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A Librarian's View of the UKSG Transfer Code of Practice

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UKSG Transfer Project: Two Years of Work to Produce a Three-page Document

by **Ed Pentz** (Executive Director, CrossRef) <epentz@crossref.org>

When readers of online journals at an institution lose access to subscribed content they are understandably upset, and the librarian bears the brunt of user dissatisfaction. Often the loss of access occurs when journals move between publishers either because a publisher has sold a journal, or journals, to another publisher or because a society has decided to switch publishers for a journal it owns. Many things can go wrong with an online journal transfer leading to a loss of access to content and perpetual access rights. During the early part of the 2000s the problem seemed to be getting worse as highlighted by regular messages posted to email lists and an article by **Louise Cole** in 2005 in *Serials Librarian* (Cole, L. 2005. A journey into e-resource administration hell. *Serials Librarian*, 49: 141–54. http://dx.doi.org/10.1300/J123v49n01_05).

Louise doesn't mince words in the article, which looks at "some of the real horrors facing the manager of those demons of publishing, electronic resources." She efficiently and entertainingly catalogues a whole host of problems with losing access to electronic resources, with the bulk of the problems arising when journals change ownership. The issues **Louise** raised were serious, and publishers themselves were struggling with transfers themselves since there were no standards or agreed upon best practices to smooth the flow of information between publishers during a journal transfer.

As a result of **Louise's** article and publishers' own dissatisfaction with the state of affairs in 2006, the **UKSG** set up the Transfer Working Group under the leadership of **Nancy Buckley**, then at **Blackwell Publishing**. The group was made up of publishers, librarians, subscription agents, and other interested organizations, and there was a real spirit of collaboration and willingness to work together to address the problems with journal transfers. The group got to work but quickly realized that the journal transfer process is very complicated and involves a wide range of sensitive business issues.

The group worked diligently and issued its first draft Transfer Code of Practice in 2007. The release of the draft prompted a firestorm of comments and feedback. While well-intentioned, it's fair to say that the initial draft guidelines overreached and tried to do too much. The biggest issue though was to do with how the guidelines would be applied. The guidelines required that certain mandatory data be deposited in a database and mentioned that an audit process would be created to certify compliance. However, there was no database and no detailed plan to create an audit process, so publishers were reluctant to endorse the Code without these items.

Based on the feedback from the release of the draft Code the **UKSG** Transfer Working Group regrouped, added new members, and

started another round of collaborative discussions. During this process I took over as Chair of the group. In addition there were extensive comments from the **STM** and **ALPSP** associations. The discussions took up almost another year, and it was amazing how difficult some of the issues were when one got into the detail of many aspects of journal transfers. The Code went through at least 20 major versions. Amazingly, the Working Group kept plugging away with good grace (well, mostly...there were some hair-tearing episodes) and in April 2008 finally reached consensus on a revised Transfer Code of Practice that publishers, librarians, and subscription agents were happy with. However, the final step was getting a legal review done of the Code looking at compliance with U.S. and EU antitrust and competition law. This review took another few months (and quite a lot of money!) but was extremely useful.

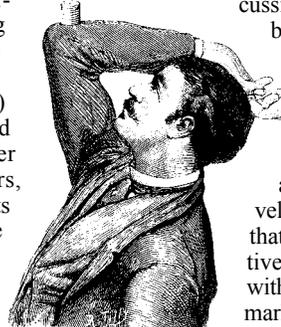
Reassuringly, the Code itself didn't need any revising as a result of the legal review. The main recommendations were to do with how the Code should be presented and what it would mean for publishers to be "Transfer Compliant." The introductory text to the Code was revised to emphasize that: "As a voluntary "best practices" code for industry participants, the Code of Practice does not supplant contractual terms, intellectual property rights, or the competitive marketplace between publishers" and "Publishers who publicly sign up to the Code and who apply it in practice will be considered 'TRANSFER Compliant'...TRANSFER Compliant publish-

ers will also be expected to use commercially reasonable efforts to ensure that their newly-negotiated Third Party-owned journal contracts are also consistent with the Code."

