Collection Development in Electronic Environment & Intellectual Property Rights: Challenges

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Introduction

- We all know how the information explosion and the information revolution have occurred in the last three decades. But the advent of Information and Communication Technologies , the Internet and particularly the World Wide Web have revolutionized literally every thing under the sun. To my perception, the Libraries and Information Centres have been the biggest beneficiaries. These technologies have emerged as boons to us. A job that hitherto used to take hours, days and weeks, is now just a mouse click away. The publishers round the globe have reaped the advantage of these technologies to an increasingly appreciable extent and brought in a plethora of electronic resources in abundance. This has consequently resulted in a paradigm shift in the original philosophy of actual possession of resources to actual access of the same. Naturally, the collection development in the electronic environment had to metamorphose. Through a few slides, I would like to highlight a few aspects of this topic assigned to me.

Collection Development vs Collection Management

- **Quite often almost interchangeably used but they differ**
- Collection development is the selection and acquisition of library materials, considering users' current needs and future requirements. But collection management is much more than collection building alone. It involves managing the use of the collection, its storage, its organization and making it accessible to users.
- A paradigm Shift in the role of librarianship:
- Librarians at present are more concerned with collection management than collection development. They are acting increasingly as interpreters of information, rather than as selectors. They have to act as "knowledge managers" rather than "collection managers".
- Though substituting "knowledge" for "collections" has moved the focus away from the development of local print collections, the librarian is still responsible for surveying the entire universe of information resources (now both in print and e-form) and then selecting, organizing and preserving the resources constituting the record of knowledge (Branin 1994).

What are Collection Development Policies?

They are documents which define the scope of a library's existing collections,plan for the continuing development of resources,identify collection strength,and outline the relationship between selection philosophy and the institution's goals, general selection criteriaand intellectual freedom.

(ALA,1987)

In addition to describing current collections, they establish priorities,assist with budgeting, serve as a communication channelwithin a library and the library and outside constituents, support cooperative collection development, protect intellectualfreedom, and prevent censorship, and assist in overall collection management activities, including the handling of gifts, deselection of materials, and serials cancellations.

(Johnson 1994)

Johnson states that "Libraries without collection development policies are like businesses without business plans"

Collection Development- Requirements

- A well written policy
- Analysis of user needs
- Inter- and intra-library communication policy development
- Budgeting and allocation of resources
- Contract negotiations
- Macro-evaluation of collections
- Micro-evaluation for selection, preservation or withdrawal of stock
- electronic resources selection tends to be a group activity rather than an individual activity, and
- system evaluation .

Collection Development Policy

- The word "policy" means a set of guidelines designed and developed for a specific purpose.
- Policy is formulated with an organization's mission statement and strategic plan in mind. Collection management policy should be linked very closely to the general and specific programs of the organization and should be in conformity with the information needs of the user population.
- Good policy can ensure consistency of approach among staff and serve as a planning tool for managers.
- It should establish priorities for both policy makers and policy executors.
- It must have a corollary archiving policy to assure the preservation of information and permanent perpetual access to future information seekers.
- ER acquisition and implementation increasingly complex raising ongoing staffing and workflow issues

CDP Contd

- Geller (2006) has put it "the electronic resources ,at the selection stage , must meet a set of criteria in addition to those we set up for print, and while it is still in the selection stage, this decision involves expertise and input from library staff members beyond the subject selector group''

CDP Contd

THE CDP must include
- General Statement
- Definition
- ER to be collected along with exclusion
- General selection criteria for electronic resources
- Specific selection criteria for electronic resources/databases
- Procedure for evaluation of Non-reference electronic resources
- Implementation
- Networking and duplication
- Replacements
- Gifts
- Withdrawals / Deselection
- Funding
- Licensing
- Policy review

Critical Issues

- Lack of uniformity
- interoperability issues
- Lack of standardization
- Integration
- Arbitrary price structure
- Intake, processing and utilization of Usage data
- IPR Issues: now more alarming License agreements,
- Continuing financial commitments
- Cancellation limits
- Perpetual access and rights

Electronic Resources

- Consuming an ever increasing share of library budgets often to the detriment of monographic acquisitions.

- Librarian's concern: what resource to require and in what format?

