



Charlotte Initiative

A Discussion about the Academic eBook Market

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<http://charlotteinitiative.uncc.edu/>

The Three Principles

- Our starting premise is that permanent acquisitions of eBooks requires these licensing terms:
 - Provision of irrevocable perpetual access and archival rights.
 - Allowance for unlimited simultaneous users.
 - Freedom from any Digital Rights Management (DRM), including (but not limited to) use of proprietary formats, restricted access to content, or time-limited access terms.

Working Group and Research Teams

- **Project Team & Working Group**

- 26 Members
- Research team recommendations
- Chairs of research teams

- **Charlotte Initiative Environmental Scan Publisher Survey**

- 65 publishers responded
- 6 aggregators interviewed
- Extensive literature review (hat tip to Joyce Ogburn)

- **Course Use Research Team** investigated ebook use for teaching, pricing models, ownership, etc.; 13 members
- **Licensing Principles Research Team** reviewed 31 licenses, extensive literature review. 3 lawyers, several license negotiators; 18 members.
- **Platform & Preservation Research Team** Multinational research team; 9 members
- **User Experience Research Team** developed tools to evaluate user experience with ebooks. Literature review; 15 members

Environmental Scan

Focus on Business Models, Pricing and Terms

Promote adoption of principles to publishers & vendors

Iterative process

- Literature review
- Survey
- Supplemental interviews
- Share findings with Working Group and Research Teams
- Share interim results publicly (conference presentations)
- Re-survey, re-interview (pending)

Use market pressure, findings, and time to change behavior

Slides Prepared by October Ivins

Questions About Policies and Opinions

Charlotte Principles

1. Irrevocable perpetual access and archival rights
2. Unlimited simultaneous users
3. Freedom from any Digital Rights Management including (but not limited to) use of proprietary formats, restricted access to content, or time-limited access terms.

And Also

- Interlibrary loan permitted?
- Course Use provisions?
- Reasons to withdraw a title?

Publisher Survey Description

- Complex; pre-testers 15-35 minutes
- 24 questions
- One had 80 response options
- 8 Comments fields
- Covered 3 principles PLUS
- Time span August 2016-April 2017
- TOTAL 40% (65 of 162)

Publisher Survey Responses

- AAUP Members- Presses and non Presses (132 of 143 members surveyed)
 - 50% Group 4 (10)
 - 45% Group 3 (22)
 - 28% Group 1, 2 (76)
 - 38% Non Presses (24)
- Other Non-Profits (Societies) 30% (10)
- Commercial Publishers 85% (20)
- TOTAL 40% (65 of 162)

