National Science Library, 
Chinese Academy of Sciences

National License Standards Framework 
China Report 
(Revised) 

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1. The Present Situation of “National Licensing” Mechanism in China

In China, institutions which organize the acquisition of digital resources and guarantee an effective acquisition of the resources by educational, scientific research system users nationwide by way of “national licensing” mainly include National Science and Technology Library (NSTL) and National Library of China.

1.1 National Science and Technology Library (NSTL)

Founded in 2000, NSTL is a virtual scientific and technical literature information service institute through the integration of book and literature institutes in the area of science, engineering, agriculture, medicine, etc. with the joint efforts of Ministry of Science and Technology, Ministry of Finance and other ministries and commissions. Its objective is to collect and develop resources of scientific and technological literature in science, engineering, agriculture, medicine and other disciplinary fields and provide science literature service to the whole country on the principle of centralized purchase, standardized process, united upload and shared resources in line with the national demand of the development of science and technology¹.

With national licensing as the main acquisition manner, NSTL ensures over 200 literature databases effectively accessed by users of scientific research and educational systems in the country and covers 17,000 kinds of foreign literature on the internet².

1.1.1 Organization and Management Mechanism

(1) Basic organization structure

The acquisition of NSTL digital resources is in the charge of the network resources collection group under Resource Collection Department. The collection group is


composed of members of Resource Collection Department, persons specially assigned by legal person member units that sign purchase contracts and make payments on behalf of NSTL and people concerned from member units. The leader of the group is the deputy director of Resource Collection Department of NSTL. The network resources collection group carries out the acquisition work of digital resources in line with the mechanism and standards approved by the leaders of NSTL and Resource Collection Department and reports to Resource Collection Department.

(2) The capital sources and funds matching mechanism
Like the operational funds and acquisition funds of other resources of NSTL, NSTL boasts a stable capital source with all the funds for the acquisition of national licensing coming from the central financial investment.

According to the aiding range of the funds, the national licensing manners of NSTL can be divided into three kinds. Accordingly, the funds matching policies of the three manners are different, so are the ranges of the authorized users.

①National licensing: NSTL independently acquires resources opened to the whole country. The resource acquisition fees are wholly paid by NSTL. Academic and non-commercial institutions in need in mainland China can get access to relevant resources.

②United purchase by groups: NSTL supports united purchase by digital resource acquisition groups in the country including institutions of higher learning, Chinese Academy of Sciences, Chinese Academy of Agricultural Sciences and Chinese Academy of Medical Sciences. The acquisition fees are paid by NSTL with the fixed amount of subsidy of resource matching and other acquisition fees are paid by groups. In this manner, groups and their users that participate in united purchase can get access to relevant resources.

③Supporting the acquisition by member units: NSTL supports the acquisition of
digital resources by its member units. The fees are paid with NSTL’s fixed amount of annual matching funds and other acquisition fees are paid by member units. In this manner, member units and their users can get access to relevant resources.

(3) Resource selection and assessment mechanism

NSTL has formulated *Implementation Measures of Electronic Resources Purchase* 3 which defines the disciplinary scope, types of resources and classification of languages of resources acquired in the manner of national licensing and adopts selection methods by combining supporting main points with ensuring fundamentals 4 to make sure that the acquired resources and resources acquired by other subscribers complement each other effectively in an effort to jointly establish a state-level strategy guarantee system of scientific and technological literature resources while meeting the core demand of the domestic users. In addition, NSTL insists on the long-term ownership of the acquired resources in nationally license manner in practice and takes the average unit price of the digital literature as an important factor in resource assessment.

Currently, NSTL selects and assesses the resources acquired in the manners of united purchase by groups and by member units on the demand and coordinated guarantee principles in Implementation Measures of Electronic Resources Purchase with no detailed indices or definite mechanism yet.

(4) Resource acquisition procedures and supervision and management mechanism for implementation

The annual plan of the acquisition of resources in national licensing manner by NSTL

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3 See Annex 1.

is drawn out by network resources collection group in line with NSTL resources development plan, the demand of scientific and technological innovation in the country for network resources and the budget of NSTL’s annual funds before being checked by Resources Construction Department of NSTL. The plan will be implemented after submitting to leaders for examination and approval.

As for the manner of united purchase by groups and the acquisition by supporting member units, the work is mainly carried out by participating groups or institutions in line with their own working mechanism under the organization and management of NSTL which has not laid out special supervision and management mechanism.

(5) Effect assessment mechanism of resource acquisition

Resources acquired by NSTL in the manner of national licensing are assessed annually in terms of the using effect by Resource Collection Department of NSTL. The assessment includes asking providers of resources acquired in the manner of national licensing for annual used data and requiring groups or institutions involved in united purchase or supporting member unit purchase to report annual used statistics. All the above data is collected, counted and reported by Resource Collection Department of NSTL.

