

Appendix A: Model Licensing Language

As libraries negotiate these terms it may be helpful to begin with reference to model language that has been proposed by several organizations. This language is designed to permit libraries to make content in their collections fully accessible. This model language is based on several existing model documents, including the Northeast Research Libraries Consortium Generic License, the California Digital Library Model License Agreement, the Ontario Council of University Libraries (OCUL) Draft Language for Model Licenses, and draft language developed by OCUL for local load agreements. Of course, this language should not be used uncritically as “boilerplate.” Individual institutions should instead use this as a starting place to begin their own consideration of these issues.

Model US License

Licensor shall comply with the Americans with Disabilities Act (ADA), by supporting assistive software or devices such as large-print interfaces, text-to-speech output, refreshable braille displays, voice-activated input, and alternate keyboard or pointer interfaces in a manner consistent with the Web Content Accessibility Guidelines published by the World Wide Web Consortium’s Web Accessibility Initiative. Licensor shall provide Licensee current completed Voluntary Product Accessibility Template (VPAT) to detail compliance with the federal Section 508 standards. In the event that the Licensed Materials are not Accessibility compliant, the Licensee may demand that the Licensor promptly make modifications that will make the Licensed Materials Accessibility compliant; in addition, in such an event, the Licensee shall have right to modify or copy the Licensed Materials in order to make it useable for Authorized Users.

Ontario Council of University Libraries (OCUL) Draft Language for Model Licenses

Definition—1.0 Accessible Formats

Content must be perceivable and operable by persons with visual, perceptual, or physical disabilities and be useable with assistive devices, such as screen readers and screen reading software. Formats need to comply with the Accessibility Laws within Canada, including the Information and Communication Standards of Ontario Regulation 191/11, the Accessibility for Ontarians with Disabilities Act, 2005.

To address the requirements of the Act, web content must conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, initially at Level A and increasing to Level AA.⁶²

Persons with Visual, Perceptual, or Physical Disabilities

Licensed Materials must be provided in a format accessible to Authorized Users with visual, perceptual, or physical disabilities. In the event that the Licensed Materials are not Accessibility compliant, as defined in 1.0, the Member Institution shall have the right to modify or copy the Licensed Materials in order to make it useable to Authorized Users, within the framework of this Agreement.