

ERMI Subset With Examples from Current Contracts

Terms Defined Entity	Definitions	Examples from Sample Contracts
1. Authorized User Definition	The language in the contract that defines the group of users allowed to use the Electronic Product	“Licensed for academic use by faculty, staff, and students only.”
2. Fair Use Clause Indicator	A clause that affirms statutory fair use rights under U.S. copyright law (17 USC Section 107), or that the agreement does not restrict or abrogate the rights of the licensee or its user community under copyright law	“May download or print limited copies in accordance with the restrictions of the Copyright Act of 1976 with regards to Fair Use.”
3. Citation Requirement Detail	A specification of the required or recommended form of citation	“The publishing of analysis and results from research using XXX is permitted in research communications such as scholarly papers, journals and the like. The authors of these communications are required to cite XXX as the source of the data, and users should not imply that the results or views expressed are those of XXX.”
4. Digitally Copy	The rights of the licensee and authorized users to download and digitally copy a portion of the licensed materials	“Users may download and print articles for personal use and archive content on their own personal computers.”
5. Digitally Copy Term Note	Information which qualifies a permissions statement on Digitally Copy	
6. Print Copy	The rights of the licensee and authorized users to print a portion of the licensed materials	“The Library may provide single printed or electronic copies of single articles at the request of individual Authorized Users.”
7. Print Copy Term Note	Information which qualifies a permissions statement on Print Copy	
8. Scholarly Sharing	The right of authorized users and/or the licensee to transmit hard copy or an electronic copy of a portion of the licensed materials to a third party for personal, scholarly, educational, scientific or professional use	“Users may send one copy by email, hardcopy, or fax to one person at another location for that individual’s personal use.”
9. Interlibrary Loan Print or Fax	The right to provide the licensed materials via interlibrary loan by way of print copies or facsimile transmission.	“The Library may use print and/or digital forms of publications for the purpose of supplying interlibrary loan requests in accordance with the Interlibrary Loan provisions of section 108 of the U.S. Copyright Law.”

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10. Interlibrary Loan Secure Electronic Transmission	The right to provide the licensed materials via interlibrary loan by way of secure electronic transmission	“Members may supply another library with a single paper copy of an individual document being part of the Licensed Materials. Supply shall be by post, fax or secure electronic transmission (using Ariel or its equivalent, whereby the electronic file is deleted immediately after print) for the purposes of research or private study and not for commercial use.”
11. Interlibrary Loan Electronic	The right to provide the licensed materials via interlibrary loan by way of electronic copies	
12. Interlibrary Loan Term Note	Additional information related to interlibrary loan	“Because [the database] is a membership organization only its Member Institutions are permitted access. Interlibrary loan, therefore, is not permitted.”
13. Course Reserve Print	The right to make print copies of the licensed materials and place them in a controlled circulation area of the library for reserve reading in conjunction with specific courses of instruction	“The libraries and registered campus network users may store articles for reserve use in either paper or electronic form.”
14. Course Reserve Electronic/Cached Copy	The right to make electronic copies of the licensed materials and store them on a secure network	
15. Course Reserve Term Note	Information which qualifies a permissions statement on Course Reserves	
16. Electronic Link	The right to link to the licensed material	“Other sites may link to [this] Site only using the HTML links contained on the “Link to Us” page of [this] Site. To access the HTML links you must be registered with [us], and sign-in. After signing in, click on the “Link to Us” page and follow the instructions to establish the link to the Publisher.”
17. Course Pack Print	The right to use licensed materials in collections or compilations of materials assembled in a print format by faculty members for use by students in a class for purposes of instruction	
18. Course Pack Electronic	The right to use licensed materials in collections or compilations of materials assembled in an electronic format by faculty members for use by students in a class for purposes of instruction	

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19. Course Pack Term Note	Information which qualifies a permissions statement on Course Packs	
20. Remote Access	The right of an authorized user to gain access to and electronic product from an off-site location	
21. Concurrent User	(1) The licensed number of concurrent users for a resource (2) The number of concurrent users if shared across an interface rather than for a specific resource	Often found on pricing schedules that are attached as an addendum to the licenses. Number of users can depend on the selected pricing package. For example: Addendum may include the name of the product selected, chart with number of users allowed per site and price
22. Concurrent User Note	(1) Additional information about the number of concurrent users (2) A specific explanation of how users are allocated or shared if pooled or platform based	
23. Other Use Restriction Note	Additional information about other use restrictions not adequately described elsewhere	“You will not upload post, or otherwise make available through the Services any Content protected by copyright, trademark, or other proprietary right without the express permission of the owner of the copyright, trademark, or other proprietary right and the burden of determining that any material is not protected by copyright rests with you.”
24. Perpetual Access Right	The right to permanently access the licensed materials paid for during the period of the license agreement	“On termination of this license, [the publisher] shall and Licensee may provide continuing access for authorized users to that part of the Licensed Material which was published or added to the Licensed Material within the Subscription Period, either from the [publisher’s] server(s) or from a third party server or by supplying electronic files to the Licensee.”
25. Perpetual Access Holdings	The dates of coverage for which perpetual rights are available and agreed upon in the legal contract	“In the event of cancellation, Licensee may continue to access the Licensor’s server to retrieve that portion of the Licensed Materials under subscription during the terms of this agreement. Term defined as beginning 3/1/2004 for ensuing 12 month periods.”
26. Perpetual Access Note	Additional information related to perpetual access	

Terms Defined Entity

Definitions

Examples from Sample Contracts

27. Archiving Right

The right to permanently retain an electronic copy of the licensed materials

“A subscribing library may download and archive materials at its own site and place contents on its own file server, including electronic reserves, providing that access to the file servers is restricted to the campus/institutional community.”

28. Archiving Format

The format of archival content

“A large part of [the database] is available on CD-ROM and can be obtained for additional fees.”

29. Archiving Note

Additional information related to archiving rights, product and format

30. Confidentiality of User Information Indicator

The requirement that user data should not be shared with third parties, reused or resold without permission

“The Distributor and the Producer agree not to disclose any information that would allow third parties to have specific knowledge of the Client’s queries.”