(6) Restriction mechanism of participating institutions

According to Implementation Measures of Electronic Resources Purchase of NSTL, ① National licensing manner Institutions which get access to electronic resources in national licensing manner should submit opening application\(^5\) to NSTL and sign a letter of commitment to abiding by the announcement of proper use of NSTL\(^6\), in which a commitment to abiding by the demand of NSTL for a proper use should be

\(^5\)See Annex2

\(^6\)See Annex3
made and the assumption of responsibility triggered by an infringement act and exemption conditions of NSTL shall be specified.

②United purchase by groups Groups participating in united purchase will sign united purchase agreement with NSTL, promising to take the initiative to brief other parties on matters concerning united purchase during the business engagement with database merchants or agents. Groups will negotiate and sign purchase agreements separately with database suppliers.

③Supporting member units purchase manner Member units will submit the purchase contracts and payment agreements of digital literature resources supported by NSTL’s funds to Resource Collection Department of NSTL for filing. Member units will negotiate and sign purchase agreements with database suppliers separately.

1.1.2 Responsibility system

(1)National licensing manner

①NSTL leaders (decision making) are responsible for laying out principles, policies and strategic plans concerning digital literature resources in national licensing manner and check, approve and determine the annual plan and budget of digital literature resources of national license and check resource purchase plans and resource purchase contracts for approval.

②Resource Collection Department of NSTL (management) participates in the formulation of principles, policies and strategic plans of nationally licensed purchase of digital literature resources and is responsible for the organization and management of nationally licensed purchase of digital literature resources, and examines the annual plan and purchase plan of nationally licensed purchase of digital literature resources.

③Network resource collection group of NSTL (collection and implementation) is responsible for the implementation and task enforcement of nationally licensed purchase of digital literature resources including the formulation of annual purchase
plan of nationally licensed purchase of digital scientific literature resources, survey and assessment of the demand of domestic institutional users, survey and assessment of digital scientific literature resources, the formulation, negotiation and implementation of purchase plans, the formulation and examination of purchase contracts and the archive management and information maintenance of subscribed resources.

④ Institutional users sign Letter of Commitment to Abiding by NSTL’s Announcement of Subscribing Network Databases for the Use of Domestic Users, submit Application form of Institutions for Opening Network Databases Subscribed by NSTL and maintain the information of institutions by submitting Information Modification Form for Institutions to NSTL.

(2) United purchase by groups

① NSTL is responsible for formulating the principles, policies and strategic plans for united purchase of digital literature resources by groups, examining and determining the annual plan and funds budget of the united purchase, signing united purchase agreements with groups which organize the united purchase, signing supporting agreements of united purchase with groups participating in the united purchase and bearing corresponding costs of supporting united purchase.

② Groups participating in united purchase are responsible for applying for united purchase and making suggestions on the purchase plan, organizing and managing member units of the group to participate in united purchase and signing united purchase agreements with NSTL.

(3) Purchase by supporting member units

① NSTL leaders (decision making) are responsible for examining the principles, policies and implementation measures of the purchase of digital literature resources by supporting member units of NSTL, examining the annual plans, the categories of
purchased resources and funds budget of digital literature resources purchased by supporting member units and funds budgeting.

② Resource Collection Department of NSTL (management) researches and formulates the principles, policies and implementation measures of the purchase of digital literature resources by supporting member units of NSTL and is responsible for the organization and management of the purchase of digital literature resources by member units, including making annual working plans for the purchase of digital literature resources by supporting member units, examining suggestions made by member units on the purchase of digital literature resources and submitting the opinions to leaders of NSTL for approval.

③ Member units of NSTL (collection and implementation) are responsible for the formulation of purchase plans of digital literature resources supported by the funds of NSTL (demand analysis, resource assessment and purchase plans) and submit the plans to Resource Collection Department of NSTL for approval. The units are also responsible for the implementation and task enforcement of the purchase of digital literature resources supported by the funds of NSTL and lays out working mechanism and standardized procedures consistent with the management regulations of Resource Collection Department for the purchase of digital literature resources supported by the funds of NSTL and submit the purchase contracts and payment agreements of digital literature resources supported by the funds of NSTL to Resource Collection Department for filing.

1.2 National Library

National Library of China, a national book stack, a national bibliographic center, a national ancient book preservation center and a national museum of ancient books and records, performs the duty of collection and preservation of domestic and foreign books and literature, directs and coordinates the national literature preservation work
and provides literature information and reference and consulting service to central and state organs, all sectors of society and the public.

The Department of Foreign Languages Acquisition of the National Library has acquired 3 kinds of resources in national licensing manner. During the acquisition process, Literature Resource Collection Commission of the National Library is in charge of evaluation and examination of the resource to be acquired and the acquisition will be implemented with approval.

The acquisition of digital resources in national license manner by the National Library is wholly supported by the purchase funds of the library from the central finance.

It is known by consulting Department of Foreign Languages Acquisition of the National Library that the Library has not drawn out special management measures or process standards on the manner of national license, nor have any formal agreement models been formed.

Institutions which intend to get access to the resources acquired in national license manner should apply to the National Library and sign relevant complementary agreements before opening access. During the application process, the application institutions promise proper use and organize resource publicity and promotion geared to the needs of their own users.

