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For Immediate Release

Safe Harbour offers clear rules for use of out-of-commerce academic and scholarly journals

- Trade associations provide much needed clarity on rules for digitisation of copyright works
- Safe Harbour provision alleviates claims for fees or damages

The International Association of Scientific, Technical & Medical Publishers (STM), Association of Learned and Professional Society Publishers (ALPSP), and Professional and Scholarly Publishing Division (PSP) of the Association of American Publishers (AAP) today issued a joint statement setting out clear rules for the digitisation of copyright works which are out of commerce. Along with these rules, the trade associations also mutually granted a 'safe harbour' on behalf of publishers in the form of a waiver of claims for fees or damages for use of works when the new rules are followed.

Following on from the EC Memorandum of Understanding [**'Key Principles on the Digitisation and Making Available of Out-of-Commerce Works'**](#) which was signed by a number of organisations including STM in September 2011, the new joint statement applies the same principles as the Memorandum in terms of providing a Safe Harbour for digitisation projects taking place within countries of the European Union.

Likewise, it follows the three trade associations' safe harbour statement on the use of content from orphan works in new works, course-packs and compilations, which was released in 2007 and has subsequently been signed by more publishing houses.

The rules for the use of out of commerce works set out in the new joint statement recognise that the right to authorise the use of an out-of-commerce work is vested in the copyright holder (authors and publishers) and that voluntary solutions involving collective management represent the most logical, and practical ways forward. The safe harbour document outlines a need for a viable and diligent search to exclude materials that are not out of commerce, as well as for clear and adequate

attribution in order to respect the authors' moral rights. Users who comply with these rules when completing their digitisation projects will be subject only to normal license fees and will not be subject to any statutory, punitive or special fees or damages under the terms of the safe harbour arrangement.

Speaking of the statement, Michael Mabe, STM CEO said "The safe harbour that members of the three associations are providing will significantly enhance digitisation projects of the academic and professional literature, thereby preserving the rich resources of journal content for the benefit of all."

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Notes to Editors

- 1) The STM / ALPSP / AAP position papers are available from the STM website:

["Safe Harbour Provisions for the Digitisation and Making Available of Out Of Commerce Works forming part of the Scientific, Technical and Medical Literature"](#)

["Safe Harbor Provisions for the Use of Orphan Works for Scientific, Technical and Medical Literature"](#)

- 2) [STM](#) is an international association of over 120 scientific, technical, medical and scholarly publishers, collectively responsible for more than 60% of the global annual output of research articles, 55% of the active research journals and the publication of tens of thousands of print and electronic books, reference works and databases. We are the only international trade association equally representing all types of STM publishers – large and small companies, not for profit organizations, learned societies, traditional, primary, secondary publishers and new entrants to global publishing.
- 3) [The Association of Learned and Professional Society Publishers](#) (ALPSP) is the international organization for non-profit publishers and those who work with them. It has a broad and diverse membership of over 320 organizations in 37 countries who collectively publish over half of the world's total active journals as well as books, databases and other products. ALPSP's mission is to connect, train and inform the scholarly and professional publishing community and to play an active part in shaping the future of academic and scholarly communication.
- 4) [AAP](#) is the US national trade association representing 300 premier American publishers of high-quality professional, scholarly, entertainment and education content in all formats. Members of its [Professional and Scholarly Publishing](#) Division publish, in print and electronic form, the vast majority of materials produced and used by scholars and professionals worldwide in science, medicine, technology, business, law and the humanities. Division members produce books, journals, computer software, databases and digital content. Its membership encompasses commercial publishing companies, not-for-profits, professional societies and university presses.