

JISC RESPONSE TO THE HOUSE OF COMMONS SCIENCE AND TECHNOLOGY COMMITTEE REPORT ON SCIENTIFIC PUBLICATIONS

Executive Summary

- 1 The Joint Information Systems Committee (JISC)¹ welcomes the timely and helpful report of the House of Commons Science and Technology Committee “Scientific publications: free for all?” (HC399-1). The report contains many conclusions and recommendations of importance to the JISC in carrying forward its strategic objectives.
- 2 The JISC has a remit to ensure joined-up thinking across the boundaries of research, learning and teaching, and the administration functions within institutions to avoid multiple solutions being adopted. JISC’s vision is to enable the seamless linking of e-research, e-learning, digital library and management information resources, through the co-ordination of technical architectures and standards.
- 3 A number of the Report’s conclusions and recommendations are in line with existing and future JISC programmes to improve access to resources and help to confirm the direction of much of JISC’s current activity. Nine of the eighty-two recommendations in the Report mention the JISC specifically and many more mention JISC funded initiatives such as SHERPA² or the e-prints.org³ software which have been at the forefront of institutional repository development in the UK. The JISC has already identified the need for change in the scientific publishing model in order to improve access and has been funding projects and reports to stimulate change.
4. Many of the recommendations in the Report directed specifically at the JISC relate to the model for the purchase of subscriptions and authentication mechanisms. The tenor of the relevant sections in the Report is to encourage the JISC and universities to press for better pricing and licensing terms from publishers. In this respect the Report can be read as supportive of the JISC’s work. The Report does, however, present a challenge to move to even more effective national co-ordination of purchasing of academic content.
- 5 A number of other recommendations in the Report relate to Institutional Repositories but do not directly refer to JISC’s involvement in repositories which is at least as important as its journal negotiation role. Repositories are being adopted by institutions to store learning and teaching and administrative data in addition to journals and other research resources. The JISC supports the sector in providing infrastructure services and in some cases national repositories and data stores where community content can be stored, shared and used. JISC also funds significant development work to explore some of the technical and organisational issues that surround the provision of content of all types. The recommendations in the Report fully endorse the kinds of activities that JISC is funding in this area. There are likely to be a complex cross-hatch of subject and institutional repositories in the future and the JISC will seek to ensure that development work is funded to make the cross-hatch as easy as possible for users to migrate from one to the other.
- 6 This document responds to the relevant conclusions and recommendations and identifies the main actions the JISC intends to take in support of the report. These can be summarised across four themes:

¹ The JISC is funded by the UK Higher and Further Education funding bodies to provide world-class leadership in the innovative use of information and communications technology to support education and research.

² Securing a Hybrid Environment for Research Preservation and Access – the project is working to establish ‘e-print archives’ using eprints.org software, which comply with relevant international standards for metadata harvesting and which will be freely available to use.

³ A JISC funded project to create open source software for building institutional archives.

- a) Common approaches across a range of communities;
 - b) A coherent supporting infrastructure;
 - c) Processes to join up the 'lifecycle' of knowledge;
 - d) New publishing models and supporting activities.
- 7 The JISC has set aside sufficient core funding to deliver the actions identified. However, it should be emphasised that additional government funding for digital preservation, institutional repositories, and the exploration of new business models would be necessary if the Select Committee Report's recommendations are to be implemented in full.

JISC Actions

8 The relevant actions that the JISC has identified and intends to address are outlined below.

a) Common approaches across a range of communities

i) Common Information Environment

For some time, the JISC has been involved in a collaboration with key public sector content providers in the UK to implement the concept of a 'Common Information Environment' (<http://www.jisc.ac.uk/cie/>). Organisations in different sectors are making significant amounts of online content available to their respective communities — in health, education, museums, archives, research, public libraries, and so on. However, the barriers between sectors mean that not all this content is accessible to all who might need it or want it. Too much remains hidden amongst the low-quality information that clutters the web and behind technical, commercial and administrative barriers. There is a pressing need for an initiative which will join these efforts together, one that will genuinely repay the significant investment that is currently being made across a range of sectors. Overcoming these barriers will require concerted action on the part of all organisations in the field. It will take time and it will not be easy. But the vision of a common information environment is a good starting point. We believe that if the UK is to remain at the forefront of educational and technological progress, and if each individual is to access the information they need, a Common Information Environment is required which will provide full access to the rich information and the exciting possibilities that the web has to offer to each and every one of us.