2. The main problems and core appeals in the present mechanism

The measure of National license adopted by both the NSTL and the National Library lack complete coordinating and managerial mechanism, the details of which are shown below:

2.1 Effective evaluation and supervision mechanism is inadequate, and the participatory organizations play limited roles.

The organizations with National licensing mainly adopt the top-down measure which means the participatory libraries can only passively “enjoy” services, while the
bottom-up processes are inadequate. Therefore, the effective communication channels of the participatory libraries’ needs, suggestions and application effects are lacked. Though the factors of needs are taken into consideration in the resource selection and evaluation mechanism, this mechanism lacks clear standards. Meanwhile, under the existing mechanism, the participatory libraries cannot track, get to know, and supervise the acquisition process of the resources, and thus cannot supervise and evaluate the effects of the National license.

2.2 It is not representative enough on the national level, which leads to the loss of the important negotiating leverage.

For the resource acquisition made by joint groups and member units, the NSTL only participate in the acquisition by means of providing subsidies, neither substantially taking part in the negotiation and decision-making processes, nor have substantive constrains on the rights and interests or application effects. This kind of independent negotiation and decision-making mechanism by a solo organization/group will lead to different negotiation requirements and statements and they will be taken advantage by the suppliers and beaten one by one, which will further lead to the loss of rights and interests or the rise of the cost; on the other hand, it is not representative enough on the national level, which will lead to the loss of the important negotiating leverage.

2.3 There is not a model agreement that can show the appeal of core rights and interests.

At present, the NSTL only set the model agreement in terms of the measure of National licensing, while similar documents of other two measures and National licensing by the National Library are not put forward. So we can only passively accept the document format provided by the suppliers. In the NSTL’s model

7 See Annex 4. 
agreement, there are agreements on the rights and interests of users’ access to and reading-attribute use of the ordered resource, as well as agreements on the rights to save the ordered resources in a long term; however, deeper rights, which are important to domestic libraries and users in the environment of digital knowledge development, have not been mentioned, such as the right to reuse the ordered resources, protection of the rights and interests and extended services.

Through the above analysis, the following conclusions can be drawn:

i. The mode of national license is not mature. Systematic planning and design should be made in terms of organization’s management mechanism to include related qualified libraries nationwide in the National license, so that high-quality resource services can be provided to the users.

ii. The management standards should be established, which includes agreement constraint mechanism, funds distribution mechanism, and evaluation and supervision mechanism. The standards are necessary institutional guarantee to the effective operation and sustainable development of the National license.

iii. The basic and deeper appeals of domestic libraries and users in the digital knowledge development environment should be clearly put forward though the model agreements, and these rights interests should be acquired though the negotiations on the national level, which is the imperative tools and means to ensure the effects of the National license.

3. Proposal of National License Organization and Management System

3.1 Organization and Management Mechanism

3.1.1 Overall Objective and Principle

(1) Overall Objective of National License

① to provide nationwide users of scientific research and education systems, and even national public with continuous access to digital resource of high quality, so as to
further promote the comprehensive and in-depth development of scientific research and education;
② to establish partnership with relevant libraries via national license manner to optimize group purchase manner, deepen resource co-building and share content;
③ to minimize purchase cost and increase the usage efficiency of digital resource through national license coordination and centralization of purchasing power of digital resource;
④ to promote state-level communication among libraries, resource suppliers, users and so on.

(2) Overall Principle of National License
① state dominant: managed by National Science and Technology Library (NSTL), national license is an organic composition of national scientific and technological literature security platform.
② united participation: promote and unite qualified libraries nationwide to actively join national license on the basis of mutual benefit, so as to provide users with resource service of high quality in a maximized way.
③ reliable management: provide all members with reliable management regulation security for efficient and fair participation in national license, so as to guarantee the efficient running and sustainable development of national license.
3.1.2 Basic Organization Structure

The basic organization structure of national license is as below:

![Organization Structure Diagram]

**Note:** Leading Group of National License, LGNL

User Advisory Council, UAC

Resource Collection Department

Resource Group

Legal Group

Participation organization

3.1.2.1 NSTL

(1) NSTL Council

Adopting tenure system, NSTL Council is the leading and decision-making organization made up of scientists of trans-department and interdisciplinary, information experts, operational managing persons from Ministry of Science and Technology and Ministry of Finance, and four persons in charge of libraries of science, engineering, agriculture and medicine respectively.

(2) NSTL Management Center
NSTL Management Center comprises four operating departments of Resource Collection Department, Network System Construction Department, Database Construction Department and Integrated Service Department. The tenure system is adopted for the Director of NSTL Management Center who is hired by NSTL Council. All of these four operating departments are made up of relevant working staff from NSTL member units.

3.1.2.2 User Advisory Council, UAC
UAC is made up of participation organizations from libraries of different kinds at a certain proportion. Committees of UAC shall be concerned persons for Resource Collection from participation organization.

