Rapido, Copyright, and Shipping

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# Introduction

In late October, some Rapido side effects were discovered that caused a rise in prices in unexpected areas. The copyright report at San Jose State University (SJSU) showed substantially more items approved for copyright payment than expected, and UPS invoices at Cal Poly San Luis Obispo (SLO) showed an increase in shipping costs. I have worked with Resource Sharing staff to look for answers to why these costs are rising and to find ways to reduce them.

# Copyright

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| Library | Requests Approved for Copyright |
| Bakersfield | 2 |
| Channel Islands | 7 |
| Chico | 19 |
| Dominguez Hills | 2 |
| East Bay | 36 |
| Fresno | 6 |
| Fullerton | 379 |
| Humboldt | 1 |
| Long Beach | 31 |
| Los Angeles | 1 |
| Maritime Academy | 0 |
| Monterey Bay | 0 |
| Moss Landing | 1 |
| Northridge | 75 |
| Pomona | 14 |
| Sacramento | 44 |
| San Bernardino | 30 |
| San Diego | 10 |
| San Francisco | 124 |
| San Jose | 519 |
| San Luis Obispo | 9 |
| San Marcos | 0 |
| Sonoma | 0 |
| Stanislaus | 16 |

The copyright report at SJSU showed over 500 articles marked as copyright approved in Rapido and SJSU staff looked up the prices for each article from the Copyright Clearance Center (CCC) and were surprised to see the combined total would be over $22,000 if submitted to the CCC. This is substantially more expensive than usual.

I ran the copyright report at all the CSU libraries and saw that SJSU had approved significantly more articles for copyright than other libraries. With a few exceptions, most libraries marked around 30 articles as needing copyright payment. Some of these libraries had low copyright because they are smaller-volume libraries and others had low copyright because they direct all items needing copyright directly to vendors such as Reprints Desk. Regardless of individual workflows, most of the CSU libraries had low copyright volume.

## Actions Taken

After establishing that the copyright issue was not widespread, I worked with staff to lower the copyright costs at the libraries with higher copyright numbers. I ran the report and manually searched each article to see if the articles were available online through Primo, available open access, or duplicates for the same patron. Articles in those categories do not need copyright payments and removing these items reduced the number of requests dramatically. I also looked at copyright prices with less expensive vendors and encouraged staff to use these vendors when they submit the report to generate an invoice to further reduce costs while adhering to the traditional CONTU guidelines for copyright.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Library | Needs Copyright | Available Online | Open Access | Duplicates | Unfilled | Total |
| SJSU | 327 | 87 | 29 | 7 | 69 | 519 |

Staff were reminded through email and I-SPIE TV to use the same criteria in approving copyright as they did when doing the same function in ILLiad. Rapido and ILLiad processes for approving copyright are very similar, even though the interface is different. Both systems have a Queue or Set where articles are sent after the rule of 5 in the CONTU guidelines has been triggered. These items all potentially need copyright payment according to CONTU, but staff still need to approve these items based on criteria such as if it is owned by the library or available through open access. Staff can then generate a report with all the items flagged for copyright and submit it to a vendor such as the CCC or Reprints Desk.

## Potential Causes

In the libraries with high numbers of approved copyright, many requests were found to be owned by the library already. This is likely because a now fixed bug displayed the Rapido link on records for items owned by the library. Since this bug was fixed using Javascript developed by SJSU staff and deployed to all CSU libraries using the central package, patrons cannot request items available online as easily. Between the bug being fixed and staff checking items before approving them for copyright, this issue will hopefully be lessened or solved for 2023.

Another potential cause of a rise in copyright is the increased Resource Sharing activity due to ease of use or visibility of options. The Rapido request buttons are on the majority of records in Alma and are easy to see and intuitive to use. Different Discovery configurations may also make it easier to find materials not available online through Primo. Nine CSU libraries have already received more articles in 2022 than they did in 2019 before the pandemic. Four of those libraries have seen a sizable increase, and SJSU has had an extreme increase in borrowing. So far, unique configurations that could explain such an increase in borrowing have not been identified. I will be comparing all Discovery configurations in the CSU concerning Rapido to see if there is a correlation between how items are displayed and an increase in borrowing activity.

