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

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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
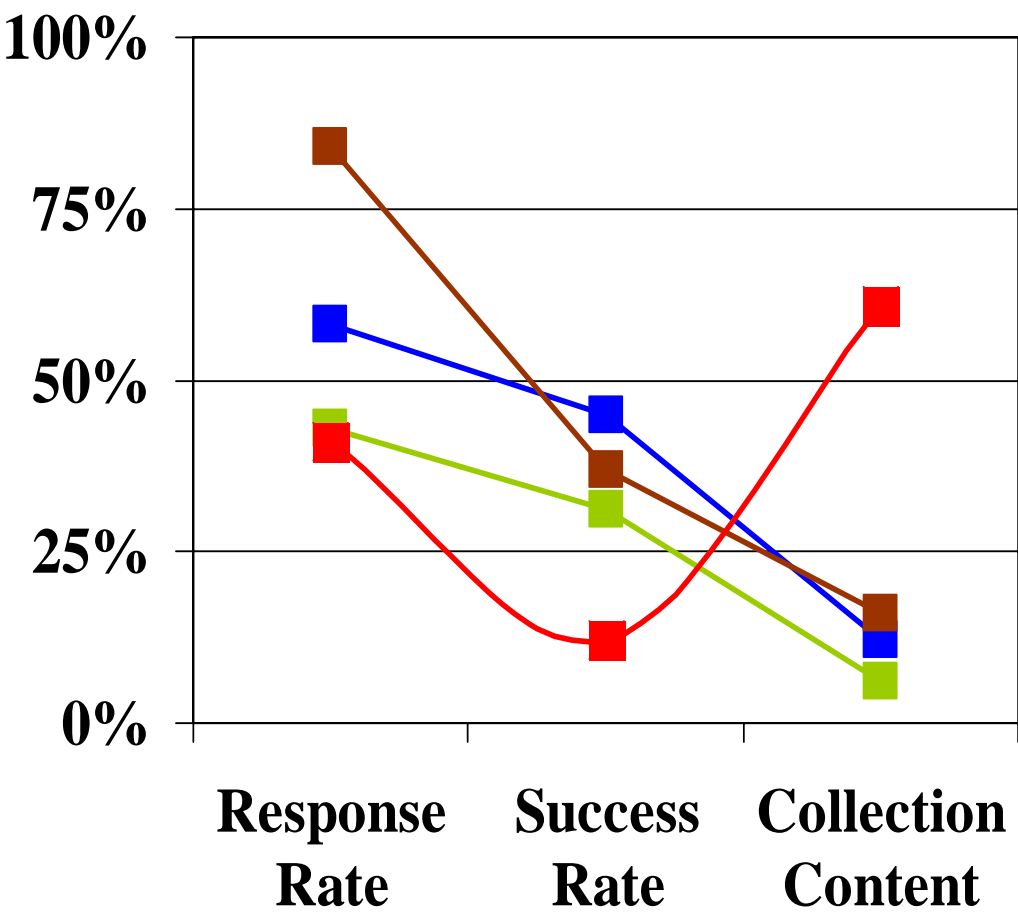
- Did not track transaction costs

Success of Copyright Permission

	Books	Articles	Images
Total items	337	96	646
1. Copyright protected	94%	70%	
2. Publishers contacted	88%	70%	100%
3. Publishers responded	**51%**	**45%**	**36%**
4. Permission granted	**43%**	**90%**	**97%**
Overall success rate	**22%**	**28%**	
	Carnegie Mellon 1999-2001	**Wayne State 2000**	**Arizona State 2001**

Analysis by Publisher Type

Based on Responses	Success Rate
Scholarly associations	🟦 **45%**
University presses	🟫 **37%**
Museums & galleries	🟩 **31%**
Commercial publishers	🟥 **12%**

