ONIX-PL expression of SERU 2012 for academic libraries

Version 1, 27 September 2012

These notes accompany an ONIX-PL expression of the NISO Shared Electronic Resource Understanding (SERU) for academic or educational libraries. Although SERU itself covers ‘academic libraries’ and ‘public libraries and other cultural memory institutions’ in a single text, ONIX-PL would require separate expressions for each of these two user types.

The SERU text on which the expression is based is published on the NISO website as part of http://www.niso.org/publications/rp/RP-7-2012_SERU.pdf.

The notes should be read together with the accompanying HTML ‘full view’ and ‘summary view’ of the ONIX expression.

1. General
1.1 It is important to emphasise that we do not claim that this ONIX-PL sample is in the true sense an expression of the SERU text. Wherever possible, we have tried to make it so; but there are certain basic elements on which SERU is deliberately silent but which, we believe, cannot be omitted from an ONIX-PL expression if it is to be of any practical use. In those respects, the ONIX-PL expression must be regarded as representing a reasonable interpretation of SERU. It also provides a template which could be used (rather easily) to derive an expression of any other reasonable interpretation of SERU.

1.2 We have added annotations to the ONIX expression to explain the basis of the interpretation, particularly when dealing with something on which SERU is silent.

1.3 The language of the ONIX-PL expression makes frequent reference to ‘Licensor’, ‘Licensee’ and related terms such as ‘Licensor Content’ or ‘Licensee Staff’, since that is how the ONIX-PL controlled vocabulary has been constructed. The SERU text makes it very clear that it is not intended to be a license as a legal document, and indeed by itself it is not. However, the combination of a SERU text and a purchase order and/or other accompanying documents would unquestionably constitute a license in the sense of a grant of permission to use the materials to which the statement is linked; and that is the sense in which an ONIX-PL expression uses license-related language.¹

1.4 The expression cites two documents: SERU itself, and a presumed ‘Schedule’ which for purposes of illustration is limited to identifying the Publisher, the Acquiring Institution, the Acquired Content, and the start and end dates.

¹ It would be possible to extend the ONIX-PL Dictionary so that it had SERU-specific terms in parallel with license-based language; but that would be quite a major extension, and it would have the serious disadvantage that any system which wanted to use conventional license expressions alongside SERU expressions would have to cope with two parallel vocabularies.
1.5 Throughout the HTML ‘full page’ view, wording in red indicates a controlled term from the ONIX-PL Dictionary. A pop-up definition is displayed by placing the cursor over the text. Wording in blue represents a term which is locally defined in one of the definitions in the expression, and the wording itself is hyperlinked to the definition. In the HTML ‘summary view’, the conventions are slightly different, since red is used to highlight prohibitions (and green for permissions). Here, dark red is used for controlled terms, again with pop-up definitions, while text in blue is still used for locally-defined terms. For a fuller introduction to the ‘full view’ format and the ‘summary view’ format respectively, follow the links in this sentence.

2. License documents

2.1 The ONIX-PL expression begins with the License Documents section. In this section, following the table of contents at the top of the ‘full view’ HTML page, the SERU text is reproduced, with paragraph numbering added to enable terms in the expression to be linked to the relevant text. Parts of the wording relating specifically to ‘public libraries and other cultural memory institutions’ are omitted (from the paragraph numbered 2.2 in the ‘full view’).

2.2 At the end of the SERU text, a second document, labelled ‘Schedule’, is included in the ‘full view’. This is no more than a skeleton, providing a framework into which the identities of the supplier, the acquiring institution, and the acquired content can be inserted, together with other details specific to an individual SERU application.

2.3 In the ‘summary view’, individual sections of SERU text can be viewed by clicking on any area of the HTML page where a ‘more information’ icon is visible.

3. Expression detail

3.1 The Expression Detail section in the ‘full view’ records the type and status of the expression. Options for Expression Type within the current ONIX-PL vocabulary are currently License Template, Model License, and Policy Template. We have chosen the last-named, which is primarily intended to be used in the event that an institution wishes to create an ONIX-PL expression of its own preferred policies for the use of electronic resources. The status is recorded as Draft.

3.2 The elements of Expression Detail do not appear in the ‘summary view’.

4. License detail

4.1 The License Detail section identifies SERU and the accompanying Schedule as the documents on which the expression is based. It lists key elements in the ONIX-PL controlled vocabulary with the labels under which they are defined in the expression – for example, the Licensor is the entity labelled ‘Provider’ in the relevant Agent Definition, using the language of the SERU text. This section also carries a note describing how the expression relates to SERU.

