



Center for Research Libraries

6050 South Kenwood Avenue
Chicago Illinois 60637-2804 USA

Mr. Edmund King
Chair, IFLA Newspaper Section
British Library

August 5, 2005

Dear Ed,

As you recall there was agreement at the recent meeting of the of the ICON Advisory Board on the need to explore broadening the existing range of ICON activities to include new measures that would strengthen the ability of libraries to ensure long-term accessibility of newspapers and their contents. This need stems from new challenges newspaper libraries face with the consolidation of the news publishing and micropublishing worlds. Libraries are finding that they must increasingly depend upon the cooperation of news publishers, micropublishers and digital re-publishers to preserve and make newspapers widely available. Publishers control the rights to make use of newspaper content, notably the right to reproduce and reformat that content. Micropublishers and digital re-publishers have marketing and distribution networks that can disseminate materials archived by libraries to a wide audience.

In dealing with such organizations libraries must be able to protect the substantial investments they have made, and will continue to make, in the acquisition, storage, preservation, and maintenance of news content. They must also preserve their ability to make that content available to their constituencies over the long term.

Library interests are best protected when such dealings are governed by agreements or statutes that impose certain conditions upon the partner organizations. Agreements and, in the case of national depositories, deposit requirements should reserve certain rights for the library and establish certain terms that advance the custodial library's preservation and access goals.

Hence it was thought that ICON might assist libraries to:

1. secure from newspaper publishers certain limited digital rights for newspapers that the libraries microfilm;

2. obtain a greater return from micropublishers on the distribution and sale of library microforms;
3. obtain favorable terms in arrangements with electronic publishers for digitization of library newspaper microforms.

More specifically, ICON might develop and provide principles and terms for libraries to use in dealing with publishers, micropublishers and digital re-publishers. Such terms could result in a uniformity of practice in the community that would make the efforts of libraries acting independently more “interoperable.”

The attached documents represent an attempt, based on ICON discussions, to articulate proposed baseline terms and conditions that might be incorporated in agreements governing dealings between libraries and news publishers, micropublishers and digital re-publishers. The three sets of terms are:

1. Potential digital rights to be sought from news publishers when obtaining permission to microfilm
2. Terms to be addressed in agreements for third-party distribution of a library’s microform content
3. Terms to be addressed in agreements for third-party digitization of library microform content

We now submit these draft documents to elicit comment from the IFLA Newspaper Section and from other major newspaper libraries on these terms.

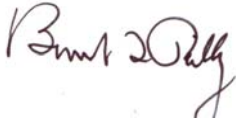
In addition to providing such information and tools, ICON might also serve as a consortium for collective dealings with the major publishers and digital re-publishers, functioning as a facilitator for the joint brokering of cooperative agreements. This is a more ambitious role but one that would enable ICON institutions to act in concert and hence have greater leverage in the marketplace.

Therefore we also invite comment and expressions of interest from members of the IFLA Newspaper Section on the notion of collective dealing with publishers and micropublishers. We are now discussing prospects for collective action with participating ICON libraries. Advice and comment from a wider circle of stakeholders would be useful to those discussions.

I plan to attend the IFLA Newspaper Section standing committee meeting on August 18, and would be happy to entertain questions and comments there. Responses and comments can also be directed to my email at reilly@crl.edu, and to James Simon, Director of International Resources, at simon@crl.edu.

Many thanks in advance for your consideration.

Best regards,

A handwritten signature in dark ink, appearing to read "Bernard F. Reilly". The signature is written in a cursive style with a large initial "B" and a long, sweeping tail.

Bernard F. Reilly
President