Publisher Surveys: Results

Generally Support

- No DRM
- Unlimited Simultaneous Use
- Perpetual Access

Challenge or question

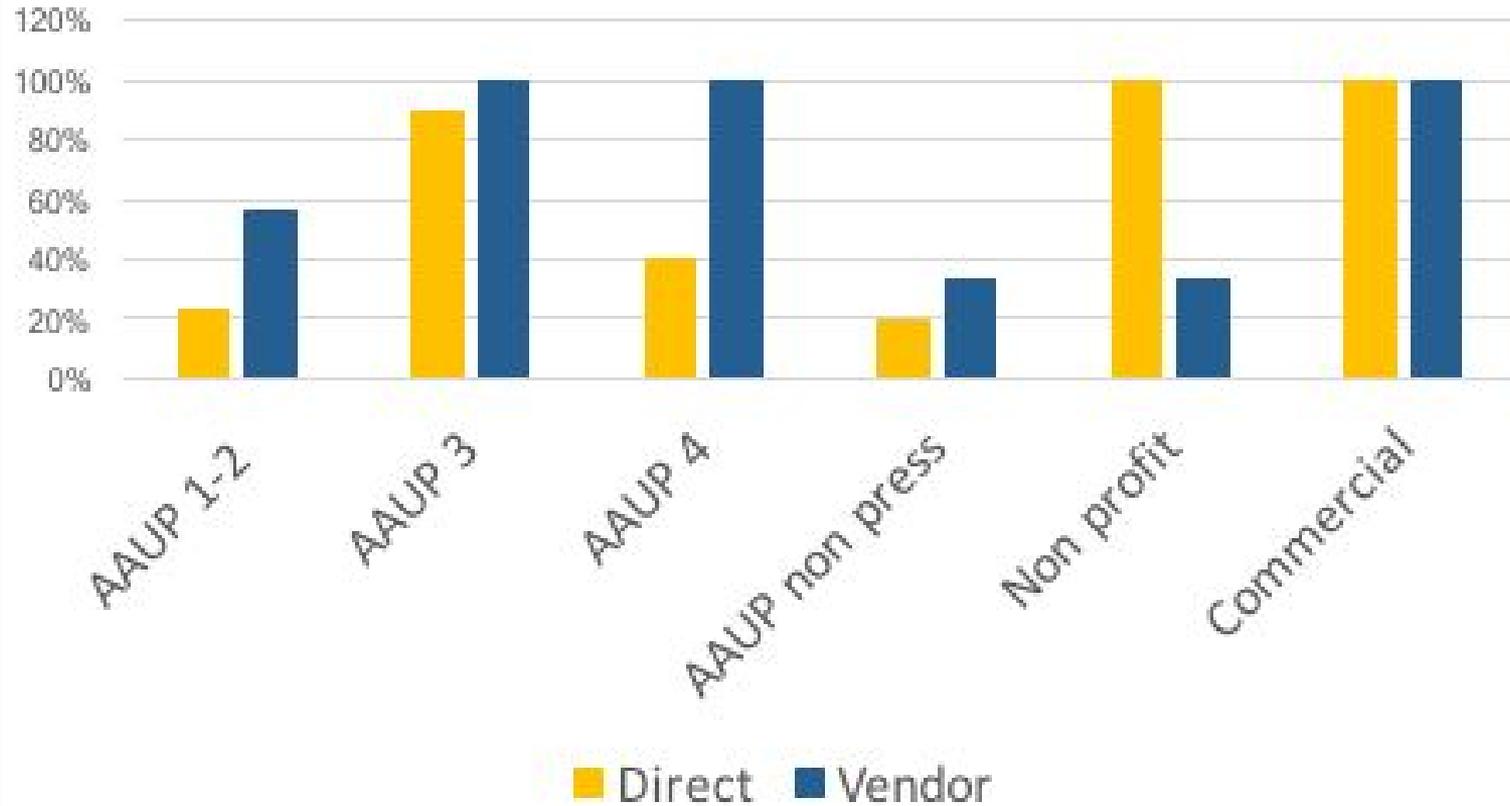
- ILL
- Course Use

Rationale for Withdrawing titles

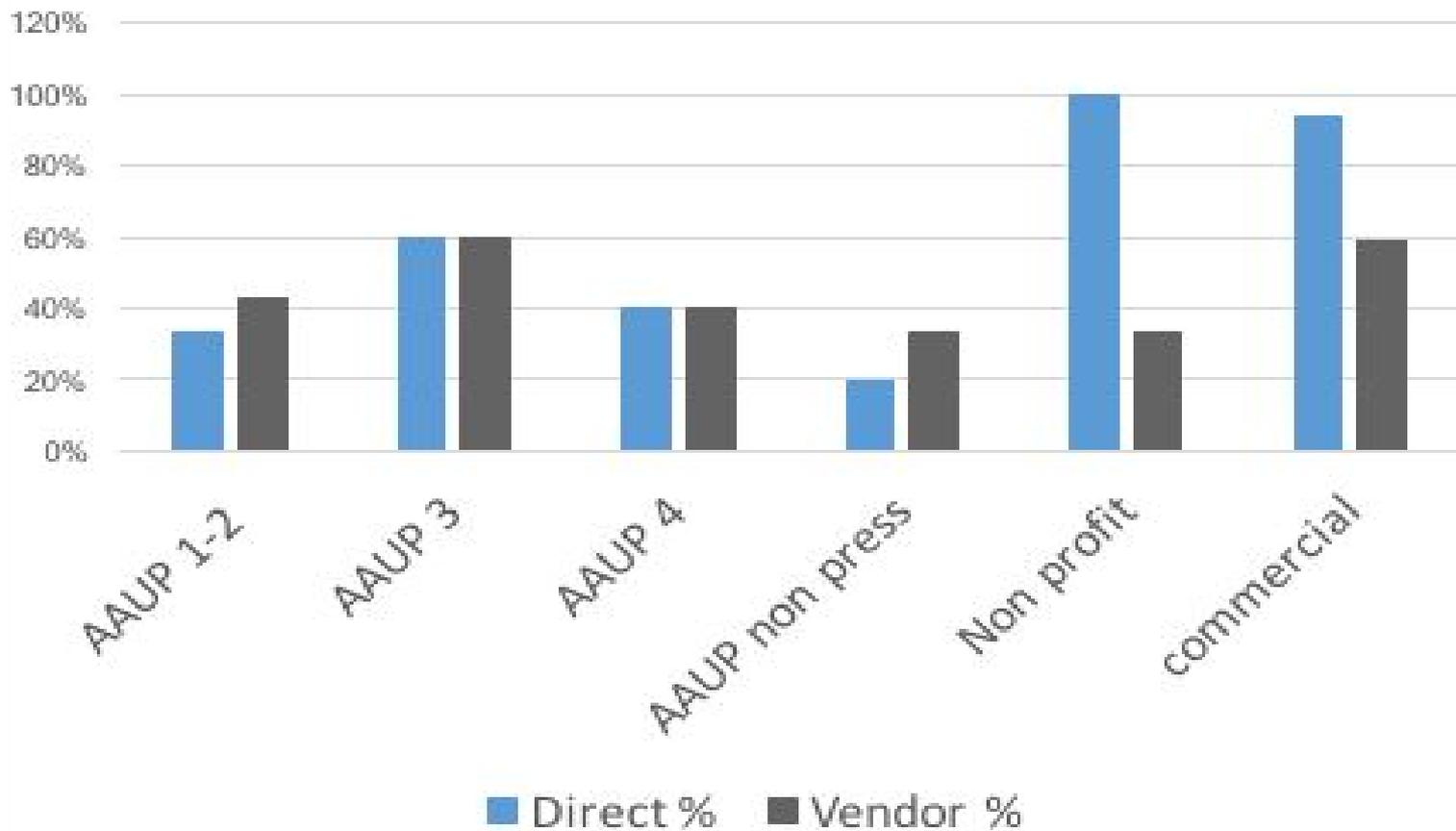
Irrevocable Rights % Direct vs. Vendor



Unlimited Simultaneous Users % Direct vs. Vendor



No DRM % Direct vs Vendor



Publisher Surveys: Why Not Principles?

- We reserve these rights for our platform only, and we place a limited amount of content on the platform. The aggregators receive all content.
- The DRM-protection with aggregators allows a level of content protection that our authors are comfortable with.
- Unlimited users is generally an option, for a higher price. We probably will want the only No DRM versions to be directly from us. Not sure what the vendors' stances on perpetual access are, but I'm quite sure they would not allow libraries to download and host content themselves.

Publisher Survey: Comments 1

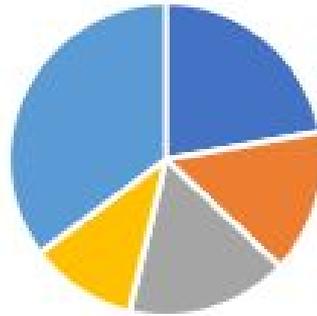
While most publishers already support the Principles when ebooks are distributed via our own platforms, we also balance concerns with financial sustainability and copyright protection with the access we allow on third parties, where we have no visibility of the control and management of use of the content

Commercial

Publisher Survey: Comments 2

Our decision of which books to include with which vendor is based on DRM and access models. That is, we include adoption titles upon publication with vendors who have DRM and with whom we don't permit unlimited simultaneous users. We withhold them from vendors who don't have DRM (MUSE and JSTOR). We've just decided to include some adoption titles with MUSE and JSTOR after a 3-year or more embargo. "Monographs" as I defined in question 3 go immediately to all vendors, including MUSE and JSTOR.

Of ILL Options, 16% Are Allowed in
These Proportions



- Chapter Download
- Book Download
- Chapter Print
- Book Print
- STL

Publisher Surveys: ILL Comments

STL was pitched to us as an ILL replacement, so that is largely how we have regarded it. However, as STL became an acquisitions replacement, we have been increasing the restrictions on it. We first increased the cost, and will be implementing an embargo on STL of new titles in the new year.

We do not allow ILL. On a DRM-free platform like ours, it would be like making our content Open Access as the next user would not have to wait for the first one to finish reading like in print. It would effectively demultiply copies

Technical support for "loaning ebooks" is not an easy thing for a vendor to replicate in a digital space.

