

Canadian National Site Licensing Project / Projet canadien de licences de site nationales

Principles for Licensing Electronic Resources

Approved: CNSLP Steering Committee / PCLSN Comité directeur, May 5, 2000

Preamble

General principles (Section 1) reflect the overall goals of the Canadian National Site Licensing Project / Projet canadien de licences de site nationales (CNSLP/PCLSN), and refer to “content” and “licenses” as the portfolio of products to be acquired from multiple vendors that, taken together, will satisfy project objectives.

Principles that follow (Sections 2-14) outline the criteria that will guide the project’s preliminary evaluation of vendor offerings, with the understanding that specific requirements for products under consideration will be addressed through the formal procurement process.

1. General

- 1.1. The Canadian National Site Licensing Project / Projet canadien de licences de site nationales (CNSLP/PCLSN) is a pilot project to license electronic versions of scholarly content for the Canadian academic research community
- 1.2. CNSLP/PCLSN will license content that is consistent with the mandate of the Canada Foundation for Innovation (CFI) (i.e. to promote innovation through increasing Canada’s research capacity in the areas of science, health, engineering, and the environment)
- 1.3. Principles for the CNSLP/PCLSN have been developed in alignment with emerging international consensus by the scholarly research and library communities, regarding principles for licensing and accessing digital information resources
- 1.4. Implementation of the CNSLP/PCLSN will be based on open, sound, and ethical procurement practices, respecting the confidentiality of proprietary information provided by both the licensors and licensees
- 1.5. Content licensed through the CNSLP/PCLSN will be responsive to the breadth of needs of the Canadian academic research community
- 1.6. Wherever possible, content licensed will include French as well as English language materials and will include Canadian content
- 1.7. The CNSLP/PCLSN will aim to secure licenses for the broadest mix of information, and achieve balance among disciplines, types of publishers, and current and retrospective resources
- 1.8. Priority will be given to those electronic resources that offer:
 - Extensive full text content
 - Increased functionality of unique value-added components
 - Enhanced access from the desktop (i.e. availability to remote users)
 - Economies of scale, and scalability to other platforms

- Benefit to the greatest number of researchers
- Rights for long-term retention and/or provisions for access in perpetuity

1.9. Licenses for electronic content will be secured so as to ensure stable access to content, expansion and long-term sustainability of the project

2. Access rights

2.1. Licenses will grant access rights to all bona fide members of the academic community (i.e. faculty, students, staff, and other members of the university community), from any location

2.2. Licenses will permit walk-in (i.e. on-site) usage of licensed resources from any facilities in participating institutions that are made open to members of the public

2.3. Licenses will grant explicit rights for searching, retrieving, printing, and downloading information

2.4. Licenses will provide 24 X 7 access, with minimal downtime for maintenance and administration

3. Archiving and preservation

3.1. Licenses will grant rights to make backup copies, or retain local loads

3.2. Licenses will grant licensee rights to access content in perpetuity, and specify mechanisms, such as vendor and/or third-party agreements

4. Authentication of users

4.1. Licenses will grant access to authenticated users from any location

4.2. Licensed resources will offer “non-barrier” methods of user identification (e.g. access methods that may include but are not limited to individual sign-on and password)

4.3. Licensors will accommodate a variety of existing and emerging user authentication mechanisms (e.g. IP validation, proxy server, http refer, public key infrastructure)

5. Authorized use of licensed resources

5.1. Licenses will grant rights for private research, study, educational or administrative use (i.e. any use associated with normal practices and activities of the participating institutions)

5.2. Licenses will allow for limited repurposing of content (e.g. course packs and electronic reserves)

6. Copyright and intellectual property rights

6.1. Publishers will warrant that they have rights to provide the content

6.2. Access rights will not deny users any rights as provided for under Canadian copyright law

- 6.3. Licenses will contain appropriate limitations of liability for both licensor and licensee, with regard to third-party violations

7. Functionality, including accessibility

- 7.1. Licensed resources will be Web-accessible, and will not normally require special or proprietary software to be loaded at the desktop
- 7.2. Licensed resources will support a variety of web browsers and versions, and be aligned with the W³C recommendations and other standards of interoperability
- 7.3. Licensors will guarantee adequate bandwidth with regard to their Internet services provider, and system capacity to support the CNSLP/PCLSN consortium
- 7.4. Licensed resources will include basic and advanced search capabilities
- 7.5. Electronic versions of content will be available earlier than or at same time as the print counterpart
- 7.6. Licensed resources will provide for access to content metadata such as MARC 21 records (standard for machine-readable cataloguing records)

8. Methods of license enforcement

- 8.1. Licenses will outline reasonable efforts of license enforcement on the part of both licensors and licensees
- 8.2. License enforcement mechanisms will balance obligations of licensors and licensees
- 8.3. License agreements will be governed by Canadian law

9. Pricing strategies

- 9.1. Pricing models will provide better price than institutions could achieve independently
- 9.2. Licensors will offer a variety of pricing models that can be adapted to need, including provision for multi-year contracts
- 9.3. Pricing will provide for unbundling of print and electronic subscriptions
- 9.4. Pricing models will allow for unlimited use, rather than pay-per-view and/or concurrent use models
- 9.5. Pricing will take into account the research intensity of the licensees, as reflected by the “impact index” criteria used in the CNSLP/PCLSN proposal (full-time equivalent faculty, full-time equivalent graduate students, dollar amount of funded research)
- 9.6. Pricing for content from the information provider, and access options through third-party interface or system providers, will be dealt with separately

- 9.7. Pricing structures will provide for appropriate protection from fluctuations in the exchange rate for foreign currencies
- 9.8. Licenses will include a provision to ensure that vendors extend most-favoured client pricing to CNSLP/PCLSN participants during the term of agreements

10. Privacy and confidentiality

- 10.1. Licenses will comply with Canadian privacy legislation with regard to the collection, retention, use and distribution of individual user and usage information
- 10.2. Licenses will comply with guidelines for Institutional or Consortial Confidentiality of usage information, as contained in the International Coalition of Library Consortia (ICOLC) *Guidelines for Statistical Measures of Usage of Web-based Indexed, Abstracted, and Full-Text Resources (November 1998)*

11. Provisions for third party usage

- 11.1. License will allow for interlibrary loan through secure electronic transmissions between institutions, and provision of paper copy only to end-users

12. Remedies for unacceptable performance from vendors

- 12.1. Licenses will specify server and system performance benchmarks, implementation and customer support expectations, and problem resolution process
- 12.2. Licenses will specify remedies (e.g. extension of license, reduction or rebate of costs) that balance obligations of licensors and licensees

13. Statistical and other usage/management reports

- 13.1. Licensed resources will meet requirements as outlined in the ICOLC *Guidelines for Statistical Measures of Usage of Web-based Indexed, Abstracted, and Full-Text Resources (November 1998)*
- 13.2. Licensors will provide regular, systematic, and sufficient notification to licensees regarding content, format, and platform-based changes

14. Termination rights, including residual rights to licensed information

- 14.1. See “Archiving and preservation”
- 14.2. Licenses will stipulate succession rights, if supplying company is sold