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

	Posner Copyright Owners	Posner Books
Total	107	1106
1. Copyright protected		302
2. Owners contacted	65%	
3. Owners responded	**76%**	
4. Permission granted	**70%**	66%
Overall success rate	**53%**	**48%**

10% access restriction

6% time duration restriction

Analysis by Copyright Holder Type

Based on Responses		Success Rate
Scholarly associations	◼ (blue)	67%
University presses	◼ (brown)	64%
Commercial publishers	◼ (red)	56%
Estates	◼ (black)	64%
Other	◼ (green)	88%
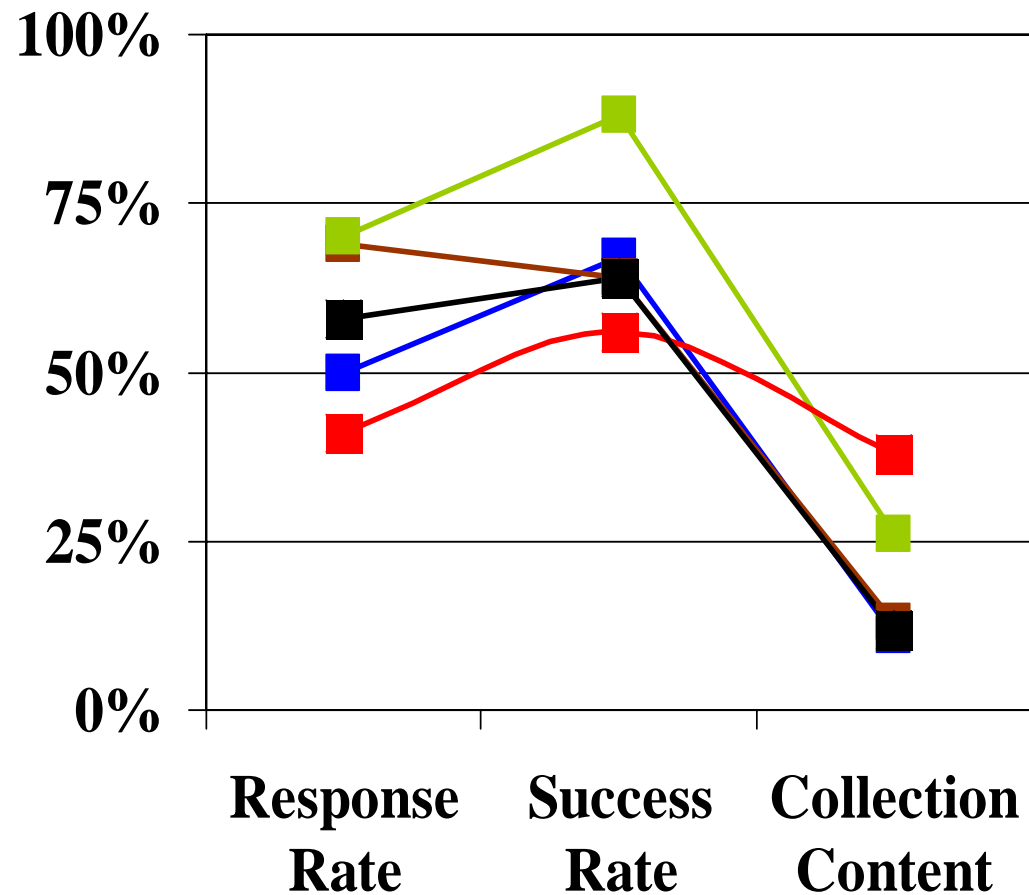
Transaction Costs

