Collaboration between publishers and the British Library

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An overview of how the British Library, through a strong focus on the needs of the researcher, has responded to emerging trends in the rapidly changing information industry, particularly through working closely with publishers. This article argues that sharing a common vision of focusing on what is right for the researcher, with the objective of advancing knowledge, allows us all to put aside traditional differences and move forward together. This is particularly critical during such a period of massive change in publishing models. The best solution to effectively underpin research excellence in the UK is to devise a framework built on partnerships between publishers and librarians. Specifically, this article focuses on the results of successful collaboration between publishers and the British Library on legal deposit, copyright and secure electronic delivery.

NATALIE CEENEY
Director of Operations & Services
The British Library

Introduction

Collaboration seems in principle an easy option and 'a good thing'. In today's information environment, everyone has concordats with everyone else and partnerships are pledged readily. However, how many of these partnerships actually achieve anything significant? Instead, how many get caught up in either trying to find a common purpose, or in the detail of internal organisational implications?

It is clear to most people working in the information environment that we are going through a significant period of change, or even paradigm shift, in the way we work. A decade ago, there was clear differentiation between the roles of the various players in the information chain: authors, publishers, subscription agents, librarians and researchers. We thought we understood the role of libraries, what 'long-term preservation' meant, and understood the difference and relationship between publishing and authorship. However, the shift to electronic authoring, publishing, storage and access has challenged all players to question and review these traditional roles, the relationships between them and their

own place in the information chain. In periods of such uncertainty, partnerships or collaboration seem to be a solution: "If we don't know the answer, perhaps they will, or perhaps we can combine resources..?" However, without a clear purpose, it is not surprising that many of these collaborations have failed to get off the ground, nor delivered significant or sustainable results.

Being a library, particularly a national library, in the current information environment is particularly challenging. As with most of the other major players in the information world we need to determine our relative position in the value chain. Like most organisations, we have been asking ourselves the difficult questions: "What are we here for, and what should our future role be?" Observers of the British Library will have seen our thinking emerge on these questions through the consultation exercise in 2001, 'New Strategic Directions,' and more recently through our rebranding work. We are clear that the British Library's role is far more than just to collect and preserve physical materials – but to add real value to the work of researchers through enabling them

to advance knowledge. It is this guiding principle that has driven our collaboration with libraries, publishers and our customers more generally, and through the benefits to the end user helped us find real purpose in these partnerships.

What is the British Library here for?

A defining characteristic of the British Library is undoubtedly our collection, in terms of its breadth and depth. We have one of the greatest collections, if not the greatest, of any library in the world, with two and a half centuries of unbroken collecting. This collection covers a huge range of cultures, languages and formats, including maps, newspapers, stamps and sound, as well as books and journals, across the widest range of subjects. Furthermore, our annual spend on acquisitions, which we have successfully protected despite a five-year freeze in the level of government funding, is among the largest annual collection spends anywhere in the world. Without this collection, we would not be as great a library. However, while critical to our success, it is not sufficient in itself to simply collect and preserve great holdings. What transforms these holdings into knowledge is their access by researchers through our services and through the expertise of our in-house curators.

Our services are very successful. Like most libraries, national and other, we run reading room services but, unlike many national libraries, they are full and bursting at the seams for much of the year. We consistently achieve user satisfaction rates among our readers of over 90%, and our reading rooms are used by researchers from around the globe. Unlike most other national libraries, we also run a wide range of other services, the best known being our document delivery service. Here again, we have been successful. Despite all the recent commercial competition, we remain the largest document supplier in the world, and by a significant margin. By supplying over 3.5 million items a year we underpin the effectiveness of research in the UK. Yet, while our collection and services are critical to our success, we do not believe that they are reason enough to justify and guarantee our existence.

Instead, we believe that we are here for the outcomes we can help achieve. It is not the British Library itself that creates knowledge, but the actions of the people who use it. By writing PhDs, by using our services to uncover the next medical breakthrough, or by producing a well-researched TV documentary reaching millions of viewers, researchers create the ideas that make a difference. Beyond simply providing great collections and services, we see it as our role to advance that knowledge which ultimately enriches lives.

How are we addressing collaboration?

Most other organisations are also having to ask: "What are we here for?" as the environment changes around us. Ultimately, for most players in the information industry the answer is something like 'improving research,' or 'supporting scholarly communication and the researcher.' This common focus with other players has helped the British Library address issues which otherwise have seemed 'too political,' or 'too difficult,' because ultimately we all have the same aims. By focusing on what is right for the researcher, the British Library has set parameters in publisher collaboration that ensure its success.

