Qatar National Library's efforts in opening up Qatar's research output: a step towards a global open access transformation

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Introduction

What if libraries can have access to all content? Furthermore, what if this access is immediate once a new issue, journal, article, or book is published? This question is perhaps something that many librarians have wondered about or at least wished to have. It is probably not possible yet explaining the necessity still for interlibrary loan and document delivery services (ILDS) in many libraries worldwide. Whereas the goal of interlibrary loan is to temporarily provide access to content through specific item requests to other libraries (van Duinkerken et al., 2017), document delivery, on the other hand, can be seen as "making information in all formats available throughout the world" (Schöpfel, 2016). ILDS can include delivering physical books directly to users, scanning and delivering articles, and including content from databases (Maluleke et al., 2020). These services are essential to libraries, as they can help temporarily increase a library's collection, get content that they would otherwise cannot (Baich, 2015) and address gaps (especially with electronic

resources) due to serials cancellation (Jaskowiak and Spires, 2017), non-renewals, or inability to have licenses due to budget limitations.

The technological advancements in the information landscape affect library services, in which, for example, document supply becomes more challenging in a digital world (Pavlovic and Matutinonvic, 2010). The transformation from print to digital collections also introduced complexities related to the legal framework governing access and use of material. In addition to maintaining physical resources, libraries also have to have licenses for electronic resources. Many libraries may have struggled with ILSDS due to restrictive national laws that may limit reproductions and transmission of copyrighted works (Schöpfel, 2014). For example, what libraries consider possible within a document delivery service varies depending on the copyright legislation in a specific library or country (Maluleke et al., 2020).

Licenses for electronic resources further compound this complexity. The licenses between publishers and libraries are legally binding contracts that define how products are used and which user rights are granted. Many of the exceptions provided in copyright laws have become a license to use under contractual obligations. Licenses are likely introduce limitations to how libraries can provide services such as ILDS (Mangiaracina et al., 2015). It is also possible that licenses may override any favourable exceptions in copyright law.

The requirement by libraries to adhere to copyright law and ensure that their librarians follow the law and any licensing terms can be challenging for document delivery services (Schmidt, 2019). Many academic libraries are also finding it

challenging to meet their users' needs, especially in a landscape of decreasing or flat budgets and increasing content costs (Chan et al., 2016). The COVID-19 pandemic highlighted the severity of libraries' struggles with copyright and licensing limitations to serve their communities' needs (Logue et al., 2021). The demand for physical items from other libraries continued even if libraries could not meet this demand due to limitations in their operations during the pandemic (Massey et al., 2021). Therefore it is not surprising that users who need immediate and not limited access to information would seek it from alternative sources such as Sci-hub, a large-scale illegal platform which Schöpfel (2016) best describes as a symptom of "the dramatic dysfunctional character of the academic market". Others have resorted to sharing resources on social media networks, but the longtime availability of texts on social media and legal issues may hinder these platforms from becoming long-term sustainable solutions (Saarti and Tuominen, 2020).

The demand for ILDS in libraries is going down and could be explained by several reasons, including the aforementioned licensing complexities, the rise of pirating websites, and the rise of Big Deals (McGrath, 2016). Perhaps on a more positive note, the lower demand for ILDS can be explained by the rise of open access and preprint servers (Kehnemuyi and Larsen, 2020). Open access through open licenses such as Creative Common licenses promises free access to content (among an expanding menu of other goodies such as reuse, remixing, and commercial use). Researchers can access open access more easily and at a lower cost (Cimen, 2012), and such use is believed to affect ILDS services, as reviewed by Baich (2015).

With a documented history of document exchange dating back to the Islamic Empire and medieval Rome (Aman, 1989 and Gravit 1946, as cited in Frederiksen et al., 2012), the question is whether ILDS is here to stay or can be replaced by the rise of open access content. Open access addresses the underlying reason for needing document supply which is not meant to address the scarcity of information but rather its unequal distribution (Schopfel, 2016). Acting as a catalyst, open access, therefore, can be a mechanism to shift the unequal distribution of information. Like open access, open science values dissemination and can improve findability, discoverability and accessibility (Schopfel, 2016). In essence, open access can help libraries by allowing them to reach a significantly larger amount of material (Baich, 2015).

