operational efficiencies, particularly in the marginal costs of adding and distributing content. These efficiency gains should be passed on to customers in the form of significant reductions in the “unit-cost” of information. Publishers should be discouraged from increasing prices to amortize print to digital conversion costs over short timeframes.

d. Content and access costs should be separated. UC should have flexibility in selecting appropriate access mechanisms and levels and should be able to alter these agreements for an existing license, subject only to access and use restrictions in the license agreement. Where possible, business terms should separate content pricing from pricing for access.

e. Because UC has a coordinated and collaboratively managed variety of library collections and services in which the collections of the individual campuses are enriched by capabilities to access the resources of all the others, “cross-access” should be a contractual option. Cross-access business terms should be based on actual or realistic estimates of UC audience, account for the fact that the university is a single system, and acknowledge efficiencies in conducting business with one rather than multiple (campus) parties.

## **3) TRANSFORMATIVE STRATEGIES**

a. The libraries make principled investments in publishing business models that produce high quality scholarly content and have the potential for transforming scholarly communication. A publishing or distribution effort can be considered transformative when it is developed principally to reduce access barriers (e.g. open access models), to provide an alternative to expensive for-profit efforts, and to establish long-term economic sustainability (e.g. by redistributing production costs) that is affordable by libraries.

b. UC consideration of scholarly publishing endeavors is informed by endorsements and analyses by key organizations supporting transformative models such as the Scholarly Publishing and Academic Resources Coalition (SPARC) and the International Coalition of Library Consortia (ICOLC).

c. UC encourages publishers who develop scholarly communication models that represent innovative forms of quality or peer review processes and new publication modalities. Products

should leverage technology for efficiencies in production, timely distribution, and integration with other resources.

d. UC-affiliated authors are major contributors to scholarly journals and other publications whose content is licensed by the UC libraries for teaching, research and patient care purposes. The libraries support the right of UC authors whose scholarly work is included in materials licensed by UC to retain copyright to their work, transferring only first-publication and/or commercial use rights to the publisher while retaining all other non-commercial use and distribution rights.

#### **4) LICENSING**

a. Information providers should employ a standard agreement that contains all of the elements of UC's Model License Agreement, which describes the rights of libraries and their authorized users in terms that are readable and explicit. Permitted uses should include standard academic practices such as interlibrary loan, the inclusion of materials in printed and online coursepacks and reserve reading lists, and ad-hoc sharing of individual items by scholars and researchers.

b. As a public institution with a broad mandate to serve the State of California, UC's "authorized users" include faculty, staff, students and all on-site users of the UC facility. UC's "site" includes every location, physically and virtually, maintained by UC for use by a bona fide member of the UC community. UC makes a good faith effort to authenticate authorized users. UC takes privacy concerns seriously and will not implement systems that abridge or threaten personal privacy. UC will work with and give preference to vendors that have, or are dedicated to developing scalable models for authentication.

c. UC requires business terms that provide for perpetual access by the approved community of users to content that has been purchased or licensed at any point in time. Contracts should specify the means and responsibilities for providing perpetual access in the event that a resource is subsequently canceled or removed by the vendor.

d. Licenses should provide for archival deposit of perpetually-licensed content in one or more third-party trusted digital preservation repositories to safeguard the long-term integrity of the material. The preservation repository should comply with the emerging standards for digital preservation such as the Open Archival Information System (OAIS) Reference Model and the *RLG/NARA Audit Checklist for the Certification of Trusted Digital Repositories*.

e. Vendors should also provide a means for UC to take possession of the complete digital files of perpetually-licensed content, at the university's option, either for business reasons or as a means to provide perpetual access. Business terms define appropriate uses of such archival copies.

f. UC affirms the importance of fair use in fulfilling its libraries' missions and requires that licenses not abrogate the rights allowed it or its members under copyright law, including, but not limited to, fair use and inter-library loan.

#### **5) FUNCTIONALITY & INTEROPERABILITY**

a. UC use data compliant with COUNTER standards should be available to UC as part of contractual provisions for a license. The confidentiality of individual users and their searches

must be fully protected. Use data generated by UC may be available to the information provider.

b. UC will give preference to products whose design and architecture do not constrain access and service integration. Characteristics of such products include explicit and industry standard data formats, support for metadata and data export, and methods for interoperability such as application program interfaces (APIs) and reference (OpenURL) linking.

c. Interfaces should conform to industry standards (including performance standards), concentrate on known functional requirements, and avoid the unnecessary proliferation of platforms. UC should share usability findings and functional requirements information with vendors.

d. Information providers must keep UC informed of format and content changes and coordinate their implementation with UC.

More detailed information about UC functionality requirements can be found at <http://cdlib.org/vendors/>.

Comments and suggestions are welcome and should be addressed to the Collection Development Committee (see <http://libraries.universityofcalifornia.edu/cdc/>)

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## **RELEVANT LINKS:**

### **UC-Focused**

Checklist of Points to be Addressed in a CDL License Agreement.

<http://www.cdlib.org/vendors/checklist.html>

[The Regents Of The University Of California.] Standard License Agreement.

<http://www.cdlib.org/vendors/CDLModelLicense.rtf>

Joint Steering Committee for Shared Collections. Factors to Consider When Licensing Out-of-Copyright Materials

<http://www.cdlib.org/inside/collect/outofcopyright.html>

### **Other**

Counting Online Usage of Networked Electronic Resources (COUNTER).

<http://www.projectcounter.org/>

International Coalition of Library Consortia (ICOLC).

<http://www.library.yale.edu/consortia/>

RLG/NARA Audit Checklist for the Certification of Trusted Digital Repositories.

[http://www.rlg.org/en/page.php?Page\\_ID=20769](http://www.rlg.org/en/page.php?Page_ID=20769)

SPARC (Scholarly Publishing and Academic Resources Coalition).

<http://www.arl.org/sparc/>