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The UKSG TRANSFER Project: collaboration to improve access to content

The UKSG TRANSFER Code of Practice 2.0¹ was released in September 2008 with the goal of creating a set of voluntary industry best practices to ensure that journal transfers go smoothly and that users do not lose access to content when journals change ownership. Starting in April 2006, the UKSG TRANSFER Working Group undertook a lengthy process of analysing journal transfers and crafting a set of best practices to address the concerns of librarians, publishers, agents, societies and others. After much discussion and feedback, a concise, specific Code of Practice was developed. The Working Group decided to take a collaborative, positive approach with different stakeholders working together rather than focusing on prescriptive requirements with penalties attached which would have overly complicated the situation. The Code has seen good uptake and there are a number of ideas for how to take the work forward.



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Origins of TRANSFER

Scholarly journals are now almost all available online. Recent estimates are that 96.1% of science, technical and medical (STM) and 86.5% of arts, humanities and social science journals are online². Having almost all the scholarly literature available online is a huge boon to scholarly communications but it has also created new problems for both publishers and librarians. One particular problem is that it has been all too common over recent years for readers and customers to lose access when online journals change ownership. Librarians get caught out because they often don't know when journals are changing ownership until access is lost and users complain³. Over the years librarians' frustration has been visible on e-mail lists, including lis-e-resources⁴. This occurs because transferring the ownership of online journals is much more complicated than for print-only journals. Also, delays in print journals are often not as obvious as losing access to both the current and back issues of online journals.

Some of the common problems are:

- not knowing where a journal is or where its content has transferred to
- having to locate material because a referring URL or information has not been provided or the URLs associated with the relevant DOIs have not been updated in a timely fashion
- subscription issues due to information not being passed between transferring and receiving publishers
- budget issues as a transfer may mean a pricing change which has not been planned for
- unwitting breaching of non-cancellation terms of 'big deals' where a title has transferred into a package with such a clause without the subscriber being informed
- finding a journal previously available online is now print only, with archives lost in limbo
- gaps in content provision where material is removed from the transferring publisher's platform before it appears on the platform of the receiving publisher

- confusion caused by ISSN changes, title changes, or mergers
- confusion with authentication where systems vary between publishers
- loss of 'perpetual archive access'.

Publishers also struggle during journal transfer because there are no detailed guidelines covering the complex process of transferring electronic journals and there is no agreed common set of expectations about what will happen, and when it will happen, during a journal transfer. In a large majority of cases journal transfers occur without major problems, but when something does go wrong the end result is that librarians find themselves dealing with frustrated users, and publishers are frustrated by not being able to provide an effective service.

The problems with journal transfers prompted The International Association of Scientific, Technical and Medical Publishers (STM) and the Association of Learned and Professional Society Publishers (ALPSP) to issue documents with recommendations on basic principles involved with transfers.^{5,6} The principles in these documents are consistent with the Code and the ALPSP document was revised in February 2009 in light of the Code. However, these documents purposefully and appropriately do not go into a lot of detail but focus on the larger business issues that arise with journal transfers.

By the beginning of 2006 it had become clear that a solution was needed. In April 2006 the UKSG established what was referred to as Project TRANSFER and set up the TRANSFER Working Group to discuss the issue. Crucially, the Working Group members included librarians, publishers (non-profit and commercial), subscription agents and other intermediaries. The goal was to have a cross-industry group collaboratively address the issues and come up with a solution that would benefit scholarly communications in general.

UKSG TRANSFER Working Group

The TRANSFER Working Group was started to meet the following goals:

- to ensure that journal content remains easily accessible by librarians and readers when there is a journal transfer

- to ensure that the transfer process occurs with minimum disruption
- to establish explicit obligations for Transferring Publishers and Receiving Publishers
- to establish best practice to help publishers be more efficient
- to get publishers, librarians, agents and others to work together better.

The Working Group began by undertaking a detailed analysis of the journal transfer process by looking at the 'who, what, where and when' of journal transfers. The group compiled an extensive amount of information about the sequence of events that occur, and what data is involved, in a transfer. It quickly identified that the devil is in the detail and no two transfers were entirely the same. In addition, every journal transfer involves many different parties, including publishers and societies who are negotiating contracts and establishing business terms. Nevertheless, throughout 2006 and early 2007 the Working Group distilled all the data it collected into the key areas that the Code of Practice should address as well as developing supplementary files that would be separate from the Code and provide extra support to publishers during transfers.