The JISC intends to invest additional funding, from within its core budget, in order to accelerate this initiative.

ii) Scholarly Communications Group

A key performance indicator in JISC's Strategy is to develop an overview of the barriers to effective scholarly communication and the emerging behaviours and different activities being funded worldwide to improve the position. The JISC's Scholarly Communications Group (<http://www.jisc.ac.uk/jcie/scg>) has been in operation since December 2000. Its role is to look across the relevant activities within JISC's portfolio and bring them together in a coherent way. The Group's mission is to make a leading contribution to the investigation and implementation of sustainable and cost-effective emerging behaviours across the various aspects of the scholarly communications process. It does this on behalf of the UK educational and research communities and in collaboration with relevant national and international partners. To date, the Group has addressed this mission by commissioning work to highlight key issues that require further investigation and activity. However, it is clear that further co-ordination and international collaboration is required.

The JISC intends to review the terms of reference and membership of the Scholarly Communications Group and increase its budget, from within JISC core funding, in order to accelerate developments and initiate an advocacy and supporting studies programme.

b) **A coherent supporting infrastructure**

iii) Institutional Repositories

It should be noted that the JISC sees a wider role for institutional repositories than just journals or research resources generally. Learning objects and other materials have similar requirements, particularly as considerable economies of scale can be achieved by using common infrastructure within an organisation. The JISC intends to continue to lead institutional repository developments in UK post-16 institutions and has core funding and short-term capital funding set aside to address the institutional repositories agenda across research, learning and teaching and libraries (up to £3 million per annum).

To date, the JISC has provided support to universities and colleges for the creation of repositories through the FAIR Programme⁴. Projects funded (including SHERPA) are already committed to making their experience of repository development available to all UK universities and colleges. The provision of institutional repositories is a complex issue, involving cultural change, technical capability and capacity. The JISC has developed an understanding of the associated issues and is already taking forward activity that supports the report's recommendations in this area.

Since the publication of the report, the JISC has established a new Digital Repositories Programme to build on some of the outputs from the FAIR Programme and to accelerate the development of institutional repositories, through the provision of software, models and infrastructure, and the dissemination of best practice. The Programme will explore the most appropriate relationships between national, subject and institutional repositories, what kinds of functions should be provided by each, and what types of materials should be stored and by whom. Continuation funding has already been agreed for the eprints.org repository software for further maintenance and technical development work to support the needs of a much larger and more diverse user community. To inform the Repositories Programme, the JISC has recently funded a study that has reported on the options for delivery and access for Eprints and Open Access Journals. A second study has also been commissioned to obtain a current view on technologies and institutional practice in repositories and perform a gap analysis. The review will report in December, at which point the JISC will issue an invitation to universities and colleges in January 2005 to bid for targeted funding in this area, based on the outcomes of the review.

The funding available to JISC is not sufficient to allow all institutions to establish and maintain repositories, where appropriate or to establish a coherent 'network of institutional repositories,' as recommended in the report. JISC is funding the development of an infrastructure to allow the content held within the repositories to be shared and discovered, and to share good practice. Significant additional funding will be required from government for a sustainable initiative on a larger scale.

iv) Digital Preservation

The long-term preservation of repository content which may include publications and other materials - particularly content for which a university or college is unable to take responsibility - is a serious concern. Long-term preservation is also a complex challenge which is difficult for any one institution to address alone. Collaboration across different organisations in this area is therefore essential. The JISC funds a Digital Curation Centre⁵ for e-science data and co-funds archives in the arts and humanities and social sciences with the respective research councils. The

⁴ http://www.jisc.ac.uk/index.cfm?name=programme_fair The FAIR Programme is looking at the submission and disclosure of research materials to investigate the technical, organisational, and cultural issues surrounding the sharing of institutional resources and assets.

⁵ <http://www.dcc.ac.uk/> The Digital Curation Centre will support expertise and practice in data curation and preservation to ensure that there is continuing access to data of scholarly interest. The initial focus will be on research data, but the intention is to also address the preservation needs of e-learning and scholarly communication in the future.

JISC has also been working closely with British Library and other institutions on organisational and technical problems to be overcome in the preservation of all electronic content, including establishing a Digital Preservation Coalition⁶. The JISC has also recently launched a new preservation programme which is funding a number of projects to support digital preservation and asset management in universities and colleges which will explicitly address preservation and archiving issues for institutional repositories and test collaborative models. (http://www.jisc.ac.uk/index.cfm?name=programme_preservation). These projects will involve a range of university computing science and library departments and partners such as the British Library and the National Archives.