$78 per book/volume
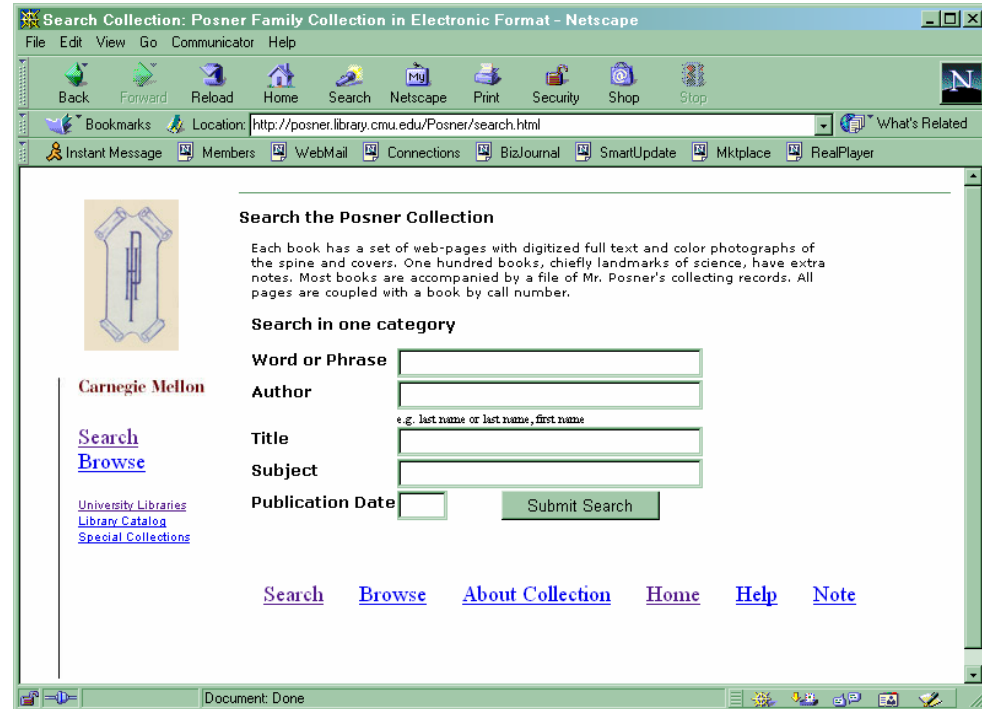
$ 10,808   FTE labor

$ 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.

Search Collection: Posner Family Collection in Electronic Format – Netscape

File   Edit   View   Go   Communicator   Help

Back   Forward   Reload   Home   Search   Netscape   Print   Security   Shop   Stop

Bookmarks   Location: http://posner.library.cmu.edu/Posner/search.html   What's Related

Instant Message   Members   WebMail   Connections   BizJournal   SmartUpdate   Mktplace   RealPlayer

Search the Posner Collection

Each book has a set of web-pages with digitized full text and color photographs of the spine and covers. One hundred books, chiefly landmarks of science, have extra notes. Most books are accompanied by a file of Mr. Posner's collecting records. All pages are coupled with a book by call number.

