

## **“The Development of TIB Full Text Supply Services against the background of German Copyright Law”**

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### **Development of Document Delivery**

When it comes to providing academics and researchers with specialist information in the academic and industrial sector, the supply of documents from libraries has been undergoing substantial changes for quite some time. The changes relate not only to quality, but also to quantity.

In the broad sense, the supply of documents comprises any provision or delivery of specialist information in any form, i.e. physical and electronic provision from the library's own collections or from its licensed content. In the broadest sense, it also includes content made accessible via the highly successful programme, funded by the German Research Foundation (DFG), for the acquisition of national licences (and later also alliance licences, accessed under other conditions). In this presentation, the focus is on literature ordered by customers and delivered via document delivery and pay-per-view (PPV) retrievals (download of article files generated by the publisher and provided by TIB).

There was a general decline in the quantity of orders transacted between 2006 and 2012. This decline is due to a combination of several influence factors, the individual weighting of which is impossible to define precisely.

The main reasons for the decline are:

- the increasing availability of digital resources (meaning that a work no longer needs to be physically available, and its provision can be executed from anywhere). A growing number of suppliers operate merely as providers of specialist information.
- publishing companies offer digital specialist information on their own portals.
- an increasing number of publications are freely available, e.g. in institutional repositories or on open access platforms.
- a growing number of documents are freely available to academic customers due to special licences (e.g. German National Licences, Alliance Licences).
- the information culture in academia is changing; groups of researchers communicate via the web, for example, and exchange specialised information.
- legal restrictions concerning delivery terms or possibilities of utilisation limit full-text supply.

The drop in orders of around or below 10 % has tailed off in recent years, but in the year of the reform of German copyright law and the year thereafter, orders slumped by nearly 40 % (between 2007 and 2009).

### **Copyright and Licensing**

If we look at document delivery, for some decades, until the change of German Copyright Law in 2008, TIB has been relying on a statutory license giving the right to copy and deliver to its clients articles or small parts of books by mail, fax or via email. This in effect meant, that with any work included in TIB's collection, delivery of copies within Germany was allowed via all means of delivery (mail, fax, ftp/email) and to all customer groups– including commercial - without any need to come to an agreement with a rightsholder, be it an author or a publisher. The relevant fee was due to the relevant Rights Reproduction Organisation (RRO), in this case to the German VG Wort, under an agreement of the German State Governments with VG Wort (for textual works) and VG Bild-Kunst (for pictures and pieces of art). But licensing is about to gain importance ever since the year of 2008.

The following chart describes the set of licenses now available to TIB. For a closer look and explanation, please refer to: Rosemann, U., Brammer, M.: Development of document delivery by libraries in Germany since 2003, *Interlending & Document Supply* 38 (2010) 1, 26-30.

### TIB's Set of Licences

	Germany	Rest of the world
Mail and Fax delivery	<ul style="list-style-type: none"> <li>Statutory Licence (implemented by agreement with RRO)</li> </ul>	<ul style="list-style-type: none"> <li>Subito Agreements or individual agreements</li> </ul>
Electronic delivery to non-commercial customers	<ul style="list-style-type: none"> <li>Statutory Licence</li> <li>Subito Agreement or individual agreements (if publisher offers PPV)</li> </ul>	<ul style="list-style-type: none"> <li>Subito Agreements or individual agreements</li> </ul>
Electronic delivery to commercial customers	Agreement with RRO, Subito Agreements or individual agreements	<ul style="list-style-type: none"> <li>Subito Agreements or individual agreements</li> </ul>

### Development of TIB Full Text Supply Services

Full Text Supply Services in the age of licensing: What are the challenges? TIB has been set up to provide the public and private sector with research information from a most complete collection of Science and Technology subjects. At TIB, we therefore look for the best-possible ways to improve our services which have for more than 50 years been based on inter-library loan and document delivery.

### The GetInfo portal

With **GetInfo**, TIB offers its customers a subject-specific portal for researching and ordering documents in the subjects it covers, namely engineering, architecture, chemistry, computer science, mathematics and physics. TIB has a comprehensive collection of basic and highly specialised

technical and scientific literature. Grey literature in the fields TIB covers, which is difficult to get hold of commercially, is another specialist area.