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| RapidILL Borrowing Filled |
| **Library** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Bakersfield | 0 | 0 | 0 | 0 | 1283 |
| Channel Islands | 0 | 0 | 0 | 0 | 1,235 |
| Chico | 1,318 | 2,310 | 2,054 | 1,463 | 2,219 |
| Dominguez Hills |  |  |  |  |  |
| East Bay | 2,730 | 2,289 | 1,969 | 1,761 | 2,623 |
| Fresno | 2,167 | 2,374 | 1,561 | 1,611 | 2,573 |
| Fullerton | 8,955 | 9,449 | 8,706 | 7,528 | 9,929 |
| Humboldt | 2,085 | 2,782 | 1,519 | 855 | 1,500 |
| Long Beach | 8,007 | 8,930 | 9,017 | 8,157 | 7,231 |
| Los Angeles | 0 | 0 | 59 | 673 | 3,805 |
| Maritime Academy | 0 | 0 | 0 | 0 | 35 |
| Monterey Bay | 0 | 0 | 0 | 0 | 586 |
| Moss Landing | 0 | 0 | 0 | 0 | 41 |
| Northridge | 2,221 | 2,717 | 2,466 | 2,866 | 3,710 |
| Pomona | 939 | 867 | 1,103 | 1,591 | 984 |
| Sacramento | 4,979 | 5,043 | 4,640 | 4,101 | 5,053 |
| San Bernardino | 5,554 | 5,251 | 3,935 | 2,131 | 3,097 |
| San Diego | 2,459 | 3,022 | 2,535 | 3,044 | 3,982 |
| San Francisco | 4,096 | 3,913 | 4,308 | 3,241 | 5,532 |
| San Jose | 7,074 | 6,963 | 6,789 | 8,038 | 11,514 |
| San Luis Obispo | 6,989 | 6,565 | 3,838 | 2,884 | 4,860 |
| San Marcos | 5,662 | 7,746 | 7,253 | 6,423 | 5,324 |
| Sonoma | 1,611 | 2,911 | 2,551 | 2,323 | 2,485 |
| Stanislaus | 2,025 | 2,499 | 1,721 | 1,340 | 2,082 |

Lastly, it is possible there is an issue with the CONTU setup at the libraries with high copyright. This is unlikely since their configurations have been confirmed to match other libraries, but it is still worth investigating. I am sorting all the article requests submitted at SJSU and other affected libraries and manually applying the CONTU guidelines to see if Alma is successfully following them. With the amount of data in these reports it will take some time to complete this task.

## Coming Improvements

Changes to copyright are currently being tested to ensure this does not happen in the future. The first enhancement is the Article Galaxy Cloud App within Alma. This app brings up the prices for each article at the point of copyright approval and allows staff to both purchase the article and have it delivered directly to the patron. Using Alma analytics, staff will also have a copyright dashboard showing how many items have been marked for copyright by month and how much the current cost is. This will make it easier to ensure prices stay down and to see trends before prices grow too high. Article Galaxy uses Reprints Desk for prices and is not a subscription or unmediated service. The only cost is the copyright cost and a small processing fee. A similar app with CCC is also in development.

## CONTU and the Resource Sharing Community

Since the late 1970’s the Resource Sharing Community as a whole has followed the CONTU guidelines to process copyright. The guidelines are generally understood as the Rule of 5:

* Libraries do not pay copyright on the first 5 article requests per journal in each calendar year.
* The Rule of 5 only applies to articles published within the last 5 calendar years. Libraries do not pay copyright on requests for articles published more than 5 years ago. Articles published more than 5 years ago do not count as one of the 5 free articles per calendar year.

These guidelines were made by a group of librarians in the late 1970’s to proactively ensure libraries did not use Resource Sharing as a substitute for a journal subscription. These guidelines are widely accepted but are not laws.

