

COAR Case Studies – Open Access in Licensing

National Licenses and Open Access in Germany

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Abstract

Over the last years, a number of collaborative negotiations have taken place at a national level in order to push forward on conditions for Open Access within journal license agreements. In 2010, the National Licensing working group of the “Digital Information” initiative in Germany agreed on common guidelines and carried out licensing negotiations for current journals and databases. Special attention was paid to pricing models, archiving and ‘moving wall’ conditions, including a condition for Open Access. The background to and outcomes of these negotiations are described in this paper, with particular emphasis on newly agreed licenses in the Alliance of German Science Organisations framework (“Alliance licenses”). Further contracts are under development.

Who initiated the license negotiations?

Negotiations were initiated by the working group “National Licensing” within the framework of the “Digital Information” initiative of the Alliance of German Science Organisations.¹

What was the starting point?

Since 2004 a number of national licenses targeting back-collections of journals and databases have been acquired. They represent a range of publishers and disciplines. These licenses have been subsidised or – in the case of back collections – fully funded by the German Research Foundation.² The over-arching principle was that a group of libraries, experienced in high volume negotiation, pursued a common strategy whilst taking access and archiving needs into account. Follow-up negotiations concentrated on e-book collections and further journal collections and databases. Furthermore, after a pilot period 2008-2010 for current journals, it was decided that the DFG would further contribute to the costs of current journals and other collections.

In 2007, Knowledge Exchange³, a partner organization of Denmark’s Electronic Research Library (DEFF); the German Research Foundation (DFG); the UK Joint Information Systems Committee (JISC), and the SURFfoundation in the Netherlands, released a tender for multinational licensing. Publicly financed Higher Education and Research institutions of the four participating countries had the opportunity to opt-in to conditions negotiated within a multinational licensing framework.⁴ The results have been integrated in the German national licensing programme.⁵

There are now four licensing schemes in total:

- ‘Classics’, i.e. back archives of journals, databases and e-books (nation-wide provision, the programme terminated at the end of 2010)
- National licenses for current journals and databases

¹ Alexander von Humboldt Foundation, the German Research Foundation, the Fraunhofer Gesellschaft, the German Academic Exchange Service (DAAD), the German Rectors' Conference, the Helmholtz Association, the Leibniz Association, the Max Planck Society and the German Council of Science and Humanities

² <http://www.nationallizenzen.de/>

³ <http://www.knowledge-exchange.info/>

⁴ <http://knowledge-exchange.net.dynamicweb.dk/Default.aspx?ID=227>

⁵ <https://www.nationallizenzen.de/knowledge-exchange>

- Special products without archiving and hosting rights (such as JSTOR) (special programme offered in 2008)
- Multinational licensing in the context of Knowledge Exchange, (special programme in 2008, licensing period 2009-2011).

In 2008, the Alliance of German research organizations agreed to combine efforts in a working group on Alliance licenses.⁶ A new working group now exists in which several members from the old working group are active. To guide the 2011-2013 negotiations, the group developed “Guidelines for the Purchase of Licenses within the Framework of the Alliance Initiative ‘Digital Information’”.⁷

Who was responsible for the negotiations?

A group of libraries with extensive experience in license negotiations and knowledge of high-volume acquisition and storage led the negotiations. Offers for special research areas are primarily negotiated by libraries with outstanding special collections.

What kind of licenses were negotiated?

For the licensing period 2011-2013, licenses for current journals and databases as well as e-books collections were considered. The general principle was to receive offers with innovative license models and convenient terms of use. Three aspects were of special importance in these negotiations:

- Pricing models that at least hold the perspective of replacing historic turnover volumes.
- An archival and moving wall condition, that secures ongoing archive development during the contract term. This condition would become available to all authorized institutions in Germany, usually after one year (*moving wall*) via a national license.
- An Open Access condition that ensures that authors of all authorized institutions, at no extra cost, can deposit their articles in a repository of their choice and make them available in Open Access.

How was Open Access integrated into the negotiations?

The Alliance working group consulted the working group on Open Access and several external parties to discuss possible strategies for including Open Access in the negotiation process.

As a result, the “Guidelines for the Purchase of Licences within the Framework of the Alliance Initiative ‘Digital Information’” contains the following recommendation:⁸

Authors from authorised institutions are permitted free of charge to promptly store their articles appearing in licensed journals generally in the form published by the publisher (e.g. PDF) in an (institutional or discipline-specific) repository of their choice and to make them available in Open Access. Authorised institutions to which the respective authors belong have the same right. An agreement by which the publisher itself stores articles written by authors from authorised institutions in a repository may also be reached.

Who can join?

The licensing is based on a nation-wide opt-in consortium. Some offers contain special clauses depending on the size of the institution.

⁶ http://www.allianzinitiative.de/en/core_activities/national_licensing/

⁷ http://www.dfg.de/foerderung/programme/infrastruktur/lis/formulare_merkblaetter/index.jsp, download form 12.18 e

⁸ Dto., No. 23

How are the costs covered?

Several products have been fully funded by the German Research Foundation (DFG). The current journals and databases agreements for 2011-2013 are based on an opt-in model. All German research institutions and organizations are invited to join the licensing consortium and choose their own products. The DFG covers 25% of the full costs. All institutions continue to pay basic subscription fees and a share of the additional fees not covered by the subsidies of the DFG.