ILDS and open access have common goals, and libraries have integrated open access to complement their services (Schopfel, 2015). Whether open access can replace these libraries' services is a more difficult question - when and how. Such change would need a signification evolution of the publishing landscape (in which scholarly outputs are available as open access). Such change would need to be concerted across all libraries and countries for a real change in the landscape. The following describes Qatar National Library's (QNL) goals in making Qatar's research output open access and playing a step toward changing the global publishing landscape.

Qatar National Library and Qatar's Copyright Law

QNL was inaugurated in 2018 and was granted national library status under Emiri Decree No.11 on 20th March 2018. With a mission to "preserve the nation's and region's heritage and enable the people of Qatar to positively influence society by creating an exceptional environment for learning and discovery" (Qatar National Library, 2022), the national library serves multiple functions from a heritage library, research library, and public library serving various segments of Qatari society.

As an institution in the state of Qatar, the Library and its services are governed by Qatar's copyright law (Law No. 7 of 2002 on the Protection of Copyright and Neighboring Rights). Qatar is also a member of the Berne Convention and other multinational treaties. For most copyrighted works, copyright lasts 50 years after the author's life. Qatar's copyright law protects various original and artistic works from books and other writings, lectures and sermons, musical composition, photography, audiovisual works, and artworks. Copyright thus covers many of the works that the QNL deals with and has implications on its services related to many of its sections and services, such as the general collection, the Heritage Library, the Children Library, as well as events such as conferences and exhibitions.

Moreover, Qatar's copyright law provides several exceptions that the Library can utilize. These exceptions include making preservation and replacement copies, serving persons with disabilities, and making copies for educational use and teaching. Perhaps the most relevant exception in this discussion's context is the exception for Libraries in Article 21(2), which allows libraries in Qatar to make copies

of extracts of work for study, scholarship and research. An obvious limitation with this exception is that the extract may not be sufficient for user needs. Furthermore, while making copies for users is sufficient for ILDS services, neither interlibrary loan nor document delivery is explicitly mentioned in copyright law.

Open Access at Qatar National Library

Copyright reform in Qatar may address several legal limitations that, once addressed, can improve library services. What the Library can control now is supporting open access research in Qatar and ensuring its licensing terms address several ambiguities in its legislation to serve its patron with the authorized access they need. The goal would be to open up Qatar's research output and make it as open as possible and maximize its use through open licensing. Collectively, the move towards open access can empower libraries such as QNL to be less dependent on subscription licenses for long-term access but also empowers them with more favourable copyright terms that allow for more liberal use and reuse terms.

While the QNL only opened its building to the public in 2018, it has been operational for several years before that, providing access to electronic resources. Open access is one of the Library's values in which the Library is committed to free, open, unrestricted access to its collections and services. The Library set up an open access fund in 2015 to cover the article processing charges (APCs) for authors who did not have sufficient funding for publications. The fund developed further in 2018

with the wave of read and publish agreements with various publishers. Through these agreements, the Library would receive access to subscription content and a number of tokens to cover the APCs for authors based in Qatar. The agreements have been signed as part of a national consortium including the QNL and major universities and research centres in Qatar. The QNL was the first in the region to have read and publish agreements with several major publishers, such as Elsevier, SpringerNature, Wiley, Taylor and Francis, and IEEE; these agreements have the potential to cover about 50% of all open access articles with a Qatar based corresponding author.

Moreover, the QNL strives to have such agreements to be transformative, in which the underlying business model of an agreement between a publisher and library aims to shift the cost from paying for subscription access to paying for open access publishing. In addition to transformative agreements, the Library has also signed multiple agreements with fully open access publishers (publishers that do not have subscription content and only publish open access). The goal of having a variety of agreements would be to support different open access models and to increase the options available to authors based in Qatar. As of June 2022, the Library has funded 2870 articles with 40 publishers, serving from 1290 authors, from 35 of Qatar based institutions.