4.2 In the ‘summary view’ the elements of License Detail are used in combination with related Definitions to generate the first six sections of the HTML page, down to and including Authorized Users.
5. **Agent definitions**

5.1 In ONIX-PL, the word *Agent* is used for any person or entity that plays a part in a license agreement or in actions which are permitted or prohibited under a license. The *Agent Definitions* section in the ‘full view’ defines and labels each of the agents which need to be referred to in the expression: in this case, Provider, Acquiring Institution, and Authorized User. Links are included to the text of the SERU statement and of the Schedule, as appropriate. An ‘interpretation’ note has been included to explain the Authorized User definition. (In this case, incidentally, SERU uses the same language as the ONIX Dictionary, so that ‘Authorized User’ appears both as the label to an Agent Definition and as an ONIX controlled value; but a formal link between the label and the controlled value must nevertheless be made in License Detail.) ‘Walk-in users’, whose access rights are different and more limited, are not included as Authorized Users, and do not require their own Agent Definition, since they are represented by a single ONIX-PL Dictionary term.

5.2 For obvious reasons, the entries for Provider and Acquiring Institution are placeholders, to be filled in when the template is used ‘for real’.

5.3 In the ‘summary view’, elements from the Agent Definitions are used in the sections headed Licensor, Licensee and Authorized Users.

6. **Resource definitions**

The Resource Definitions section in the ‘full view’ is limited to a skeleton entry for the Acquired Content, which is presumed to be specified in the Schedule. This is reflected in the section in the ‘summary view’ headed Licensed Content.

7. **Time point definitions**

Time Point Definitions in the sample ‘full view’ cover the start and end dates for a subscription period, but other relevant dates could of course be included. In the ‘summary view’ the start and end dates appear in the opening section under the ‘SERU’ heading.

8. **Place definitions**

The only Place Definition in the sample expression is for the country (US) under whose copyright law the SERU statement is to be interpreted. In the ‘summary view’, this again appears in the opening section.

9. **Document definitions**

The Document Definitions section specifies SERU and the presumed Schedule, and gives the web address of the SERU text. Each document has a Description, and there is a note added to the SERU Definition so that the ‘summary view’ includes an explanation of the use of license-related language in the ONIX expression.

10. **License grant**

The License Grant section in the ‘full view’ refers simply to the fact that the acquiring institution receives the right to use the acquired resources, and
characterizes the rights as non-exclusive and non-transferable. There is no corresponding section in the ‘summary view’.

11. Usage terms

11.1 The Usage Terms section is the most important part of the ONIX-PL expression. In the ‘full view’, each usage permission or prohibition is displayed in a format which corresponds directly to its representation in ‘native’ ONIX XML. Usage Terms are listed in the sequence in which they were entered into the expression.

11.2 Each Usage Term starts on the left hand side of the page with a Usage Type value, which specifies the basic action involved in the usage, though additional qualifiers may be needed to describe it fully. Usage Term [6], which represents interlibrary loan, is a good example. With digital content, ILL is not truly a loan, it is the act of supplying a copy, subject to certain qualifications. This is expressed in ONIX-PL as Supply Copy of Licensed Content Part Printed to Third Party Library. Permitted methods of supply are also encoded in this example.

11.3 Each Usage Term carries a status code. Terms in the SERU expression are coded Interpreted As Permitted or Interpreted as prohibited, since even those usage types which are mentioned in SERU are not explicitly ‘permitted’ or ‘prohibited’.

11.4 Usage Terms [1], [2], [5], [6] and [7] (as numbered in the ‘full view’) are mentioned in SERU in a way which indicates permission. Usage Terms [8], [9] and [10] are implied by other language in SERU in a way which indicates prohibition. Usage Terms [3] and [4] are not mentioned in SERU, and cannot therefore be linked to SERU text; but they are so fundamental to academic use of electronic resources, and are so clearly in keeping with the spirit of SERU, that it would seem unreasonable not to include them. Most of the Usage Terms carry notes on the interpretation.

11.5 Usage permissions and prohibitions are treated quite differently in the ‘summary view’. Here, the content of the ONIX-PL Usage Terms is extracted and sorted into a series of lists of what each type of user is permitted to do, and what each type of user is prohibited from doing. Notes are also included, and – as elsewhere – the relevant SERU wording can be viewed by clicking on the area around the ‘more information’ icon.

12. Other terms

The remaining sections, headed Supply Terms, Continuing Access Terms, Payment Terms and General Terms in the ‘full view’, cover the rest of the SERU text, relating it to ONIX-PL standard term types, which would apply to similar terms across all license expressions. The same content appears in the ‘summary view’, under slightly different headings.