Licensed to fill?

International document delivery
Why we need an international copyright exception

Libraries and Archives: Information without Borders
IFLA side event at SCCR/30
30 June 2015
What is inter-library document delivery?

• managed system of resource sharing between libraries that enables an end user to access specific resources not available in their home institution

• international requests are made when the material is not available locally

• non-commercial basis, taking into account any copyright or licensing conditions

• institution-to-institution service (Marrakesh Treaty ‘authorized entity’)
Dear Colleagues

We are searching for the following journal article - we have tried British Library, NLM and OCLC possible holding libraries - all are lacking the particular volume that contains the article:

**Journal of Forensic Medicine and Toxicology** (ISSN 0971-1929 - Published in New Delhi)
Volume 16, part 1, 1999 pages 27-30

Article author: Jain, S
Article title: Estimation of age from 13 to 21 years.

If anyone can assist, it will be greatly appreciated!
International document delivery supports global research

“Research shows that much of the best research in Europe takes place as a result of international, cross-border collaborations.

Our information infrastructure must be globally oriented, and underpinned by a legal framework that supports seamless access to information and enables its exploitation for innovation.”

LIBER, Ligue des Bibliothèques Européene de Recherche, at WIPO SCCR/27
Regulating international document delivery: copyright or licensing?

Freedom of Information request to the British Library

• January 2012: BL ceased copyright-based international document supply service to protect Library from claims of copyright infringement

• replaced with a publisher-approved licensing scheme - International Non-Commercial Document supply service

• April 2015: EIFL submitted FOI request to evaluate impact on access to knowledge
Number of journal titles available under the non-commercial licensed scheme fell by 93%
Number of satisfied requests fell by 97%
In 2012, more requests refused on licensing grounds than were satisfied

2012

2,942 requests refused on licensing grounds

2,884 requests accepted
26 fewer countries served

2011 59 countries served

2014 33 countries served  26 fewer
• BL one of the world’s largest research libraries, ‘library of last resort’

• finding alternative sources - if they exist - takes time and expertise

• some institutions have specialist document supply librarians - most do not - faculty, students, researchers at a loss

• loss to global library and research community is immense

“In 2012, a patron at Columbia University requested two pages from an early twentieth century literary journal found only at the British Library. Although the Library had the journal, it was not allowed to send the pages. The patron couldn’t comprehend the refusal”. Peter Bae, former Head of Delivery Services, Columbia University
• International pricing of journal articles is a barrier to reading

• Price of some requested articles increased from c. $20 to $80

“We did try the new British Library service a couple of times when nobody else on earth had what we needed. But because of the enormous increase in prices, we dare not even look at the website anymore”. Library of the Lithuanian University of Educational Sciences
Public health workers in Liberia stunned to find articles published in a number of journals indicating that Liberia should be included in the Ebola virus endemic zone.

The warning had been given as far back as 1982.

“Part of the problem is that none of these articles were co-written by a Liberian scientist. The investigators collected their samples, returned home and published the startling results in European medical journals. Few Liberians were then trained in laboratory or epidemiological methods. Even today, downloading one of the papers would cost a physician here $45, about half a week’s salary.” Yes, We Were Warned About Ebola, New York Times
Consequences

Students and researchers
• delays or denies research
• sends out message that copyright is a barrier to research & learning

Libraries
• reduces effectiveness in supporting science & scholarship
• undermines role in explaining the importance of copyright to users

Policy perspective
• reduces efforts to build respect for the law in society
• when people denied access to information for education and research due to copyright or licensing restrictions, it’s a policy failure
Academic publishing company Elsevier has filed a complaint at a New York District Court, hoping to shut down the Library Genesis project and the Sci-Hub.org search engine. The sites, which are particularly popular in developing nations where access to academic works is relatively expensive, are accused of pirating millions of scientific articles.

With a net income of more than $1 billion Elsevier is one of the largest academic publishers in the world.

Through its ScienceDirect portal the company offers access to millions of scientific articles spread out over 2,200 journals.

Most large universities have licenses to allow staff and students to use ScienceDirect freely, but for outsiders most of the top academic publications are behind an expensive paywall.

In common with other content behind paywalls, there are several specialized sites that allow the general public to download pirated copies of these academic works. The
“#icanhazpdf is a symptom of a broken scholarly publishing system and of the complexity of many libraries’ interlibrary loan interfaces”.

Bypassing Interlibrary Loan via Twitter: An Exploration of #icanhazpdf Requests
Conclusions

• FOI results shows that licensing is not the solution

• only 11% of countries have document supply exception

• almost no countries have addressed the issue of cross-border transfer of content
  (WIPO Study on Copyright Limitations & Exceptions for Libraries & Archives)

• We need a copyright exception to support international document supply

  Let’s sort this out!
Thank you!

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