

ONIX for Publication Licenses: Adding Structure to Legalese

<http://www.niso.org/news/events/2009/onixplog>



• Introduction

- **Todd Carpenter**, Managing Director, NISO

• SCELCL and ONIX-PL

- **Rick Burke**, Executive Director, SCELCL - Statewide California Electronic Library Consortium

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- **Wilma Mossink**, Juridisch Adviseur/Legal Adviser, SURFFoundation

• An Introduction to RELI:

A Project to Pilot the Development of a Licence Registry

- **Mark Bide**, Executive Director, EDItEUR



NISO Webinar • December 9, 2009



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2010

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- February 10 (Webinar): What It Takes To Make It Last: E-Resources Preservation
- March 8 (Open Call): ERM Data Standards & Best Practices Review Working Group Update - **Free!**
- March Two-Part Webinar: Identifiers: New Problems, New Solutions
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SCELCL and ONIX-PL

Rick Burke, Executive Director, SCELCL
NISO Webinar
September 10, 2008



What is SCELCL?

- The **S**tatewide **C**alifornia **E**lectronic **L**ibrary **C**onsortium
 - Founded in 1986
 - Works with 95 private academic and research libraries throughout California to:
 - License electronic resources
 - Share information and expertise
 - Provide reciprocal borrowing and interlibrary loan cooperation among members

What is ONIX?

- ONIX, as you know, is an acronym for **O**Nline **I**nformation **e**Xchange
- Library consortia and libraries sign license agreements for a wide range of electronic resources where terms vary widely
- ONIX-PL provides a means of electronically communicating rich information about publications licenses between publishers, consortia, libraries, and end users

Why SCELCL and ONIX-PL?

- SCELCL provides a consortial ERMS for its members as a membership benefit
- The ERMS contains the license terms for most of the SCELCL contracts
- ERMS provides a means for linking terms to the actual resources
- However, license terms have to be entered manually into the ERMS

SCELC Consortial ERMS

- To make visible and accessible our consortial contracts
 - Will expose data now contained in our local database
 - Vendor contacts, subscriber and product information
- License Terms
 - Meets vendor request for providing license terms and conditions to end users
- Encourages cooperative collection development
 - Can readily view which products are offered through SCELC
 - Shared library data on electronic resource holdings
 - Can provide a guide to acquisition decisions for databases on multiple platforms, e.g., APA databases

License Details in ERMS

- The next two slides illustrate some of the license terms stored in the ERMS for each license
- These terms are labeled according to the DLF ERM1 data elements for describing license terms
- The ultimate goal is to take advantage of the ONIX-PL encoding of the entire license, and be able to access its content in context

License Details View - Terms

The screenshot shows the 'HRAP Ethnography' license details view. The left sidebar contains a tree view with 'License Details', 'General Info', 'Resources (1)', and 'Terms'. The 'Terms' section is expanded, showing a list of terms with their corresponding values. The terms include: Fair Use Clause Indicator (Present), Database Protection Override Clause Indicator (Absent), All Rights Reserved Indicator (Absent), Citation Requirement Detail, Digitally Copy Note (Authorized Users and Use for eHRAP 2, par.4), Print Copy Note (Authorized Users and Use for eHRAP 2, par.5), Scholarly Sharing Note (Silent), Distance Learning Note (Silent), ILL Print or Fax (Prohibited), ILL Secure Electronic (Prohibited), ILL Electronic (email) (Prohibited), ILL Record Keeping (Authorized Users and Use for eHRAP 2, par.11), ILL Record Keeping Note (Authorized Users and Use for eHRAP 2, par.11), ILL Print or Fax (Prohibited), ILL Secure Electronic (Prohibited), ILL Electronic (email) (Prohibited), ILL Record Keeping (Authorized Users and Use for eHRAP 2, par.11), ILL Record Keeping Note (Authorized Users and Use for eHRAP 2, par.11), Course Reserve Note (Authorized Users and Use for eHRAP 2, par.10), Electronic Link Note (Authorized Users and Use for eHRAP 2, par.10), Course Pack Print (Silent), Course Pack Electronic (Authorized Users and Use for eHRAP 2, par.10), Course Pack Note (Authorized Users and Use for eHRAP 2, par.10), Remote Access (Yes), Remote Access Note (Access by and authentication of authorized users), Other Use Restrictions (Staff Note), Other Use Restrictions (Public Note), and Perpetual Access Right (Undetermined).