The JISC intends to further explore how the HE Funding Bodies, the JISC, the National Libraries and the Research Councils, through the RLN, can work together to develop a sustainable infrastructure supporting digital preservation of a range of research materials. However, significant additional government funding would be required if a robust digital preservation infrastructure is to exist in the UK. The JISC would also be keen to work with the British Library, the Research Councils and others to establish who should be responsible for the national repository safety net which could provide a 'back-up service' for the institutional repositories, and explore the links to digital preservation.

c) **Joining up processes across the 'lifecycle' of knowledge**

v) Linking Research Data and Learning

More exploration is required to look at the content 'lifecycle' for research data and e-prints. An example of existing work is the JISC-funded eBank UK project (<http://www.ukoln.ac.uk/projects/ebank-uk/>). The project is looking at the entire 'lifecycle' of knowledge, from raw data to the published article. The project has demonstrated how to link research data with other derived information, such as e-prints, in the subject of chemistry. The project has harvested metadata both from e-print archives and research data from institutional 'e-data repositories.' The availability of original data, together with the ability to track its use in subsequent research work, scholarly publications or learning materials will have a significant impact on access to research outputs and on the validation process. The project has generated a lot of interest, both in the UK and internationally. The JISC has recently extended the project in order to seek consensus within the community on the development of a generic data model and metadata schema for scientific data and to assess the pedagogical benefits of access to primary e-research data within associated e-learning materials in the taught postgraduate curriculum in chemistry. It will also investigate the expansion of the eBank service in other sub-disciplines of chemistry and the physical sciences and test the feasibility of implementing eBank in the related domain area of the biosciences.

The JISC intends to expand this area of activity, from within its core funding, as a further way of improving access to research resources and improving the scholarly communication process.

d) **New publishing models and supporting activities**

vi) Open Access Journals

The JISC is committed to exploring alternative models of publishing to promote wider access to research outputs. The JISC is funding a study of the advantages and disadvantages of a range of different publishing models and has recently extended its agreement with BioMedCentral, the Open Access Publisher, which gives all UK universities membership and allows staff to publish

⁶ <http://www.dpconline.org/graphics/index.html> The Digital Preservation Coalition was established to address the urgent challenges of securing the preservation of digital resources in the UK and to work with others internationally to secure our global digital memory and knowledge base

their work in BioMed Central's growing number of Open Access journals without incurring a direct article-processing charge. The JISC is also supporting four publishers wishing to move to the open access model through short term pump-priming through its open access initiative and has recently launched a new phase of support for publishers who wish to transition to open access (http://www.jisc.ac.uk/index.cfm?name=funding_open_access2).

However, in order to explore a range of business models and make a significant impact, the initiative would need to be expanded to a much larger scale. The JISC does not have sufficient funding to pump-prime such an initiative on a large scale. Additional funding would therefore be required from government.

vii) Journal Procurement

The JISC undertakes central journal procurement through an initiative known as 'NESLi 2' (<http://www.nesli2.ac.uk/>). The JISC intends to continue with this approach and to press for better pricing and licensing terms from publishers. The initiative will also continue to explore new licensing models with publishers and a study has recently been commissioned to investigate the benefits and disadvantages of a range of business models. The report does, however, present a challenge to move to even more effective national co-ordination of purchasing of academic content, through collaboration with regional purchasing consortia. The NESLi model has received much interest and emulation internationally and the JISC also intends to pursue greater international liaison to bring together international policies and approaches to journal procurement. The national journal procurement approach adopted in the UK through NESLi could be more powerful if negotiations were undertaken for the whole academic community rather than those institutions willing to subscribe. However, there is not sufficient funding available to JISC to undertake national journal procurements in this way.

The JISC intends to liaise with international journal procurement bodies and regional purchasing consortia to explore collaborative opportunities. In light of the report, the JISC also intends to undertake an awareness programme regarding the licensing terms of JISC agreements, in order to improve the community's understanding of the flexibility provided in the licence terms.

viii) Content Procurement Company

The JISC strategy for 2004 – 2006 includes a priority to create and maintain sustainable procurement and delivery services for on line content. In response to this, the JISC is exploring the establishment of a Content Procurement Company to address the challenge presented in the Report for even more effective national co-ordination of purchasing of academic content. Such a company would be able to negotiate access to online content on behalf of all higher and further education institutions through JISC as well as on behalf of other organisations such as the Research Libraries Network, NHS or the Museums Libraries and Archives Commission. This central negotiation will bring the benefit of terms and conditions of use that would not be possible if agreements were negotiated individually by institutions or organisations and much reduced subscription charges for access to content.

