License management through the ERMS application and critical importance of public display of terms and conditions at your e-journal portal: a practical approach.

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Atlanta, Georgia.

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Florida Gulf Coast University
abhett@fgcu.edu
Public Display of Licensing Terms

HOW DO WE MANAGE?
33 records retrieved for the search: Title begins with "MANAGEMENT"

Management accounting (London) (0025-1682) View Terms of Use
from 11/01/1987 to 08/31/2000 in ABI/INFORM Complete
from 11/01/1987 to 08/31/2000 in ABI/INFORM Global
from 11/01/1987 to 08/31/2000 in Accounting & Tax
from 11/01/1987 to 08/31/2000 in ProQuest European Business
from 01/01/1994 to 07/01/2000 in Academic OneFile
from 01/01/1994 to 07/01/2000 in Expanded Academic ASAP
from 01/01/1994 to 07/01/2000 in General Reference Center Gold
from 01/01/1994 to 07/01/2000 in InfoTrac OneFile

Management accounting (New York, N.Y.) (0025-1690) View Terms of Use
from 09/01/1986 to 12/01/1985 in ABI/INFORM Archive
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from 09/01/1986 to 12/01/1985 in ABI/INFORM Complete
from 01/01/1986 to 11/01/1986 in ABI/INFORM Complete
from 09/01/1986 to 12/01/1985 in ABI/INFORM Global
from 01/01/1986 to 11/01/1986 in ABI/INFORM Global
from 10/01/1991 to 02/01/1999 in Academic ASAP
from 10/01/1991 to 02/01/1999 in Academic OneFile
from 10/01/1991 to 02/01/1999 in Business & Company Resource Center
from 10/01/1991 to 02/01/1999 in Expanded Academic ASAP
from 10/01/1991 to 02/01/1999 in General Business File ASAP
from 10/01/1991 to 02/01/1999 in General Reference Center Gold
from 10/01/1991 to 02/01/1999 in InfoTrac OneFile
from 01/01/1995 to 02/01/1999 in Business Full Text
from 01/01/1995 to 02/01/1999 in OmniFile Full Text Mega Edition
Journal: Management decision
ISSN: 0025-1747

Terms of use for:

- Emerald Fulltext
- Academic OneFile
- Business & Company Resource Center
- Expanded Academic ASAP
- General Reference Center Gold
- InfoTrac OneFile
- Professional Collection
- ABI/INFORM Complete
- ABI/INFORM Global
- ProQuest Research Library Complete

Source: Emerald Fulltext
Coverage Dates: from 1994 to present

Local Terms of Use:

<table>
<thead>
<tr>
<th>License Term</th>
<th>Permissions</th>
<th>Note</th>
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<td>Faculty, Staff and Onsite Users,</td>
<td>Authorized Users electronically save parts of</td>
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<tr>
<td></td>
<td>Students</td>
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<tbody>
<tr>
<td>Authorized Users</td>
<td>Faculty, Staff and Onsite Users,</td>
<td>Authorized Users electronically save parts of the Licensed Materials for personal use.</td>
</tr>
<tr>
<td></td>
<td>Students</td>
<td>Licensee may allow Users to make up to 25 copies of a single article to assist research or teaching, provided they are not for resale. Users may print off single copies of parts of the Licensed Materials.</td>
</tr>
<tr>
<td>Digitally Copy</td>
<td>Permitted</td>
<td>This License does not cover use of the Licensed Materials for use in for profit distance learning packages; such uses require a separate agreement with the Publisher.</td>
</tr>
<tr>
<td>Print Copy</td>
<td>Permitted</td>
<td>The Licensee may incorporate parts of the Licensed Materials in printed Course packs and Electronic Reserve. Each such item shall carry appropriate acknowledgement, listing title and author of the extract and the work, and the publisher. Copies of such items shall be deleted when no longer used for such purpose.</td>
</tr>
</tbody>
</table>

| Course Reserve     | Permitted                          |                                                                      |
| Course Pack Electronic | Permitted                      |                                                                      |
| Course Pack Print  | Permitted                          |                                                                      |
| Remote Access      | All but walk-ins                  |                                                                      |
Public Display of Licensing Terms

HOW DO YOU MANAGE?
QUESTIONS FOR YOU?

