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Item No. 11 on the agenda: Library and research activities

(Memorandum prepared by the Secretariat)

Summary	*The document illustrates developments at the Library and its activities in 2014, perspectives for 2015 as well as proposals for the coming years*
Action to be taken	*The Governing Council is invited to take note of the progress made and to consider additional measures*
Priority level	*High*
Related documents	*Annual Report 2014 (C.D. (94) 2); UNIDROIT 2014 – Study LXV/Scholarships – Impl. 25; UNIDROIT 2015 – Study LXV/Scholarships – Impl. 26*

A.   *Library cooperation and networking*

1.   The UNIDROIT Library continued its cooperation strategy with other Rome-based libraries, as well as with foreign libraries. In 2014, a very fruitful collaboration programme was established with the Library Christian-Albrechts-Universität zu Kiel, Germany.

B.   *Upgrading of the Library management software and cataloguing*

2.   The Library's software management system, Aleph 500, was upgraded to the latest version of 21.1.2 without any interruption of services for UNIDROIT's staff or the researchers in the Library.

3.   With regard to cataloguing, work continued on the development of a so-called "Legal Thesaurus," which would lead to more precise search results in multiple languages. The project is an innovative one as just a few libraries around the world have a multilingual legal thesaurus.

C. *Digitisation*

4. During the Governing Council's 93rd session (Rome, May 2014), it was requested that Library staff consider whether digitisation of parts of the Library's collection was possible.

5. In response to that request, Library staff have since examined the question of digitisation of existing materials with a view to offering potential researchers and readers better access to those materials. That research showed that digitisation ventures were not simple, definitely going beyond scanning and hosting materials on a website. In general, digitisation would require many questions to be resolved, including, for instance, obtaining funding, seeking out the necessary technical and intellectual expertise, and potential legal issues. Regarding the latter, digitisation projects typically raise delicate copyright issues.

6. Library staff examined in detail the various ways materials may be digitised, such as the possibilities and costs of an independent in-house solution and those of the Google Books Library Project.

Independent solution: In-house digitisation

7. Regarding the possibilities and costs of in-house digitisation, the key factors are the following: the nature of the original item to be digitised; the digitisation process and possible mechanisms to be used; and the information, content and delivery objectives to be achieved. There are start-up costs involved in the creation of the digital content, both for establishing access and for maintaining digital resources into the future. There are also costs involved in material selection, document preparation, metadata creation, benchmarking, text conversion, quality control and post-processing of digital files. If the necessary level of human intervention in the digitisation process is high, then that process would likely be costlier. Apart from staffing costs, advanced technical equipment would be necessary for the digitisation project. There are innovative book scanners on the market (e.g. 4DigitalBooks, Kirtas) and such scanners cost about €25,000.00. Furthermore, the digitisation process requires a range of software solutions for indexing and properly creating metadata.

8. Taking into account the items listed above, experts set the average cost for digitisation of a full volume at between €50 to €100. As the UNIDROIT Library collection includes more than 140,000 monographs, of which about 50,000 could likely be considered for digitisation, such costs and volumes render in-house digitisation an infeasible option.

Google Books Library Project

9. The Google Books Library Project is intended to make the world's books more widely available by helping to remove the barriers between people and information. For this project, Google scans and makes the collections of several major libraries searchable online. The Google Books Library Project, along with Google's Partner Program, comprises Google Books.

10. There are four access levels used on Google Books:

Full view: Books in the public domain are available for "full view" and can be downloaded for free.

Preview: For in-print books where permission has been granted, the number of viewable pages is limited to a "preview" established through various access restrictions and security measures, some of which are based on user-tracking. Usually, the publisher can set the percentage of the book available for preview. Users are restricted from copying, downloading or printing book previews. A watermark reading "Copyrighted material" also appears at the bottom of pages. All books acquired through the Partner Program are available for preview.

Snippet view: A 'snippet view' – two to three lines of text surrounding the queried search term – is displayed in cases where the copyright owner of a book (scanned through the Library Project) cannot be identified, or if permission for a limited preview is declined. If a search term appears many times in a book, Google displays no more than three snippets, thus preventing the user from viewing too much of the book. In addition, Google does not display any snippets for certain reference books, such as dictionaries, where the display of even snippets can harm the market for the work.

No preview: Google also displays search results for books that have not been digitised. As these books have not been scanned, their text is not searchable and only certain metadata information is available, such as the title, author, publisher, number of pages, international standard book number (ISBN), subject, copyright information, and in some cases, a table of contents and summary. Such information is, in effect, similar to that contained in an online library card catalog. If a book is not covered by a copyright, however, and is in the public domain, it is fully available to read online or to download.

11.   The number of academic libraries participating in the digitisation and uploading of books from their collections has grown beyond the original five libraries (Harvard, Michigan, Stanford, Oxford, and the New York Public Library). The partnership program now includes more than 40 libraries, such as the Bavarian State Library, the Complutense University of Madrid Library, the Ghent University Library, the National Library of Catalonia, and the National Library of the Netherlands.

