Licensing Electronic Resources in Library Consortia
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Presentation Outline

• About Library Consortia
• About OhioLINK
• How OhioLINK Approaches Acquiring/Renewing/Cancelling Content
• Content Negotiation Process & Approach
• Contract Negotiation Process & Approach
• Communication with Members
• Poll Questions with Discussion
• Q&A
About Library Consortia

• Circa 200 worldwide

• “Outside the US, many consortia represent entire countries and are affiliated with their governments, whilst library consortia within the US often are organized at the state or regional level, or by a specialized type of library.” ¹

• Different Types, Funding Models, and Priorities ²

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About OhioLINK

• State-funded Executive Agency under the Ohio Department of Higher Education
• The Ohio State University is our fiscal agent
• State of Ohio provides our operating funds and we receive capital dollars to put towards the purchase of eJournals
• Although some state funding is put towards group resources, most of the funding for resources is provided by participating institutions
Our Members

- 118 Member Libraries
- 90 Institutions
- 16 Public Intuitions
- 49 Private Institutions
- 23 Community Colleges
- 16 regional campus libraries
- 8 Law school libraries
- 5 Medical school libraries
- State Library of Ohio
- Cleveland Clinic
Services

Shared Print Collections
- Over 45 Million Items
- 350,000 items delivered per year

Shared E-Resources
- Annual content purchase of $44,000,000
- Over 29 million electronic journal articles in 11,000+ journals
- 100+ research databases
- 180,000+ ebooks

Technology Services
- E-Journal, E-book, and database platforms
- Electronic Theses and Dissertations
- Central Catalog (Innovative’s INN-Reach), Discover Layer, Link Resolver
- Centralized Cataloging (Metadata Services)
- Affordable Learning
- eTutoring
How We Approach Acquiring and Cancelling Content

• Cooperative Information Resources Management Committee (CIRM)
  – Explores and makes recommendations to the Library Advisory Council (LAC) on content. Focuses on cooperative resource management issues and recommends new policies and procedures.
  – Consists of collection development and acquisitions librarians.

• Monthly in-person meetings
OhioLINK Collection Development Principles

These broad principles guide the selection of electronic content that is shared among all OhioLINK members:

• Content meets statewide strategic and sustainable priorities for education and research
• Decisions about and support for content are made by the member organizations
• There is a high need across the majority of the membership (basic resources)
• There is a firm commitment of sufficient funds from the membership (basic resources) or the research intensive members (research resources)
• Price savings are substantially better than individual institutional purchases or subscriptions
• Management of the content supports efficiencies for staffing at OhioLINK and membership institutions

https://www.ohiolink.edu/content/ohiolink_collection_development_principles
How Content is Offered

• CIRM designates each OhioLINK resource as Core, NPR, or Opt-in.
  – Core Resources: all members have access, contribute to the resource cost.
  – NPR Resources: all members have access if members pledge enough to cover the cost of the resource.
  – Opt-in: Members request pricing, OhioLINK negotiates per institution cost, members decide if they would like to pick up the resource(s).

• Terms (date) of contracts determined by need and pricing.
  – One year
  – Multi-year
Negotiation Process

STEP 1: OhioLINK Central Data Gathering & Analysis – (varies depending on type of acquisition)
- For renewals
  - Pricing history (notating any package variances), cost per use, denials, use per institution, use by journal past 5 years, use by eBook (by title, by package) past 5 years
  - Member local subscriptions (journals)
  - Outcome/Consequences of previously cancelled packages
- For potential new resources
  - Member survey for local subscriptions – e & p
  - Local sub lists requested from publisher/vendor
  - Central catalog content analysis (eBooks)

STEP 2: Presented at CIRM meetings for strategy discussion
STEP 3: OhioLINK negotiates, presents offer to CIRM/LAC
STEP 4: CIRM/LAC votes on renewal
Central Office’s Vendor/Publisher Negotiation Approach

• OhioLINK uses initial data gathering and analysis when meeting with vendors.
  – Important to know organization’s pricing history and any edits/changes to deals over time.
  – Usage reports: Vendors will always present their spin on usage.
  – If contentious renewal, know what will happen to each of your members if the deal is not renewed. I.E. know when you are willing to walk away.

