2015

Back Talk: Licenses: Where e-Resources Become Real for Library Users

Ann Okerson
Center for Research Libraries, aokerson@gmail.com

Follow this and additional works at: https://docs.lib.purdue.edu/atg

Part of the Library and Information Science Commons

Back Talk — Licenses: Where e-Resources Become Real for Library Users

Column Editors: **Ann Okerson** (Advisor on Electronic Resources Strategy, Center for Research Libraries)
<aokerson@gmail.com>

This **Back Talk** column offers some reflections upon the totally re-written and newly released (November 2014) *LIBLICENSE Model License (LMLA)* — a standard *de facto* U.S. license, whose previous iterations started in the late 1990s and were maintained through 2008. The *LMLA's* strength comes from drawing on the best language and principles of many libraries and organizations, as well as innovating with language that others have been able to repurpose and use. The *LMLA* represents in every sense a shared effort and circle of gifts. This new version also serves as a quiet manifesto of what library users need in e-resources.

Under the impact of digital technologies, we've already lived through revolutions in librarianship, with more to come. One way we know this is by reading the exciting and excited descriptions of the latest developments (such as data curation, discovery tools, the semantic Web, linked data, mining, and much more) shaping the future that lies just around the corner.

In such heady contexts, licensing of e-resources may seem a little passé, dull, and "soooo last decade." And yet library and consortial staff are more and more negotiating and signing licenses, for more and more new products and formats. The majority of digital content needed by library users still comes not by purchase but by license — which can resemble ownership but is often more akin to rental access. There are reasons why today's practices make sense and some reasons why they don't, but they're a fact in today's world. The document that records each agreement is the pesky license.

In 1997, after a couple of years' work negotiating and signing licenses at the **Yale Library**, colleagues and I started the *LIBLICENSE* project, offering detailed information and guidance, model texts, a lively online discussion forum, and even software for building libraries' own licenses. The project has been a long-sustained and successful resource, and it now flourishes at the **Center for Research Libraries** (*http://liblicense.crl.edu*), while the discussion form reaches over 4000 people five nights a week, with some lively debates about current issues in digital librarianship (*http://liblicense.crl.edu/discussion-forum/subscribe/*).

The new 2014 *LMLA* (version 5.0) incorporates best practices, recommendations, and guidance in choices for getting the best possible terms of use from an information provider. We're about to unveil an accompanying new release (version 3) of the software that lets libraries customize their own licenses, by clicking, selecting, and filling in blanks, thus creating a contract for discussion with colleagues and vendors. The software has been an extraordinarily useful educational tool for workshops and library school courses. In fact, publishers can also use the *LMLA* and the software to create licenses from their end, if they wish.

During the 1.5 year-long process of rewriting the *LMLA*, we on the working group (listed in the press release at *http://liblicense.crl.edu/wp-content/uploads/2014/12/12-03-2014PM-FINAL-Model-License_announce.pdf*) were amazed by how much had changed and how lively the discussions were. Partway through the effort, we called for comments and worked through over 200, far more than expected. Here are just a few of the sensitive and time-consuming issues that preoccupied the team and our numerous commentators:

- One of the hottest areas is the growing demand for sophisticated text and data mining of online resources, both within a given database or publisher's list AND across a number of outlets and subjects, journals, databases, books, and more. Academic and research institutions' scholars and scientists champ at the bit to access and analyze information that answers their urgent research questions and identifies patterns that have not been seen before — and to do so unfettered by publishers' tools and restrictions. At the same time, information providers have two cautions — the commercial one, of not letting their content out of their control, and the operational one, of determining how to allow these sometimes intensive searches and explorations either on their own hardware or more remotely, without compromising the integrity of data and the ability of their systems to serve all users. These problems are solvable but hugely time-intensive and sensitive. Librarians are still a ways from meshing research and publisher requirements. We will soon be seeing more and more demands in science and scholarship from this kind of innovative "big data" work, and at the student level as well.

- Today, it is essential to connect "discovery services" with information providers' content. To support library users most effectively, these growing services must be comprehensive in their coverage. In other words, the journal, newspaper, database, eBook (and so on) publishers need to let third-party discovery vendors have deep access to content. However, discovery service providers are in competition with one another, some publishers are in competition with discovery services, and vice versa, so libraries choosing one system over another generally have to sacrifice access to certain desired resources, a situation not at all satisfactory. In the *LMLA*, we attempt to put the library/customer in a stronger position, by asking each publisher to cooperate in specific and very technical ways with others such services.