Search in one category

Word or Phrase

Author
e.g. last name or last name, first name

Title

Subject

Publication Date   Submit Search

Carnegie Mellon

Search
Browse

University Libraries
Library Catalog
Special Collections

Search   Browse   About Collection   Home   Help   Note

Document: Done

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**
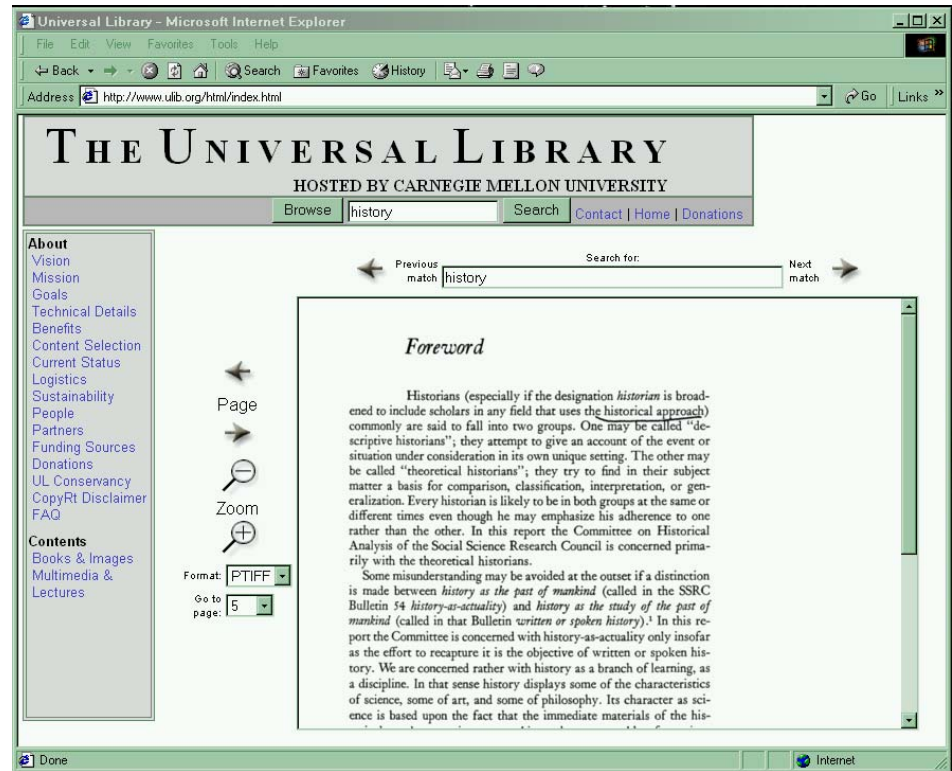
$ 6,400   Labor

$ 10   Follow up

$ 93   Paper & postage
_____

$ 6,503   TOTAL
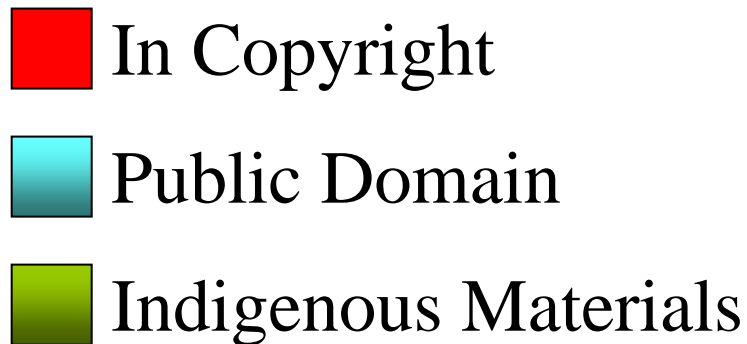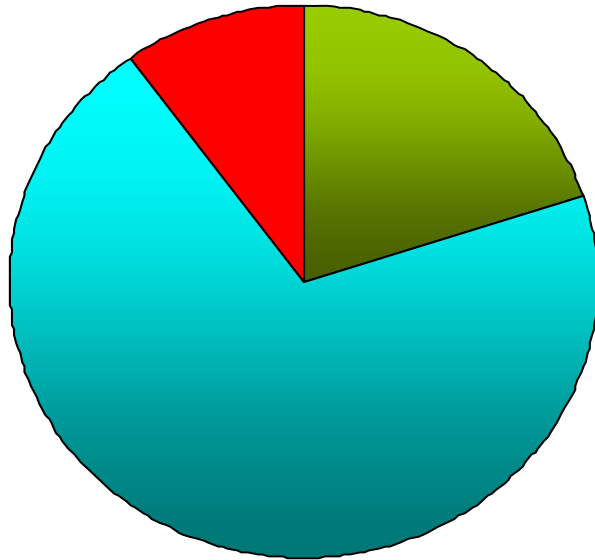
Jun 2002 – Aug 2003

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** (red)
- **Public Domain** (cyan)
- **Indigenous Materials** (green)