The JISC aims to have the Company established and ready for operation by 1 August 2005. The Company will be funded from within JISC's existing budget to negotiate on behalf of higher and further education institutions, though will require additional funding to extend its remit to negotiate on behalf of other public sector organisations.

- 9 The above areas represent a considerable set of activities that the JISC intends to undertake and which will help to implement some of the key recommendations in the report. These can be accommodated within JISC's core budget and fits well with the JISC's remit. However, for the report's recommendations to be implemented fully, significant additional government funding would be required for key areas such as institutional repositories, digital preservation and the

further exploration and pump-priming of new publishing models. If government funding is made available, the JISC sees itself as the appropriate body to continue to lead such initiatives, in collaboration with other relevant bodies, given its existing remit and involvement in these areas.

- 10 The remainder of this response seeks to draw attention to all JISC's relevant activities in the context of the recommendations in the Report of the House of Commons Science and Technology Committee "Scientific publications: free for all?" It is divided into two parts: open access and repository issues; and licensing issues.

Open Access & Repository Issues

- 11 **Recommendations 3, 53 & 74** concern the need for the UK to act in an international context. The JISC has supported change in scholarly publishing in close collaboration with organisations in other countries. As the Report indicates, there is an opportunity for the UK to take the lead, although the window of opportunity is narrow given the progress being made in other countries. The benefits from the new publishing model are being felt across the world, and in particular, developing countries can benefit from greater accessibility to UK research. In particular the JISC is working with organizations in the United States, Australia, and the Netherlands to learn from their progress in this area and to deal with issues that cut across national boundaries together. The JISC is also taking forward developments in standards to support a national infrastructure of repositories in partnership with international standards making bodies. **The JISC welcomes the recommendations in the Report for discussion and action at an international level.**
- 12 **Recommendation 7** concerns the principle that primary research data be made available and concludes *"that the Research Councils consider providing funds to enable researchers to publish their primary data alongside their research findings, where appropriate"*. The JISC vision for repositories is of a wide range of content to support both teaching and research. As part of this vision the JISC is exploring models where repositories of raw data can be linked to research papers. The JISC works closely with the Research Councils and jointly hosts some of the primary data already supported by Research Council funds, through services in the social sciences and in the arts and humanities. The institutional repositories created through the JISC-funded FAIR Programme already contain many types of academic material including e-prints and primary research data which would prove useful to researchers. The FAIR Programme, through projects like E-prints UK is also developing infrastructure to allow all e-prints stored in institutional repositories to be located irrespective of their location. Crucially all the JISC activity in this area is standards based so that interoperability between different data and information is enabled.
- 13 **Recommendation 43 and 55** respectively conclude that *"the requirement for universities to disseminate their research as widely as possible be written into their charters. In addition, SHERPA should be funded by DfES to allow it to make grants available to all research institutions for the establishment and maintenance of repositories."* *"Government appoints and funds a central body, based on SHERPA, to co-ordinate the implementation of a network of institutional repositories."* The JISC has provided support to universities and colleges for the creation of repositories through the FAIR Programme, and projects funded under this Programme (including SHERPA) are already committed to making their experience of repository development available to all UK universities and colleges. The SHERPA Project aims to create a substantial corpus of research papers from several of the leading research institutions in the UK by establishing e-print archives. Other projects in the programme including TARDIS, based at the University of Southampton, have also used funding to develop institutional repositories and have gained much useful intelligence for the community during this process. The JISC is actively pursuing ways in which institutional repositories can be developed further and plans to support universities in providing best practice; software; models and infrastructure to support institutional repositories that hold research outputs. An important example of ongoing work is the study that has recently reported on a delivery and access model for Eprints and Open Access Journals. It should be noted that the JISC sees a wider role for institutional repositories for example for learning objects and other materials; particularly as considerable economies of scale can be achieved by using

common infrastructure within an organisation. The JISC is liaising with other countries on these issues as part of its active international collaboration and is also working with other UK government agencies to pursue this agenda. Already JISC is preparing to build on some of the FAIR programme outputs including SHERPA's – for example the need to maintain a rights database and to develop advocacy materials to support submission to institutional repositories. The provision of institutional repositories is a complex issue and it involves cultural change, technical capability and capacity. The JISC has developed an understanding of the associated issues and plans to take forward activity that supports this recommendation and the needs of academic institutions. This will include a major new digital repositories programme from January 2005. To ensure that institutional repositories are sustainable and that they complement the publishing industry, work is required to develop sound business models for the repositories. **The JISC welcomes the recommendations to establish further repositories and given its existing role in this area across learning, teaching and research, sees itself as the central body to co-ordinate the implementation of a network of institutional repositories.**

