



ASSOCIATION OF RESEARCH LIBRARIES®

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ARL Encourages Members to Refrain from Signing Nondisclosure or Confidentiality Clauses

Members Also Encouraged to Share Agreement Content

Washington DC—The Association of Research Libraries (ARL) Board of Directors voted in support of a resolution introduced by its Scholarly Communication Steering Committee to strongly encourage ARL member libraries to refrain from signing agreements with publishers or vendors, either individually or through consortia, that include nondisclosure or confidentiality clauses. In addition, the Board encourages ARL members to share upon request from other libraries information contained in these agreements (save for trade secrets or proprietary technical details) for licensing content, licensing software or other tools, and for digitization contracts with third-party vendors.

The Board adopted this position at the ARL Membership Meeting in Houston, Texas, on May 22. The resolution was prepared in response to the concerns of membership that, as the amount of licensed content has increased, especially through packages of publications, nondisclosure or confidentiality clauses have had a negative impact on effective negotiations. The Scholarly Communication Steering Committee took the position that an open market will result in better licensing terms. In their discussions, the committee also noted the value of encouraging research projects and other efforts to gather information about the current market and licensing terms, such as an initiative being undertaken by Ted Bergstrom, University of California, Santa Barbara, Paul Courant, University of Michigan, and Preston McAfee, Cal Tech, to acquire information on bundled site-license contracts. A panel session on collaboration held later in the Membership Meeting included informal polls of members and the results indicated high levels of agreement and a positive commitment for making this information public when possible.

“Openness, transparency, and collaborative action have been the hallmarks of the library profession and the scholarly community,” said Jim Neal, Columbia University, and Chair of the ARL Scholarly Communication Steering Committee. “It is incumbent upon us to share information about these major contracts we are signing on behalf of our library users.”

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“While research libraries may have in the past tolerated these clauses in order to achieve a lower cost,” acknowledged Charles B. Lowry, ARL Executive Director, “the current economic crisis marks a fundamentally different circumstance in the relationship between libraries, publishers, and other vendors.” ARL will be establishing a mechanism by which its members can share information with one another about their agreements.

The Association of Research Libraries (ARL) is a nonprofit organization of 123 research libraries in North America. Its mission is to influence the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve. ARL pursues this mission by advancing the goals of its member research libraries, providing leadership in public and information policy to the scholarly and higher education communities, fostering the exchange of ideas and expertise, and shaping a future environment that leverages its interests with those of allied organizations. ARL is on the Web at <http://www.arl.org/>.

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