- Do you publicly display the licensing terms to your patrons, or do you have any other mechanism for informing about these terms to the users?
- Do you maintain paper copies in a central location and make them available when asked?
- Do ILL or other librarians have access to actual licenses?
Digital Millennium Act 1998 and License Issues

- 512(e) Limitation on Liability of Nonprofit Educational Institutions

  This protects nonprofit educational institutions from liability for the actions of faculty and graduate student employees relating to course materials placed online for use within courses provided in the preceding 3 years, provided the institution doesn't receive more than 2 infringement notifications about the same individual in a 3 year period.

- (C) the institution provides to all users of its system or network informational materials that accurately describe, and promote compliance with, the laws of the United States relating to copyright.
ERMS at FGCU Library Services

- We use the ERMS application developed by Serials Solutions.
- It includes License Manager for recording licensing terms.
- License Manager interface makes it possible to display licensing terms in public view; selected or all.
Data Management Home serves as an initial access point for viewing and recording administrative metadata for e-subscriptions.

Resource Management Home is meant for managing information about a specific e-resource through a single interface.

Resource Management Home is divided into four tabs: General, Administration, Licensing, and Statistics.
LICENSING TAB

- Used for displaying, recording or editing licensing information for a new or existing e-resource.
- Divided in four sections for easy management of a license agreement.
Section 1: Licensing URLs

- Allows recording:
  - Default Vendor License URL
  - Custom Vendor License URL
  - Default Local License URL
  - Custom Local License URL
Section 2: Resource Licenses: Edit List and Add License...1

- Displays the list of available licenses for a specific e-resource.
- Search feature allows searching or limiting the display either by the type or status of a given license.
- Additional license for an existing e-resource can be added; especially helpful in the case of consortially purchased products where more than one license may be applicable.
Licenses entered at the provider level automatically apply to all databases and journals holdings within that database.

Licenses entered at the database level automatically apply to all journals within that database.
Options available for editing, deleting and cloning licenses at the database level.

Options to add separate license for a single journal holding within a database or to an individual database provided by one vendor.
Section 3: Resource License Agreement: General License Details....1

- Local URLs or vendor URLs
- Type of the License: Negotiated, Click through, Manifest Assent, and Shrink-wrap
- Name of the reviewers and their notes
- Physical location
- Dates: execution, beginning and ending
- Status: Active, pending, or retired
Resource License: AccessScience

**General License Details**

- **Name:** AccessScience
- **Edit Resource:** Database: AccessScience
- **Type:** Negotiated
  
**Vendor License URL:**

**Local License URL:**

**Physical Location:** Electronic Resource Librarian
- **Status:** Active
- **Reviewer:** Anjana Bhatt
- **Reviewer Notes:**

**License Replaced By:**

**License Replaces:**

**Execution Date:**
- **Start Date:** 05/11/2000
- **End Date:**

**Advance Notice Date:** 60

**License Duration:**

**License Note:** Price based on FTE.

### Authorized Users and Terms of Use

**Term**

<table>
<thead>
<tr>
<th>Rights/Notes</th>
<th>Use in Public Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Users</td>
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</tr>
<tr>
<td>Prohibited</td>
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</tr>
<tr>
<td>Faculty</td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td></td>
</tr>
<tr>
<td>Staff and Onsite Users</td>
<td></td>
</tr>
</tbody>
</table>

**Concurrent Users**
Section 4: Resource License Agreement: Authorized Users and Terms of use....1

- Provides Options for:
  - recording a fairly large range of licensing terms
  - controlling the public display of licensing terms

- We have chosen selected terms for public display; rest are reserved for staff view only.
Section 4: Resource License Agreement: Authorized Users and Terms of use…