- 14 **Recommendation 44** concerns the need to motivate academic authors to self-archive in institutional repositories and recommends that *“the Research Councils and other Government funders mandate their funded researchers to deposit a copy of all their articles in a repository”*. The experience of repositories developed through JISC funding has been that cultural rather than technical problems are the greatest future barrier inhibiting the growth of institutional repositories. In particular it has been difficult to persuade academic authors to deposit journal articles in a repository without support from funding agencies. The JISC funded projects have helped build a body of experience on ways in which author deposit can be motivated, but the lessons from the JISC funded work can contribute to the understanding of this issue and the JISC would be happy to cooperate with other bodies in setting policy in this area.
- 15 **Recommendation 46, 75, and 76** respectively concern the roles of the British Library and institutional repositories in digital preservation: *“the DCMS provides funds for the British Library to maintain a central online repository and ensure the preservation of digital publications;”* *“failure to give adequate funding to the BL could result in the loss of a substantial proportion of the UK’s scientific record”,* and *“Institutional repositories should be a key component of any long-term strategy to ensure the preservation of digital publications.”* The long-term preservation of repository content which may include publications and other materials - particularly content for which a university or college is unable to take responsibility - is a serious concern. Long-term preservation is also a complex challenge which is difficult for any one institution to address alone. Collaboration across different organizations in this area is therefore essential. The JISC has been working closely with British Library and other institutions on organisational and technical problems to be overcome in the preservation of all electronic content but more funding is required. The JISC has recently commenced funding for a number of projects to support digital preservation and asset management in universities and colleges which will explicitly address preservation and archiving issues for institutional repositories and test collaborative models. These projects will involve a range of university computing science and library departments and partners such as the British Library and the National Archives. **The JISC welcomes these recommendations and is interested in further exploring how the HE Funding Bodies, the JISC, the National Libraries and the Research Councils, through the RLN, can work together to develop a sustainable infrastructure supporting digital preservation of a range of research materials.**
- 16 **Recommendation 48** concludes that *“Government must adopt a joined-up approach. DTI, OST, DfES and DCMS should work together to create a strategy for the implementation of institutional repositories”*. At present there is no national co-ordination between repositories outside the FAIR Programme, a situation which may result in the use of incompatible software and uneven standards in the sharing of content. As the Report recognises, the content in repositories has a national as well as a local value. The JISC plays a key role in defining standards for the provision, storage and use of digital information within the academic sector and one of the main focus of its repository activity is to provide specifications and functional requirements for repositories at a local, regional, national and international level and for wide ranging resources. The JISC believes that the work that it has initiated to develop and implement a coherent standards framework could

usefully be built upon in this context. Part of this activity will be taken forward in the JISC Digital Repositories Programme from January 2005. **The JISC welcomes this recommendation and would welcome the opportunity to contribute its experience in repository development to the formation of a national strategy.**

- 17 **Recommendations 49-51** rightly identify the important role copyright ownership plays in either aiding or hindering access to published research. *“The issue of copyright is crucial to the success of self-archiving. Provided that it can be established that such a policy would not have a disproportionately negative impact, Research Councils and other Government funders should mandate their funded researchers to retain the copyright on their research articles, licensing it to publishers for the purposes of publication”*. The JISC funded the RoMEO project which has received international recognition for its work on documenting authors agreements and permissions for institutional archiving across a range of leading publishers. The JISC also funds a Legal Information Service and has commissioned several reports on copyright, and is supporting international initiatives - such as the work of the Zwolle Group - to encourage fairer copyright management for academic content. The JISC is about to embark on the production of best practice and development of infrastructure to support copyright practices within the scholarly communication process with particular attention to author, publisher and academic institution relationships. This work should report within the year. The JISC would welcome greater understanding by the academic institutions of copyright issues.
- 18 **Recommendation 64** concludes *“that the Research Councils each establish a fund to which their funded researchers can apply should they wish to publish their articles using the author-pays model”*. In its strategy the JISC has taken a holistic view of information creation and access, so that the publication activity is seen as part of the research process. Given the high cost of purchasing subscriptions under the present model, the author-pays model warrants further investigation.
- 19 **Recommendation 69:** the academic community values the contribution made to research and teaching by the learned societies and the JISC would not wish to see that contribution weakened through a change in the journals business model. As the Report recognises, the JISC has already made money available to assist some learned society publishers who wish to explore open access publishing to transfer their journals from a subscription to an open access model. **The JISC intends to continue to provide support to those electing to explore this model and to continue to review other journal business models.**
- 20 **Recommendation 70** supports further experimentation with the author-pays publishing model and recommends that *“in the short term Government may need to provide limited financial assistance to encourage publishers and institutions to take part in what, for them, may be an expensive process. We applaud the JISC for providing funding for this purpose so far and hope that it will continue to do so.”* Over several years the JISC has discussed with publishers the viability of an “author-pays” publishing model. Publishers have been reluctant to release the information about their costs necessary to evaluate viability and this will be a crucial factor in the success or otherwise of the *“comprehensive independent study”* recommended in paragraph 150. The JISC is committed to a three-year programme of short-term funding to Open Access publishers. The JISC will award this funding on an annual basis to the publisher or publishers who meet the required criteria.

