



LIMITS OF LICENSING

IN THE LIBRARY CONTEXT, LICENCES CAN BOTH GIVE AND TAKE AWAY RIGHTS

This infographic offers examples of provisions in real licences that limit what libraries can do with works they have bought

CONTRACT

"Upon termination of the Agreement for any reason Licensee shall cease any and all use of the Products and ensure that all copies of the Products and any related data and information is deleted from its computers and, if applicable, returned to infoUSA no later five (5) days after termination of this Agreement."

DESTROY ALL COPIES AFTER SUBSCRIPTION ENDS, NO ARCHIVING



"Authorized use includes the making of a limited numbers or hard or electronic copies of texts for research, education, or other non-commercial use only; and the use of the paper format of small, insignificant portions of the Product(s) as a source of interlibrary Loan ('ILL')."



INTERLIBRARY LOAN LIMITED TO INSIGNIFICANT PORTIONS

"Gartner reserves the right to change the terms and conditions applicable to use of the Products. Such changes shall be effective immediately upon notice, which shall be placed on the website. Use of the Products after notice shall be deemed to be acceptance by User of such changes."

CHANGE OF TERMS POSTED ON WEBSITE, USE OF PRODUCT REPRESENTS AGREEMENT TO CHANGES



"The Licensee shall put into place reasonable procedures to monitor the compliance with the terms and conditions of this Agreement by the Authorized Users."



OBLIGATION TO MONITOR ALL USE OF WORKS

"Subscriber agrees to indemnify OVID from and defend at its own expense... against any and all claims of third parties... arising out of or related to Authorized Users use of the Products or any materials provided hereunder."

LIBRARY MUST INDEMNIFY THE LICENSOR FOR PATRON USE OF CONTENT



"Licensor may suspend the provision of the Licensed Material to the Licensee with immediate effect on written notice without liability if the Licensor believes the Licensed Material is being used in a manner that contravenes the provisions of this Agreement."



SUSPENSION OF ACCESS WITHOUT NOTICE

"Downloading of all or parts of a Product in a systematic or regular manner or so as to create a collection of materials comprising all or a material subset of a Product is strictly prohibited whether such collection is in electronic or print form."

PROHIBITING DATA MINING



Library

Vendor

Note: All examples above are contractual terms extracted from actual contracts