Outcomes

For the licensing period 2011-2013, 19 collections have been negotiated (3 databases, one e-book collection, 15 current journal collections⁹). This resulted in Alliance licenses for 12 journal collections, one database and one e-book collection. The journal collections include products of the American Institute of Physics (AIP), Annual Reviews, Berkeley Electronic Press, the British Medical Journal, China Academic Journals (CAJ), the European Mathematical Society (EMS), Karger, Oxford University Press, the Royal Society of Chemistry, Sage and de Gruyter. The outcomes of the 12 journal collections (from 11 publishers) are as follows:

- The majority of publishers already grant the *right to deposit the author's final manuscript* after peer review (postprint) into a repository of their choice (institutional or disciplinary). This is subject to an embargo period of 6-24 months for 6 publishers. (Only the conditions of CAJ are currently not available in SHERPA/RoMEO¹⁰.)
- All but one journal collections allow *deposition of the publishers' PDF* after a certain embargo period. The majority of those allow some form of immediate provision: 4 journal collections (3 publishers) allow deposit into a repository of choice (by author or institution); one publisher allows authors to deposit into their institutional repository, and one publisher offers immediate Open Access via their repository at the author's request. Four collections require an embargo of one year, one a maximum of 2 years (depending on journal title) and one of 3 years.
- The remaining journal collection which does not allow the use of the publishers' PDF requests an embargo of 12-24 months for the deposition of the authors' final manuscript.
- 10 journal collections grant deposition rights to authors and institutions, 2 to authors only.
- 10 journal collections allow free choice of repository, one collection restricts deposit of articles to the institutional repository, one collection provides Open Access only through the publishers' repository.

Further products were negotiated in 2011 (Cambridge University Press journals and other products) and are under review for forthcoming negotiations. Details of the current agreements and Open Access clauses are available at the German national licensing website.¹¹ Further types of agreements are under consideration.

Implementation

Implementation of Open Access clauses based on institutional repositories and possible support actions have been discussed in the licensing working group. Information about the rights resulting from the Open Access clauses will be made available through the central website. In collaboration with the Alliance's Open Access working group, guidelines for repository managers have been published in April 2012 (in German only).¹² Workflows to identify authors, select and deposit content in repositories are currently explored.

⁹ Three of these contracts are based on national consortia but without DFG funding.

¹⁰ <http://www.sherpa.ac.uk/romeo/>

¹¹ <http://www.nationallizenzen.de/tools/open-access-rechte.xls/view>

¹² <http://dx.doi.org/10.2312/allianzoa.004>

Assessment

The German Alliance licenses have secured basic rights to deposit final publications (publisher's PDF) into institutional and disciplinary repositories. In particular, this means that users are allowed to read and download these articles from public repositories, but are not necessarily granted the full range of rights as described in the Budapest-Bethesda-Berlin Open Access definitions¹³ (such as further dissemination, automated text and data mining etc.).

Nevertheless, based on the agreements institutions can now easily decide when and where to deposit publications on behalf of their authors. The implementation of workflows to realize the potential of these rights is nevertheless still in early stages. Currently, institutions and authors are basically allowed to download articles from publishers' websites and deposit these copies into repositories of their choice. To improve the efficiency of procedures, it would be desirable to enable automatic selection and deposition of content in repositories. Workflows and technical solutions from various projects should be evaluated for reuse (for example SWORD¹⁴, PEER¹⁵).

Further information

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Appendix: Selected Results (negotiations 2010 and 2011)

Product	Version	Embargo	Acquisition	Repository	Who?	Sherpa/RoMEO
AIP Journals	Publisher's PDF	0	Publisher's database	Institutional repository	A	green
Annual Reviews online	Publisher's PDF	0	Publisher's database	Publisher's website	A	-
Bepress Journals	Publisher's PDF	0	Publisher's database	Repository of choice	A, I	green
BMJ Journals	Publisher's PDF	36 months	Publisher's database	Repository of choice	A, I	green
Cambridge University Press	Publisher's PDF	12 months	Publisher's database	Repository of choice	A, I	green
China Academic Journals	Publisher's PDF	max. 12 months	Publisher's database	Repository of choice	A, I	-
European Mathematical Society	Publisher's PDF	0	Publisher's database	Repository of choice	A, I	green
Karger Journals	Publisher's PDF	12	Publisher's database	Repository of choice	A, I	green
Oxford Journals Current Contents	Postprint	12-24 months	Publisher's database	Repository of choice	A, I	yellow
Royal Society of Chemistry	Publisher's PDF	12	Publisher's database	Repository of choice	A, I	blue
Sage Journals	Publisher's PDF	12	Publisher's database	Repository of choice	A, I	yellow
Walter de Gruyter / HSS and STM journals	Publisher's PDF	0	Publisher's database	Repository of choice	A, I	yellow

A = authors, I = institutions

¹³ <http://www.earlham.edu/~peters/fos/overview.htm>

¹⁴ <http://swordapp.org/about/>

¹⁵ <http://www.peerproject.eu/>