3.1.2.3 Leading Group of National License, LGNL
LGNL is made up of concerned persons from main group purchase union in the country and national literature and intelligence agencies. The group shall recognize and abide by national license mechanism, rules and requirements, has strong willing to shoulder the responsibilities and obligations of national license leading group.

3.1.2.4 Executing Group of National License, EGNL
EGNL is made up of Resource Group and Legal Group.

(1) Resource Group
Resource Group is made up of members of NSTL Resource Collection Department and Resource Collection persons appointed by the organizations LGNL is affiliated to.
① The group leader shall be held by the managing person of NSTL Resource Collection Department;
② Resource Collection persons appointed by the organizations LGNL is affiliated to shall be equipped with work experiences of digital resource collection, familiar with relevant operations about digital resource collection, and understand users’ needs.

(2) Legal Group
Adopting tenure system, Legal Group is made up of qualified staff or experts in relevant fields from NSTL member units or participation organizations. The leader of Legal Group shall be managing personnel of NSTL Integrated Service Department.

3.1.2.5 Participation Organization

Participation organizations intending to participate in national license are supposed to meet below requirements:

(1) Legal entity of public utility which purchases digital resource and provides service itself; be equipped with basic conditions for digital resource purchase, including a certain budget for digital resource purchase, Resource Collection staff allocation, negotiation strength and legal basis;

(2) Recognize and follow protocol mechanism and management standards under national license manner; willing to shoulder participation organization’s responsibilities and obligations under national license manner.

3.1.3 Core Mechanism

3.1.3.1 Agreement Constraint Mechanism

Participation organizations shall abide by signed National License Agreement, fulfill obligations and shoulder responsibilities according to the items in the signed agreement. Once signed off, no party is allowed to unilaterally terminate the agreement.

3.1.3.2 Budget Allocation Mechanism

National license project budget includes daily management budget and Resource Collection budget.

(1) Structure of National License Project Budget

National license project budget includes daily management budget and Resource Collection budget.

①daily management budget: to organize and support daily management and running
of national license project; includes daily management budget of LGNL, EGNL and UAC.

② Resource Collection budget: budget for construction and resource purchase; consists of Resource Collection budget funded by NSTL on behalf of the country and Resource Collection budget allocated to participation organizations.

(2) Allocation Principle of National License Project Budget

① Daily management budget: at the expense of NSTL wholly.

② Resource Collection budget

Budget allocation shall try to make full use of NSTL Resource Collection budget in the first place. Based on above principle, budget allocation proportion is made according to characteristics of resource and proposal of purchase (price and purchase manner), etc.

- As for widely applicable resource of strategic security significance that national scientific research and education institutes and other non-profit institutions are in much need of and whose budget is within NSTL national license Resource Collection budget, its purchase shall be at the expense of NSTL wholly;

- As for widely applicable resource of strategic security significance that national scientific research and education institutes and other non-profit institutions are in much need of but whose budget is too large, its purchase shall be at the expense of NSTL together with participation organizations. NSTL shoulders a certain standard proportion of the purchase cost and participation organizations shoulder the proportion according to the degree of need.

(3) Implementation Principle of National License Project Budget

① Budget and final accounts of daily management budget and Resource Collection
budget at the expense of NSTL on behalf of the country under national license manner shall be examined and approved by NSTL;

② Resource Collection budget at the expense of NSTL on behalf of the country under national license manner shall be used for purchase of resource appointed by national license project.

**3.1.3.3 Supervision and Assessment Mechanism**

(1) UAC Assessment
According to relevant supervision practice, national license annual purchase plan, concrete purchase proposal and specific budget allocation plan shall be discussed and approved by UAC. After discussed, assessed and approved by UAC, all of above shall be reported to NSTL by national license leading group for examination, approval and implementation.

(2) Third Party Assessment
According to relevant supervision practice, after national license leading group submits to NSTL and gets approval, qualified third parties can be invited to assess the running situation, overall service effect and influence of national license project.

**3.1.4 Core Specification**

**3.1.4.1 Selection Specification of National License Resource**
Establish operational specifications of resource selection and purchase based on Resource Collection procedures under national license, so as to ensure that purchase of national license resource is implemented according to specifications. The core points of selection specification of national license resource is as follows:

(1) Establish smooth selection process
① EGNL drafts the resource selection process and measure of national license project;
② LGNL examines and confirms the resource selection process and measure;
organizes UAC to assess, score and screen the selected resource for purchase following selection process and measure.

③ Based on the assessment result of UAC, LGNL submits the selection process and measure to NSTL management center for examination and approval.

(2) Establish operational selection principle

① principle of demand orientation: the selected resource ready for purchase through national license should effectively meet needs from national scientific research and education institutions and other non-profit institutions as well as national strategic security need.

② principle of coordinated guarantee: together with resource purchased by other systems and groups in the country, the selected resource ready for purchase through national license should cover relevant disciplines and users so as to form a security system.