Criteria for selection

- According to Forester and Rowland(1998) and Rowley (1998) the following important issues should be considered when selecting an online search service:
- Number of databases offered,
- Search and retrieval facilities,
- Search interfaces (simple and advanced user interface),
- Database structure and record formats,
- Cost,
- Time required to develop searching facility,
- Cross database searching facility/ cross linking
- Communication facility,
- Support services, and
- Additional facilities such as current awareness services.
- Usage reports

Usage reports

- The intake, processing and utilization of usage data
- Different vendors and publishers provide statistics defined and reported in different ways making comparison of data difficult or impossible.
- Over a period of several years various organizations such as the JSTOR user group and ICOLC (the International Coalition of Library Consortia) began to propose guidelines for such data .
- By 2002, interest in standardized usage metrics had led to the formation of Project COUNTER, a self-sustaining industry effort that defines such metrics and enforces their adoption and consistent application through a required audit process.
- COUNTER presented a major breakthrough that has been of significant and continuing value to libraries.

Notable Usage Reports

- Libraries used to gather data through inefficient manual practices which led to two developments
- 1)Scholarly Stats from SWETS
- 2)Journal Use Reports from Thomson Reuters- a SUSHI (Standardized Usage Statistics Harvesting Initiative)

SUSHI has become an official NISO standard Z39.93-2007 and will be a requirement for organisations intending to be certified as COUNTER compliant in its next Code of Practice to come in 2009.

Electronic Resource Management System

ERMS refers to system that supports

"management of the information and workflows necessary to efficiently select, evaluate, acquire, maintain, and provide informed access to electronic resources in accordance with their business and license terms."

(Anderson et al 2004)

ERMS

- **Open-source**
- Some open-source ERM systems also exist, including:
- CUFTS from Simon Fraser University
- ERMes from University of Wisconsin- La Crosse
- FreERMS led by TOURO College
- HERMES (Hopkins Electronic Resources ManagEment System) from John Hopkins University - no longer in active development
- SMDB-Subscription Management Database from SemperTool

ERM Systems

Commercial

Many library automation companies have developed ERM products, including several with generic-sounding names for specific commercial products. Some commercial systems include:

- ERM as a solution from SwetsWise, Swets Information Services-BV
- ERM from Innovative Interfaces, Inc.
- Meridian from Endeavor (now owned by Ex Libris and parent company Francisco Partners from early 2007)
- 360 Resource Manager from Serials Solutions
- Verde from Ex Libris
- Verify from VTLS
- EASY from Square Information System
- Gold Rush from Colorado Alliance of Research Libraries
- True Serials from Nylink
- V-sources from Infor,

E-Resources at IIT Kanpur
E-books

- Springer e-books   11890
- Lecture Notes in Comp Sc   1964-2009
- Lecture Notes in Mathematics   1964-2009
- Lecture Notes in Physics   1964-2009
- Taylor & Francis e-books   459
- Oxford Eng Dictionary Online
- MIT Cognet Online Ref Works   10
- Encyclopedia Britannica
  Academic Edition

Archival Collection (Added in 2009)

- MIT Press Journals Full Text
- OSA Journals
- Now Publishers
- EBSCO
- Informs Archival Package
- Nature Archive
- IOP Journals Archive
- SAGE Journals Archive
- ACS Legacy Archive
- Sociological Bulletin
- AIAA e-journal Archive

E-resources at IITK contd

Full Text e-resources available through the INDEST-AICTE Consortia

ABI / Inform Complete
http://www.il.proquest.com/pqdauto
ACM Digital Library
http://portal.acm.org/portal.cfm
ASCE Journals
http://scitation.aip.org/publications/myBrowsePub.jsp
ASME Journals (+ A M R)
http://scitation.aip.org/publications/myBrowsePub.jsp
ASTM Standards & Digital Library
Standards: http://enterprise.astm.org **Journals:** http://journalsip.astm.org/
Capitaline
http://www.capitaline.com/intranet/INDEST_consortium.htm
CRIS INFAC Ind. Information
http://www.crisil.com/
Digital Engineering Library (DEL)
http://www.digitalengineeringlibrary.com/
EBSCO Databases
http://search.epnet.com/
Elsevier's Science Direct
http://www.sciencedirect.com/
Emerald Full-text
http://www.emeraldinsight.com/
Emerald Management Xtra
http://www.emeraldinsight.com

E-resources at IITK contd

Engineering Science Data Unit (ESDU)
http://www.esdu.com/
Euromonitor (GMID)
http://www.portal.euromonitor.com/portal/server.pt
IEEE / IEE Electronic Library Online (IEL)

http://ieeexplore.ieee.org/
Indian Standards
Intranet Version
INSIGHT
http://www.insight.asiancerc.com/
Nature
http://www.nature.com/
ProQuest Science (formerly ASTP)
http://www.il.proquest.com/pqdauto
Springer Link
http://www.springerlink.com/
IET Digital Library
http://www.ietdl.org/
Emerald E-books (Business Mgmt & Economics Collection)
http://www.emeraldinsight.com/
B i b l i o g r a p h i c   D a t a b a s e s

