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Current developments in document delivery in Germany

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Abstract

Purpose – The purpose of the paper is to give an overview about the framework of copyright law and licences as well as the development of German National Library of Science and Technology (TIB) full-text supply services within that framework. The change of German copyright law in 2008 posed a challenge to TIB's full-text supply services. While TIB can deliver on the basis of a statutory limitation any document to customers within Germany via mail and fax, there are restrictions for electronic delivery.

Design/methodology/approach – The article describes the framework of German copyright law and licences for document delivery as well as activities of TIB to continue servicing customers in a best possible way within the existing framework.

Findings – Licence agreements with publishers or intermediaries such as Rights Reproduction Organizations are now in place to allow delivery of electronic documents on a wide scale. Within this complicated framework of licence agreements, digital rights management (DRM) systems are a challenge for customers and the delivery service. However, it can be noted, that a simple watermark suffices nearly all publishers in agreements covering pay-per-view delivery of generic digital article files, and only 25 per cent require strict DRM for document delivery scanned from the print. At the same time, TIB looks for more customer-friendly DRM systems. Also, TIB is looking for ways to cooperate with partners to raise efficiency gains and to offer a more convenient service to its customers. Finally, TIB experiences that inadequate copyright law still poses a major hindrance for the international exchange of scientific information being part of its collection.

Originality/value – The article describes the development of document supply services of the major TIB publications. It also shows the barriers which inadequate copyright law poses to the exchange of scientific information.

Keywords Germany, Licensing, Copyright law, Interlibrary loan, Document delivery, Document supply, TIB

Paper type Case study

Introduction

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 as well as document delivery. In Germany specifically, 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). This paper focuses on literature ordered by customers and satisfied via document delivery and pay-per-view (PPV) retrievals (download of article files generated by the publisher and provided by TIB –

The German National Library of Science and Technology). TIB also participates in subito, the document delivery service, described in more detail below.

There was a general decline in the quantity of orders transacted between 2006 and 2012 (Figure 1).

This decline was due to a combination of several factors, the individual weighting of which is impossible to define precisely, but the main ones are:

- The increasing availability of digital resources (meaning that a document no longer needs to be physically available, and its provision can be executed from anywhere). A growing number of suppliers (e.g. FIZ AutoDoc, ReprintsDesk, Infotrieve) operate merely as providers of specialist information without having a collection on their own.

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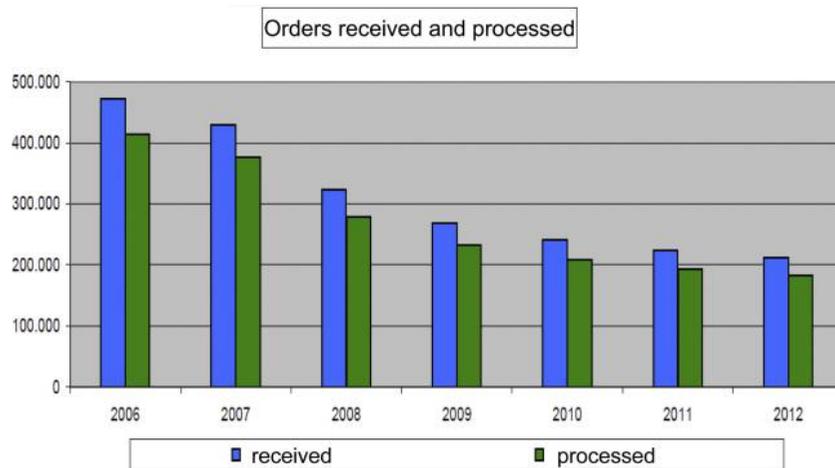
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Figure 1 TIB orders from 2006 to 2012



Note: Created by TIB

- Publishers give access to their publications via their own portals.
- An increasing number of documents 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 directly.
- Legal restrictions concerning delivery terms and use limit full-text supply.

The drop in orders of about 10 per cent had tailed off in recent years, but between 2007 and 2009 when German copyright law was reformed, orders slumped by nearly 40 per cent because of restrictions on electronic document delivery and price increases.

Copyright and licensing

Until the change of German Copyright Law in 2008, TIB had been relying on a statutory limitation 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 delivery within Germany of copies of any work in TIB's collection, 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 rights holder, be it an author or a publisher. The system is unchanged, except that electronic delivery has been restricted since 2008. The appropriate fee for allowing it is due to the relevant Rights Reproduction Organization (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 works of art).

Although licensing has gained in importance since 2008, our preference lies strongly with the system of limitations of copyright law which offers effective rights to the user and is easy to administer. The system of limitations and exceptions should be defended and improved for the public good and the advantage of science and technology. It should also be extended to cover all kinds of media and all forms of delivery including electronic.

The following chart describes the set of agreements (licences) now available to TIB. For a closer look and explanation, please refer to [Rosemann and Brammer, 2010 \(Table I\)](#).