GetInfo offers the following research possibilities with direct access and ordering options:

- 160 million data sets (around 20 million of which are available at TIB),
  - o in subject-specific databases,
  - o offers by publishers,
  - o collections of the German national libraries of medicine and economics,
- interdisciplinary search,
- special filter options for effectively narrowing down hits,
- other knowledge objects such as audiovisual media, 3D models and research data

Advances searches can also be activated in external databases.

### **Inter-Library Loan**

In addition to being accessed via its in-house GetInfo portal, TIB can also be accessed from other routes. As a central special library, TIB plays a major role in national inter-library lending. Over 50,000 orders were processed in 2012.

Following several years of abstinence, TIB resumed its activities in international inter-library lending in 2013. And in October 2013, TIB will commence executing deliveries within WorldCat Resource Sharing, a service offered by OCLC.

### **Coperation with subito**

Along with 38 other participants, TIB is a member of the association called subito – Dokumente aus Bibliotheken e.V. The association subito is an association of scientific libraries from Germany, Austria and Switzerland. Copyright permitting, articles and partial copies are sent and books lent out across the globe. Last year, TIB executed over 40,000 orders via this order channel.

As a consequence of the latest amendments to copyright law, TIB's domestic customers cannot be supplied with every single document in the requested form of delivery (there are restrictions concerning electronic supplies). Nevertheless, TIB can generally ensure provision (deliveries by post or fax are alternatives). Deliveries abroad can also often be carried out in the context of international inter-library lending (sending copies or lending only), but direct supplies to academic customers, companies and private individuals remains considerably limited.

### **Cooperation with FIZ AutoDoc**

The only way to improve this situation is to constantly negotiate licences, which legally permit deliveries abroad. TIB has already progressed a great deal in this respect. In addition, TIB cooperates with partners who possess their own collection of licences or who have extended delivery possibilities. FIZ Karlsruhe – Leibniz Institute for Information Infrastructure - plays an important role in this respect. Like TIB, this institute is also a member of the Leibniz Association. The Leibniz Association comprises almost 100 research institutions and providers of information infrastructure.

The activities undertaken by FIZ Karlsruhe include:

- promoting knowledge transfer,
- developing and operating information portals and databases,
- innovative e-science solutions, as well as
- web-based full text supply services (**FIZ AutoDoc**)

The two services – GetInfo and FIZ AutoDoc – overlap only slightly, and complement one another in many respects. For this reason, the two institutions cooperate in the area of full-text provision (as in the past, when they joined forces to develop GetInfo or, today, when setting up a host for research data) with the aim of achieving the following objectives:

- extending the offer of content (PPV deliveries),
- extended supply to customers who cannot be serviced with own licences,
- joint offers to institutions to connect the document delivery service to company networks,

- offer to companies for rights management of licensed documents

Both partners will offer their clients a more comprehensive supply of specialist information, strengthening their competitive position.

### **Organisation of internal workflows**

Following the amendment of the copyright law in 2008, profound changes have become necessary in the organisation of internal workflows. A greater differentiation of orders by:

- customer group,
- supplying country,
- form of delivery

and the associated examination of licences and legally compliant delivery necessitated a software solution. Order information and license information is processed in the order database and used to check licences. However, checks often still have to be carried out manually because TIB also offers its customers 'free' order options, catering to unstructured order data – or because no license information is available for the system.

### **Digital Rights Management (DRM)**

What poses a particular problem in the delivery of electronic documents is the fact that some publishers demand that documents are protected by digital rights management (DRM). With the system used at TIB (a plug-in has to be installed on the receiver end to enable the document to be used), customers often encounter difficulties, particularly in the case of 'hard' DRM:

- a firewall (particularly in the case of corporate customers) prevents the installation of the plug-in,
- if a document is mistakenly opened on the wrong computer, it can only be used there (because no other device is permitted to use it),
- a person has already opened the received document, and the actual recipient no longer has access to it.

While a simple watermark suffices nearly all publishers in agreements covering pay-per-view-delivery of generic digital article files, hard DRM is still demanded by a number of publishers for document delivery scanned from the print. But as a positive development we note that a growing number of publishers are refraining from demanding this form of DRM, allowing to use watermarks. Only around 25 % of publishers continue to expect a hard DRM. TIB is also working towards ensuring the use of a more customer-friendly DRM.