Copyright Permission for Open Access: Costs, Strategies, & Success Rates

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Principal Librarian for Special Projects – Carnegie Mellon
DLF Forum – April 2004 – New Orleans, LA
Feasibility Study  1999 – 2001

- Random sample of *titles* in library catalog
- Initial request letter – digitize & provide open access
- Follow-up request letter
- Intermittent labor
- Did not track transaction costs
## Success of Copyright Permission

### Books

<table>
<thead>
<tr>
<th>Step</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total items</td>
<td>337</td>
</tr>
<tr>
<td>1. Copyright protected</td>
<td>94%</td>
</tr>
<tr>
<td>2. Publishers contacted</td>
<td>88%</td>
</tr>
<tr>
<td>3. Publishers responded</td>
<td>51%</td>
</tr>
<tr>
<td>4. Permission granted</td>
<td>43%</td>
</tr>
<tr>
<td><strong>Overall success rate</strong></td>
<td><strong>22%</strong></td>
</tr>
</tbody>
</table>

### Articles

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>96</td>
<td>646</td>
</tr>
<tr>
<td>1.</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td>3.</td>
<td>45%</td>
<td>36%</td>
</tr>
<tr>
<td>4.</td>
<td>90%</td>
<td>97%</td>
</tr>
</tbody>
</table>

### Images

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>28%</td>
</tr>
</tbody>
</table>

Wayne State 2000
Arizona State 2001
Analysis by Publisher Type

<table>
<thead>
<tr>
<th>Based on Responses</th>
<th>Success Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scholarly associations</td>
<td>45%</td>
</tr>
<tr>
<td>University presses</td>
<td>37%</td>
</tr>
<tr>
<td>Museums &amp; galleries</td>
<td>31%</td>
</tr>
<tr>
<td>Commercial publishers</td>
<td>12%</td>
</tr>
</tbody>
</table>

![Graph showing response and success rates across different publisher types]
Fine & Rare Books Study 2003

- Posner Collection – *titles*
- Initial request letter
- Follow up phone call or email
- Dedicated labor
  May thru Oct 2003
- Tracked transaction costs
Problems Seeking Permission

• Identifying & locating copyright holders

• Publishers
  – Don’t know what they published
  – Don’t know what rights they have
  – Afraid of open access & lost revenue

• Learning copyright laws
  – Abandoned foreign works
## Success of Copyright Permission

<table>
<thead>
<tr>
<th></th>
<th>Posner Copyright Owners</th>
<th>Posner Books</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>107</td>
<td>1106</td>
</tr>
<tr>
<td>1. Copyright protected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Owners contacted</td>
<td>65%</td>
<td></td>
</tr>
<tr>
<td>3. Owners responded</td>
<td>76%</td>
<td></td>
</tr>
<tr>
<td>4. Permission granted</td>
<td>70%</td>
<td>66%</td>
</tr>
<tr>
<td>Overall success rate</td>
<td>53%</td>
<td>48%</td>
</tr>
</tbody>
</table>

- 10% access restriction
- 6% time duration restriction
Analysis by Copyright Holder Type

Based on Responses

<table>
<thead>
<tr>
<th>Type</th>
<th>Success Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scholarly associations</td>
<td>67%</td>
</tr>
<tr>
<td>University presses</td>
<td>64%</td>
</tr>
<tr>
<td>Commercial publishers</td>
<td>56%</td>
</tr>
<tr>
<td>Estates</td>
<td>64%</td>
</tr>
<tr>
<td>Other</td>
<td>88%</td>
</tr>
</tbody>
</table>
Transaction Costs

$78 per book/volume

$ 10,808  FTE labor
$  379  Phone calls
$  100  Paper & postage

$ 11,287  TOTAL

May 2003 – October 2003

Does not include legal fees, administrator time, or cost of Internet connectivity or database creation.