The introduction to the Code ends emphatically with "There is no sanction if a publisher does not sign up to the TRANSFER Code of Practice." There was quite a lot of discussion about whether there would be sanctions for publishers who did endorse the Code but did not adhere to it. Some of the Working Group felt that the Code needed "teeth." However, teeth can cost money, and the consensus view that developed on the Working Group was that it would be much more effective to have the Code be voluntary with no formal sanctions and rely on market pressure from librarians and subscribers and publishers own enlightened self interest to make the Code effective. In addition, the **UKSG** Transfer Working Group has remained a volunteer group, and it has not cost **UKSG** much money to administer and monitor the Code although **UKSG** staff provides crucial support.

I think this approach has been very successful. The Code of Practice Version 2.0 was released in September 2008, and there are now over 30 endorsing publishers representing 10,000 journals. So over two years of work resulted in a three-page document — two of which pages are the actual Transfer Code of Practice. Since its release, Version 2.0 has not needed to be revised.

For more information, please visit www.uksg.org/transfer. 🍷



A Librarian's View of the UKSG Transfer Code of Practice

by **Nancy Beals** (Electronic Resources Librarian, Wayne State University) <am4886@wayne.edu>

With the continuing exponential growth of electronic resources in the past ten years, the ability to track electronic journal movement and changes from publisher to publisher has been a nightmare for librarians and other staff who work with these electronic journals. There has also been an increase in the movement of electronic journals between publishers, making this a major issue for those working with electronic journals. The movement of scholarly journals between publishers is not new in the scholarly publishing landscape, it has been around for many years. There is every indication that this

practice of movement, a fundamental process of many societies and publishers' business strategy, will only continue to increase in the future. In an online environment the implications of titles moving between publishers are far more pronounced than they are in a print world. Problems arising from journals changing publishers are currently principal sources of frustration, dissatisfaction, and debate between publishers and librarians, and even between publishers themselves. For example, as the Electronic Resources Librarian at **Wayne State University**, investigating electronic journal

continued on page 18

access issues is a primary job responsibility. When an electronic journal title changes publisher, the journal URL link can break, causing problems with accessing the title. There can also be problems with incomplete subscription holdings and post-cancellation access when the title transfers. When these things happen, it can cause severe disruption to the end user and patron.

In the past there have been informal systems, such as institutional spreadsheets that are available to view on their library Website in place to track the journal transfer. An example is the **California Digital Library's** Website (<http://www.cdlib.org/services/collections/transfers.html>). However, they are just that, informal or non-official. The **California Digital Library's** information has been somewhat helpful to other institutions with similar titles being tracked, but the utility is limited since the lists are specific to the **CDL** collections.

The need for a more official code of practice or best practice guidelines in this area became increasingly apparent a few years ago with the electronic journals industry continuing to develop and intensify in its growth. It is necessary and sometimes crucial for librarians to get this information communicated to them so that they can provide essential uninterrupted access and service to their patrons. The issue of titles moving from publisher to publisher not only affects patron access to the title on the user side, but the movement of an electronic journal title



also plays a major role on the librarian and staff side. Many library departments can be affected by this move. Electronic resources, serials, acquisitions, Web librarians and their work flows are impacted by the move of a title between publishers. From the purchase, the post-cancellation access, and the linking, right down to the title listing in the catalog, elements of the electronic journal's purchase work flow may be repeated with the change in publisher. By having a way to track journal title transfers, a large portion of investigative work related to a title issue can be avoided, saving librarian and staff time.