• We try to anticipate pressure points
  – Informal market analysis discussed with CIRM
  – Particular vendor/publisher initiatives (pushing new content?)

• With CIRM, we outline an acceptable outcome before talking to vendors.

• Regular, good communication with CIRM is essential during the negotiation.
Contracts

- Full contracts are reviewed by an Intellectual Property (IP) lawyer (contracted).
  - OSU (as fiscal agent) has to approve all contracts for final signature.
  - Simple amendments are done “in-house” with OSU legal offices’ guidance/approval.

- Try to have separate contracts for separate resources (eBooks & Journals).

- Library specific contract language references:
  - LIBLICENSE Model License Agreement
  - California Digital Library (CDL) Standard License Agreement
Contract Negotiation Process

OhioLINK works from a vendor’s contract and reviews for particular terms and conditions. Usually start with most recent negotiated contract.

**STEP 1:** OhioLINK central offices makes initial pass, making notes/edits for our lawyer.

**STEP 2:** Contract is passed onto lawyer for review, lawyer returns to OhioLINK.

**STEP 3:** OhioLINK reviews lawyer comments, discusses makes edits as necessary.

**STEP 4:** Contract revisions are presented to vendor

**STEP 5:** Vendor final contract negotiation dance
Focus on Contract Terms

- Affiliated Institutions
- Definition of “Authorized User”
- Method of Access
- Privacy and Confidentiality: Handling of Personally Identifiable Information (PII)
- Authorized Uses (ILL, TDM, CMS, Reserves, scholarly sharing, poxies)
- Licensor performance obligations (Availability, quality of service, notice of modifications, ADA compliant)
- “Usable” Usage statistics (COUNTER compliant)
- Indemnification (Cannot agree to indemnification)
- Multi-year (state funding) clause
- Local loaded content (ownership)
- Post Cancellation Terms
- EU General Data Protection Regulation (GDPR)
# Contract Terms: Tips from series presentations

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<td>August 22, 2018</td>
<td><strong>Fundamentals of Licensing Electronic Resources</strong></td>
<td>Lori Duggan</td>
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<td>August 29, 2018</td>
<td><strong>Managing and Implementing Licensing Agreements for Electronic Resources, Part I</strong></td>
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Communicating Contract Terms with Membership

- CIRM representatives
- General announcements in weekly OhioLINK email blast.
- New: Electronic Resources Implementation Team
- Resource information section on OhioLINK extranet
  - CIRM minutes
  - In-depth deal/contract information
- Forthcoming: OhioLINK Member’s Portal
This package was designated as a Core EJC Basic resource by CIRM in February 2015.

**Status:** Current, 2018

**License term:** 2014-2016, renewed 2017-2019

**Concurrent users:** unlimited

**View:** [Terms of Use from License](#)

**Perpetual access:** Yes

**Full text or links loaded to the EJC:** Full text

**Full text access at publisher site:** Yes

**Publisher website:** [https://academic.oup.com/journals](https://academic.oup.com/journals) (opens in new tab)

**Publisher:** Oxford University Press

**Package History:** Package began in 2003.

**Notes:** There are a few titles that come with the titles in the lists below but that do not appear in those lists in 2016 and 2017. As of 2018, they were added to the listing in the license. They are:

- Epidemiologic Reviews (comes with *American Journal of Epidemiology*)
- European Heart Journal Supplements (comes with *European Heart Journal*)
- French Studies Bulletin: A Quarterly Supplement (comes with *French Studies*)
- Journal of the National Cancer Institute Monographs (comes with *JNCI: Journal of the National Cancer Institute*)
- Journal of Survey Statistics and Methodology (comes with *Public Opinion Quarterly*)

**Current title list:**
- Oxford ejournals 2018 title list PDF
- Oxford ejournals 2018 title list Excel Sheet (now includes all
Scenario Polls

- Member institution subscribes/purchases additional content from a publisher.
- Vendor local terms v. consortium terms
- “Excessive Downloading”
Questions?

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