

## NERL E-Resource Negotiating Principles

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NERL's member libraries face continuing budget constraints. Many expect a third consecutive year of flat or diminished funding, with little likelihood of a future turnaround. This new and ongoing financial reality requires changes in our ongoing practices and expectations. The following principles will therefore inform NERL's upcoming negotiations with publishers, vendors, and information providers.

1. Non-disclosure clauses. Research libraries are accountable for the funds that they spend on behalf of their parent institutions. Libraries require full latitude to communicate license terms and expenditure data. Non-disclosure clauses in contracts are unacceptable, even as a "throwaway" negotiating point.
2. Authors' Rights. Research universities, through their faculty and staffs, are active participants in the creation of intellectual content and in the dissemination of that information. NERL adheres to the Author Rights Model License Language endorsed by the Association of Research Libraries (<http://publications.arl.org/s68n7/13>), and also included in NERL's [model license agreement](#).
3. Interlibrary loan. Libraries should be able to share digital content via interlibrary loan, both domestically and internationally, in conformance with Title 17 of the U.S. Code, section 108 of U.S. copyright law.
4. Package prices: "historic spend" as a baseline. E-journal price models that were based on prior outlays for print subscriptions may have made sense when e-formats were new and pricing criteria uncertain. E-journals are now the norm, and the marketplace has matured. "Historic spend" is an unacceptable anachronism in pricing formulas.
5. Package content: title-level selection. Some e-vendors have constructed highly diverse e-journal packages that are available only on "all or nothing" terms. Generally, institutions have more focused programmatic needs and such offerings result in some cases in some titles eliciting heavy use, while others are never consulted. Each library must be able to trim underutilized titles from its package, at its own sole discretion.
6. Package content: usage within segments. Many packages cover a broad range of disciplines and fields, with particular strengths in various subject areas. Use analysis for NERL participants in its vendor contracts reveals usage patterns in which some topical segments are particularly important. Each library should be able to adjust its package to include only desired titles from classification-based back segments that it chooses to acquire. Titles that are cut and then reinstated to a library's package should be made available in accordance with package level pricing
7. Package content and price: "unsubscribed content." Marketing arrangements for bundled packages typically highlight "unsubscribed content" as both an essential element within and a justification for package-based pricing. More broadly, packages that include unpriced and unsubscribed content preclude the close analysis and granular decision-making that are essential in the current

environment. NERL's libraries require vendor offers that provide explicit prices for every component.

8. Package content and price: customer-defined bundles and pricing policies. NERL recognizes the role of price incentives in maximizing both the amount of content that vendors makes available to its subscribers and the returns to the vendor. However, the current pricing models provide no middle ground between package-level pricing and much higher individual subscriptions at list prices. Tailored packages are necessary for libraries to appropriately address local priorities and needs. They are essential in the emerging financial environment. List-price journal portfolios, currently the sole alternative to comprehensive package offers, embody a punitive pricing model that is both unsustainable and unacceptable.
9. E-books and e-journals. While collections work for some libraries, many are looking for other models outside these bundles. These alternatives should include usage-based models, patron-driven acquisitions, and the ability to work via a third-party book vendor to make administration easy with flexibility in profiling.
10. Cross-product packages. Libraries' need for e-journal offerings that respond to their priorities extends also to packages that include different products and formats. Libraries require flexibility in constructing content that meets their needs. Vendors should avoid conditioning offers on content combinations that would be punitive to those seeking more limited coverage.