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

Publisher

- 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

Author   Estate

- 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
  - <u>Verify citation</u> – 30% improvement using digital *BCL* over WorldCat
  - <u>Verify copyright status</u> – improvement using enhanced copyright renewal records database
  - <u>Verify print status</u> – not cost effective
 - Reduced from 9 to 6 minutes per title

Success of Copyright Permission

|	Million Book Copyright Owners	Posner Copyright Owners
Total	206	107
1. Copyright protected		
2. Owners contacted	100%	65%
3. Owners responded	**24%**	**76% ****
4. Permission granted	**57%**	**70%**
Overall success rate	**14%**	**53%**

314 letters sent to locate 206 copyright owners

136 follow-up calls or email

Analysis by Copyright Holder Type

Based on Responses	Success Rate
Scholarly associations	🟦 80%
University presses	🟫 36%
Commercial publishers	🟥 33%
Authors/Estates	⬛ 94%
Other	🟩 67%
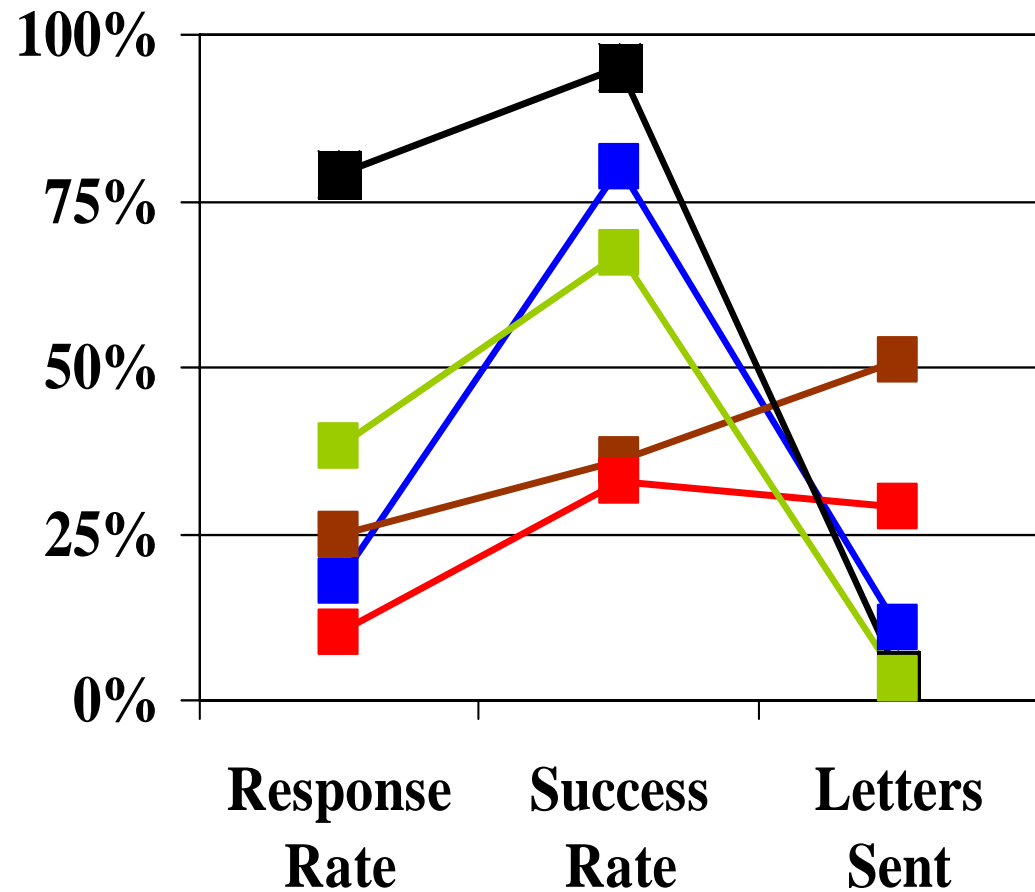
Don't know number of books