Further, it helps us move beyond the nagging question we all have about our relative position in the value chain. For the Library, with our £14 million purchasing budget, the publishers are clearly our suppliers. However, we supply some publishers too, for example, with metadata, and are ourselves a publishing body. In the complex content mix, some publishers also view libraries as competitors in the provision of content to users. In a rapidly changing industry, one way of working together effectively is to concentrate on the common end goal – to advance knowledge.

Collaboration on legal deposit

Legal deposit is not a UK-specific challenge, but one which national libraries and publishers are grappling with across the world. Our collective challenge is how to keep up with the electronic age and ensure that its intellectual record remains accessible to future generations. Whilst legal deposit of printed publications has been a success story in the UK and the rest of the world, over the past decade increasing amounts of material relevant and important to research are lost to the nation because they have not been collected, nor their preservation secured. The material at risk

includes: major directories, such as the Europe Information directory, which is available on DVD; news sources, including the web-published results of public opinion polls from companies such as MORI; indexes to help researchers locate material such as the Legal Journals Index; the Cochrane Library, which is arguably the best single source of reliable evidence on the effects of health care and which is available only on CD-ROM and the web; a wide range of important local and national government documents, such as the Home Office series of 'online only' research reports; and an increasing number of e-journals, such as *Sociological Research Online*, which is available only on the web. We have already lost an e-novel that was started by John Updike. The project was collaborative and was added to, chapter by chapter, by other authors. We have also lost records of events such as the petrol blockade sites, election sites such as 'bellforbrentwood', which has either gone or is about to go, and sports web sites such as the Euro '96 football championship site in England, or the official Olympic Games web records from the 2000 Sydney Olympics.

The reason that we are losing so much material of value to research is that the 1911 Act, by which the Library receives one copy, by right, of any item published in the UK, understandably does not cover electronic material. However, more than 60,000 non-print items were published in the UK last year; this will increase by a factor of four or five by 2005. It is estimated that more than 50% of online electronically delivered publications and 25% of handheld electronic content is not currently collected, in addition to the mass of other material available via the web.

To safeguard our contribution to research, it is vital for the Library to maintain the breadth of its collection in the electronic world. Legal deposit is a mechanism for systematic collection, which has proved vital in the past for helping this to be achieved. The selectivity required otherwise prejudges the material that will be of value to research in the future, and experience tells us that our predecessors' judgement on future research needs and interests is inevitably flawed. Researchers use material we collected over 100 years ago in ways our predecessors could not have envisaged, for example, nineteenth-century UK local newspapers, received by legal deposit but at the time considered to be of little importance, now prove to be a goldmine for researchers in social history and other fields (not least the massive worldwide interest in family history and UK local history). The value of blanket coverage allowed by legal deposit is that it does away with the notion of 'good' or 'bad' collecting policies.

Following the 1988 Report of the Working Group on Legal Deposit, chaired by Sir Anthony Kenny, a code of practice was agreed between publisher bodies and the legal deposit libraries for the voluntary deposit of non-print publications. This scheme was introduced at the beginning of 2000, and a joint publisher–legal deposit libraries group (the Joint Committee on Voluntary Deposit) was set up to oversee and monitor its effectiveness, including access arrangements.

In December 2002, Chris Mole, MP introduced a Private Member's Bill into Parliament for the extension of legal deposit. The Bill completed all its Commons stages in July 2003 and passed Second Reading in the House of Lords on 12 September. Publisher concerns were addressed in the House of Commons and we continue to work closely with publisher groups to ensure that we develop a scheme which meets all of our needs as well as the needs of the researchers. At the time of writing, we are hopeful that the Bill will receive its Third and final Reading in the House of Lords in October 2003, with Royal Assent being granted by the end of 2003. The primary legislation is generic (i.e. it extends deposit to cover non-print publications) with detailed regulations specifying the types of material to be deposited contained in a series of separate statutory instruments, to be agreed and enacted over time. There will be full consultation before legal deposit is extended to new types of material. It is envisaged that an enlarged Joint Committee on Voluntary Deposit will monitor the new legislation and deal with issues arising.

We owe future researchers access to this material so we need to ensure it is collected, stored and made accessible systematically. However, this is not simple in practice. We are all grappling with the challenge of how to preserve electronic publications, and how to provide access to them in perpetuity. We face similar challenges with how we capture the web! The Library, along with publishers, has taken the pragmatic view that we should at least clarify and agree *what* we should be doing before allowing progress to get stopped by details and arguments of *how* to do it.

Collaboration on copyright

Current UK copyright law is changing. The law which has been in place since 1988 permits 'fair dealing' copying for research and private study. However, the European Copyright Directive, now being implemented across European member states, tightens significantly the definition and scope of 'fair dealing'.