- Authorized users: faculty, staff, students, on-site and prohibited users
- Number of concurrent users
- Fair use clause indicator
- Database protection override clause indicator
Section 4: Resource License Agreement: Authorized Users and Terms of use…3

- All rights reserved indicator
- Citation requirement detail
- Legal issues: jurisdictions, governing and copyright law
Permissions or restrictions regarding:

- Digital, electronic and paper copies
- ILL: paper, electronic, secure electronic and fax
- Course reserves and course packs: print or electronic
- Scholarly sharing, distant learning
- Persistent URLs (Electronic Links)
- Remote access
- User restrictions
Section 4: Resource License Agreement: Authorized Users and Terms of use

- Perpetual access rights
- License termination information: rights, dates, clauses, requirements, breach period and cure period etc.
- Notice period: renewal and non-renewal
- Legal rights of the licensee and the licensor
- Requirements for termination notice
Section 4: Resource License Agreement: Authorized Users and Terms of use….6

- Archival issues: rights, formats, restrictions, notes and conditions etc.
- Pre and post-print archives: restrictions, notes and conditions
- Local use terms notes
- Applicable copyright law
<table>
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<td>Authorized Users</td>
<td>□ Prohibited</td>
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<td>Enterprise-wide</td>
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<td>Fair Use Clause Indicator</td>
<td>Present</td>
<td>□</td>
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<tr>
<td>Database Protection Override Clause Indicator</td>
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<td>All Rights Reserved Indicator</td>
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<td>Citation Requirement Detail</td>
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<tr>
<td>Digitally Copy</td>
<td>Permitted</td>
<td>□</td>
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<tr>
<td></td>
<td>All reproduction and distribution of all downloading and electronic storage of materials retrieved through the Products shall be for your own internal or personal use. Downloading of</td>
<td>□</td>
</tr>
<tr>
<td>Print Copy</td>
<td>Permitted</td>
<td>□</td>
</tr>
</tbody>
</table>
LICENSE MANAGER

- Displays:
  - Names of the licensor, database and the provider.
  - Type of license: negotiated, click through or shrink-wrap.
  - Status of the license: active, pending and retired.
  - Edit, delete and clone options.

- Possible to sort/limit results according to the license type or license status.

- Possible to search licenses by database or a provider.
<table>
<thead>
<tr>
<th>License Name</th>
<th>Provider/Title</th>
<th>Database</th>
<th>Type</th>
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<td>American Chemical Society Web Editions</td>
<td>Negotiated</td>
<td>Active</td>
<td>08/15/2005</td>
<td>12/31/2006</td>
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<td>CCH Tax Research Network</td>
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<td>Active</td>
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<td>07/10/2002</td>
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<td>Edit Delete Clone</td>
</tr>
</tbody>
</table>
Issues and concerns....1

- License Manager does not provide options for entering a new license, however, an existing license can be edited or deleted within the License Manager.
- Information can be entered only for the terms that are included in the License Manager.
Issues and concerns....2

- License Tab does not provide any flexibility in terms of adding new licensing terms through the Menu Manager.
- Designed only for managing library and publishing industry related licenses. It cannot be used for managing technical or software applications related licenses.
Issues and concerns....3

- Notes field is restricted; insufficient character space.
- Content can not be formatted.
- No spell check application available within the License Manager. Careful review of typing mistakes is required.
- System does not provide any option for uploading the electronic copy of the license in word format.
References

- Educause
  http://www.educause.edu/content.asp?PAGE_ID=645&PARENT_ID=254&bhcp=1

- Summary of the DMYA

- Wikipedia
  http://en.wikipedia.org/wiki/Online_Copyright_Infringement_Liability_Limitation_Act#Overview

- Library of Congress. Thomas
  http://thomas.loc.gov/cgi-bin/query/F?c105:1::temp/~c105R0U1Hi:e57148:
THANK YOU