Publisher Surveys: Course Use, UPs 1

Aggregators already provide a price range for unlimited simultaneous users.

Textbooks are the lifeblood of university presses. If textbook sales are compromised by having a library have ebook files, then university press financial stability is risked.

(Negotiate with libraries?) The costs of managing this activity would exceed the revenue likely to be gained.

Publisher Surveys: Course Use, UPs 3

As previously discussed, we have two tiers in our course adoption assessment. We exclude highly course adopted titles from library e-book platforms. In our view this lets us do two things: 1) mitigate the risk of the creep of additional access on aggregator platforms; and 2) by mitigating the highest risk titles, it allows us to experiment more freely with sales models and permissions of the remaining titles. For books we judge as having some course adoption, we put them into 1User models and exclude them from multi-user and subscription models, but still allow STL. We also have a small number of titles which, for contractual reasons, may only be sold as a full copy sale--so these are sold solely in 1User models.

Publisher Surveys: Course Use, Comms

Yes we are willing to negotiate though we do have a basic pricing scheme in place

We'd be happy to hear what a library has in mind. We don't think "e-reserve" was intended to circumvent textbook sales, but it seems that a unique license is possible.

We generally have worked with the bookstores and provide DRM restricted access on another platform. We do not offer DRM free textbooks. We are willing to negotiate with the institution, with whomever holds responsibility for this.

We are actively working with libraries to address student affordability and institutional access solutions for textbooks.

Publisher Surveys: Why Withdraw a Title?

- Rights Issue 19
- Course Use/ Adoption 8
- Libel/Infringement 7
- Sales Cannibalized 3
- New Edition (OP) 3
- New Owner 3
- Knowledge Unlatched 1

<http://charlotteinitiative.uncc.edu/>

Licensing Research Team

Steve Cohn - Duke University Press - Co-Chair

Theresa Liedtka - University to Tennessee at Chattanooga - Co Chair

Kelly Denzer - Kelly Denzer – UNC Charlotte/ Davidson College - Team Research Assistant

Lindsay Barnett - College of Charleston

Kate Dickson - UNC Charlotte

Terry Ehling - MIT Press (formerly of ProjectMUSE)

Sharon E. Farb - UCLA

Ellen Finnie - MIT

Rachel Fleming - University to Tennessee at Chattanooga

Peter Foehlich - Purdue University

Katy Gabrio - Macalaster College

Katie Gohn - University to Tennessee at Chattanooga

Jill Grogg - Lyrasis

Tony Horava - University of Ottawa

Mihoko Hosoi - California Digital Library

Angela Riggio - UCLA

Melanie Schaffner - ProjectMUSE

Rebecca Seger - Oxford University Press

Slides Prepared by Theresa Liedtka and Rebecca Seger



LPRT Charge

Address the current licensing issues surrounding eBooks. Explore the fundamental issues in eBook licensing that are keeping libraries from achieving a collection that meets the core principles of the grant; and work to develop possible solutions.

+ ILL

Specifics of LPRT Charge

1. Review Literature
2. Review First Sale in eBook environment
3. Examine Licenses
4. + ILL
5. Pull it all together

First Sale Doctrine

- Department of Commerce Report, Internet Policy Task Force, White paper on remixes, first sale, and statutory damages.” 1/2016
- “Amending the law to extend the first sale doctrine to digital transmissions of copyrighted works is not advisable at this time.” p. 4

Literature Review Group

- 8 members
- 60 articles

- No U.S. case law
- Related case law
 - Capitol Records vs. Redigi
 - Tom Kabinet

License Review Group

- Gather e-book licenses from publishers and aggregators
- Review each and document the availability of the following, aligned with the principles:
 - Irrevocable perpetual access
 - No DRM
 - Including proprietary formats, time-limited sessions, restricted access
 - Unlimited simultaneous users
 - ILL
 - Other noteworthy / unusual provisions
- Summarize findings and make recommendations for next steps

License Review Group

- 31 Licenses
 - 25 publisher + 6 aggregators
- 3 Review teams; each took on 10 licenses
- Licenses are complicated, confusing, time-consuming and filled with legal-ese
 - “DRM seems to be another squishy construct.”
 - “Librarians sure are left to interpret a lot of legalese!”
 - “I often say that I had no idea I needed a law degree to be a publisher!”
 - “You get perpetual access under this agreement, but we reserve the right to terminate the agreement at any time.”?????