- The open access movement has its own impact on the way libraries deal with publishers. What has emerged so far is not a Utopia of information freely available to all, but a complex network of resources with mixed content (some OA, some not), varying rights and privileges for different users, and distinctive pricing issues. If a journal, for example, is hybrid, open/not, then it is likely deriving some revenue from article processing charges (APCs) for the open content. What does that do or what should it do to the price libraries pay

for the non-open content? How transparent can publishers be about their revenue flows, in order to explain and justify how they are pricing what they sell? Nothing like this is ever easy, and there is these days a great deal of discussion about a "total cost of ownership" approach for journal deals.

- An area of huge concern is the sensitivity of our users to matters of confidentiality and privacy. Here, license-makers need to devote a lot more attention to policies of publishers and vendors. When users enter a library system to a vendor's site, they are leaving behind substantial amounts of personally identifiable and near-identifiable data. These vendors would not be doing their job if they did not seek to use that information to improve their product or possibly as a revenue source (sold to third parties). But library users have expectations that they will not be giving away their privacy in return for using library resources. U.S. laws lag behind those of other countries, such as European, in this regard.

- There is so much more. Issues such as perpetual licenses (what do we get to keep forever? how will that work?) and digital rights management (just how cumbersome will access need to be?) are of great importance to library users and present a landscape in constant change as technology and innovation advance. And, these days, authors' rights are front and center — the *LMLA* attempts to support institutional authors in their right to use their own published work as they need to.

We invite you to read the *LMLA*, to think of it as a community tool, to use it as a source of support, and to improve and update it. What's different about the corner of the library where license deals are struck is that it's the place to see most clearly just what issues are really new, key, and/or unresolved right now, for real users, for real content providers, and thus for real librarians. By working together, we continuously improve our user environment.

www.infotoday.com/calendar.asp). He recently contributed a chapter to the book **Special Libraries: A Survival Guide** *(ABC-Clio, 2013) and is the Editor of* **Personal Archiving**, *(Information Today, 2013). He holds a Ph.D. degree from the* **University of California, Berkeley** *and has worked in the online information industry for over 40 years.*

Endnotes

1. For more details, see "As Researchers Turn to Google, Libraries Navigate the Messy World of Discovery Tools," **Marc Perry**, *The Chronicle of Higher Education*, April 21, 2014, which cites endnote #6 below.

2. *http://www.uksg.org/sites/uksg.org/files/Kortekaas%202014-06%20 UKSG%20Webinar.pptx*

3. See *http://www.inforum.cz/pdf/2014/jablonka-agata.pdf* for a presentation from **Elsevier** at the 20th Annual Conference on Professional Information Resources, which reported that referrals to Science Direct eBooks from discovery services far exceeded those from other sources during the past year.

4. Comparative User Experiences of Next Generation Catalogue Interfaces, **Rice Majors**, *Library Trends*, Volume 61, Number 1, Summer 2012, pp. 186-207.

5. Paths of Discovery: Comparing the Search Effectiveness of EBSCO Discovery Service, Summon, Google Scholar, and Conventional Library Resources, **Andrew D. Asher**, **Lynda M. Duke**, and **Suzanne Wilson**, *College & Research Libraries*, Volume 74, Number 5, September 2013, pp. 464-488.

6. A Tale of Two Discoveries: Comparing the Usability of Summon and EBSCO Discovery Service, **Anita K. Foster** and **Jean B. MacDonald**, *Journal of Web Librarianship*, Volume 74, Issue 1, 2013, pp. 1-19.

7. Open Discovery Initiative: Promoting Transparency in Discovery, **NISO** Report 19-2014, June 25, 2014. (Available at *http://www.niso.org/workrooms/odi/*).

8. Recommended Practices: Discovery Services, **NFAIS**, August 2013, *http://info.nfais.org/info/Recommended_Practices_Final_Aug_2013.pdf*.

Bailey and **Creibaum** delivered an abridged version of their preconference program to an overcrowded room of eager listeners. The presentation highlighted the steps necessary to build an allocation formula from scratch: selecting and gathering data, determining weights, implementation, and inevitable iterative adjustments and modification. Presenters frequently reminded attendees to explore, experiment, and customize the demonstrated allocation formula to fit the unique needs of their own campus. Audience members posed questions throughout the session, many of which focused on why decisions were made to include or exclude data in the formula, possible additional factors to consider, and how the new allocation formula was received by faculty and administrators. The topic clearly lends itself to longer session format (such as a preconference program), but the presentation closely matched its program description. Attendees were directed to a demonstration formula available online for download as an Excel file and detailed presentation slides to guide their own allocation formula development.

That's all the reports we have room for in this issue. Watch for more reports from the **2014 Charleston Conference** *in upcoming issues of* **Against the Grain**. *Presentation material (PowerPoint slides, handouts) and taped session links from many of the 2014 sessions are available online. Visit the* **Conference Website** *at* **www.katina.info/conference**. — **KS**