

Taking the License out of the Equation: NISO's SERU Initiative

NISO SERU Working Group

Judy Luther, President, Informed Strategies

judy.luther@informedstrategies.com



Traversing the Licensing Terrain:
Emerging Issues and Innovative Solutions
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What is **SERU**?

Shared E-Resources Understanding

- Developed by NISO Working Group of librarians, publishers, subscription agents, & lawyers
- Libraries and publishers forego a license agreement and rely on a mutual understanding

Why SERU?



- License agreements as written contracts cannot be standardized
- Bilateral agreements do not scale for small publishers
 - Add costs for publishers and librarians
 - Prolong sales cycle and delay access by users
 - Processing costs can exceed publication costs
- Growing consensus on most points

Perceptions & Reality



- Perception

- Librarians require licenses
- Publishers require licenses

- Reality

- Librarians often have a backlog of licenses
- A few publishers don't have license agreements
- Growing environment of trust based on amicable resolution of problems

Evolving Process



2005

- Idea vetted at meetings

2006

- Engaged organizational support
- Legal consultation
- Representative group created draft
- NISO adopted Working Group

2007

- Draft vetted with stakeholders
- NISO comment period, pilot, approval

NISO

Without a License Agreement

Omit Contract Terms

- Jurisdiction
- Warranties
- Liabilities
- Force majeure
- Assignment
- Severability

Purchase Order Terms

- What content
- For what price
- For what period
- How many (for whom)

Topics in Shared Understanding

- Subscriptions and subscribers
- Appropriate and inappropriate use
- Confidentiality and privacy
- Online performance and service
- Archival access and perpetual rights

Working Group Discussions

- Determining language that represents widely accepted practices
- Language issues rather than permissions
- Issues internationally (China, document delivery)
- Document as a framework with examples in the FAQ (i.e., archiving)
- Types of libraries – variations

Expectations for SERU



- SERU can
 - Reduce costs for publishers
 - Streamline sales/acquisitions process
 - Recognize community consensus
- SERU cannot
 - Replace or eliminate all license agreements
 - Be a standard license or click through
 - Be customized

How SERU Works



- Forego license and link to SERU on NISO website
- Purchase Order is acquisitions vehicle
- Orders placed through vendors such as serials agents or consortia
- NISO Registry for publishers & libraries on SERU website



Next Steps

- Formal NISO Review Process
- Signup for SERU Information Listserv
- Pilot June-December 2007
- Formal Approval 2008

www.niso.org/committees/seru

Future Developments



- New formats of publications
- Interactive PDFs, multimedia
- Resources created by social networks
- New business models
- Lack of global consensus
- Authors' rights
- Technology guidelines