(3) Establish executable selection standards

Establish executable selection standards based on resource selection principle. Selection standards should cover assessments of demand degree of resource, content quality, purchase price, technological support and license manner, etc.

① demand degree of resource: demand degree and intensity of scientific research and education institutions and other non-profit institutions, etc;

② content quality of resource: resource categories, discipline characteristics and the compatibility with present resource coverage, etc;

③ annual price of resource: comparison between regional license price and unit average price;

④ technological support of resource: quality of resource system, technological support to user service and support to common international publication technology standards
⑤ license manner of resource: license and limitation of users’ resource use, license of long term preservation of rights and interests, etc.

3.1.4.2 Norm of National License Implementation
Guide of National License Implementation⁸, the norm of national license implementation is established based on confirmed national license organization and management mechanism and responsibility system. All participants in national license project, including NSTL, LGNL, EGNL, UAC, participation organizations and users, shall abide by the guide.

3.1.4.3 National License Appeal Specifications
(1) Long term local preservation of rights and interests of resource purchased by national license
Database purchased by national license requires for long term preservation of rights and interests of lasting use and localization of relevant data.
① As for the digital purchased by national license, resource supplier is supposed to provide at least one copy of data for long term preservation;
② After the termination of national license agreement with no renewal, participation organizations and their legal users are entitled to the access to the relevant resource purchased during the agreement period.

(2) Academic sharing and integrated use of resource purchased by national license within a reasonable range
Resource purchased by national license shall meet the need of academic sharing and integrated use within a reasonable range.
① As for the digital resource sharing of original text delivery and inter-lending within reasonable range but with specific limitations, national license negotiation shall be

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⁸See Annex5
adopted to gain relevant license and unspecific limitation.

② As for resource integration and use including integration, public link disclosure and data mining of metadata within reasonable range but with specific limitations, national license negotiation shall be adopted to gain relevant license and unspecific limitation.

(3) The scientific research achievements supported by central government funds and other public funds shall be used to support database storage and sharing use of local organizations.

3.2 Responsibility system

3.2.1 Basic rights and responsibilities of NSTL

3.2.1.1 NSTL Council

Being responsible for determining the general direction of development by examining the strategic development plan of national license and making relevant strategic decisions.

3.2.1.2 NSTL Management Center

(1) Examining the construction principles, responsibility structure, organizing mechanism, budget and final accounts of national license;

(2) Being responsible for setting up working team of national license, including appointing members of LGNL and assigning members to implementation team of national license;

(3) Being responsible for establishing standard system of national license project system and related standards;

(4) Being responsible for taking the lead to coordinate the negotiation of nationally licensed resource purchase and examining and deciding the purchase applications and purchase plans put forward by the national license leading team;

(5) Being responsible for signing national license agreements with participation
organizations and other parties concerned and bearing the corresponding national license purchase costs;

(6) Being responsible for supervising the regular operation and management of national license projects.

3.2.2 Basic rights and responsibilities of UAC

Members of the UAC are nominated and recommended by the LGNL in light of the overall operation of the national license project and are appointed after submitting to the Management Center of NSTL for approval. The basic rights and responsibilities of the UAC are as follows:

(1) Conducting surveys and researches in light of the development needs of the national license project and being responsible for assessing and making suggestions on development plans and major policy decision programs of the national license projects;

(2) Organizing an examination and supervision of the operation of national license in accordance on behalf of the interests of institutions with related examination and assessment standards;

① Including examining and assessing the annual plans of national license on a regular and irregular basis, specific resource subscription programs, specific resource expense division programs, resource acquisition process and budget implementation process and being responsible for issuing related examination and assessment reports.

② Being responsible for inviting a third-party institute to audit and evaluate the general operation and service effect of the national license projects.

3.2.3 Basic rights and responsibilities of LGNL

Composed of members appointed by NSTL Management Center in accordance with relevant personnel allocation, the LGNL adopts a tenure system. Under the supervision of NSTL Management Center and UAC, the LGNL carries out work
under the leadership of NSTL Management Center. The basic rights and responsibilities of the LGNL are as follows:

(1) Being responsible for drafting and formulating the overall resource development plan and objective vision under the model of national license;

(2) Being responsible for discussing and determining the policies and strategies of national license with the UAC;

(3) Being responsible for discussing and determining specific purchase strategies of national license with the UAC;

(4) Guiding and coordinating the national license purchase work and discussing and deciding important issues concerning national license purchase.

3.2.4 Basic rights and responsibilities of the EGNL

The EGNL can be divided into resource group and legal group. Members of the EGNL are appointed by NSTL Management Center with a proposal by the LGNL in accordance with related personnel allocation standards. The EGNL is under a direct management by the national leading team and is supervised by the participation organizations of national license.