Copyright law is controversial, generating high levels of debate in the UK and elsewhere. For the last few years the direction of the legal change in Europe has been fairly clear, with minimal scope for influencing the outcome. The British Library has therefore taken the stance that the most helpful role that we can take for the information community and for the researcher is to work with publishers and other libraries to make the implementation of new legislation workable. Our fear has been that everyone will work on the detail of the legislation and not the practicalities – leaving librarians and researchers in chaos once the law is changed.

Our first action, in early 2002, was to develop a set of 'frequently asked questions' (FAQs) on the likely legislative change, which were 'checked' by ALPSP (The Association of Learned and Professional Society Publishers), SCONUL (Society of College National and University Libraries) and the Patent Office (available at http://www.bl.uk/services/information/copyrightfaq.html). This was in response to calls from librarians across the UK, asking for clarification for planning purposes. We wanted to give clarification on what we thought the legislation would mean, particularly for commercial organisations that would need to rework their information budgets to meet the change. We were particularly keen to develop the FAQs in conjunction with other key stakeholders, as there appeared to be an urgent need for a single message. We, like everyone else, are still awaiting details of the legislation, so at this stage these can be only advisory.

A further complex issue we have faced is how to implement the new legislation in relation to copy services in reading rooms. Under the European Directive, once enacted in UK legislation, if someone comes into a reading room to make a copy for commercial purposes, we should charge them a copyright fee. As every publisher has different copyright fees, the idea of a librarian checking against a list of 6,000 different publishers each time someone makes a photocopy is totally unworkable. If a purist approach were proposed, the likelihood is that it would be so unworkable as to be ignored by users and libraries alike. Interestingly, in the US, where similar legislation is already in place, they have not yet resolved this particular issue.

In Autumn 2002, we established a joint working group to try and resolve this issue. Our first meeting was in early 2003, where we had representatives from the CLA (Copyright Licensing Agency), PLS (Publishers Licensing Society), SCONUL, LACA (Libraries and Archives Copyright Alliance), ALPSP and a number of publishers. The good news is that we have made significant progress, agreeing on a simple, single price 'sticker scheme' for copying from print, which the CLA will operate. The details are still being worked through by the CLA, and the wording may need to be tweaked once the legislation is published. We are sure we have an easy-to-use, workable scheme that would also be widely applicable within other UK libraries, and that we can put in place once the legislation changes.

Working together on secure electronic delivery

Anyone who works with researchers will know that electronic delivery of research material is becoming a 'must have'. This poses a number of challenges for the Library, both in developing the technical capability to do this and in persuading publishers that this would not jeopardise their own commercial interests. A major publisher concern is that with electronic delivery there is a higher than usual risk of a researcher forwarding the document illegally to other users, breaking copyright rules and losing publishers sales. The British Library therefore set out to develop a process by which we could supply material electronically, but also securely.

In early 2002, we set up a working group with Elsevier, agreeing some principles for secure delivery which would satisfy both their concerns and library users' needs. This was on the basis that, if we could convince Elsevier that we had a good solution, other publishers were also likely to trust the result. Using Adobe products, we launched our electronic delivery service in

December 2002. Our technology wraps existing PDF files on the fly and controls the user's capacity to print, copy and forward the downloaded item, and the save and view times. At present, we (under agreement with the publishers) allow users to print twice (once, and once in case something goes wrong the first time!), and not to forward these documents to other users. We have now tested it extensively, and have hundreds of live users from whom we have received only highly positive responses. For a researcher, the service is very easy – simply order an article and receive it instantly, electronically. For the publisher, the benefits are the security of the system (just as secure as paper), higher quality articles being delivered to the user, and increased user satisfaction with the whole product.

British Library Inside is the manifestation of the above developments. It is a web-based service, which enables researchers to find relevant articles and load them directly onto their desktops using the unique, encrypted technology (developed working in collaboration with Elsevier and Adobe) described above. To date, we can deliver Elsevier, Wolters Kluwer and Karger titles instantly to the desktop and are finalising the details of agreements with a number of additional publishers. We are also currently exploring the use of this technology across all of our other document supply services, at this stage for copyright fee-paid articles only, so that copies of anything we hold, whether in printed or electronic form, can be delivered electronically to the researcher's desktop.

Conclusion

The information environment which researchers, publishers and libraries inhabit is in a state of rapid

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evolution. All the players are challenged and stretched by the pace and nature of the changes. Collaboration for its own sake, or merely as protection against the turbulence of change, is not an adequate response. However, a common end goal – to advance knowledge – underpins the whole information chain and provides motivation for the key players to work together. The collaborations between the British Library and publishers on extending legal deposit, on copyright, and on secure electronic delivery, each with a strong focus on what is right for the researcher, allow us all to put aside traditional differences and move forward together with the common aim of underpinning research excellence in the UK.

Natalie Ceeney
Director of Operations & Services
The British Library
96 Euston Road
London NW1 2DB
E-mail: natalie.ceeney@bl.uk