License Details View - Terms (2)

The screenshot shows the 'HRAP Ethnography' license details view, similar to the previous one but with a different set of terms displayed. The terms include: ILL Print or Fax (Prohibited), ILL Secure Electronic (Prohibited), ILL Electronic (email) (Prohibited), ILL Record Keeping (Authorized Users and Use for eHRAP 2, par.11), ILL Record Keeping Note (Authorized Users and Use for eHRAP 2, par.11), Course Reserve Note (Authorized Users and Use for eHRAP 2, par.10), Electronic Link Note (Authorized Users and Use for eHRAP 2, par.10), Course Pack Print (Silent), Course Pack Electronic (Authorized Users and Use for eHRAP 2, par.10), Course Pack Note (Authorized Users and Use for eHRAP 2, par.10), Remote Access (Yes), Remote Access Note (Access by and authentication of authorized users), Other Use Restrictions (Staff Note), Other Use Restrictions (Public Note), and Perpetual Access Right (Undetermined).

The Promise of ONIX-PL

- ONIX-PL should eliminate mapping and manual entry of license terms
- Publishers would deliver machine readable license information in a standardized way via XML
- Expands on DLF-ERMI with the new ONIX for Licensing Terms format
- Direct feed to the ERMS eliminates tedious input
- Would improve user interface for easily accessing terms

Negotiation of License Terms

- ONIX-PL holds the promise of simplifying the process of license negotiation
- On paper, every license format is different
- Once mapped in ONIX-PL, it will be quicker and easier to identify key terms subject to negotiation and make any necessary changes
- An important need: Libraries and consortia need a tool to implement the exchange of XML license data seamlessly with the publisher – a Dreamweaver-like tool for XML

ONIX-PL Editing Tools (OPLE)

- JISC (UK Higher Education Funding Council) and PLS (Publishers Licensing Society) co-funded and helped develop an early version of ONIX-PL Editor (OPLE) to map licenses to ONIX-PL
- A version for general use available Fall 2008
- Open source – freely available to all

JISC: the first OPLE user

- JISC Collections identified a priority requirement by UK academic libraries for all its existing licenses with publishers (around 80) to be available in machine-readable form
- They require full representation of the license with all clauses and usage rights expressed
- JISC is using ONIX-PL and the prototype OPLE editing tools to do this
 - http://www.jisc.ac.uk/whatwedo/programmes/programme_pals2/synthesis/standards/olt.aspx

The SCEL C ONIX-PL Pilot

- SCEL C is piloting ONIX-PL, working with
 - EDItEUR, the ONIX-PL developers
 - http://www.editeur.org/onix_licensing.html
 - Publishers (including Springer; OUP, Nature Publishing Group, Elsevier, and possibly others)
 - A library services vendor (Serials Solutions), whose focus is on the management of electronic resources

ONIX-PL Web Interface

- The demonstration ONIX-PL web page of the Springer license effectively demonstrates this project's potential
- An improvement on our ERM interface, it provides effective access to the license for all parties, including end users
- The OPLE will provide the facility to generate the subsequent web summaries at any stage of license mapping

What you may do:

As licensee

- ✓ **Reproduce In Printed Instructional Material:** [More information](#)
Licensed Content Except
- ✓ **Reproduce In Digital Instructional Material:** [More information](#)
Licensed Content Except
- ✓ **Inter Library Supply Controlled Electronic:** [More information](#)
of Licensed Content Except To Third Party Library
- ✓ **Inter Library Supply Print Or Fax:** [More information](#)
Must include Copyright Notice of Licensed Content Except To Third Party Library

As Authorized User

- ✓ **Access By Secure Authentication:** [More information](#)
Licensed Content
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Has User Location License Premises
Authorized Users may obtain remote access to the Licensed Materials through secure access procedures established by the Licensee. Remote access is only permitted to faculty members, graduate and undergraduate students and staff members of Licensee or Participating Members. No other form of remote access is permitted. [More information](#)
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Compare to the License Details display in the previous ERMS slides

What you may not do:

As Licensee

- ✗ **Access By Robot:** [More information](#)
Licensed Content
- ✗ **Modify Except As Permitted:** [More information](#)
Licensed Content
- ✗ **Remove Obscure Or Modify:** [More information](#)
Protected Content
- ✗ **Make Publicly Available:** [More information](#)
Licensed Content Complete Item
- ✗ **Systematically Copy:** [More information](#)
Licensed Content
- ✗ **Scal:** [More information](#)
Licensed Content
- ✗ **Display Or Distribute Except As Permitted:** [More information](#)
Licensed Content

As Authorized User


- ✗ **Modify Except As Permitted:** [More information](#)
Licensed Content
- ✗ **Remove Obscure Or Modify:** [More information](#)
Protected Content
- ✗ **Make Publicly Available:** [More information](#)
Licensed Content Complete Item
Posting complete articles, chapters, issues, or books on personal or institutional websites is not allowed. Posting materials is allowed as defined in 2.7.
- ✗ **Systematically Copy:** [More information](#)
Licensed Content
- ✗ **Scal:** [More information](#)
Licensed Content
- ✗ **Display Or Distribute Except As Permitted:** [More information](#)
Licensed Content

Summary

- SCELCL wants to promote ideas for improving consortial information management
- Implementation of an effective consortial ERMS is key to this effort
- ONIX-PL provides the best possibility for simplifying a cumbersome licensing process and improving ERMS functionality
- It fulfills a critical need – a universally acceptable standard for formatting and delivering license information for all parties: libraries, consortia, and publishers

Contact Information



Rick Burke
rburke@scelc.org
<http://scelc.org>



ONIX-PL

Viewpoint from the university & library community

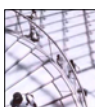

9 december 2009
Wilma Mossink, Juridisch Adviseur/Legal Adviser, SURFoundation



SURF

- **Stichting SURF**
 - collaborative organisation for higher education aimed at breakthrough innovations in ICT
 - based in the Netherlands
- 2 subsidiaries
 - **SURFnet**
 - innovative services in infrastructure
 - **SURFdiensten**
 - intermediary for licensing content and software for higher education
- Heavily involved in **Knowledge Exchange**
 - Partnership with DEFF (Denmark), DFG (Germany) & JISC (UK)



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VLE & content: case study

- Exception in Dutch Copyright Act for using copyright protected works in course packs under certain conditions
 - in conformity with that which may be reasonably accepted in accordance with social custom
 - equitable remuneration
 - acknowledgement
- Conditions laid down in agreement with collecting society so called Reader agreement


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Havock

- Several universities large fines for using content in course packs without paying remuneration
 - based on estimation of collecting society
- Parts of course packs consist of licensed material university has right to use in without further payment
- All universities use VLE
- Course packs often integral part of content in VLE
- Collecting society charges for many articles stored in VLE and used by students

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Problems and solution

- Universities don't want to give collecting society access to VLE for various reasons
- Universities subscribed to many titles and have dozens of licence agreements
- Universities would like to show their right of use
- Not all publishers allow universities to use material in course packs without payment
- Who allows what?
 - too extensive and expensive to find out

ONIX-PL


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Other difficulties

- Most librarians are thrilled by & embrace idea of easy searchable licences but how to accomplish?
- **Chicken Egg** situation
 - few librarians know about ONIX-PL and therefore don't ask publishers
 - few licences actually translated into ONIX-PL
 - model licence Knowledge Exchange
 - some of the JISC & EdiServ licences
 - Nature has translated its licence
 - few ERM-systems that support ONIX-PL

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Chicken or Egg

- Work to be done for both
 - raising awareness library community
 - use case studies to emphasize viability
 - make clear that ONIX-PL saves money & time
 - lean on consortia to negotiate ONIX-PL
 - pushing publishers for ONIX-PL licences
 - clause in model licence
 - Knowledge Exchange licence clause

comply with the ONIX standard for machine readable licences: http://www.editeur.org/onix_licensing.html

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ONIX-PL Working Group

- Consists of **different** stakeholders
 - publishers
 - library consortia
 - aggregators
- Charge
 - communicate with all stakeholders what it means to them
 - actively support and contribute to continued development of ONIX-PL

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Thank you!