3.2.4.1 Resource group

(1) Being responsible for drafting and formulating annual funds budget and annual purchase plans in light of the Resource Collection objectives set in accordance with the development plans;

(2) Carrying out work in accordance with the approved annual purchase plans and being responsible for discussing the acquisition of concrete resources on behalf of the national license projects;

(3) Being responsible for examining specific resource subscription plans and analyzing and formulating corresponding expense division plans;

(4) Being responsible for conducting work in resource assessment database training.
and other areas and briefing resource acquisition on a regular basis;
(5) Being responsible for summarizing annual resource acquisition and budget implementation and submitting annual analysis reports;
(6) Being responsible for formulating relevant standards on resource subscription and conducting related researches.

3.2.4.2 Legal group
(1) Being responsible for making and examining models of national license agreements;
(2) Being responsible for examining all detailed agreements of resource acquisition;
(3) Being responsible for handling regular legal papers and legal advice under the project of national license;
(4) Being responsible for handling internal and external litigation disputes under the project of national license;
(5) Carrying out relevant research into intellectual property rights and being responsible for assessment of and prevention against intellectual property risks.

3.2.5 Basic rights and responsibilities of participation organizations
Participation organizations will be enrolled with the proposal by the LGNL in accordance with relevant basic organization standards and the approval of NSTL Management Center. Participation organizations are under direct management and coordination of the EGNL.

3.2.5.1 Basic rights of participation organizations
Participation organizations enjoy the following rights under the framework of observing the basic principles of national license:
(1) Ownership of purchased resources: Participation organizations have unhindered access to the purchased resources within certain limits according to their participating degree on the precondition of complying with laws and terms of agreements
concerning intellectual property rights.

(2) Right to participate in acquired plans: As main participants and users of national license purchased resources, participation organizations have the right to make reasonable suggestions on purchase plans under the model of national license in light of their own actual demand and funds bearing ability and participate in the discussion and formulation of the plans.

(3) Right to know about the acquisition process and results: Participation organizations have the right to know about the resource acquisition process and put forward reasonable opinions and suggestions and have the right to address inquiries to the EGNL about the results of acquisition.

(4) Right to get access to consulting and technical service.

3.2.5.2 Basic obligations of participation organizations

To ensure a smooth operation of national license, participation organizations should undertake the following obligations:

(1) Obligation to actively cooperate and submit to management: Assigning people to participate in the leading team and EGNL; actively supporting and cooperating purchase of national license involved and submitting to the management and coordination of the working group; being responsible for the management of national license purchase of the institution per se.

(2) Obligation to fully implement the agreements: Participation organizations should all sign national license agreements with NSTL and bear corresponding funds of national license purchase involved and fulfill other corresponding obligations and responsibilities in accordance with the terms of united licensing agreements of national license.

(3) Obligation to promote and supervise a proper use by end users: Participation organizations have the obligation to promote and supervise a proper use of databases
by their own end users.

4. **Essential Requirements of Rights and Interests**

Nowadays, License plays a very important role in library electronic resources development in the context of digital resources. Marianne Scott, Chair of the IFLA Committee on Copyright and other Legal Matters (CLM) commented: “Licensing is increasing in importance as a means of gaining access to commercially available digital information.” According to essential requirements of libraries and users in China, Model License needs to be formulated to reflect and support users’ rights and interests in the process of digital resources acquisition, which also serves as indispensable tools and means to ensure great results of National License.

To this end, six License Models have been selected for research, which are: PA/JISC⁹ Model License, NESLi2¹⁰ Model License, Licensing Models¹¹ designed by John Cox & Associates, Liblicense¹² Model License published by Yale University, CDL¹³ Model License published by California Digital Library and EIFL¹⁴ Model License developed by EIFL initiative. Related provisions concerning utilization, preservation, and reutilization, protection of rights and interests and extended services of electronic resources will be analyzed in details. Combined with current situation in China, the

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core demands of rights and interests on national license will be put forward and accordingly National Site Model License\textsuperscript{15} will be designed.

4.1 Caching

**Essential Requirements:** Licensee and authorized users may make local temporary copies of all or part of the Licensed Material as are necessary to ensure efficient use of the Licensed Material, provided that such use is subject to all the terms and conditions of license.

This provision has been included in all five model licenses, except NESLi2 model. While PA/JISC adds: “This would not be applicable in the case of online delivery from the publisher’s (or another) server.” TIB Model License also has similar clause on this point.

4.2 Integrated Access

**Essential Requirements:** Library is permitted for Educational Purposes only to provide Authorized Users with integrated access and an integrated article author, article title and keyword index to the Licensed Material and all other similar material licensed from other publishers.

There are similar provisions in NESLi2, Licensing Models and eIFL Model License. In TIB Model License, further explanation was provided as: “The Licensed Material or Parts thereof may be compiled, indexed and catalogued (including, without limitation, the header data and abstracts) by the Licensee and the Institutions. Anything thereby created or compiled may be integrated into the products and services of the Institutions. Metadata may be integrated into any other library and information system (including but not limited to search engines of commercial corporations provided that the Metadata is not sold, lent, re-licensed, or distributed in

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\textsuperscript{15} See Annex 6.
any manner that violates the terms and conditions of the license).”