Licensing Issues

- 21 Today, one in five publications is accessible on line and more than 1 000 titles are listed in the “Directory of Open Access Journals”. Over the last ten years, however, the average annual increase in the prices of scientific reviews has approached 10%, a figure well in excess of GDP increases and the average inflation rate. University libraries have therefore seen their purchasing power decline since their budgets cannot keep pace with price increases. There are, moreover, opportunities for archiving and communication via the Internet.

- 22 **Recommendation 6** concerns purchasing models based upon access for a limited number of simultaneous users and recommends that the JISC “*strongly argues the case against such restrictive practices when it negotiates the terms for the next national site licence with publishers*”. Although this practice is standard for some publishers, the JISC never agrees to it. No JISC agreement is restricted to a number of simultaneous users. The preferred model is that of a common national licence, providing unlimited access to all registered users of libraries in all universities and colleges able to take up the deals negotiated by the JISC. **The JISC welcomes this recommendation as an endorsement of its approach in negotiating with publishers on this issue.**
- 23 **Recommendation 9** concerns the use of the same journal content by both university and NHS staff and recommends “*that the JISC and the NHS work together to implement joint procurement procedures that reflect the close working patterns of NHS and the higher education sector and represent value for money for both*”. The JISC and the NHS are already working together to implement joint procurement procedures. Some content has already been purchased through joint negotiations and discussions. The JISC is leading a group that includes representatives from the NHS England, NHS Scotland, NHS Wales, and NHS Northern Ireland to procure jointly content for the HE and NHS communities. The group is currently in discussions with publishers regarding a joint procurement for an exemplar agreement. The process is being designed to develop a roadmap for future joint procurements. **The JISC welcomes this recommendation as encouragement to develop initiatives already underway.**
- 24 **Recommendation 10** concerns the reproduction of digital copies of content needed for teaching purposes and recommends “*that future licensing deals negotiated by the JISC explicitly include provisions to enable journal articles, whether print or digital, to be used for teaching purposes*”. Publishers have used the Copyright Licensing Agency both to control the volume of copying and to secure additional revenue from the academic community. The procedures involved and the cost to universities and colleges have restricted the amount of copying - particularly of digital content - academic staff have wished to do in order to improve the effectiveness of their teaching. JISC’s Model Licence already ensures that electronic resources can be fully utilised in learning and teaching. The relevant clauses allow for ‘use and manipulation of copyright material’ while protecting that material from abuse. This means for example, that (providing it is properly attributed) a lecturer can copy and paste text from a journal article into a teaching material. However, the lecturer may not amend the published text, and it is quite reasonable that publishers restrict such amendments of copyright material. A restriction in the JISC Model Licence states ‘For the avoidance of doubt, no alteration of the words or their order is permitted.’ **The JISC welcomes this recommendation as strengthening its negotiating position.**
- 25 **Recommendation 13** concerns the lesser access anybody who is not a student or member of staff of a university or college has to digital journals compared to access to printed content. The recommendation is “*that the next national site licence negotiated by the JISC explicitly provides for all library users without an Athens password to access the digital journals stocked by their library*”. The JISC Model Licence already provides for all library users, with or without an Athens password. The licence refers to users in two categories, Authorised Users and Walk-in Users.
- i. The licence defines 'Authorised Users' as the current members of the staff of the institution (whether on a permanent, temporary, contract or visiting basis) and individuals who are currently studying at the institution. Users in this category are issued with individual Athens usernames and passwords. This means that they can gain access to electronic resources via the internet at any time and from any location; in other words they do not need to be on library premises and are not limited to library opening hours.
 - ii. The licence also contains a definition of 'Walk-in Users', covering all other permitted users of the library. The licence permits these users to access electronic journals and other electronic resources from workstations on the library premises. The Athens system is

sufficiently flexible to permit this without Walk-in Users needing to be issued with an individual username or password.

