

STM Response to the

CENL-FEP Statement on the Development and Establishment of Voluntary Deposit Schemes for Electronic Publications

The International Association of Scientific, Technical and Medical Publishers (STM) welcomes the publication of this revised and updated Statement, the result of many months of detailed and positive discussion by the CENL/FEP Committee. The Statement is not a Code, or prescriptive, but it provides guidance, particularly to those countries with less experience of the deposit of electronic publications. In doing so, it uses wording flexible enough to preserve a number of principles which are of great importance to STM publishers:-

- **Digital is different.** Although as a general principle STM publishers try to ensure that access restrictions should not be harsher for electronic than for printed publications, we are well aware that regulations which may work in the analogue world cannot automatically be transposed to the digital environment, and that the definition of Publication cannot be infinitely expanded. Special considerations apply to online publications such as websites, for example, where partial or voluntary deposit, or web-harvesting, may be more appropriate than traditional legal deposit.
- **One publication, one deposit.** STM believes that publishers should only be subject to a deposit requirement once, and in one country, and strongly supports the Statement's view that there should be no obligation to deposit material which has already been deposited in another medium with identical content. Where there are substantial differences in use or functionality, those should be subject to local agreement, but there should be no unreasonable obligation on publishers to secure external software licences. STM also believes it is important to acknowledge the role which specialist medical or scientific libraries already play in the archiving and dissemination of knowledge.
- **Access must not prejudice the legitimate interests of the rightsholders.** As the Berne Convention confirms, access must also not conflict with normal exploitation of the work concerned. If any temporary removal or disabling of technical protection measures is required for deposit access purposes, this

should not prejudice or compromise the protection given to them, or Digital Rights Management information, in the 2001 Copyright Directive. STM members already make arrangements for permanent preservation and/or commercial archiving, and are very willing to participate in any local discussions which may be needed to facilitate technical access for deposit purposes.

- **Wider access must be under licence.** Unless otherwise expressly permitted under local law, any wider access to deposit copies, e.g. for commercial document supply, should only be permitted under licence from the publisher and at publisher-set rates. STM publishers have considerable experience in such licensing, and digital access via licensing arrangements may be more favourable.

STM has been glad to have the opportunity to join in these discussions, and remains very willing to contribute further to this important and timely debate.

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