

## ARL Encourages Members to Refrain from Signing Nondisclosure or Confidentiality Clauses

The ARL Board of Directors voted in support of a resolution introduced by its Scholarly Communication Steering Committee to strongly encourage ARL member libraries to refrain from signing agreements with publishers or vendors, either individually or through consortia, that include nondisclosure or confidentiality clauses. In addition, the Board encourages ARL members to share upon request from other libraries information contained in these agreements (save for trade secrets or proprietary technical details) for licensing content, licensing software or other tools, and for digitization contracts with third-party vendors.

The Board adopted this position at the ARL Membership Meeting in Houston, Texas, on May 22. The resolution was prepared in response to the concerns of membership that, as the amount of licensed content has increased, especially through packages of publications, nondisclosure or confidentiality

clauses have had a negative impact on effective negotiations. The Scholarly Communication Steering Committee took the position that an open market will result in better licensing terms. In their

discussions, the committee also noted the value of encouraging research projects and other efforts to gather information about the current market and licensing terms, such as an initiative being undertaken by Ted Bergstrom, University of California, Santa Barbara, Paul Courant, University of Michigan, and Preston McAfee, Cal Tech, to acquire information on bundled site-license contracts. A panel session on collaboration held later in the Membership Meeting included informal polls of members and the results indicated high levels of agreement and a positive commitment for making this information public when possible.

“Openness, transparency, and collaborative action have been the hallmarks

For further developments in this arena, monitor the ARL Web page on licensing  
<http://www.arl.org/sc/marketplace/license/>.

of the library profession and the scholarly community,” said Jim Neal, Columbia University, and Chair of the ARL Scholarly Communication Steering Committee. “It is incumbent upon us to share information about these major contracts we are signing on behalf of our library users.”

“While research libraries may have in the past tolerated these clauses in order to achieve a lower cost,” acknowledged Charles B. Lowry, ARL Executive Director, “the current economic crisis marks a fundamentally different circumstance in the relationship between libraries, publishers, and other vendors.” ARL will be establishing a mechanism by which its members can share information with one another about their agreements.

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