Irrevocable Perpetual Access

- Area of most discussion among the team
- Least consistency in terms
 - Either we will keep it supplied or a third party will (Portico is fairly often mentioned by name; we only saw LOCKSS/CLOCKSS mentioned once).
 - We will create a fixed copy for use as an archive
 - It's a hybrid: You get access forever to the content you bought; but you lose added free content as soon as you stop subscribing to the newly added content each year (in some cases, you can then choose to buy the formerly free content).
 - You get perpetual access, but we reserve the right to remove content (with or without a rebate if some content is removed).

No DRM(Digital Rights Management)

- No clear definition of what constitutes DRM
- Not mentioned in most licenses
- Explicit DRM found primarily in aggregator licenses
 - Limits on number of pages to download or copy
 - Limits on number of pages to print
- Confusion around “NO DRM” marketing by vendors:
 - Generally seems to be interpreted by vendors as unlimited users and no restrictions of downloading, copying or printing
 - The following are not interpreted by vendors as part of being DRM-free, but libraries do: anti-piracy features, such as
 - No watermarks
 - Can download the entire book in a click
 - Limiting downloads at high rates per hour (example: 500 PDF’s an hour)

Unlimited Simultaneous Users

- Mentioned in many licenses but as part of both unlimited and single user models
- Assessment of members of the team: not practical/needed in every case
- Variety of access models viewed favorably by librarians
- More consistency and transparency of the offerings desired
- Explicit DRM found primarily in aggregator licenses
 - Limits on number of pages to download or copy
 - Limits on number of pages to print
- Confusion around “NO DRM” marketing by vendors:
 - Generally seems to be interpreted by vendors as unlimited users and no restrictions of downloading, copying or printing
 - The following are not interpreted by vendors as part of being DRM-free, but libraries do: anti-piracy features, such as
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Unlimited Simultaneous Users

- “Since we all have varying needs and budgets, it’s great to have multiple purchasing options available.”
- “I think the variety of purchase models is useful and needed, but more transparency as to the basis of the pricing for those models would be nice. I think flexibility would be possible, even with transparency.”

ILL

- Most licenses mention ILL
 - Many publishers do allow ILL of individual chapters but do not allow ILL for whole books; some only allow hard copy
 - Some publishers explicitly disallow all ILL.
 - A few allow ILL but only within the same country, presumably because copyright law varies by country.
 - A number of the licenses refer to allowing whatever is allowed by copyright law or CONTU guidelines. Sometimes this goes along with mention of single chapters.
- Area of strongest disagreement
 - “Clone not a loan” concept

Next Steps/Recommendations

- Participants optimistic about progress in mutual understanding of issues
- Suggest further *focused* conversations between librarians and publishers; funding needed
- Goal of leading to more standard and less legalistic e-book licensing language with well-defined terms.
- Librarians and Publishers both need to let go assumptions from the print world
- Include knowledgeable legal representation in the conversations
- The table is set – now let's sit down for the meal so we can get to dessert

Course Use Research Team

Liz Siler – UNC Charlotte - Chair

Kelly Denzer – UNC Charlotte/ Davidson College - Team Research Assistant

Michael McCullough – Duke University Press

John McLeod – UNC Press

John Sherer – UNC Press

Charles Watkinson – University of Michigan Press

Ann Agee – San Jose State University

Cheryl Cuillier – University of Arizona

Emily Frank – Louisiana State University

Terri Gallaway – LOUIS

Charlie Remy – University of Tennessee Chattanooga

Emily Thompson – University Tennessee Chattanooga

Niamh Wallace – University of Arizona

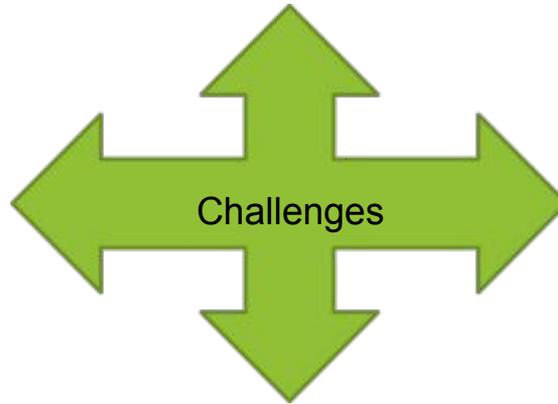
Slides Prepared by Kelly Denzer and Liz Siler

eTextbook Programs in the Library

2014 U of Minnesota pilot- Inter library loan (ILL)/Course Reserve Required Reading Pilot Project, (Riha & LeMay, 2016).

the importance of multiple simultaneous user eBooks

the lack of availability of many titles in electronic format



limited functionality of eBooks including the inability to download or print a whole eBook