Thus far from being more restrictive, Athens authentication widens access to electronic resources for Authorised Users (who represent by far the majority of the library's registered users), while offering Walk-in Users exactly the same level of access to electronic materials as they have to traditional print publications, i.e. access on library premises. For these reasons the JISC always urges publishers to comply with the Athens standard. **The JISC welcomes this recommendation as strengthening its negotiating position and will raise awareness within institutions to ensure they fully understand the terms of the JISC model licence in this regard.**

26 **Recommendation 16** arose from publishers' evidence to the Science and Technology Committee regarding the price per article in bundled deals. The recommendation is *"that the JISC develop an independent set of measures, agreed by subscribers and publishers alike, to monitor trends in journal pricing. This will help exert pressure on the publishing industry to self-regulate more effectively and will give libraries and other users greater knowledge when they are deciding which subscriptions to take"*. Few publishers are willing to offer less than 7-8% increases and there are some instances of up to an 18% increase in subscription charges. The current journal price statistics, collected by the Library and Information Statistics Unit at Loughborough University, only give overall percentage increases. The JISC is currently funding two studies that will help clarify this complex situation:

- i. The Analysis of Usage Statistics study: to provide the JISC and its NESLi2 Negotiating Agent with accurate data about the national use of electronic journals to inform future negotiations. The study will analyse in depth usage data from a representative sample of small, medium, large, and very large academic libraries to ensure a full picture. The study will cover a minimum of 3 publishers (and ideally 5) in order to provide sufficient comparative data particularly for negotiating purposes.
- ii. The Journals Business Models Study: to identify the existing business models used by scholarly publishers in the international market place and analyse the benefits and disadvantages (including cost issues) to the library community. Models to be analysed include: the big deal (which can be e only or electronic plus print); individual title licences; e-versions of titles held in print; subject clusters; core subscription plus pay per view; and pay per view only. The study will also identify other business models and analyse these in a similar way. This analysis will explore amongst other things both usage based charging models and open access initiatives.

The results of both these studies due to report in December 2004.

27 **Recommendation 19** concerns continuing access to digital content after a subscription has been cancelled and recommends *"that the JISC ensure that provision for continuing access in the event of cancellation to articles published during the subscription period is written into its next national licensing deal"*. The JISC Model Licence provides for this. The clause in the Licence means that on cancellation the publisher will provide the subscribing institution with a copy of the relevant journals on CD-ROM or provide access via their own server. This clause also provides for a 'third party' to provide an archive of the material, although no such third party is yet in place to provide this service in the UK. It is always JISC policy to negotiate for archival access but some publishers refuse to sign up to this clause in the agreement, usually because they have a 'moving wall', which means they charge subscription fees for back files. Other publishers will concede to a CD-ROM copy archival copy, but not online access to backfiles. This is not an ideal solution because the CD-ROM format is an unstable medium for archiving and prone to corrupt and in order to facilitate access the library must mount the CD-ROM content on its local network. **The JISC welcomes this recommendation as strengthening its negotiating position but wishes to make two further points:**

- i. The cost of maintaining ongoing internet access to content is very high. It is

understandable that publishers are reluctant to freely provide this service to non-paying customers. Central funding for a third party to host and deliver archival copies of cancelled backfiles would alleviate this problem. The JISC is also funding the evaluation of the LOCKSS Programme as a viable solution for local archiving. LOCKSS creates low-cost, persistent digital "caches" of authoritative versions of electronic content. The LOCKSS software enables institutions to collect locally, store, preserve, and archive authorised content thus safeguarding their community's access to that content.

- ii. The Select Committee Report does not highlight the other problem regarding cancellations, which is that publishers restrict the number of titles that an institution may cancel. Cancellation is often restricted to a very small percentage of a bundle. Thus, publishers force institutions to continue print subscriptions to titles that are no longer relevant to their research or teaching. It is JISC policy to negotiate for higher cancellation levels – but the trend is for publishers to be reluctant to concede this point. Publishers do not allow cancellations where the 'Big Deals' exist, because they fear that libraries will cancel large numbers of titles, and thereby gain 'highly discounted' access to the same titles, under the 'Big Deal' arrangement, which would result in a significant drop in revenue for publishers.