Development of TIB full-text supply services

What are the challenges for full-text supply services in the digital age? TIB was created to provide the public and private sector with research information from a most comprehensive collection of science and technology subjects. At TIB, we therefore look for the best possible ways to

Table I TIB's set of agreements (licences)

	Germany	Rest of the world
Mail and fax delivery	Statutory limitation (implemented by agreement with RRO)	Subito agreements or individual agreements
Electronic delivery to non-commercial customers	Statutory limitation Subito agreement or individual agreements (if publisher offers PPV)	Subito agreements or individual agreements
Electronic delivery to commercial customers	Agreement with RRO, subito agreements or individual agreements	Subito agreements or individual agreements

improve our services which have been based on inter-library loan and document delivery for more than 50 years.

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. As well as a comprehensive collection of basic and highly specialised technical and scientific literature, TIB also covers grey literature in these fields.

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

- 1 160 million items (around 20 million of which are available at TIB);
 - in subject-specific databases;
 - publishers' content;
 - collections of the German national libraries of medicine and economics;
- 2 interdisciplinary search;
- 3 special filter options for effectively narrowing down hits; and
- 4 other knowledge objects such as audiovisual media, 3D models and research data.

Advances searches can also be made 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, and > 50,000 orders were processed in 2012.

Following several years of withdrawal, TIB resumed its activities in international inter-library lending in 2013 and in October 2013, TIB commenced deliveries within WorldCat Resource Sharing, a service offered by the Online Computer Library Center.

Cooperation 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 extracts are sent and books lent across the world. Last year, TIB processed > 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 supply). Nevertheless, TIB can generally ensure provision in these cases by post or fax. 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 remain limited.

Cooperation with FIZ AutoDoc

The only way to improve this situation is to constantly negotiate licences, which legally permit deliveries abroad, and TIB has already progressed a great deal. In addition, TIB cooperates with partners who possess their own collection of

licences or who have extended delivery possibilities. FIZ Karlsruhe – the Leibniz Institute for Information Infrastructure – plays an important role in this respect. Like TIB, this institute is also a member of the Leibniz Association, which comprises almost 100 research institutions.

The activities undertaken by FIZ Karlsruhe include:

- promoting knowledge transfer;
- developing and operating information portals and databases;
- innovative e-science solutions; and
- a 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 delivery);
- extended supply to customers whose own licences are insufficient;
- making joint offers to institutions to connect the document delivery service to company networks; and
- offer to companies rights management of licensed documents.

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

Organisation of internal workflows

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

- customer group;
- supplying country; and
- form of delivery.

Therefore, the associated examination of licences and legally compliant delivery necessitated a software solution. Order information and licence 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 text” order options but also when no licence information is available for the system.

Digital rights management

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) tools. 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, for example:

- when 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); and

- a person has already opened the received document, and the actual recipient no longer has access to it.

While a simple watermark suffices for most publishers in agreements covering PPV delivery of generic digital article files, hard DRM is still demanded by a number of publishers for document delivery scanned from print. But a positive development is the growing number of publishers which do not demand this form of DRM, and allowing us to use watermarks instead. Indeed around 25 per cent of publishers continue to expect a hard DRM, and TIB is also working towards ensuring the use of a more customer-friendly DRM system.

Conclusion

While the possible future strategies of TIB's full-text supply services are presently being looked at in a project named "TIB full text supply 2020", this article describes the steps which have been taken within the present strategic framework of action.

It can be noted that the demand for full-text delivery in the classic form decreases, but TIB's collection is still in demand as a reliable collection in the field of science and technology, especially of German origin. At the same time, TIB is constrained by inadequate copyright law that still poses a major hindrance for the international exchange of scientific information.

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About the authors

Markus Brammer a lawyer by profession and holding a master's degree in law from the University of Edinburgh, Markus Brammer worked as a head of section for German Rectors' Conference (Association of German Universities and other Higher Education Institutions) for five years (2000-2005). Since 2005, he is General Counsel of TIB/UB in Hannover. From 2005 to 2010, he has been building up and heading TIB's Licensing Team for administration of national and international licensing activities. Since TIB has partnered with the German National Libraries of Medicine (ZB MED) and Economics (ZBW) to cooperate in licensing affairs (Goportis Licensing), he was Publisher Licensing Coordinator at their Co-Operative Office for Licensing in Hamburg (2007-2012). Markus Brammer has been representative of TIB for planning, coordination, negotiation and administration of German National Licences for electronic backfiles. He has represented TIB in DFG and other national working groups and was a member of the international Knowledge Exchange Licensing Expert Group. Markus Brammer is the corresponding author and can be contacted at: markus.brammer@tib.uni-hannover.de

Jens Olf holds a degree in meteorology from the University of Hannover. From 1988 to 1992 he was working as a scientist in Antarctic research. After two years of internship at the German National Library of Science and Technology (TIB) and University Library Hannover (UB), he worked there as a subject specialist, especially focused on environmental science, from 1994 to 2010. In that position, he gained experience in fulfilling special requirements of clients asking for comprehensive, optimal supply with scientific information. In 2010, Jens Olf was appointed Director Full-Text Supply of TIB.

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