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12/10 State Library of Qld. *Consumer confidence with internet.* Presented by Martin Power, Bentleys MRI Brisbane Chartered Accountants. What is holding people back from buying over the net? State Library Theatre, 9:30–11am. Cost: \$20 +GST. Bookings at: BRISQ, ph 07 3840 7971

• **27/11 Qld Branch.** *Committee meeting plus AGM.* Brisbane Administrative Centre, Conference Room, Level 6, Corner George and Ann Sts, Brisbane City, 4–6pm. Contact: Kathryn Harding, ph 0409 642 152, fx 07 3864 2014, k.harding@qut.edu.au

• **1/12 Qld Public Libraries section.** *AGM.* For further details please contact: Robyn Gattera, minutes secretary, ph 07 3403 4104, fx 07 3403 9969, sbispo@brisbane.qld.gov.au

SA

• **4/9–6/11 SA RAISS section.** *General meeting.* Fleet St Coffee Shop, Pulteney St, Adelaide, 5:45pm. 4/9, 2/10, 6/11. For more details please contact: Amanda Nixon, ph 08 8201 2577, fx 08 8201 2508, amanda.nixon@flinders.edu.au

• **11/9–11/12 SA Branch.** *Meeting dates 2000:* 11/9, 9/10, 13/11, 11/12. Please note all meetings held at: PLAIN, 8 Milner St, Hindmarsh, 4:45 for 5pm. Contact: Amanda Nixon, ph 08 8201 2577, amanda.nixon@flinders.edu.au

21–22/9 CAVAL. *Information audit workshop — Adelaide.* This two-day workshop provides the practical skills needed to conduct an information audit in an organisation. Royal Adelaide Hospital, Adelaide. Cost: CAVAL/ALIA CPD members \$687.50, non-members \$720.50. Contact: Sue Henczel, suh@caval.edu.au

VIC

• **5/9 Vic Library Technicians section.** *Committee meeting.* State Library of Victoria, 328 Swanston St, Melbourne, meet 6pm in foyer. *RSVP to:* Patricia Murray, ph 03 9925 2063, patricia.murray@mit.edu.au

• **11/9–11/12 Vic Special Libraries section.** *Committee meeting.* All members and students are welcome as observers. CSIRO Health Sciences and Nutrition, 343 Royal Parade, Parkville, 5:30pm, unless otherwise advised. 11/9, 9/10, 13/11, 11/12. Contact: Danila Durante, ph 03 9662 7246, danila.durante@hns.csiro.au

• **21/9 Ballarat Regional Group.** *State Library Victoria visit,* will include a tour, highlights of a Special Collection, and a question and answer session. Meet in foyer of the Swanston St entrance, 3–7pm. *RSVP by 14/9 to:* Liz Hartmann, ph 03 5327 9591, l.hartmann@ballarat.edu.au or Kerry Matheson, ph 03 5327 9588, k.matheson@ballarat.edu.au

• **2/10 Home Library Service SIG.** *General meeting.* Caulfield Public Library, Corner Glen Eira and Hawthorn Rds, Caulfield, 10am. Contact: Julie Thomas.

2–4/10 Australian Society of Indexers *Back of the book indexing course.* ACER Conference Room, 19 Prospect Hill Rd, Camberwell. Cost: ASI members \$275, non-members \$330. Contact: Max McMaster, ph/fax 03 9571 6341, mindexer@interconnect.com.au

6/10 CAVAL. *Preservation.* Presented by the CAVAL Risk Management Group, half-day seminar conducted by Jeavons Baillie covers the identification and implementation of realistic preservation measures. CAVAL Collaborative Solutions, 4 Park Drive, Bundoora. Cost: CAVAL/ALIA CPD members \$137.50, non-members \$165. Contact: Nicole Sinclair, nicoles@caval.edu.au

• **9/10 Vic Branch.** *Filtering the internet.* Guest speakers: Ann Symons, Derek Whitehead and

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Licensing digital information

Lesley Ellen Harris outlines what digital information means for libraries

With the proliferation of computers and the internet, there is a movement in libraries towards digital information. Libraries are used to purchasing print copies of materials for their collection and patrons. Digital information, however, is licensed by the owner of the information instead of being sold. Licensing digital information involves negotiating a licensing agreement or contract with the owner of the information. This article will explain what a licensing agreement is and discuss the importance of negotiating what information is licensed and how it can be used by your library and its patrons.

What is a license agreement?

A license agreement is a legally binding contract between two parties. If you are licensing digital information, the agreement will set forth the conditions of use of the digital content at a specific price for a specified period of time.

A license agreement may be negotiable or non-negotiable. Negotiable licenses allow the parties to determine what terms and conditions should be included in the agreement. When licensing digital information for use in your library, you will be able to negotiate various terms and conditions in the agreement, such as price for the material. A non-negotiable agreement is one where the terms and conditions are set forth by one party and must be accepted by the other party if s/he wants the goods or services supplied. For example, non-negotiable agreements are often found when purchasing software.

Content covered by the license agreement

It is crucial that your license agreement is clear as to what content is being licensed. Is your library licensing the electronic version of a print publication, or an electronic-only periodical, and what content is covered by the license? You will want to define whether such content includes full-text articles, abstracts, table of contents, indices, and any new or special online products, sections or services that may be only available online.

Permitted uses

This part of the agreement will delineate how your institutions and its patrons can use the licensed digital information and what uses of the information are prohibited. The owner will want to place limitations on how the information can be used and where it can be accessed. For example, the alteration or removal of authors' names and all alterations may be prohibited. The library may also be prohibited from making multiple copies of the licensed information. The owner may prohibit distribution of the licensed materials in a number of ways —

from prohibiting distribution to library patrons to prohibiting distribution on an unsecured electronic network.

It is important to clearly set out how your library and its patrons are allowed to use the licensed information. Keep in mind the following questions:

- how are you allowed to use the information?
- what are the consequences of unauthorised use?
- what impact will the usage restrictions have on your library and its patrons?

Note that the patrons of your library are not a party to the agreement you have with the owner of the information and are therefore not bound by the agreement. However, the owner may want your library to be responsible for the actions of your patrons. It is therefore important to make sure your agreement does not restrict the fair use of the material by your patrons and refer to fair use/dealing in your agreement. Set forth in the agreement what uses are permitted and what uses are prohibited.

Authorised users

It is important to determine in your license who will be authorised to use the digital information being licensed. How will authorised users be defined? Will it exclude certain patrons of your institution? Will there be any restrictions on the users — restrictions on who is allowed to access the information and where it can be accessed?

The owner of the digital information may want to limit who may access the materials and where. It is important to ensure that these parts of the contract are broad enough to serve your patrons and your staff. If your patrons are denied access to the information or unable to access them from a convenient location, this can be problematic. For example, is access only available from the premises of your library, what about libraries in other areas, or what about remote or home access? Authorised users you may want to consider in your agreement include employees, faculty or department members (permanent, temporary, contract and visiting), staff, consultants, and students (part- and full-time), and the public.

This should not be considered legal advice; seek legal advice where necessary.

Lesley Ellen Harris is a lawyer/consultant in copyright, licensing and e-commerce (see <http://copyrightlaws.com>). Lesley edits The copyright & new media law newsletter: For libraries, archives & museums. She may be reached at: lesley@copyrightlaws.com.