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Presentations and Posters

Title

Safeguard Plan for E-resources : Specifying Licensing Terms for Perpetual Access and Exploring Means of Data Preservation

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Safeguard Plan for E-resources: Specifying Licensing Terms for Perpetual Access and Exploring Means of Data Preservation

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EAALC/UCEAB, Claremont Colleges, August 31, 2023

Panel Presenters

Susan Xue, Head, Information and Public Services/Electronic Resources Librarian, UCB: [Current and potential issues with e-resources and urgent needs for digital resources preservation](#)

Shi Deng, Head, CDL Shared Cataloging Program, and Sherry Lochhaas, Electronic Resources Service Manager, CDL: [Report on CDL's efforts on seeking solutions for Apabi ebooks which may serve as reference for future digital resources preservation](#)

Sherry Lochhaas, Electronic Resources Service Manager, CDL and Bie-Hwa Ma, Chinese Language Electronic Resources Cataloging Librarian, CDL: [Suggested terms on perpetual rights and preservation in license agreements](#)

Naomi Shiraishi, Japanese Cataloging Librarian, UCB / Chair, CEAL ERMB (Electronic Resources Metadata Standards Best Practices, 2023/2026): [Report on ERMB's activities on digital resources preservation; report on a related survey and survey results](#)

Current and Potential Issues with Digital Resources

- Apabi - an ebook, e-newspaper and images provider - went bankrupt early 2023. UC purchased about 15,000 ebooks, subscribed to 28 newspapers and an image database.
- CNKI - the largest digital resources provider - is [suspending access to several databases](#) and withdrawing a considerable number of articles. Impacts on UC are China Doctoral Dissertations and Masters' Theses Database, China Statistical Yearbook Database and National Population Census of China.
- No title lists or updated title lists for acquired databases, journals, ebooks etc provided, we don't even know what we should have once lost access.
- Licenses signed at early times did not specify perpetual access and third-party archive services.
- Current CDL Model License includes those terms, but implementation is a big question.

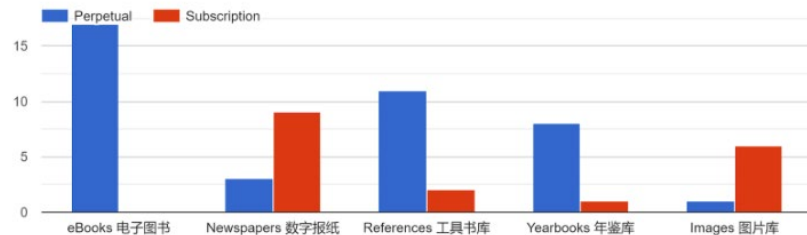
Apabi Status: Effort on CDL front

- 4.14: Received Apabi's bankruptcy notice, service to cease at 6.15
 - Backup file can be sent to library in two options: hard disc or remote copy
- 4.21-5.23: CDL communicated with Apabi rep.
 - Contents in CEBX format. Apabi says PDFs would not be technically feasible for them
 - 5.23: Apabi rep. responded that access will continue "through the end of the year" and they cannot provide a title list of UC purchased ebooks
- 4.28: CDL wrote to Portico to open a conversation with them
- CDL also communicated with various UC groups:
 - on gathering data and questions/issues need to follow-up and address
 - on the possibility of hosting locally and found it's challenging
 - 5.17: CDL wrote to UC East Asian Studies Common Knowledge Group to ask what the scope & impact would be to the UCs if content were taken down before a solution is found
- 5.2: CDL reaches out to East View
- 7.13: Attend Portico hosted meeting
- After 7.13: CDL has written to CIBTC rep multiple times to try to obtain content & updates on situation
- 8.29: Met East View to learn about their strategy to help library with Apabi content

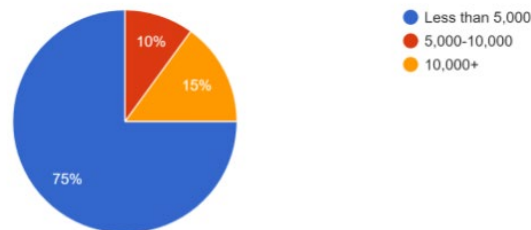
Apabi Status: Effort beyond UC

- May: Survey: Based on CDL's questions to UC EAS CKG, CDL created a survey with UC Chinese bibliographers' input to find out
 - Who has Apabi contents and at what extend, UC has about ~15,000 volumes
 - Impact to each library: which subset of contents are more important
 - Libraries' thoughts on how to address access issue after online access ceased: local vs. third party such as Portico
- June: Survey result: 20 libraries including UC campuses participated, not inclusive, most would like a third party to host. [Survey result](#) shared with the participants

3. Please check the Apabi contents your library licensed



4. Please fill the estimated perpetual title/volume count your library own
20 responses



Apabi Status: Effort beyond UC (cont.)

- June at ALA: Robert Lee of East View shared that Apabi and publishers had non-proprietary and non-transferable agreement
- July 13: Meeting with Portico: UVa, CDL, UCLA, UCB, Harvard, Yale, UNC, UEdinburg, etc. attended meeting
 - UVa gave demo how Apabi contents being accessed, viewed online or downloaded
 - Portico is willing to help but haven't dealt with the case like this, nor heard back from Apabi
 - Harvard learned that Apabi's parent body Ping'an Insurance is looking to sell Apabi's contents; also was communicating via CIBTC to push Ping'an either continue to host or provide hard copy
 - Portico suggested each library: start to ask a hard copy, also review license terms and consult institution's general counsel to see if allow third party to host

Lessons Learned from Apabi (so far..)