Wilma Mossink
mossink@surf.nl
www.surf.nl

9 ONIX-PL

An Introduction to RELI

a project to pilot the development of a licence registry

A presentation for the NISO ONIX-PL 9 December 2009
Mark Bide – Executive Director, EDItEUR

EDITEUR

About EDItEUR

1. London-based global trade standards organization for books and serials supply chains
 - Established 1991
 - Not-for-profit membership organization
2. ONIX family of communications standards
 - ONIX for Books
 - ONIX for Serials (online subscription products including ebooks)
 - ONIX for Publication Licenses
3. EDI
4. RFID
5. Manage the International ISBN Agency

▶ **EDItEUR**

Background to RELI

1. "Registry for Electronic Licenses"
2. Funded by JISC in the UK
3. Led by the Information Science Dept of University of Loughborough (Charles Oppenheim)

▶ **EDItEUR**

The problem?

1. *Within the academic community, there is a desire on the part of users of resources...to be compliant with terms established by rightsholders...the need for users to know what permissions attach to the access and use of any particular resource becomes increasingly pressing due to considerable differentiation between license terms...It is difficult or impossible for users to discover for themselves the terms that apply to a particular resource...*
2. *With licenses typically available only on paper (or its digital equivalent), reference to license terms is labour intensive and slow.*

▶ **EDItEUR**

The Solution?

1. *...lies in the establishment of mechanisms by which key elements of licenses can be made available so that a user can be provided with the most significant elements of license information at the point of use – those that relate to permitted access and use. This needs to happen without additional human intervention; those significant license terms must be machine interpretable. A license registry...is an essential element in the technical architecture necessary to support such functionality.*

▶ **EDItEUR**

Phase 1: User requirements – the highlights

1. Making license terms available to end-users is important
2. Some form of symbolic representation of what is permitted and what is forbidden, but that only key usage terms
3. Interpreting licenses presents many problems, particularly if the meaning of clauses is obscure. In these cases most librarians tend to err on the side of caution and do not allow users to make any use of a resource if they are not completely clear about its legitimacy.
4. Librarians can find it difficult to present the clauses within the license in a meaningful way without expert unpicking of the "legal jargon".
5. Librarians indicated that integrating a license registry with existing library management systems would be desirable, but that it should function without relying on other library management systems.
6. Publishers would like to be able to offer one broad general license, but this was not possible due to differing conditions on the sale of journals. *Publishers, however, did indicate that they would be willing to create machine-readable licenses when it can be shown that there is a demand for them.*

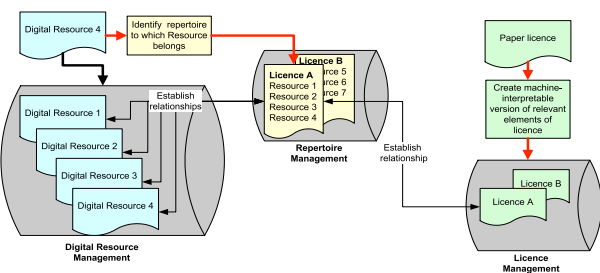
▶ **EDItEUR**

Phase 1 User requirements – the detail

Bide, M., Dhiensa, R., Look, H., Oppenheim, C. and Proberts, S.G., "Requirements for a registry of electronic licences", *The Electronic Library*, 27(1), February 2009, 43-57, ISSN: 0264-0473. Article URL: <http://www.emeraldinsight.com/10.1108/02640470910934588>

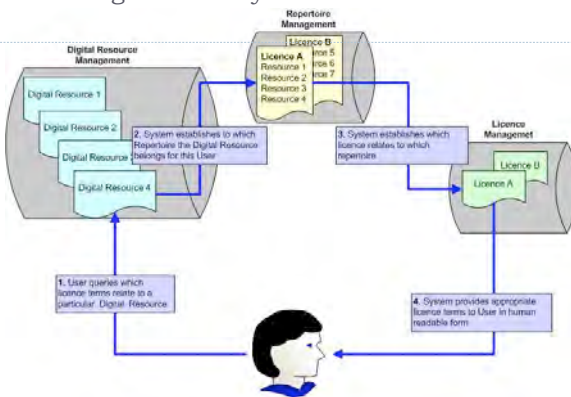
▶ **EDItEUR**

The challenge of identity – license to resource



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The challenge of identity – license to resource to user