170 letters & 159 follow-up calls or email
Million Book Project 2002 – 2007

• Collection of collections

• Initial request letter – titles ➔ publishers ➔ titles
  – Works cited in Books for College Libraries

• Follow up phone call or email

• Dedicated labor
  beginning Nov 2003

• Tracking transaction costs
Request Letter

- Educate
  - Users want to find information online, but use print
  - Online access increases use, even use of older works
  - Open access does not decrease & can increase sales
  - Currently no revenue from out-of-print books
Request & Incentive

• **Ask** for *non-exclusive* permission to digitize
  – All out of print, in copyright titles
  – All titles published prior to a date of their choosing
  – All titles published # or more years ago
  – List of titles they provide

• **Assure**
  – Following preservation standards & copyright law
  – Print & save only one page at a time

• **Give** – images, metadata, & OCR ➔ $$$$
Estimated Transaction Costs

$1.48 per book

$ 6,400 Labor
$ 10 Follow up
$ 93 Paper & postage

$ 6,503 TOTAL

Jun 2002 – Aug 2003

Does not include legal fees, administrator time, or cost of Internet Connectivity or database creation.

207 letters & 57 follow up calls or email
“More Bang for the Buck”

Initial

Current

- In Copyright
- Public Domain
- Indigenous Materials

Requires 6% success rate with BCL publishers & 1500 books each
Snags with University Presses

• Copyright often reverts to the author when books go out of print

• More recent books will never go out of print because of print-on-demand contracts

• Third-party copyright ownership issues

• Will consider specific titles that WE select
Publisher

Initial broad request letter

- If agree (grant permission), create & submit list of titles for approval
- If don’t agree, offer to create & submit list of titles for consideration
  (Books for College Libraries)

If copyright reverted, contact Author

If author deceased, contact Estate

- Request all or designated titles
  (Books for College Libraries)
- If grant all, they provide list of titles
Experiment: Office of Copyright

- Expedite identifying & locating copyright holder
  - Asked to identify & locate copyright holders of 7 titles
  - Charged $150 fee – 3 days after request
  - Estimated 4 to 6 weeks
  - Nudged at 8 weeks
  - Took 15 weeks to respond
  - Confirmed one citation
Experiment: Authors Registry

- Expedite locating copyright holder
  - Asked to locate 25 authors or estates
  - Charged $2.50 fee per author/estate found
  - Same day response
  - Found 52%
  - 92% accuracy rate
Experiment: Workflow Time Trials

List of Titles

• Expedite generating lists of titles
  – **Verify citation** – 30% improvement using digital *BCL* over WorldCat
  – **Verify copyright status** – improvement using enhanced copyright renewal records database
  – **Verify print status** – not cost effective
  – Reduced from 9 to 6 minutes per title
## Success of Copyright Permission

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<th>Million Book Copyright Owners</th>
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<td>206</td>
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</tr>
<tr>
<td>2. Owners contacted</td>
<td>100%</td>
</tr>
<tr>
<td>3. Owners responded</td>
<td>24%</td>
</tr>
<tr>
<td>4. Permission granted</td>
<td>57%</td>
</tr>
<tr>
<td><strong>Overall success rate</strong></td>
<td><strong>14%</strong></td>
</tr>
</tbody>
</table>

314 letters sent to locate 206 copyright owners
136 follow-up calls or email
## Analysis by Copyright Holder Type

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<td>Scholarly associations</td>
<td>80%</td>
</tr>
<tr>
<td>University presses</td>
<td>36%</td>
</tr>
<tr>
<td>Commercial publishers</td>
<td>33%</td>
</tr>
<tr>
<td>Authors/Estates</td>
<td>94%</td>
</tr>
<tr>
<td>Other</td>
<td>67%</td>
</tr>
</tbody>
</table>

Don’t know number of books
Success Rate Comparison

- **Scholarly associations**
- **University presses**
- **Commercial publishers**
- **Authors/Estates**
- **Other**

Graph showing success rate comparison across different categories for Random sample, Posner collection, and Million books.
Next Steps

• Copyright assessments 2006
  – Analyses of success rates, transaction costs, # of books
  – Survey of participating publishers

• Best practices & shared database

• Partner with U.S. Office of Copyright
  – Study impact of CTEA on accessibility of out of print books & costs of acquiring large scale permission
  – Develop IT to help reduce costs & increase success
Thank you!

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