- Start gathering documentation quickly
 - Identify your license & review terms, purchase history, title lists, what is perpetual vs not perpetual
- Start conversations with relevant parties as fast as possible
 - Communication challenges:
 - Vendor reps may start to become unavailable / leave the company
 - Language barriers: reach out to coworkers for help as needed
 - Reach out to others in the library world
 - Share experiences & ideas
 - Listservs, group meetings, professional library organizations
 - More institutions talking about concerns with the vendor helps
 - Start conversations with other third parties that might be able to help (Portico, East View)
 - Talk to your own campus staff: bibliographers/subject experts, technical staff for hosting possibilities
- Start thinking about next steps to develop safeguard plan for e-resources



Suggested Terms on Perpetual Rights and Preservation in License Agreements

Perpetual access terms in licenses

Challenges of preservation and activating perpetual access

What can you do now to help?

Best practices/guidelines/standards

References



Perpetual Access Terms in Licenses

- The Licensor (the vendor/publisher) shall provide access that is **substantially equivalent to the form provided under the license** (such as continued access at their platform, and similar formats like PDFs)
- The Licensee (the library/campus) will also have the rights to provide access
 - Through use of an archival copy, or engaging a third party archiving service (like Portico), or other collaborative endeavors
- Licensor should provide you a copy of the contents, in a mutually agreed format, with no Digital Rights Management (DRM), either no cost or only costs for materials
- Licensee should have the right to create their own copy too (what is feasible?)
- All parties can make use of third party archiving services



More to Keep in Mind When Signing Contracts

Such as:

- If content is suspended = how long is “reasonable?”
- If content is withdrawn, how much can be removed before it’s a concern?
- If a new publisher buys out a company you bought from = you should still have perpetual access rights to the content



Challenges of Preservation and Activating Perpetual Access

a. Licensing languages

- i. Older licenses with outdated language, or before newer standards were in place
- ii. When language is vague: what are you entitled to? What are you allowed to do?
- iii. Time constraints with trying to negotiate updated licenses

b. Technology issues

- i. Challenges receiving the content from the vendor
- ii. File formats, software (reader, search engine, etc.), metadata, etc.

c. Costs

- i. Third party services/subscriptions, costs for materials to be shipped to you, costs in staff time or additional tools for the extensive work involved

d. Lack of staff, tools, or workflows to manage access

e. Others: Documentation, content transfer, lack of standardization, etc.



What can you do now to help?

- Negotiate perpetual access & archival preservation language into your licenses going forward
 - Negotiate updates or amendments to add language on older licenses
- Start talking to vendors about what their preservation plans are
 - Have these conversations before content is purchased
 - Get existing vendors thinking about preservation, encourage them to make a plan
- Talk to colleagues about local hosting possibilities
 - Talk to your colleagues now about what is possible: servers, file formats, metadata, local authentication controls (campus logins or IP restrictions), staffing
- Internal policies
 - If you're in a consortia environment: does it matter which institution signed the license? Who should take the lead on difficult conversations, be responsible for hosting materials, or “figuring it all out”?
 - Local policies on buying content without a preservation plan from the vendor?
- Collaboration with institutions having similar resources on archiving, vendor communication, etc.



Best Practices/Guidelines/Standards & Tools

- [NASIGuide: Talking Points and Questions to Ask Publishers about Digital Preservation](#). Last modified January 2020 by NASIG Digital Preservation Committee.
- [Digital Preservation 101](#). Updated January 2020 by Digital Preservation Task Force, NASIG.
- [Digital Preservation Handbook](#). Revised 2nd Edition, Digital Preservation Coalition, © 2015.
- [Recommended Formats Statement 2023-2024](#). The Library of Congress.
- [Transfer Code of Practice : A Recommended Practice of the National Information Standards Organization. Version 4.0](#). (NISO RP-24-2019). National Information Standards Organization; Chinese translation of version 3.0, 转让实施规则 can be downloaded [here](#).

Tools

- Keepers Registry: <https://keepers.issn.org/keepers-registry>
- Portico: <https://www.portico.org/> (information for publishers & libraries)



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CEAL ERMB (Electronic Resources Metadata Standards Best Practices)

- Possible collaboration with CEAL CCM
- Survey
 - As the Chinese library community experienced recently, when a major e-resource vendor encounters a problem (such as bankruptcy), the libraries that subscribe to databases with that vendor can have tremendous access issues. How do you think we could prevent this from happening (or limit the damage as much as possible) in the future?

Survey responses

- Make sure we can request PDF
- Archival copy of contents in the licensing agreement
- Shared repository of digital archives
- US server

Any metadata issues?

Options for Preserving Digital Content

Possibly options for preserving digital resources content which library has perpetual access:

- Store resource content in a third party storage which could preserve the data as well as provide access (maybe limited).
- Store resource content in dark archive only so library has the data as its property.
- Store content in a local server so users would have access to it (individual titles or database level? Metadata needs?)
- Store resource content in a hard drive so it can be used locally (catalog at collection level?).

Questions to be answered?

- What terms can be added to license in order to enforce vendors to comply with perpetual access and transfer content to a third party archive services?
- Review old agreements and negotiate amendments as necessary?
- Specify acceptable format of digital content (PDF, epub...) in amendments to enable future use when depositing content to an archive storage?
- Best practices for archiving digital resources either locally or Portico or other services?
- Metadata needed for preserving digital resources?
- Given many East Asian collections purchase the same content, is there a way to preserve digital content collectively?

Questions?