

A faint, light green world map is visible in the background of the slide, centered behind the text.

Coming to Terms – Behind the New Liblicense Model License

Hosted by the Center for Research Libraries
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Presenters

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Ivy Anderson

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Ann Okerson

CRL Senior Advisor on electronic resources strategy, and
founder, *LIBLICENSE* Project

Tracy Thompson

Executive Director, NELLCO Law Library Consortium



A SHORT HISTORY

- Liblicense project initiated in 1998 with support from CLIR and DLF
 - Website (<http://liblicense.crl.edu>)
 - Discussion list (liblicense-l@listserv.crl.edu)
 - Model license
 - License-creation software
- US Model license previously updated through 2008
- Liblicense Project moved to CRL in 2011-12
 - Website revised and overhauled 2012-2013
 - Model license re-write initiated in 2013-2014 under CRL auspices, with support from the Andrew W. Mellon Foundation



THE VALUE PROPOSITION

Ivy Anderson

- Why model licenses are important
- What was valuable in this team process



THE VALUE PROPOSITION

Tracy Thompson

- Why model licenses are important
- What was valuable in this team process



THE TEAM

- Ann Okerson (Center for Research Libraries - CRL) – Project Convener
- Ivy Anderson (California Digital Library – CDL)
- Julia Blixrud (Association of Research Libraries - ARL)
- Craig Olsvik (Canadian Research Knowledge Network - CRKN)
- Tracy Thompson (New England Law Library Consortium - NELLCO)
- Crista Williford (Council on Library and Information Resources – CLIR)
- Lisa Macklin (Emory University) is the Project’s Legal Advisor and Specialist



OUR GOALS

- To reflect the values and perspective of the library community
 - Within the bounds of what is practical and achievable
 - To respect the input from other communities and respond to comments as appropriate
- To make the license less journal-centric
 - Still optimized for journal content, but generalized to apply to other kinds of content as well
 - Language is format and genre-neutral
- To serve as an educational tool
 - Bring important provisions to the attention of the library community
 - Individual clauses can be adapted for use in third-party licenses, to strengthen or replace pre-existing provisions
- To revive the license-creation software, which is no longer compatible with current operating systems and software
 - Heavily used in library schools and training sessions



THE PROCESS

- First meeting September 2013
 - Four day-long in-person meetings
 - Conference calls 1 -2 times per month for one year
- First draft distributed for comment April 2014
 - Comment period closed in mid-May
- Comments received
 - ~20 organizations plus many individuals
 - STM, Creative Commons, LIBER, World Bank, ONIX-Editeur
 - Consortium representatives
 - Leading practitioners and copyright experts
 - ~200 individual comments on various portions of the draft
 - Several organizations also pointed us to their existing statements on various topics: e.g. STM and LIBER on text and data mining



WHAT'S NEW: TEXT & DATA MINING (TDM)

- Most comment
- Language designed to allow for broad and flexible use without enumerating specific cases
- Includes explicit rights to:
 - Engage in TDM for scholarly and educational purposes
 - Share outputs in one's scholarly work
 - Make outputs available for use by others
- Requires Licensor to cooperate as reasonably necessary in making material available in a manner most useful to users
 - (e.g., implicitly, by allowing users to download material for local use rather than using a vendor-provided API)
- Limits any added costs to preparation of materials for physical delivery
 - Vendors have sometimes attempted to levy extraordinary charges for the supply of copies



WHAT'S NEW: DISCOVERY SERVICES

- Requires providers to “provide to Licensee’s discovery service vendors on an ongoing basis the citation and descriptive metadata (including all subject headings, abstracts, and keywords), and full-text content necessary to facilitate optimal discovery of the content for the benefit of Licensee and Authorized Users.”
- Intended to be compatible with NISO Open Discovery Initiative
 - Language crafted before this week’s NISO ODI release, so will review and reconcile if needed



WHAT'S NEW: OPEN ACCESS/APCs

- Requires providers to:
 - Report annually on the number of open access articles published
 - by institutionally-affiliated authors
 - by all authors
 - Enter into good-faith discussions about subscription fee impacts, with a goal of reducing subscription fees in proportion to the amount of OA revenue received
- Purpose:
 - Manage economic impact of local OA authorship
 - “TCO” - total cost of ownership concept
 - Guard against “double-dipping”



WHAT'S NEW: AUTHORS' RIGHTS

- Allows institutionally-affiliated authors to:
 - re-use their own works for scholarly and educational purposes
 - deposit their works in institutional and other open repositories
- Taken from ARL-endorsed Model Author Rights language at <http://authorrights.wordpress.com>



AND MORE...

- Transfer of perpetual rights when materials are acquired by another publisher
 - In conformity with TRANSFER Code of Practice
- Itemized holdings lists annually or on request
 - In KBART-compliant format where applicable
- Provisions relating to use of DRM and watermarks
- Use of abstracts in faculty profiling systems
- Re-organized perpetual and archival rights sections to bring related provisions together in a more understandable way



AND MUCH MORE...

- Ownership of intellectual property
 - License acknowledges that IP rights are not transferred to Licensee, but no longer concedes that Licensor owns all IP rights
 - Explicit limitation on Licensor rights in public domain content, Creative Commons licenses, etc.
- *Plus many other changes!*
 - Commenters were uniformly thoughtful and helpful
 - Most comments pertained to language and nuance in the text (few new provisions were suggested)
 - *Many* good suggestions were incorporated into the final draft



TIMELINE

- November/December 2014 – Published final version on *LIBLICENSE* website
- Ongoing: Promote and publicize
 - Gain support and endorsements
- Now: Create-your-own license Software
 - Design phase: September – November 2014
 - Usability review: December 2014
 - Language review: December 2014/January 2015
 - Roll-out planned for March 2015

LIBLICENSE: Licensing Digital Content



[LIBLICENSE](#) > Liblicense Software

Liblicense Software



The Liblicense software uses as its foundation the [Liblicense Model License](#). The software enables libraries to create their own licenses for electronic resources and use these to work with publishers when licensing content. The software also serves as a great educational tool, stepping those new to licensing through the key clauses and presenting definitions and options. If an entirely new license is not needed, users can extract specific clauses and wording to insert into existing licenses.

Liblicense Software (Windows) 3.0.1.3

Liblicense 3.0 runs on Windows Vista, Windows 7, Windows 8, and Windows 8.1. Download the following file to run the application on a Windows computer.

[Installer EXE](#) | [ZIP](#)

Liblicense Software (MAC OS X) 3.0.1.3

Liblicense 3.0 also runs on Mac OS X 10.6 (Snow Leopard), 10.7 (Lion), 10.8 (Mountain Lion), 10.9 (Mavericks), and 10.10 (Yosemite). Download this file to run the application on a Mac computer.

[Installer DMG](#) | [ZIP](#)



THANK YOU!

Model License Text

<http://liblicense.crl.edu/licensing-information/model-license/>

Model License Software

<http://liblicense.crl.edu/liblicense-software/>

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Questions & Discussion



Please join us for a discussion with our presenters.
Submit your questions in the **Chat** box.

Upcoming Event

Global Resources Collections Forum: Shared Resources / Common Vision

CRL cooperative collecting and licensing activities in three areas: science, technology and engineering; news; and law and government.

1:00 to 4:00 p.m. (CST) April 24, 2015

Visit www.crl.edu/events to register



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