

From: [Julie Ham](#)
To: [Legislation, Delegated](#)
Subject: Update from SLWA re negotiations with SAI global
Date: Tuesday, 10 May 2016 4:12:31 PM
Attachments:

Please find below an update on the negotiations between the NSLA e-Resources Consortium and SAI Global regarding online access to Australian Standards.

We are happy for the text in black to be made available publically, but the red text (basically pricing information) should remain confidential.

Regards

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UNFINISHED BUSINESS

A photographic exhibition by Belinda Mason and
filmmakers the Knierlm Brothers, 2 April – 3 June 2016

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Negotiations were held between representatives from SAI Global and the National and State Libraries Australasia (NSLA) E-resources consortia from January to April 2016.

There was a positive start to the negotiations and an extension of the State Library of WA's subscription was confirmed until the end of March at a pro-rata cost while negotiations continued. It was hoped that a revised model/agreement could be in place by the end of March.

NSLA agreed to provide information of pricing models including how bands and pooled license discounts had been utilised in other agreements and more detail on how remote access works.

SAI Global provided information in March which required a commitment from all 9 libraries (only 7 had previously subscribed), the pricing itself, remote access, costs and functionality of a new platform i2i, and subscription length. The license terms and conditions did not arrive.

At this meeting, and in a follow-up email on 15 March, NSLA requested:

- 1) Trial access to the i2i platform to evaluate the product.
- 2) The Terms and conditions.
- 3) A proposed costing for i2i that catered for only 7 libraries participating.

In addition, NSLA provided a 'counter offer' with

- 1) pricing base on band pricing,
- 2) an extension of the subscription until negotiations were finalised (as it seemed unlikely that agreement would be reached before 31 March), and
- 3) an indication that if agreement could not be reached NSLA libraries may not renew.

NSLA's counter offer for pricing was as follows:

Band 1 – SLNSW, SLV and NLA

Band 2 – SLWA, SLQ

Band 3 – SLT, SLSA

Band 4 – ACT, NT

- Annual subscription cost for access to Australian Standards, for one user - onsite and remote access.
- Additional user (onsite or remote) at 30% cost of first user.
- Registered members of NSLA libraries should be able to print Standards in compliance with the Copyright Act (i.e. 10%).
- Registered members of NSLA libraries should be able to download a pdf with digital rights management that limits printing and that deletes the content after an agreed period.

The license terms and conditions were received from SAI at the same time and these were reviewed by NSLA. There were concerns that the definitions used in the document for a library, its members and the subscription period did not reflect the library environment or previous discussions. Also a new clause had been added by SAI Global, which did "not permit members to print or download the material or publication" from the platform further reducing access and usability of the service. (This clause overrides exceptions available in the *Copyright Act 1968*)

In mid-April NSLA met with SAI to discuss the SAI counter offer. The options in the SAI offer were as follows:

1. All 9 NSLA Consortium members to subscribe and commit to a three year deal.
2. All 9 NSLA Consortium members to subscribe to one year deal.
3. Band based pricing – assuming that the current 7 would subscribe (see below).

As only 7 NSLA consortium members were looking to subscribe, the only viable offer was the third (band based pricing). The band based pricing (see above) was above SAI list price for band 1 and 2 and, based on NSLA's evaluation, did not provide value for money. SAI were advised that if the current band based pricing was their best offer than we would need to end the negotiations.

SAI confirmed this was the best they could offer so negotiations between NSLA and SAI ended.

Access to standards at SLWA continued until the 28th April when links to standards were removed.

In summary:

Pricing issues for SLWA

Originally SAI Global increased the cost of a 2 license subscription for SLWA to the database *Standards Australia On-line* for 2016 by 5.5% NSLA sought to negotiate pricing models that were equitable for all libraries.

SAI then offered 3 pricing options, the first two required all 9 NSLA libraries to subscribe and commit to either a 1 or 3 year deal. Only 7 NSLA libraries currently subscribe so this was not acceptable. The third was band based pricing (assuming the current 7 NSLA libraries subscribed) which was above list price for band 1 and 2

On top of this SAI offered a second remote license at a cost for SLWA of \$7039 (ex GST). Both these would increase by 5.5% in future years. SAI confirmed this was their best price offer for NSLA libraries, although subsequently SLNSW requested an individual price and it was a third of the cost offered to them through NSLA.

Platform issues for SLWA

In addition to the subscription cost, SAI indicated NSLA should move to SAI's new platform- i2i- as the existing platform was unstable. The existing platform, Library Edition, was free of charge, however the new platform incurred a charge

However SAI indicated there were no plans to retire the Library Editions platform and would continue to invest in upgrades.

Restrictive license conditions

It appeared the i2i platform was developed for commercial/business use and did not appear to be a good fit for libraries.

Apart from being provided at a cost to NSLA and locking NSLA libraries into a 3 year subscription, licensing did not offer the same functionality as the existing Library Edition platform. The new platform denied any form of download/printing access for libraries to minimise chances of copyright breaches. (This clause overrides exceptions available in the *Copyright Act 1968*). This functionality was available in the existing platform and relies on libraries having adequate processes in place to minimise breaches of copyright.