Riha, E. & LeMay, D. (2016). Saving students money with eBooks: A cross-departmental collaboration between interlibrary loan and course reserve. *Technical Services Quarterly* 33(4), 386-408.

digital rights management restrictions when it comes to saving or using an eBook

eTextbook Programs in the Library

Southern New Hampshire University (Ratto and Lynch, 2012).

East Carolina University (Ferguson, 2016).

University of South Florida, Textbook Affordability Project <http://tap.usf.edu/>

UNCC- E-Textbooks at Atkins Library <http://atkinsapps.uncc.edu/etextbooks>

Indiana University <https://libraries.indiana.edu/linking-library-resources>

San Jose State Library Affordable Learning Solutions

<http://library.sjsu.edu/affordable-learning-solutions/textbooks-available-ebooks-library>

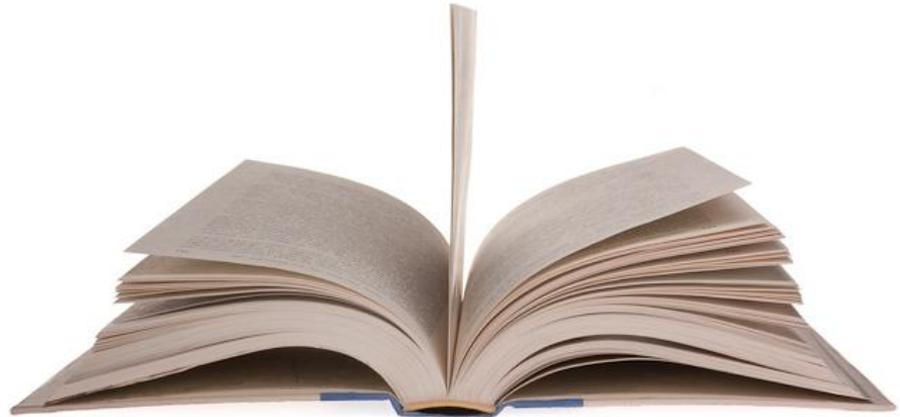
LSU-E-Textbooks Initiative <http://www.lib.lsu.edu/ebooks/about>

Cal Poly Robert E. Kennedy Library

<http://lib.calpoly.edu/search-and-find/open-resources/required-textbooks/>

Challenges For Libraries

- Campus and Faculty Outreach
- Usability for Course Use
- Cost and Access



Publisher/Library Cooperation

- Usage Based
- Class Sized Based
- Package participation



User Experience Research Team

Alison Bradley, Collection Development Librarian and Liaison Coordinator, Davidson College - Chair

Allison Belan, Associate Director for Digital Strategy and Systems, Duke University Press

Natalie Bennett, Online Services Librarian, UT Chattanooga

Karen Bohrer, Director, Library Collections, Wellesley College

Beth Caruso, Research Assistant, Charlotte Initiative

Tara Cataldo, Science Collections Coordinator, University of Florida

Emily Chan, Academic Liaison Librarian, San Jose State University

Dave Comeaux, Web Development Librarian, Louisiana State University

Sue Kendall, Librarian, San Jose State University

Chan Li, Library Data Analyst, California Digital Library

Geri Purpur, User Experience Librarian, Appalachian State University

Mary Beth Thomson, AD Collections; Digital Scholarship and TS, University of Kentucky

