April 11, 2012

To: ARL Directors and Collection Development Contacts

From: Celeste Feather, ARL Licensing Initiative Program Manager, LYRASIS

Re: Project MUSE/UPCC Ebook Collections Special Offers, Spring 2012

I am pleased to report that we have completed our negotiations on behalf of the Association of Research Libraries for an offer from Project MUSE for UPCC ebook content through 2012. We are now able to share a full report of our activities and the terms of a special offer that is available through **August 31, 2012.**

We have been successful in our efforts to shape the permanent pricing levels and the license terms for these ebooks collections. We believe that the special offers described here represent a very good value for ARL libraries and look forward to your comments and responses. The offers for 2013 and into the future will build on this foundation.

As noted in an earlier update, we completed a past purchase history analysis with data from 111 libraries, 12 of them ARL members, that showed that the pricing for the largest libraries in Tier 5 of the Project MUSE pricing structure was unrealistically high when compared to historical spending levels in libraries. Project MUSE conferred with the UPCC Advisory Board on this issue, and they have **permanently lowered** the Tier 5 pricing for MUSE/UPCC ebooks for 2012 by **15%**. We believe that these lowered prices establish a much better value for research libraries, and we appreciate the response by MUSE and the UPCC Advisory Board to our concerns.

The license negotiations with MUSE were protracted, but we were able to agree on a final license that is in alignment with the ARL required specifications. MUSE has indicated to us that they made certain concessions in this license only because the ARL libraries have approached them as a group. A key part of the ARL Licensing Initiative is to bring about needed change in license terms, and we feel that our efforts with Project MUSE have already accomplished this objective.

Some of the key points of successful negotiation in this license are:

* Scholarly sharing rights
* ADA compliance
* Indemnification by the UPCC publishers
* Local loading of data by an institution or a trusted third party on behalf of an institution
* Text mining rights
* Perpetual use and local archiving rights
* Provision of copy of data upon termination
* If any annual hosting fee is ever imposed, there is a price cap of 1% of the total content fee paid by an institution

Nonetheless, we have indicated to MUSE our desire to see additional changes in the next year or two so that continued purchases of UPCC ebooks by ARL libraries are not called into question due to license terms and business models. Our major points of concern relate to the following issues:

* Ebook content included in MUSE offers needs to represent a higher percentage of the total publisher output
* More types of business models need to be developed in addition to the existing collection-based model
* Interlibrary loan at the chapter-by-chapter level is not an acceptable solution for resource sharing, and should be changed to include full-book lending
* Lower cost print-on-demand services are highly desired, and a link to a printed copy for sale, while useful, is not an acceptable substitute

LYRASIS has signed a [central group license](https://docs.google.com/open?id=0BwivUBMY5Z9QWmVWb0dCb0tZVDA) with Project MUSE. All libraries purchasing Project MUSE/UPCC ebook content through LYRASIS will be covered by the terms of this agreement. LYRASIS will be responsible for obtaining each institution’s agreement to abide by the terms of this central license, which we will do as part of the routine ordering process. The license document has intentionally been written to transcend state and U.S/Canadian boundaries. We recognize that legal offices at some institutions will require state-specific language, and we can facilitate amendments of this type to the central license when absolutely necessary.

There are key advantages to uniting behind a central license document in addition to the obvious workflow efficiencies. This agreement was negotiated to meet the specific requirements set forth by ARL, and a sizeable group of ARL libraries joining this license will indicate a strong show of support for the positions advanced by the ARL licensing specifications. Such a demonstration by ARL libraries of their willingness to collaborate and act in accordance with stated principles will have a definite impact in the marketplace. ARL and LYRASIS designated staff will be able to analyze usage data for the libraries that purchase through LYRASIS and are included in this central license agreement. We will rely on this usage data as a critical component for future negotiations with Project MUSE. More data will give us a better understanding of usage on which to base our positions.

Project MUSE has worked with us to create the following set of Special Offers, available from now through **August 31**. We specifically negotiated the offers to extend across the July 1 fiscal year boundary for many libraries, so that funds could be available from two budget years. All of the offers represent significant savings over the list price and any usual consortial discounts offered by Project MUSE. Details of each offer are shown in the accompanying spreadsheet file.

* **Special Offer #1:** ALL BOOKS at MUSE, for **$163,503** ($10 per title)
	+ Previous best offer price was $298,534 ($18 per title)
* **Special Offer #2:** ALL BOOKS UPGRADE for those who have already purchased the 2010-2012 Complete collection. For **$42,765** acquire ALL BOOKS at MUSE, which is the balance of $163,503 minus the cost you already have paid.
* **Special Offer #3:** ALL 2010-2012 BOOKS, for **$92,932** ($18 per title)
	+ Previous best offer price was $129,132 ($24 per title)
* **Special Offer #4:** ARCHIVE COMPLETE (all content prior to 2010) for **$114,041** ($10 per title)
	+ Previous best offer price was $169,402 ($15 per title)
* **Special Offer #5:** BUY 2 OR MORE SUBJECT COLLECTIONS for 25% off list price

**\***ARL public libraries are eligible for these offers, but a custom quote will be necessary for Special Offer #5. ARL special libraries are eligible for the lowest tier of MUSE pricing, with pricing substantially lower than the prices in these Special Offers. Pricing for ARL special libraries is included in the accompanying spreadsheet.

**\*\***Non-ARL libraries in the Project MUSE Pricing Tier 4 in the US and Canada will benefit from the Special Offers #1, #2, and #5. LYRASIS will work with other library consortia to alert these libraries of the offers and achieve the ARL objective of negotiating offers that benefit academic libraries beyond the ARL membership.

LYRASIS will apply an established administrative fee for each order based on a sliding scale negotiated by ARL. As more libraries purchase under the terms of the LYRASIS central license, the administrative fee for all will be lowered. We anticipate that the actual fee will be in the 4-5% range, with 5% as the absolute maximum.

To place orders for the Project MUSE/UPCC ebook collections under the terms of these Special Offers, please complete the [Special Offers order form](http://www.formstack.com/forms/?1202919-6DxS0zIRNa).

If you wish to order **single** MUSE ebook collections that **are not** part of these Special Offers but are covered under the terms of the recently lowered Tier 5 pricing, please complete a [quote request form](http://www.formstack.com/landing/4526) and a LYRASIS staff member will contact you to finalize the order.

I will be glad to address any questions (celeste.feather@lyrasis.org, 800-999-8558, ext. 2954), and I look forward to working with you.

Useful links:

[UPCC eBooks at Project MUSE](http://muse.jhu.edu/about/UPCC.html)

[Project MUSE/UPCC eBooks FAQ](http://muse.jhu.edu/about/faq_books.html)

[Collection Title Lists](http://muse.jhu.edu/about/order/book_title_lists.html)

[Special Offers order form](http://www.formstack.com/forms/?1202919-6DxS0zIRNa)

[LYRASIS Central License with Project MUSE](https://docs.google.com/open?id=0BwivUBMY5Z9QWmVWb0dCb0tZVDA)