**Shared Content Leadership Group**

## Meeting Minutes, December 3, 2021

**Present:** Bob Heyer-Gray (D), John Renaud (I), Alison Scott (LA), Jim Dooley (M-chair), Tiffany Moxham (UCR), Dave Schmitt (SD), Roger Smith (SD), Sarah McClung (SF), Lidia Uziel (SB), Kerry Scott (SC), Ellen Finnie (CDL), Brian Quigley (LAUC), Lisa Mackinder (CDL)

**Absent**: Jo Anne Newyear Ramirez (B), Megan Rosenbloom (LA)

**Guest:** Rachael Samberg (B), Mat Willmott (CDL)

# Announcements, Housekeeping and Calendar Review

* Minutes of the November 12 meeting were approved.

## New TDM rights

* Rachael Samberg updated SCLG on a new exemption to the Digital Millennium Copyright Act (DMCA) allowing for the circumvention of digital rights management (DRM) technology for the purpose of Text and Data Mining (TDM). Currently TDM is considered fair use if the corpus is not republished. Many contracts with publishers contain provisions that limit or prohibit TDM. These contract provisions are superior to fair use rights. The new DMCA exemption is very limited in scope and therefore unlikely to have much effect except in the use of DVDs for TDM if there is not an accompanying license prohibiting TDM. Libraries need to work with publishers to explain the importance of TDM in current faculty research and to negotiate the removal of restrictive license clauses.

## Work Plan for Assessing Cost Shares for Transformative Agreements

* CoUL has asked SCLG to create a project plan for the assessment of cost share models to be used for transformative agreements. SCLG in turn asked JSC to draft a project plan for SCLG approval and transmission to CoUL through DOC. JSC will finish its work on the draft plan at its December 6 meeting and forward the draft to SCLG for discussion at the December 10 SCLG meeting.

## Support for fully OA publishers

* Transformative agreements allow the re-purposing of existing subscription spend to support OA publishing. Agreements with new fully OA publishers often require new money and are therefore particularly challenging in an environment of campus collections budget cuts. At the same time, the UC Libraries are on record as wanting to support new OA publishing initiatives with non-profit, fully OA publishers. The libraries should also be careful not to provide a financial dis-incentive to UC faculty authors to publish in non-profit, fully OA publishers. In this context, SCLG discussed the negotiation with JMIR and looked at one possible cost model that might be used to support an agreement with JMIR. SCLG recommended that negotiations with JMIR should continue even though there was no agreement on a specific cost model to be used.