Rachael Winterling, Usability Coordinator, UNC Charlotte

John Wiswell, Health Sciences Librarian, Appalachian State University

Slides Prepared by Alison Bradley



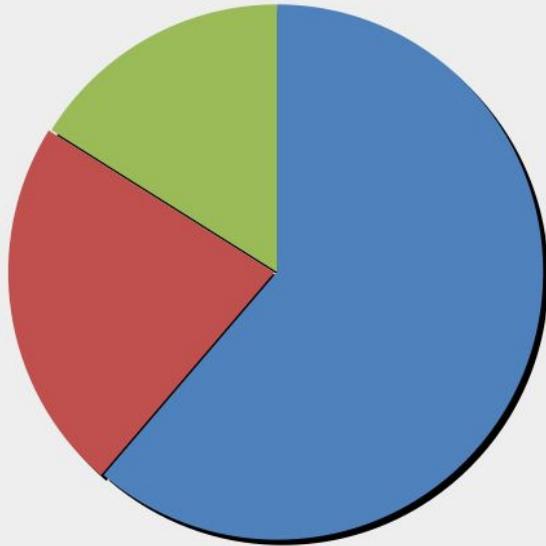
Scope & charge

How do libraries determine what their patrons want from library eBook collections?

Literature Review

- Initial review in summer 2015, spring 2017
- Our takeaway:
 - Clearly identify the platforms studied (even in survey questions)
 - Identify the current eBook format
 - Consider usage and accessibility separately
 - Consider observing users' actual behaviors
- Survey of original authors

Purpose of published study?



- Research and publication
- Library decision-making
- Other (please specify)

User studies

- Small scale, in-person testing at four institutions
- Benefits of collaboration
- Developed toolkit to allow other libraries to replicate

Issues raised

- Accessibility
- Community and collaboration
- Information sharing and replicability
- Other stakeholders

Platform and Preservation Team

Kate Davis, Assistant Director, Scholars Portal/OCUL - Co-Chair

Will Wakeling, Dean of Libraries, Northeastern - Co-Chair

Beth Caruso, Research Assistant, UNC Charlotte

Anne McKee, Program Officer for Resource Sharing, GWLA

Christine Peterson, Amigos eShelf Service Manager, Amigos Library Services

Bob Price, Assistant Dean for Technology and Digital Strategies, UNC Charlotte

David Scherer, Scholarly Communications and Research Curation Consultant, Carnegie Mellon University Libraries

Brad Spry, Technology & Digital Strategy, UNC Charlotte

Patrick Yott, Associate Dean, Digital Strategies and Services, Northeastern

Slides Prepared by Kate Davis



CI Platform and Preservation Research Team: Program

Identification of Best Practices in licensing terms for perpetual access and local preservation

Survey of current academic library eBook preservation strategies

Review of third party eBook preservation solutions (Portico, CLOCKSS, etc.)

Considerations for creating your own eBook preservation platform

Survey eBook preservation strategies

N=80 overall, 64 complete

Wide range of respondents

Student FTE **25%** over 20K
 30% under 5K

Collections budget **11%** over \$10M
 18% under \$500,000

eBook collections **28%** over 500K
 12% under 50K

Consortial purchase **15%** *Almost all (over 90%)*
 28% *Almost none (under 5%)*

eBooks as % of collections budget

Range from **1.24% to 65%**

Average **12.4%**

Active engagement in identified preservation activities

- 14%** require a Perpetual Access provision in their eBook licenses.
- 14%** track the preservation status of items in their eBook collection
 - 43%** sometimes tracked
 - 55%** do it @ collection level, **45%** @ item level
- 10%** track whether individual items are held anywhere (locally or by 3rd party services) in a preserved format
- 14%** have policies/programs covering long-term preservation of their eBooks.
- 9%** indicated they were using “local” repository solutions

Reliance on 3rd party services

- 51%** indicated reliance on 3rd party services (Portico, Hathi, CLOCKSS, IA, DPN) for preservation strategy
- 42%** indicated reliance on at least one subscription service to which they did not subscribe
- 18%** indicated reliance on subscription service(s) but subscribed to none

Comments

“Sadly, we have not developed any sort of strategy around the preservation of ebooks. We recognize the need but have not had the staff resources to move forward.”

“Our licenses address triggering events. But what we actually do with content delivered through a triggering event is untested.”

“Since we rely on subscriptions we assume that EBSCO, Proquest, and others are addressing these issues on their eBooks as part of their business models”

“We subscribe to Portico to give us some peace of mind”

“Seems like it really needs to be a collaborative effort. A distributed ebook repository. But efforts like Portico and Hathi are an important contribution”

“Apparently we need to put more thought into this area”

Next Steps

- New purchasing models
- Increased usability
- Onix electronic licensing



Charlotte Initiative

Questions