12.   The project has been criticised for digitising library books regardless of copyright status, leading to lawsuits against Google for copyright infringement (see, for example, Authors Guild, Inc., v. Google, Inc., 954 F.Supp.2d 282 (S.D.N.Y. 2013) (determining that Google's use of works in question did not constitute copyright infringement; currently being appealed)). Google states that its goal is to improve access to books, not to replace them, and that its collaboration with major research libraries is making more material available for students, teachers, scholars, and readers everywhere.

13.   Some libraries working with Google have made their contracts publicly available, including the libraries of the University of Michigan and the University of California. Those contracts make clear that library partners are free to continue their own scanning projects or work with others while they work with Google to digitise their books.

Conclusion

14.   After careful examination, it can be said that the Google Books Library Project offers an attractive opportunity to make the collection of a large library, such as the UNIDROIT Library, accessible in digital form. In recent years, Google has managed to reduce significantly copyright problems by introducing different levels of accessibility (see, for instance, the discussion of the four access levels above).

15.   Concerning costs, Google normally sustains expenses for digitisation, transport and insurance. There are considerable costs, however, for adapting the metadata, quality control, storage and backup of digital copies, which would have to be covered by Library's budget.

16.   Such costs, however, can only be roughly estimated at this time. With respect to the additional software necessary for integrating digital copies into the Library's system, those costs would amount to about €20,000.00. Given the limited resources available to the UNIDROIT Library, a joint project with Google currently seems to be the only viable way to digitise the Library's collection.

17.   It is therefore proposed to proceed by preparing an official request to be included as a partner in the Google Books Library Project and developing a detailed budget and fundraising plan.

D.   *Acquisitions, donations, exchanges*

18.   In 2014, the Library's holdings increased by 1321 titles, of which 642 were purchased, 154 were obtained on an exchange basis, and 525 other titles were received as gifts, for a total value of €26,250.00. The Library's acquisition policy has faced difficulties due to the significant rise in the price of publications and has recently been streamlined to make the best use of the resources available.

19.   As in previous years, the Library received donations in kind from the Max Planck Institute for Comparative and International Private Law in Hamburg and the German Research Foundation (Deutsche Forschungsgemeinschaft (DFG)).

E.   *Research activities*

20.   The UNIDROIT Library has become more than just a study centre for those who take part in UNIDROIT's legislative activities and for visiting researchers. It is also a meeting place for people of different legal cultures who are inspired by UNIDROIT's work. The Library continued to attract researchers and readers from all over the world and, among the 1316 visitors in 2014, 61 foreign guests came from 30 different countries.

21.   Government officials, academics, private practitioners, and law students are welcome to use the UNIDROIT Library as ***independent visiting researchers***.

22.   Each year, UNIDROIT also welcomes a limited number of ***interns*** – some through institutional cooperation programmes with UNIDROIT – to participate in the Secretariat's work, such as projects arising from the current Work Programme, other UNIDROIT instruments, and non-legislative activities (e.g. development of the UNILEX database). Interns are generally expected to conduct research on specific aspects of the selected subject and prepare concept notes. In 2014, 19 researchers were welcomed as interns, including Ms Andrea Piccolo Brandao (Brazil) and Mr Ernesto Vargas (Chile), who were part of an institutional cooperation programme with New York University of School of Law.

23.   UNIDROIT also welcomes public officials and lawyers from UNIDROIT member States to join its staff temporarily on ***secondments***. In 2014, the Institute welcomed Mrs Sigita Formičova, Judicial Assistant at the Supreme Court of Lithuania, for a one month secondment.

24.   In line with UNIDROIT's legal co-operation activities, a ***Research Scholarships Programme*** has been established for top-level lawyers, with special attention given to applicants from developing countries or countries in economic transition. This Programme has grown, in its 20 years in existence, into an important tool for promoting UNIDROIT's work and related research in the field of international and comparative law. For a presentation of the Programme and its beneficiaries in 2014, see the UNIDROIT Research Scholarship Programme Implementation Report for 2014 (UNIDROIT 2014 – Study LXV/Scholarships: Impl. 25).

25.   Voluntary contributions to finance scholarships were received from the UK Foundation for International Uniform Law, the Transnational Law & Business University (TLBU), the Government of the Netherlands, the UNIDROIT Foundation for International Uniform Law, members of the Governing Council on a personal basis, and the President of UNIDROIT. The Programme hosted 15 scholars from 10 countries and, accordingly, continues to play a key role in disseminating and promoting UNIDROIT's work. The Secretariat expresses its gratitude to all donors in 2014 and hopes that they will wish to renew their financial commitment, and that new donors may join them, so the Programme's financial viability can be maintained and a satisfactory number of scholars selected.