4.3 Electronic Links

**Essential Requirements:** Licensee may provide password- or proxy-protected hyperlinks from the Licensor’s Web page(s) or Web site(s) to the Licensed Materials. Licensee may make reasonable changes in the appearance of such links, or in statements accompanying such links as Licensor reasonably requests such changes.

Such provision appears in Liblicense Model License. While CDL Model License state that: “The University of California is committed to the use of the emerging OpenURL standard to allow linking to related materials in other locations. If Licensor does not use the OpenURL standard, Licensor staff will provide information to Licensee upon request to assist the Licensee in creating links directly from UC’s library catalogs and licensed resources to the content at the journal, issue and article levels.”

4.4 IR Preservation

**Essential Requirements:** Authors from Institutions are granted permission free of charge to store articles appearing in the Licensed Material (in the form published by the publisher (e.g. PDF)) with a maximal time embargo of one year in an (institutional or discipline-specific) repository of their choice and to make them available in Open Access.

There are similar provisions in eIFL and TIB Model License. The difference is TIB state that author’s articles should be stored in repository without time embargo.

4.5 Scholarly Sharing

**Essential Requirements:** Authorized Users may transmit to a third party colleague or to other individual scholars collaborating with Authorized Users in hard copy or electronically, minimal, insubstantial amounts of the Licensed Materials for personal, scholarly, educational, scientific, or research uses.

Similar provisions have been provided in PA/JISC, Liblicense, CDL, Licensing
Models and TIB Model License. Licensing Models has further pointed that Authorized Users may download a copy of individual articles or items of the Licensed Materials and share the same with Authorized Users or other individual scholars collaborating in a specific research project with such Authorized Users provided that it is held and accessibly within a closed network that is not accessible to any person not directly involved in such collaboration and provided that it is deleted from such network immediately upon completion of the collaboration.

4.6 Text Mining/ Data Mining Activities

**Essential Requirements:** Authorized Users are permitted to use the Licensed Material to perform and engage in text mining/ data mining activities for academic research and other Educational Purposes.

There are similar provisions in NESLi2, Licensing Models and TIB Model License. NESLi2 also allow Authorized Users to mount, load and integrate the results on a Secure Network and use the results in accordance with this License. While TIB points that text mining/data mining activities include but not limited to full text indexing.

4.7 Course Packs and Electronic Reserve

**Essential Requirements:** Incorporate parts of the Licensed Material in [printed [or electronic] Course or Study Packs] [and] [Electronic Reserve collections] for the use of Authorized Users in the course of instruction. Each such item shall carry appropriate acknowledgement of the source, listing title and author of extract, title and author of work, and publisher. Copies of such items shall be deleted by the Licensee when they are no longer required for such purpose. Course packs in non-electronic non-print perceptible form, such as audio or Braille, may also be offered to Authorized Users who, in the reasonable opinion of the Licensee, are visually impaired.

Similar provisions have been included in PA/JISC, NESLi2, Licensing Models and
eIFL model license. NESLi2 points that such kind of course packs can also be used in virtual learning environments hosted on a Secure Network. Licensing Models adds that such kind of activities can only be conducted with the prior written permission of the Publisher. eIFL Model License extends that Licensed Material could be incorporated in printed and electronic course packs, study packs, resource lists and any other material (including but not limited to multi-media works) which could be used in virtual and managed environments (including but not limited to virtual learning environments, managed learning environments and library environments). TIB Model is quite similar with eIFL Model, except it adds that the learning and teaching objects could be deposited in perpetuity on servers operated by the Institution and used only by Authorised User.

4.8 Academic Works

**Essential Requirements**: incorporate parts of the Licensed Material in printed or electronic form in assignments and portfolios, theses and in dissertations (“the Academic Works”), and to make reproductions of the Academic Works for personal use and library deposit. Reproductions of the Academic Works can be provided to sponsors of those Academic Works. Authorised Users must specify the title and copyright owner of the Licensed Material used in the Academic Works. About this demand, related provisions are included in NESLi2, eIFL and TIB Model License.

4.9 Publicly Display

**Essential Requirements**: publicly display or publicly perform parts of the Licensed Material as part of a presentation at a seminar, conference, or workshop, or other similar event. There are similar provisions in NESLi2, eIFL and TIB Model License on this point.
4.10 Interlibrary Loan

**Essential Requirements:** supply to an Authorised User of another library within the same country (whether by post, fax or secure intermediate electronic transmission, using Ariel or its equivalent, whereby the electronic file is deleted immediately after printing), for the purposes of research or private study, a single paper copy of an electronic original of an individual document.

Except Liblicense Model, all other five Model Licenses has detailed provisions on this point, which mainly includes five aspects:

i) only for the purposes of research or private study and not for Commercial Use; ii) transmitted by post or fax or secure transmission, using Ariel or its equivalent. Electronic transmission via the Internet is also permitted as an option by Licensing Models; iii) printed material may by supplied by post or fax. The electronic file is deleted immediately after printing. iv) international Interlibrary Loan is not allowed in NESLi2, Licensing Models and eIFL model license which explicitly point that these activities could only be conducted within the same country; v) Section 108 of the United States Copyright Law (17 USC §108, “Limitations on exclusive rights: Reproduction by libraries and archives”) and the Guidelines for the Proviso of Subsection 108(2g)(2) prepared by the National Commission on New Technological Uses of Copyrighted Works should be in compliance with in activities of Interlibrary Loan.