COMPENDEX on EI Village
http://www.engineeringvillage2.org
INSPEC on EI Village
http://www.engineeringvillage2.org
J-Gate Custom Content for Consortia (JCCC)
http://jccc-indest.informindia.co.in/
MathSciNet
http://www.ams.org/mathscinet
SciFinder Scholar
http://www.cas.org/SCIFINDER/SCHOLAR/index.html
Web of Science
http://isiknowledge.com

Intellectual Property Rights

- Intellectual Property is a term referring to a number of distinct type of legal monopolies over creations of mind, both artistic and commercial, and the corresponding field of law.
- Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works, discoveries and inventions, and words, phrases, symbols , and designs.
- Common types of intellectual property include copyright, trademarks, patent, industrial design, and trade secrets in some jurisdictions

Copyright

- **Copyright** is a form of intellectual property that gives the author of an original work exclusive right for a certain time period in relation to that work, including its publication, distribution and adaptation, after which time the work is said to enter the public domain. Copyright applies to any expressible form of an idea or information that is substantive and discrete and fixed in a medium. Some jurisdictions also recognize "moral rights" of the creator of a work, such as the right to be credited for the work. Copyright is described under the umbrella term intellectual property along with patents and trademarks.

Trademarks

- A **trademark** or **trade mark** is a distinctive sign or indicator used by an individual, business organisation, or other leagal entity to identify that the products or services to consumers with which the trademark appears originate from a unique source, and to distinguish its products or services from those of other entities.
- A trademark is designated by the following symbols:
- ™ (for an unregistered trademark, that is, a mark used to promote or brand goods)
- ℠ (for an unregistered service mark, that is, a mark used to promote or brand services)
- ® (for a registered trademark)
- A trademark is a type of intellectual property, and typically a name, word, phrase, logo,symbol, design, image, or a combination of these elements. There is also a range of non-conventional trademarks comprising marks which do not fall into these standard categories.
- The owner of a registered trademark may commence legal proceedings for trademark infringement to prevent unauthorized use of that trademark. However, registration is not required. The owner of a common law trademark may also file suit, but an unregistered mark may be protectable only within the geographical area within which it has been used or in geographical areas into which it may be reasonably expected to expand.
- The term *trademark* is also used informally to refer to any distinguishing attribute by which an individual is readily identified, such as the well known characteristics of celebrities. When a trademark is used in relation to services rather than products, it may sometimes be called a service mark, particularly in the United States.

Patents

- The term patent usually refers to a right granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof. The additional qualification utility patent is used in the United States to distinguish it from other types of patents (e.g. design patents) but should not be confused with utility models granted by other countries. Examples of particular species of patents for inventions include biological patents, business method patent, chemical patent and software patent.

Industrial Design Right

- An Industrial design right is an intellectual property right that protects the visual design of objects that are not purely utilitarian. An industrial design consists of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three dimensional form containing aesthetic value. An industrial design can be a two- or three-dimensional pattern used to produce a product, industrial commodity or handicraft.

- Under the Hague Agreement concerning the International Deposit of Industrial Designs a WIPO-administered treaty, a procedure for an international registration exists. An applicant can file for a single international deposit with WIPO or with the national office in a country party to the treaty. The design will then be protected in as many member countries of the treaty as desired. Design rights started in the United Kingdom in 1787 with the Designing and Printing of Linen Act and have expanded from there.

Trade Secrets

- A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers. In some jurisdiction, such secrets are referred to as "confidential information" or "classified information".

- The precise language by which a trade secret is defined varies by jurisdiction (as do the particular types of information that are subject to trade secret protection). However, there are three factors that, although subject to differing interpretations, are common to all such definitions: a trade secret is information that:

  a) is not generally known to the public;
  b) confers some sort of economic benefit on its holder (where this benefit must derive *specifically* from its not being generally known, not just from the value of the information itself);
  c) is the subject of reasonable efforts to maintain its secrecy.

- But what is most pertinent and crucial to us among all IPRs particularly in the electronic environment today is:

The License Agreement

License Agreements

- Duranceau(2000) has expressed "Libraries now exist in the licensed world"

- Licenses are of most concern to most libraries because they may determine who may use a given resource , what use may be made of its contents, and what the consequences of unauthorized use might be – including possible legal and financial penalties.