Release of Code of Practice 1.0 for public comment

After major revisions during 2007 and 2008, version 1.0 of the Code was released for a public comment period in April and May 2008. Once that was completed an antitrust legal review was undertaken. The legal review was very important to make sure the underlying principles and details of the Code were sound and also that the processes used to develop the Code going forward were fair and transparent and consistent with laws and regulations in the US and Europe.

With the public comments addressed and the legal review completed, version 1.2 of the Code was released in July 2008 and then, after yet more discussion and further revisions, version 2.0 of the Code was released on 22 September 2008 with the support of ALPSP and STM. At this point publishers were asked to endorse the Code by agreeing to follow it.

Overview of the TRANSFER Code of Practice 2.0

The Code is divided into two sections dealing separately with the obligations of the Transferring (the publisher disposing of a journal) and Receiving (the publisher taking over the journal) Publisher in a transfer. The main headings of the Code are:

- Access to the title
- Digital content files
- Subscription lists
- Journal URL
- Communication
- DOI name ownership.

Access to the title

This deals both with short-term access during a transfer and perpetual access rights. A Transferring Publisher must honour any perpetual access rights it has granted. The Code purposefully does not define how this will happen but explicitly says that the Transferring Publisher is responsible for ensuring that customers to whom it has granted perpetual access rights will continue to have this access post-transfer. There are a number of ways this obligation could be met. The Transferring Publisher could continue to host the back-file, the Receiving Publisher could honour the rights, or the society may make other provisions for fulfilling this obligation.

On the issue of short-term access during a transfer, if everything goes to plan the Receiving Publisher provides access from the Effective Transfer Date. If there are problems then the Code states that the Transferring Publisher will provide access for up to six months if the Receiving Publisher is unable to. If this goes longer than six months, the Transferring Publisher is encouraged but not required to provide ongoing access. Clearly in a transfer the Receiving Publisher has a huge incentive to get the content up online, while for the Transferring Publisher keeping a journal available online that it does not publish any more is a cost and a burden – the Code balances these publisher issues against the expectation of customers and readers that they will not lose access to content that they have paid for.

Under 'Access to the title' the Receiving Publisher has an obligation to provide the content as of the Effective Transfer Date and if it is unable to, then it gives permission for the Transferring Publisher to continue to provide access.

On the topic of perpetual access rights, the Receiving Publisher is encouraged to continue any archiving arrangements already in place and perpetual access rights must be honoured. This point is one where the Code purposefully does not specify how perpetual access rights will be honoured, since the Receiving Publisher may or may not offer the same perpetual access rights as the Transferring Publisher – this is a business decision for the publisher to make but the Code is very clear that the Transferring Publisher is responsible for honouring any rights it has granted.

Digital content files

Digital content files are critical to transfer for online journals and this clause balances the desire of the Transferring Publisher to have as much time as possible to get the files ready for sending and the desire of the Receiving Publisher to get the files as early as possible to have adequate time to make the journal available online by the Effective Transfer Date. The Code states: 'The Transferring Publisher will make the digital files available to the Receiving Publisher within four weeks of signature of the contract or four months prior to the Effective Transfer Date, whichever is the later'. This section also makes clear that any payments with regards to the digital content files are up to the parties involved in the transfer. A Transferring Publisher may have spent a lot of time and money digitizing a large archive of content and may want to recover some of the costs.

Subscription lists

The Transferring Publisher must make the subscription list available 'within four weeks of signature of the contract or six months prior to the Effective Transfer Date, whichever is the later' and the Code is very careful about what information should be included. 'Reasonable efforts' must be made to include the following:

- *personal/membership subscriber details*
- *institutional subscriber details (print, online and print + online) – specifying which customers have perpetual access rights and from what online volume/issue*
- *consortia subscribers – specifying which customers have perpetual access rights and from what online volume/issue, and which customers have taken a full institutional subscription within the collection of which the transferring journal was a part.*
- *lapsed subscribers – at a minimum, subscribers who lapsed at the end of the previous year plus any lapsed*

*subscribers who have perpetual access rights, specifying the volume/issue range that they are entitled to access.*⁷

One complex aspect of this section that raised concerns for publishers was the item on consortia subscribers since some publishers view the make-up of a consortium to be commercially sensitive information that they would not want to reveal to a competitor. This is why this part limits the data to be provided to those consortia customers with perpetual access rights and those who had a full subscription to the title, so this would not include, for example, institutions who had access to a title via a consortium where they had not had an equivalent print subscription.

