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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

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