

27 October 2008

SUBITO SETTLEMENT AGREEMENT SIGNED

Framework for electronic document delivery agreed

- *Negotiations concluded between Subito e.V., the Free State of Bavaria, the Börsenverein des Deutschen Buchhandels, and the International Association of STM Publishers*
- *Litigation ends*
- *E-delivery of scientific articles is put on contractual footing*

In October 2008 representatives of Subito e.V., the Free State of Bavaria in Germany, the Börsenverein des Deutschen Buchhandels e.V. and the International Association of STM Publishers (“STM”) signed a Settlement Agreement that ends the litigation over the legality of digital delivery of scientific documents within German-speaking countries.

The agreement, reached after extensive negotiations, permits the member libraries of the Subito consortium to seek licences from individual publishers to reproduce and electronically deliver any article requested by students, private persons or business within Germany, Austria, Liechtenstein and Switzerland. Publishers set a rate for the delivery of documents to private persons and for businesses. Students, public and non-commercial libraries as well as academics benefit from a substantial discount under the agreement.

Commenting on the agreement, Michael Mabe, CEO of STM said: “This agreement not only respects publishers’ rights but also facilitates the electronic delivery of documents to users. Respect for rights enhances the unique possibilities of digital technology, and does not limit access. We are delighted that this long-running dispute has been settled.”

STM’s position (see http://www.stm-processing.org/STM_position.php) is that delivery of digital copies of STM publisher materials across national boundaries cannot be condoned under any kind of national copyright exception or mandatory licence, and can only be done (or not) with direct publisher authorization. STM publishers are heavily involved in the international digital marketplace, and have made significant investments in providing access to journals, collections of journals, and to individual articles.

This agreement complements the so-called international framework agreement between various STM publishers and Subito e.V. concluded in July 2006. The

Settlement Agreement signed now takes into account the new German Copyright Act which entered into force in 2008. The text of the licensing framework agreement may be accessed or downloaded at www.stm-assoc.org/subito and at www.boersenverein.de.

STM is an international association of about 100 scientific, technical, medical and scholarly publishers, collectively responsible for more than 60% of the global annual output of research articles, 55% of the active research journals and the publication of tens of thousands of print and electronic books, reference works and databases. We are the only international trade association equally representing all types of STM publishers - large and small companies, not for profit organizations, learned societies, traditional, primary, secondary publishers and new entrants to global publishing.

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