

To: The A&M Campus Community
From: David H. Carlson, Dean University Libraries
Date: 3/5/21
Re: Ongoing Elsevier Negotiations

I regret to report that we have still not reached agreement with Elsevier on a contract and there are strong signals that this will be the last month for an extension of our access to current content. I say this in part because previous extension offers have been to the end of the month but the most recent extension has been “tightened up” to expire on March 14.

- **Negotiations Overview**

It is always hard to characterize our negotiations. Over the course of the month, there can be some areas of disagreement that show hopeful signs of progress improvement while other important issues are stagnant or even worrisomely regressive. Nonetheless, as our discussions continue, it is clear that there are two key issues:

Perpetual Access. Perpetual access is the right to access content of prior years from subscribed journals in the future regardless of the status of the current subscription. It is similar to owning the print copy (back in the day...) and keeping the print volume on the shelf for future researchers. We believe this right is vitally important and at the heart of the Libraries’ mission for the preservation of knowledge. Elsevier’s initial offer was to **zero out** our perpetual access to titles; that offer improved marginally, in my opinion, to 20% of the reduced titles.

The Coalition finds this unacceptable. It is particularly frustrating because we know that the commercial value of a publication is in the first year or two of its appearance. After that initial period, the use and commercial value decline considerably for the vast majority of articles. Moreover, the cost to Elsevier to maintain access to content, distributed over thousands of customers world-wide, after its initial cost, is fractions of pennies in a digital context. The Coalition has been willing to consider a reduction to journal content to 80% but to remove perpetual access with this reduction is unacceptable and indefensible in our view. Indeed, given the economics, it seems punitive.

Author Rights. Authors give the copyright over their scholarship to publishers without condition, without end, and without compensation (with very few exceptions). It is our position that this must change.

We appreciate that publishers need rights to cover costs. Our solution is that authors keep their copyright but grant an *exclusive use license* to Elsevier with simply a limit in the number of years. I could write extensively about the benefits of authors retaining ownership of their content but I try to keep these updates as brief as possible. The value seems intrinsic: ownership matters. We believe it is time -- past time -- for authors to maintain copyright to their content and that as a Coalition we need to stand and fight for this change.

When we ask how long it takes to recover costs on an article we are told there is no number. Elsevier insists that it requires copyright unconditionally and forever without which it cannot

function; indeed, in our last meeting on March 1, two Elsevier representatives argued that any loss of copyright by Elsevier would cause a complete unraveling and failure of the entire publications system world-wide. We find this position indefensible. Our lead negotiator, Jeff Spies, did some “back of the envelope” calculations and using publicly available company information suggests that if, in 2019, Elsevier made over \$6,200 on every article that it published (and it published a lot of articles)! Elsevier did not dispute the math but maintained its need for unconditional and permanent copyright to author content (for which it pays nothing).

- **The Future**

I worry that the potential for reaching an agreement by mid-March (the latest extension deadline) is very unlikely; I am uncertain about whether an access extension past mid-March will be offered. However, the A&M Libraries are ready. As last month, I would remind you that the Libraries “Always Access” Task Force has been working for months and there is a [web site of resources and information](#). Additionally, we continue to have the strong support of our Coalition partners whose contracts did not expire at the end of 2020.

Another reminder: if we lose access it will be only to Elsevier published current content; we will maintain online access to all content purchased by A&M Libraries prior to January 2021 and this is substantial. You have our unwavering commitment that if you must have access to a current article, please submit your request via our [Get It For Me](#) service and we will get it for you.

- **Faculty Support**

Last month I included a few unsolicited comments I received from faculty and there was good reactions to these so here’s three more anonymized comments:

- A Professor in the Department of Electrical and Computer Engineering: *I would like to offer my unwavering support for your efforts to negotiate a fair deal with Elsevier. I always believed that they have charged universities way too much. Is it not uncommon to hear about editorial boards resigning and starting new publications due to unfair practices.*
- An Associate Professor in Biochemistry: *As long as we don't lose access to past subscriptions, I think the fallout of not having a future contract will only come with minor pains. I personally am no longer submitting to Elsevier journals and my colleagues around the world are on the same page. Moreover, with preprint servers, their ability to squeeze beyond what many of us feel is reasonable profit is much diminished. No matter what happens, it's going to work out.*
- A Professor in the Department of Sociology: *You can add [my vote] to the list of faculty who enthusiastically support your strategy and your actions in the Elsevier negotiations.*

Your support is critical and greatly appreciated. I continue to welcome your feedback.