

Licensing, Demystified

Model Licenses:

OCUL

<https://ocul.on.ca/model-licenses>

CRKN

<https://www.crkn-rcdr.ca/en/model-license>

LIBLICENSE

<http://liblicense.crl.edu/licensing-information/model-license/>

License Type Chart

	Frequency of Use	Ease	Renegotiation	Agency	Focus
Abstract & Index (Vendor)	Very common	Very simple	Lifetime of institutional subscription - unlikely to renegotiate	Aggregator does not have rights to negotiate content	Simple terms and conditions
Journal & Database (Model)	Very common	Intermediate	After every contract term	Vendor or publisher may negotiate rights	Post termination rights / backfile / perpetual access
Ebook (Model)	Common	Complex	Add addendum when purchasing a new collection	Vendor or publisher may negotiate rights	Copyright / interlibrary Loan / DRM
Media (Vendor)	Rare	Complicated	After every contract term	Vendor may negotiate some rights	Access / accessibility / copyright
Tool (Vendor)	Very rare	Very simple	Unlikely to renegotiate	Vendor negotiate terms of use	Authorized Users

Key Clauses:

Perpetual Access: often used interchangeably with 'ownership,' ensures the continuation of access for purchased content after cancellation, on either a vendor platform (sometimes requiring a maintenance fee) or a library server. OCUL schools have the benefit of being able to use the Scholars Portal platform in place of relying on local library servers.

Dark Archiving: some licenses only allow for the 'dark archiving' of content. This means we can preserve the content on Scholars Portal or another preservation platform, but the content can only be made accessible to our users if access via the vendor platform ends for some reason (e.g. the vendor goes out of business). CLOCKSS and Portico are examples of dark archives. In contrast, Scholars Portal typically functions as a 'light archive,' as our users can actively access this content now.

Local Load: Along the lines of 'light archiving,' local load permissions allow library users to access licensed content on Scholars Portal, typically in addition to access via the publisher platform. Local load (often used interchangeably with 'dual hosting') guarantees that content and that content's metadata will be made accessible and preserved, in perpetuity.

Authorized Users: full and part time students, faculty and employees (including permanent, temporary, contract or visiting appointments) and researchers associated with the Member Institutions, regardless of the physical location of such persons. Alumni and walk-in users are also preferably included.

Secure Network: a computer network which is only accessible to Authorized Users by secure authentication. A 'secure network' is a requirement by most vendors. Libraries often meet this requirement by the use of 'EZproxy,' which is a library product that allows users to login to the library from off campus, often referred to as 'proxy' access.

DRM: aka 'Digital Rights Management,' DRM are the controls put in place by the owners of the content, intended to limit the use of digital content. DRM is often more restrictive than what copyright permissions would normally allow (e.g. not allowing the printing of content, only allowing single user access, forcing users to create user accounts).

Text or Data Mining: often associated with digital humanities projects, text or data mining is the process of using computers to analyze large batches of content to look for patterns or trends. For example, faculty may ask to download 10,000 articles from a journal with the goal of examining the relationship between science and religion over time.

Confidentiality: publishers often require libraries to agree to 'non-disclosure' or confidentiality clauses, whereby the library is forbidden from sharing the terms of the agreement beyond authorized users. However, these clauses can also be beneficial to libraries as they often also include confidentiality with regards to private student information and institutional usage.

Accessible Formats: means content in a format that is perceivable and operable by persons with visual, perceptual or physical disabilities and be useable with assistive devices, such as screen readers and screen reading software.

Governing Law and Jurisdiction: in the event that the license agreement is challenged in a court of law, the governing law section clarifies which country's law will be used and where the venue will take place for the legal proceedings.

Please see the [LibLicense Vocabulary](#) page for more helpful definitions