28 **Recommendation 20** that *"Increasing usage rates do not equate to an increased ability for libraries to pay for journal bundles. The recent availability of usage statistics should not be used as a justification for publishers to raise their prices."* Most of the 'Big Deals' offered by STM publishers use a charging model based on a library's historic spend on printed journals, plus a supplementary charge for providing access to these journals in electronic format. Access to electronic titles not subscribed to in print is usually also covered by this supplementary charge. NESLi2 negotiations have demonstrated that some publishers are wishing to change their charging model so that prices charged to individual libraries more accurately reflect actual usage, rather than historic print spend. Publishers have been quoting instances where there has been significant use of previously unsubscribed titles as a justification of such an approach. The data they present tends not to include counterbalancing figures showing low or no-use titles. With the advent of electronic journals, libraries have the opportunity to obtain robust quantitative data about levels of periodical use and to analyse how far their investment represents value for money. Good analysis of such data could be a powerful tool in future negotiations with publishers when deals are to be renewed, and could help to inform thinking about viable alternative economic models for electronic journals. However, in-depth analysis of this data is time-consuming for individual libraries and may not be cost effective in the absence of useful benchmarks. A national overview is required to help inform future JISC negotiations on behalf of the community and assist institutions in assessing the value for money provided by such deals. It might also inform their purchasing decisions with respect to deals not currently covered by NESLi2 but of high importance to them. Thus, the JISC has funded an Analysis of Usage Statistics study referred to in 3.15.i due to report at the end of 2004. **The JISC agrees with this recommendation.**

29 **Recommendation 21** goes on to conclude that *"Although libraries may aspire to provide access to every scientific journal, they cannot afford to do this. It is inevitable that difficult choices between a number of journals with lower usage rates and impact factors will have to be made. Nonetheless, these decisions should be made in response to local user needs rather than as a side effect of bundling."* The report goes on 'in chapter 5 to discuss the ways in which collaborative library procurement procedures at a national level can be tailored to accommodate local needs.' The benefits of NESLi2 are not fully understood in this respect. In its first complete year NESLi2 negotiated agreements that provide for access to some 4500 journals – depending on options chosen by each institution. Calculating the savings that achieved through this initiative is not straightforward because publishers' pricing policies vary considerably and therefore no one 'savings model' can be used. The savings identified through NESLi2 directly relate to reductions achieved in the price of journals. This saving does not include the other less tangible savings realised through the appointment of a central agent to manage the process, such as a central point of information and communication, a help desk, a model contract, and central negotiations.

- 30 **Recommendation 22** concludes that: “Current levels of flexibility within the journal bundle do not present libraries with value for money. Whilst we accept that unbundling STM information carries risks for the main commercial publishers, only when flexible bundled deals are made available will libraries achieve value for money on their subscriptions. Furthermore, although we recognise that bundled deals may be advantageous to libraries in certain circumstances, we are concerned about the potential impact bundling may have on competition, given limited library budgets and sustained STM journal price growth.” The JISC funded studies referred to above will inform this debate, and provide the JISC with the information it needs to take a lead in shaping emerging business models that provide a viable alternative to the ‘bundled deals’. **The JISC fully concurs with this recommendation.**
- 31 **Recommendation 27** concerns transparency in publishers’ costs, enabling publicly-funded organisations to know what elements a publisher has included in a cost calculation. The recommendation is: “We urge the JISC and other buying bodies to press for greater transparency in this area”. The JISC actively presses publishers to provide more information about their costs, to determine value for money. The NESLi2 Negotiating Agent always seeks to obtain, and thus pass on to educational institutions, full details of how a publisher has calculated its fees for electronic journals. The JISC has also been pressing publishers to relax confidentiality clauses in contracts so that we can know whether UK libraries are paying prices comparable to libraries in other countries. **The JISC welcomes the recommendation for greater transparency in prices quoted by publishers and looks forward to a positive response from publishers.**
- 32 **Recommendations 29-31** refer to the payment of VAT on electronic content. “We recommend that HM Customs and Excise exempt libraries from the VAT currently payable on digital publications whilst it negotiates for a more permanent solution within the EU”. The JISC agrees that the differential rate on VAT hinders the transition from print to electronic services.
- 33 **Recommendation 40** points to the need for a common national strategy for the purchase of journal subscriptions and recommends “that the JISC negotiate with libraries, regional purchasing consortia and other national bodies responsible for procurement to agree a common strategy. Only by combining their resources will they be able to negotiate a licensing deal that secures national support and brings real benefits “.It should be noted that the NESLi2 agreements are for electronic journals, whereas the regional consortia tend to concentrate on print journals. Procurement for Libraries and the regional consortia strike deals predominantly with subscription agents (as opposed to publishers). The JISC agrees that the purchasing power of all institutions could combine to gain better terms for both print and electronic journals and that NESLi2 and the regional purchasing consortia should work more closely together. **The JISC agrees with this recommendation which links with the proposal already endorsed by the JISC for a Research Libraries Network.**