The publishing landscape has changed dramatically over forty years. The Resource Sharing Community outside of the CSU libraries has had many conversations on how to modernize the CONTU guidelines or if they are necessary to begin with. The following are ways I have heard of libraries changing their approach to CONTU. I am not endorsing any of these ideas, but they may be worth discussing as updated policies for individual libraries or as a systemwide policy going forward. Libraries within the US are adopting the following copyright philosophies:

* Alternative Interpretation of the Rule of 5:
	+ At a discussion on Copyright for Resource Sharing at the Northwestern ILL Conference I learned many libraries interpret the Rule of 5 differently than the CSU libraries generally do. They interpret the Rule of 5 as:
		- Libraries do not pay copyright on the first 5 article requests **for each of the past 5 calendar years** per journal in each calendar year.
			* Example: A library would not pay copyright on the first 5 requests published in 2022, the first 5 published in 2021, the first 5 published in 2020… This would mean a total up to 25 articles with no copyright payments before payment was necessary.
	+ Pros: Other libraries are using this interpretation and it would likely reduce copyright costs.
	+ Cons: Not easily configurable in Rapido and may require manually managing the Copyright Report.
* Forget CONTU and follow Sections 107 and 108 of the Copyright Act:
	+ The Association of Research Libraries published a paper encouraging libraries to move beyond the CONTU guidelines: <https://www.arl.org/blog/white-paper-encourages-libraries-to-reevaluate-use-of-contu-guidelines-in-interlibrary-loan/>
	+ In essence, nearly all requests going through Resource Sharing units fall under fair use and do not require copyright payment.
	+ Pros: Little to no copyright payments or processing. In use already at libraries back East such as Georgetown University and Ohio State University. These libraries have local policies concerning whether copyright is ever paid.
	+ Cons: Potential risk with publishers.
* Rule of 10 or 20:
	+ Another idea floated as a potential update to the Rule of 5 would be a Rule of 10 or Rule of 20. This would use the same interpretation of CONTU as the CSU except the first 10 or 20 requests aren’t marked for copyright instead of the first 5.
	+ Pros: Easily configurable in Rapido and a good middle ground between traditional CONTU and the ideas in the White Paper. Follows the original spirit and ideas of the guidelines while modernizing them to the current publishing landscape. This would likely reduce copyright costs while adhering to the initial intent of CONTU.
		- Rule of 20 is being used by Georgia State University <https://www.youtube.com/watch?v=23bAbaA0u2o>

# Shipping Costs

Another side effect of Rapido is a rise in shipping costs at some campuses. This is likely happening for two reasons:

* Patrons are able to request items more easily, so they are requesting more items for their research.
* Rapido requests generally go through the CSU pod, then the Rapido Western Pod, then the US Pod, and then to ILLiad as Last Resort. This works great and wouldn’t be an issue except that our UC Unity partners are not in any of the Rapido pods. This means we are requesting materials from libraries outside of our Unity route and only requesting from Unity partners if the item is not filled in Rapido.

## Potential Solutions

To reduce shipping costs, the CSU libraries should seek ways of requesting more items delivered from libraries on our Unity routes than through USPS, UPS, or FedEx. The Resource Sharing Functional Committee (RSFC) has submitted a proposal asking COLD for permission to approach the UCs and other libraries using Unity, such as SCELC libraries, and ask if they would like to participate in hybrid pods. In Rapido, libraries can make hybrid pods where some libraries use Rapido and others use Alma Resource Sharing. Rapido libraries receive all the benefits of Rapido such as real time availability checks and Alma libraries can add Rapido libraries to their rotas in a similar way to traditional CSU+. All libraries would benefit from unmediated borrowing workflows and make it easier for patrons to request from libraries around California.

SCELC has already approached the Office of the Chancellor proposing a statewide Unity route. By using hybrid pods, this new route could function similarly to Link+ except it would not require a third-party website or management. While only a few SCELC libraries have come forward wanting to test such a route, more will likely follow once we have shown how the partnership works.

Unity has also stated they are open to revising the contract so each library, or library system, pays to be on the route. This would streamline the Unity contract and allow us to add more partners without the cost falling entirely on the CSU system.

For more details, please refer to the RSFC Proposal: Unity Courier Report 2022/2023. I fully support this proposal from the RSFC.