

Final Report of the Special Committee on Licensing Principles for Electronic Resources

Submitted by Tracy L. Thompson, Chair

COMMITTEE AND CHARGE

In November 2002 AALL President Carol Avery Nicholson, recognizing the growing role of license agreements in law library acquisitions, appointed the Special Committee on Licensing Principles for Electronic Resources. The Committee was charged to review the Principles for Licensing Electronic Resources endorsed by the AALL Executive Board in July 1997 and revise and update them as needed. The principles are not intended to dictate specific licensing terms, but rather are intended to serve as guidelines and best practices for parties involved in the licensing process. The existing principles can be found on the ARL website at <http://arl.org/scomm/licensing/principles.html>.

The Committee consists of a chair, 7 members and a board liaison as follows: Chair, Tracy L. Thompson (New England Law Library Consortium); Board Liaison 2003-2004, James Duggan (Southern Illinois University); Board Liaison 2002-2003, Karl T. Gruben (Squire, Sanders & Dempsey LLP); Margaret Maes Axtmann (University of St. Thomas); Bennie Braxton (Sughrue, Mion, Zinn, Macpeak & Seas, PLLC); Kevin L. Butterfield (University of Illinois – Urbana Champaign); Mary F. Miller (SUNY Buffalo); Miriam Childs (Law Library of Louisiana); Lisa Smith-Butler (Nova Southeastern University); Lorna Tang (University of Chicago).

ACTIVITY TO DATE

- In Nov. 2002 the Committee was convened and given its charge. We worked via e-mail for the next several months, reviewing the existing principles and undertaking extensive background reading in the area of licensing and digital rights management.
- The Committee met in Seattle in July 2003 and after a great deal of discussion about the state of licensing and the range of issues we needed to address, we realized we needed additional time to complete our work. We requested and were granted a one-year extension through Dec. 2004.
- In the intervening months we continued to review and edit the principles in response to evolving licensing issues. We vetted the principles with a number of vendors in an effort to elicit their feedback and be sure the principles represent a balanced approach to licensing that doesn't unfairly advantage one party over another.
- The revised principles were reproduced in the May 2004 *Spectrum* for review and comment by the membership of AALL. The comments we received were carefully considered and resulted in further changes to the principles to arrive at the current draft.
- The Committee met in July 2004 at the Annual Meeting in Boston. We continued to discuss evolving licensing issues, feedback from vendors and members, and concerns that the principles be broadly applicable across library types.
- Following the July meeting the Committee worked via e-mail to make some additional changes to the draft based on the results of our meeting.
- The Committee agreed to submit the final draft to the Executive Board for approval and adoption by the Association at the Nov. 2004 Executive Board meeting.
- The Committee agreed to co-sponsor a workshop at AALL 2005, San Antonio, entitled *Electronic Resources from Acquisition to Access: Selecting, Negotiating, Licensing, Managing and Delivering E-content for Your Library*.

NEXT STEPS

- The Committee respectfully submits the final draft for approval and adoption at the Nov. 2004 Executive Board meeting.
 - The Committee requests that the Principles be posted on the AALL website.
 - We hope to encourage legal information providers and consumers to endorse these Principles. In an effort to do so we would request that AALL develop a web-based registry for both consumers and vendors.
-