Transfer has drawn upon previously successful initiatives in the library community, such as the work done by **JISC's Publisher and Library Solutions (PALS)** group, the **Publishers Association – Joint Information Systems Committee (PA-JISC)**, and **National Information Standards Organization's (NISO) Counting Online Usage of Networked Electronic Resources (COUNTER)**. **UKSG** Transfer is currently overseen by a Transfer Working Group comprised of representatives from the scholarly publishing, intermediary, and library communities. The Transfer Working Group also spent almost two years developing the **UKSG** Transfer Code of Practice, which included consulting all stakeholders in the community. Based upon an enthusiastic response from the library and publishing communities, to date the Working Group is continuing to oversee the Code and will review how it is working and whether any updates or changes are needed.

Of particular benefit to librarians is the Transfer Journal Notification service. Informa-

tion about a journal title transfer is provided by the publisher by filling out the Journal Transfer Notification Form located on the Transfer Website. The service then posts this information to a blog and to a **JISC** email list that anyone can sign up for to get information about title movements. This blog is ideal in that it provides current information and also keeps a dated archive. With two options in place for accessing the title transfer information, this makes it convenient for anyone who needs access to it. Only publishers who endorse the **UKSG** Transfer Code of Practice can post to the service.

Over thirty publishers in the industry endorse the Transfer Code. However, more work is needed. Publishers and libraries need to increase awareness of this service. Librarians who work with the Transfer list need to let other librarians and publishers know how well it works and how it helps with their daily work. With more information out there about how Transfer can help, more publishers will become compliant, thereby increasing access to more title transfer information.

Transfer has already affected the industry in a roundabout way. This initiative has increased awareness of the need for publishers to let libraries know how they are updating their products. Almost every major publisher that provides electronic resource content has changed or altered their online Websites and content in the past few years. Many of them have been keen enough to realize that the changes they make affect the libraries, patrons, and users in extraordinary ways. Transfer was the beginning of creating this necessity for letting consumers know that changes are on the way.

Transfer Code of Practice is available at <http://www.uksg.org/transfer>. 

TRANSFER 2010 — A Publisher Point of View

by **Alison Mitchell** (Nature Publishing Group) <a.mitchell@nature.com>

Publishing is an ever-changing business, and the movement of journals between publishers has long been the norm. As publisher portfolios evolve and change direction, publishers may seek to acquire or divest titles; newly-launched products may seek a new home for the next phase in their development; and journals owned by learned societies or other third parties may move as the owner seeks the best possible publishing environment for their intellectual property.

These moves, while desirable from a business point of view, can create significant inconvenience for all involved. And, if not handled correctly, they can have a considerable impact on the transferring and receiving publishers. Most importantly, however, are the effects of a journal transfer on its subscribers and users, who can experience a loss of access and frustration in recreating the functionality and features that they enjoyed prior to the move.

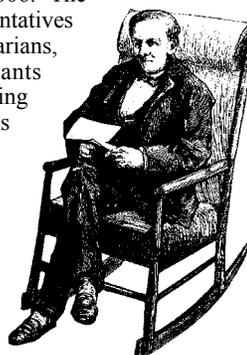
The TRANSFER Code

These were just some of the problems that the TRANSFER Working Group sought to address when it was created in 2006. The Working Group combined representatives from across the industry — librarians, publishers, agents, and consultants — and tried to balance the differing (and sometimes conflicting) needs of each constituent group to develop a robust yet workable set of principles.

These principles were translated into the TRANSFER Code of Practice, which was released in September 2008. The Code attempts to establish a set of standards for the journal-transfer process that can be used as a baseline of quality and performance. Given the increasingly digital nature of publishing, the Code focuses on the online challenges that surround a transfer,

such as the transfer of content files, customer data, access information, and URLs.

In the two years since its inception the TRANSFER Code has been adopted by over 30 publishers, who have undertaken to abide by the principles therein whenever they divest or acquire a journal. The publishers vary from large organisations that transfer tens of journals every year, to smaller groups that may transfer just a single title every couple of years. So what has been the impact of the TRANSFER Code in practice?



TRANSFER in Action

Publishers recognise that ours is a service industry. We aim to serve our authors and referees through rapid and effective peer review, along with the added value that we

continued on page 20