- The development of linking technologies and stadards like Open URL and DOI (Digital Object Identifier) have enable libraries to provide extensive links among all kinds of DBs.

- These technologies and the Proxy servers have made it possible for libraries to offer federated or metasearch services that search multiple databases simultaneously.

(Koppel 2008 and Fons 2008)

License Agreements-2

- SERU (Shared Electronic Resource Understanding)

  An important problem addressed by the ERMI Report (DLF) was license description and expression: how to summarize the contents of licenses for tracking and compliance. While there is evidence that licenses have been evolving toward a simpler and less problematic pattern that is more in keeping with licensing principles espoused by some influential library organizations (Davis and Feather 2008), and a significant new initiative called SERU (for Shared Electronic Resource Understanding; Hahn 2007) may further this trend, libraries still must deal with the problems and issues that they currently pose.

License Agreements- 3

- A different but complementary approach to license expression called ONIX-PL (ONIX for Publications Licenses) has been developed by EDItEUR with assistance from the DLF, NISO, JISC (the Joint Information Systems Committee in the U.K.) and the Publisher's Licensing Society in the U.K.

- One of several ONIX communication formats, Robertson describes ONIX-PL as "intended to be able to encode and express any term that might appear in a license," and to accommodate a "richer and more precise codification of license contents" than the ERMI approach. As part of the ONIX-PL development project, a mapping of relevant ERMI terms to translate an ERMI-encoded license to the ONIX-PL format was produced; however, it is not possible to translate an ONIX-PL-encoded license to the ERMI format. ERMI encoding schemes exist in many ERM systems today.

- However, many librarians would prefer a simpler approach. ONIX-PL is currently undergoing initial development and pilot testing, as both it and the ERMI approach are likely to do as experience grows and community needs become more defined.

Essentials

- Notification of salient features of the terms and conditions to User Group particularly the restrictions and the consequences.

- Inclusion in Library OPAC/WEBOPAC and the Institution website.

- A prerequisite to use the e-resource

Examples

- ACS WEB PLAN

a) Accounts of Chemical Research
b) Chemical Reviews
c) Chemistry of Materials
d) Environmental Science & Technology
e) Industrial & Engineering Chemistry Research
f) Inorganic Chemistry
g) Journal of Chemical & Engineering Data
h) Journal of Organic Chemistry
i) Journal of Physical Chemistry: A to C
j) Journal of ACS angmuir
l) Macromolecules
m) Nanoletters
n) Organic Letters
o) Organomettalics

Fair Use

- Fair use is essentially a limitation on the exclusive rights of the copyright holderto reproduce a protected work

- It allows you to reproduce copyrighted material without obtaining the rightholder's consent.

- To determine whether the use is indeed fair, four factors must be considered:

Fair Use – 4 factors

- a) the purpose and charatrer of the use including whether such use is of commercial nature or is for nonprofit educational purposes;

- b) the nature of the copyrighted work;

- c) the amount and substantiality of the portion used in in relation to the copyrighted work as a whole; and

- d) the affect of the use upon the potential market for or value of the copyrighted work.

(United States Copyright Act 1976)

South Africa Act 1978

Section 12(1):

Copyright shall not be infringed if a literary or musical work is used solely, and then only to the extent reasonably necessary:

a)   For the purposes of research or private study by, or the personal or private use of, the person using the work;

b)   For the purposes of criticism or review of that work or of another work; or

c)   For the purpose of reporting current events-in a newspaper, magazine or similar periodical; or by means of broadcasting or in a cinematograph film:

Section 13:

The reproduction of a work shall be permitted as prescribed, but in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legal interests of the author. (South Africa Statutes, 2000)

Conclusion

- Long term predictions are difficult to make due to dynamic nature of e-resources market and due to the advent of Open Access Movement.

- There may occur a paradigm shift from reliance on a single, all encompassing ILMS to more specialized products and services like those focused on usage data gathering and reporting.

- Although ERMI has made much progress, many hurdles still lie ahead. Among them, copyright issues and the establishment of standard identifiers for subscription data exchange are the two most crucial ones. Nevertheless, "e-Resources are big business," noted Sharon Farb (2002) in the DLF/NISO Workshop on Standards for Electronic Resource Management. Some large libraries are currently maintaining **hundreds of license agreements and are expecting more to come**. It is apparent that an effective electronic resource management strategy is urgently needed. The end products of ERMI certainly hold great promise in meeting this need.

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- SERU (http://www.niso.org/publications/rp/RP-7-2008.pdf)

Thank you

Questions are welcome