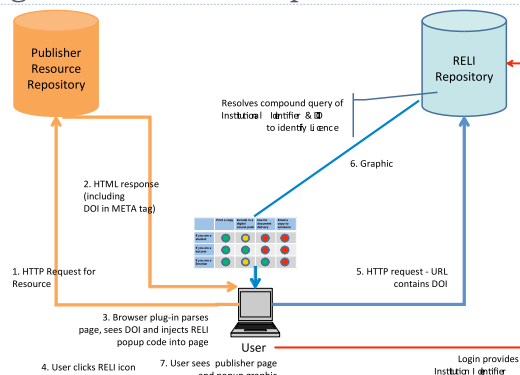
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Constraints – a pilot project becomes a demonstrator

- License expression: ONIX-PL only available machine interpretable format
 - Not many licenses encoded, not being used "in anger"
 - Important distinction between message format (ONIX-PL) and license repository (RELI)
- No systematic mechanism for expressing "repertoires"
 - Unambiguous identification problematic
 - Focus on (CrossRef) DOI identified articles
 - Inconsistency of implementation on publisher web sites
 - Inconsistency of identification of journals themselves
- User identification
 - Planned Shibboleth integration – but not adequately implemented in the UK in time (implemented locally)
- License identification
 - No standards (used local solution)

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High level overview of process



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The user view of RELI

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The user view of RELI

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The user view of RELI

Article
Hongenomic Activity of Ligands in the Association of Androgen Receptor with Src
Sung-Bae Kim, T. Mura-Kaneko, T. Takasaki-Ozawa, Y. Hirayuki, T. and Yoshio (Mitsuzawa) Y. Research Institute for Environmental Technology, National Institute of Advanced Industrial Science and Technology (AIST), 1-1-1 Higashi, Tsukuba, Ibaraki 305-8565, Japan; Department of Chemistry, The University of Tokyo, and Technology Agency, 7-2-1 Honjo, Structure, Institute for Molecular Science and Technology Agency, 461-8601
ACS Chem Res., 2007, 2 (3), pp 468-492
DOI: 10.1021/cr700049f
Publication Date (Web): June 29, 2007
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Abstract

Genomic pathway
AR
Nongenomic pathway
Cell
PROTEIN

What can I do with this?
Include in Personal Historical
Include in Digital Historical
Include in Special Needs Historical
Include in Academic Works
Include in Historical Periodization
Exclude from Personal Historical
Exclude from Digital Historical
Exclude from Special Needs Historical
Exclude from Academic Works
Exclude from Historical Periodization

License: null:214. Licensor: AMERICAN CHEMICAL SOCIETY

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RELI Conclusions

1. The "chicken and egg" conundrum
 - ▶ The requirement is real – but only libraries can create the demand
2. Expressing licenses in XML is a considerable discipline for publishers and everyone else in the chain
 - ▶ There is a steep learning curve for everyone
3. Expressing licenses in XML does not overcome licensing disagreements
 - ▶ Indeed, in the short term, the opposite may be true
4. There are substantial challenges in identification
 - ▶ Of resource, licenses and users
5. A license registry can be useful to an institution in a number of ways, as well as providing permissions data for users
 - ▶ Storing all licenses in one place for access by library staff
 - ▶ Enabling comparisons of licenses

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Issues identified but ruled out of scope

1. Overlapping licences for the same resources
2. Repository architecture
 - ▶ Distributed vs centralized
3. Governance and trust issues

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Recommendations

1. Technical
 - ▶ Enhancements to the platform
2. Non-technical
 - ▶ Encouragement for implementation and support of ONIX-PL by everyone in the supply chain
 - ▶ Encourage explicit inclusion of ONIX-PL support in requirements for systems
 - ▶ A better forum for communication between publishers and libraries about licenses
 - ▶ Identification – need for publishers to think carefully about
 - Unambiguous identification of resources and management of repertoire
 - Need for standards for the identification of licenses
 - User identification

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Thank you

mark@editeur.org

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ONIX for Publication Licenses:
Adding Structure to Legalese



Thank You!

These slides and the event Q&A will be available at:

<http://www.niso.org/news/events/2009/onixp109>

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