Once the Receiving Publisher gets the subscription list, it then has an obligation to contact all the subscribers as soon as possible.

Journal URL

The Transferring Publisher must transfer any journal-specific domain or redirect the journal URL for 12 months when it is part of its domain. In addition, the redirect has to be directly to the new journal homepage, not just the homepage of the publisher.

Communication

Communication is a very important part of any transfer and the Transferring and Receiving Publisher both have an obligation to notify the appropriate parties 'within four weeks of signature of the contract or four months prior to the Effective Transfer Date, whichever is the later'.

DOI name ownership

With the growing use of CrossRef DOIs for journal articles a crucial part of the transfer process is that the CrossRef DOI numbers are updated appropriately so the Code points to the CrossRef DOI Name Ownership Transfer Guidelines.

Supplementary information

The TRANSFER Working Group has made a document of 'Supplementary Information' available. This includes definitions of terms used in the Code, some extra recommendations that did not make it into this version of the Code but might be added in future, and detailed information on the data publishers exchange during a transfer that could be used as a checklist.

The additional recommendations are:

- for the Transferring Publisher to provide ISSN(s) and the Receiving Publisher to contact the relevant ISSN Centre when a transfer occurs. (Although ISSNs do not change when the publisher or owner changes, the ISSN Centres like to know for their records.)
- for publishers to consider offering a grace period so subscription and access systems are fully updated after a transfer
- for the Transferring Publisher to make COUNTER statistics available for 12 months after the Effective Transfer Date.

Endorsements

The Code of Practice 2.0 was released formally in September 2008, and 25 publishers have endorsed the Code and agreed to follow its provisions as of May 2009. This includes Elsevier, Emerald, Nature, SAGE, Springer, Taylor & Francis, Wiley and Wolters Kluwer Health, and therefore means the Code already covers a majority of scholarly journals.

Key aspects for libraries

While the whole Code is important, there are parts of it directed more at publishers. Two of the most important parts of the Code for a subscribing institution are:

- *access to the title* – the commitments to provide access to a title where archival rights have been agreed, even if data is only available on the receiving platform, and for the Transferring Publisher to provide access to content for up to six months after the transfer (if necessary) will make a big difference. In addition, the recommendation to maintain content in archive services highlights the importance of the issue of archiving.
- *journal URL* – the commitment to provide a link to new content is a step on from the current practice of many publishers to state the new publisher but not provide any links.

Going forward

Assuming the Code of Practice succeeds in gaining broad acceptance, the TRANSFER Working Group

will consider some next steps, which may include establishing a more formal international committee composed of librarians, publishers, societies, agents and other interested parties. The committee could consider such issues as:

- the development of guidelines for publishers on practical aspects of implementing the Code of Practice.
- the development of a simple TRANSFER Alerting Service to provide a central location for publishers to register basic details of transfers that would be openly available to libraries and other interested parties.
- the development of policies and procedures for ongoing oversight of the Code, conducting periodic reviews of the effectiveness of the Code and considering future revisions to the Code.

The Code and any policies and procedures developed around the Code will be guided by openness and fairness and will be to the benefit of libraries, readers, users and other consumers.

Conclusion

The UKSG TRANSFER Code of Practice is an important development for the industry and demonstrates the value of cross-industry collaboration. It will be interesting to see how the collaborative approach works. All signs point to the Code having a positive impact but if it does not, then it will be necessary to review what the problems are and come up with solutions.

Throughout this process the focus has been on the benefits to readers of online journals and the creation of a fair and transparent process that includes all stakeholders. Librarians, publishers, agents and other intermediaries all have a shared interest in making it as easy as possible for users to get to content. In the current turbulent times the traditional roles of all players in the information space are being questioned and overturned – working together is one way to help confront at least some of the issues facing scholarly communications.

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