Success Rate Comparison
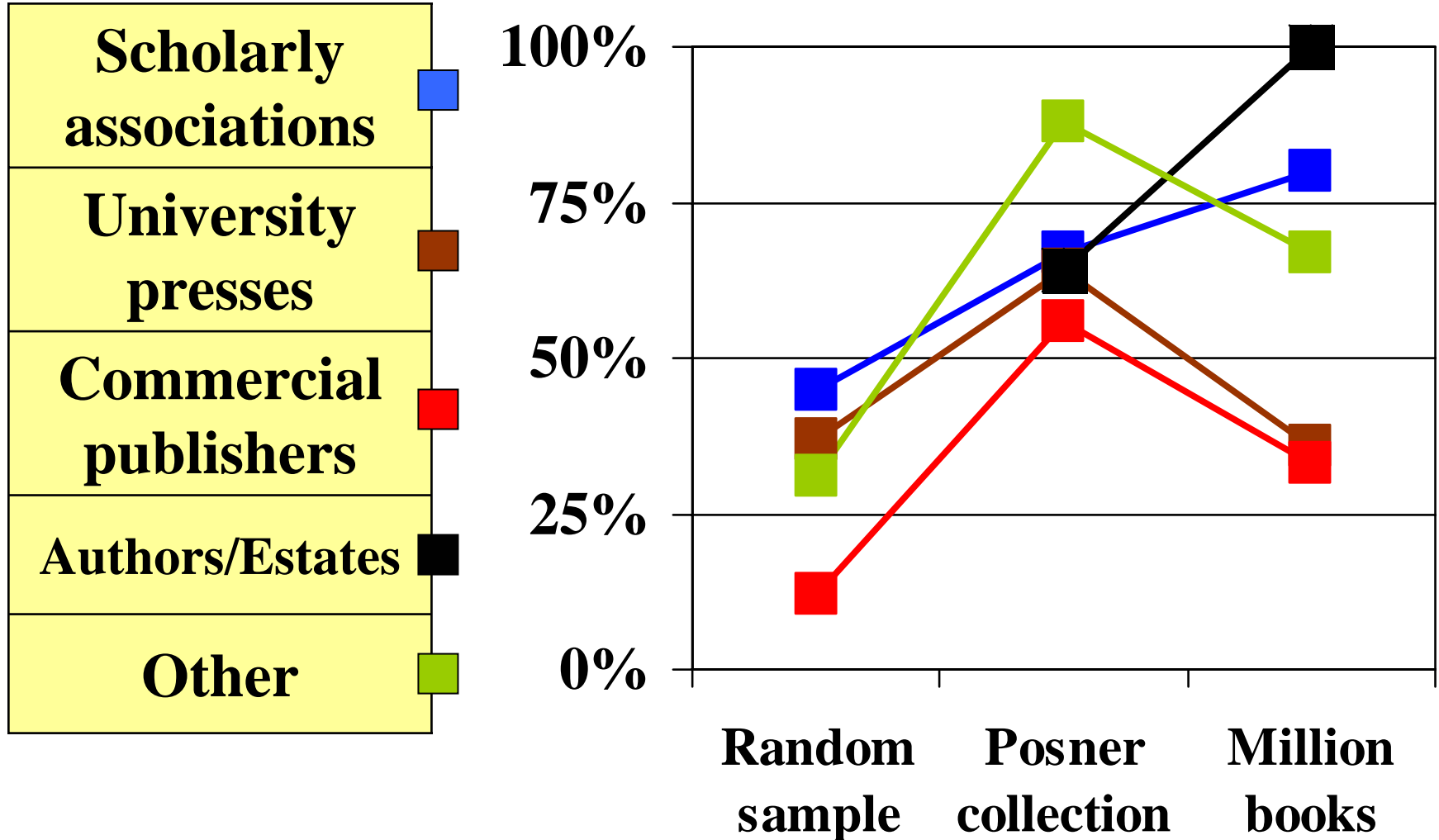
Next Steps

- 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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