4.11 Perpetual License

**Essential Requirements:** In the case of termination of this License, the Publisher will provide the Institution and its Authorised Users with continuous access to and use of the full text of the Licensed Material

NESLi2 Models provides three options as follows:

i) continuing online access to archival copies on the Publisher's server; ii) supplying archival copies of the same Licensed Material to the Institution in an electronic
medium mutually agreed between the parties; iii) supplying archival copies of the same Licensed Material to a archiving facility.

4.12 Long Term Preservation

**Essential Requirements:** Libraries are entitled to the right of Long Term Preservation of Licensed Materials for archiving purposes. Publishers should provide at least one copy of the entire set of Licensed Materials in Mainland China to support libraries to conduct activities related with Long Term Preservation. Triggering conditions of dark archive and rights and interests of each party should be addressed in a separate variant of the model license.

PA/JISC and Licensing Models provide that the library could load the Licensed Material onto the Licensee’s server on the Secure Network. PA/JISC adds that: not all publishers will allow this. Ideally it should be addressed in a separate variant of the model license. NESLi2 specified in its SCHEDULE 3 that Licensed Material should be preserved in at least one of the following archiving solutions: Portico, Clockss or Lockss. CDL conclude: licensee agrees to cooperate with such archiving entities and/or initiatives as reasonably necessary to make the Licensed Materials available for archiving purposes.

4.13 Usage Statistics

**Essential Requirements:** From the start of license, the Publisher shall provide usage information for the Licensee every six months. Usage Statistics should be provided in compliance with COUNTER. Usage information shall be compiled in a manner consistent with the applicable privacy laws, and the anonymity of individual users and the confidentiality of their searches shall be fully protected. Raw usage data, including but not limited to information relating to the identity of specific users and/or uses, shall not be provided to any third party.

All models states on this point as follows:
i) Statistics Standard Providers should follow Guidelines for the Statistical Measures of Usage of Web-Based Indexed, Abstracted, and Full Text Resources (November 1998) adopted and approved by the International Consortium of Library Consortia, COUNTER or other recognized international standard;

ii) Frequency Licensing Models points that the Publisher shall provide on usage information on [a monthly] [a quarterly][an annual] basis. CDL requests monthly reports while quarterly reports are required by eIFL.

iii) Privacy Laws PA/JISC and Licensing Models points that Usage information shall be compiled in a manner consistent with the applicable privacy laws, and the anonymity of individual users and the confidentiality of their searches shall be fully protected. Raw usage data, including but not limited to information relating to the identity of specific users and/or uses, shall not be provided to any third party. Such data may only be provided to third parties in aggregate form without reference to Authorised Users or Institutions.

iv) Portal NESLi2 allow the Journals Usage Statistics Portal (JUSP) (http://www.jusp.mimas.ac.uk/about.html) to collect usage statistics on behalf of the Institutions. In the event that the JUSP service terminates for whatever reason, the Publisher will make available to JISC Collections the aggregated quarterly COUNTER-compliant usage data.

4.14 Open Access Publishing

Essential Requirements: In the event that the Publisher offers the open access hybrid model to its authors, the Publisher agrees to:

i) annually review the number of open access articles published in the Material under the open access hybrid model in relation to the total number of articles published in the Material. In the event that the proportion of open access articles (in relation to the total amount of articles in the Material) has grown, the Publisher hereby agrees to
reflect this by way of a reduction in the subscription prices of the Material for the following subscription year. Such reduction shall be based on the percentage of open access articles published in relation to the total number of articles published in the Material in the previous year;

ii) annually provide libraries with the details of the open access articles published in the Material under the open access hybrid model by lead authors of the lead Institution. The Publisher should provide the following information: Article Title; Lead Author; Lead Institution Name; DOI.

According to the objective situation of publishing market, especially general acceptance from the publishers, we divided all the above Essential Requirements into two levels:

- **Core rights.** All requirements related to Service Quality, Basic Rights for Users and Libraries, Perpetual Access and Long-term Preservation are the core rights, which means the basic conditions that must be met.

- **Expected Good Practices.** Those requirements related with Provision of metadata sets, Text Mining, Supporting of self-deposit of Chinese papers into IR and Support price offsetting for hybrid OA journals are expected good practices, which are suggested to keep discussing with publishers.
Annex 1: Implementation Measures of Electronic Resources Acquisition by NSTL (in Chinese only)

Annex 2: Application for Access to Database Subscribed by NSTL (in Chinese only)

Annex 3: Letter of Commitment to Abiding By the STATEMENT Published By NSTL (in Chinese only)


Annex 5: Guide of National License Implementation (in Chinese only)

Annex 6: NSTL Model License (in Chinese only)