Besides centralizing a library-mediated open access fund in Qatar and covering the fees for authors, another objective of the fund is to create a long-term open collection of all of Qatar's research. The expectation here is that open Creative Commons licenses can allow the Library to create a full-text metadata-rich archive of Qatar's

research output that can be independent of any underlying publishing agreements. The archive can survive any potential future library budgetary constraints and would ensure access to Qatar's research output. Of course, funding gold open access is only part of the puzzle, and long-term sustainable open access solutions would also include a repository approach to archive preprints and other versions of the articles. Currently, the QNL is working with local stakeholders to create a national repository that would serve as an archive for its research output.

Negotiation of Equitable Terms

As mentioned above, Qatar copyright law does not explicitly reference interlibrary loans or document delivery, but rather their use cases are part of the Library exceptions to provide copies for research and education purposes. An obvious limitation here is that copyright law limits the copying to an extract of a work - which may not be sufficient for users. Such limitation emphasizes the importance of negotiating equitable terms in licensing agreements with publishers that can for better service delivery based on user damand and needs. Besides introducing interlibrary loan as an authorized use and defining its terms, the Library also ensures authorized users can make multiple copies in print or electronic form for classroom use. In relevant licenses, authorized users can use reasonable portions of licensed content in course packs for distribution to other authorized users and in certain agreements to include terms for text and data mining, in which author users can download and copy licensed material for text and data mining purposes as long as the activity is non-commercial.

The licensing terms for authorized use which also include defining whom the library considers as an authorized user (from walk-in users to faculty, students, or employees of its consortium members), are part of the Library's licensing guiding principles that ensure the good return of value from relevant licensing agreements. In addition to defining authorized uses, the Library ensures that nothing in the agreements overrides any exceptions provided in local Qatari copyright law.

An essential element in the agreement is removing non-disclosure language to ensure the possibility of disclosing the agreement publicly in the interest of access to information by other institutes striving to achieve similar goals to the QNL. The removal of non-disclosure language is ever more important in read and publish agreements or any agreement with an open-access publishing element; the step of removing restrictive language is part of an international collaborative effort in disclosing agreement terms and costs to ensure a long-term sustainable and transparent transformation of scholarly publishing. Libraries can benefit from publicly available agreements, and QNL hopes to publish its agreements as a way of 'pushing it forward'. Besides transparency of agreements, the QNL values the disclosure of APC expenditure and is part of the OpenAPC initiative, which collects and disseminates APC datasets from various institutes online under an open license. The QNL has published the APC dataset from 2017 to 2021 (OpenAPC, 2021). Besides having the information to inform relevant stakeholders (consortium members), the data can help international stakeholders better understand the evolving APC market and provide libraries with consortium better data when approaching future licensing negotiations.

More Efforts Are Still Needed

The example of QNL's effort in supporting open access through the open access fund, read and publish agreements, and other means is an example of how one institution and library consortium can support a global transition to open access. The effort by the QNL consortium is a good step in Qatar's context. However, more action is still needed. We need more awareness of open access in Qatar and more national policies, including mandates, to push for the open access agenda. Copyright reform would also be welcome. Qatar's copyright law has not been updated since 2002, and an update that mirrors changes in scholarly publishing's digital transformation and an update to complement readers' and users' behaviours can enhance the level of services that libraries can provide.

Moreover, for the whole system to change, similar efforts are needed from other institutions. However, the journey towards open access is different in other contexts. Several obstacles need to be tackled. One obstacle for other libraries is the ability to get read and publish agreements or agreements with open access publishing options. Many publishers at the moment limit offering agreements with open access publishing to library consortia and would not offer them to individual libraries. More efforts are needed for libraries to organize themselves better and work more collaboratively.

Another complication is the variety in contractual terms and agreements publishers offer to different library consortia. Such variances may affect how one library consortium can achieve its objectives compared to other consortia. The hope is that

with the increase in the use of initiatives such as the ESAC Transformative Agreement Registry and the ESAC OpenAPC initiative, more transparency will be introduced to allow library consortia to negotiate better terms. While standardized ILL clauses have made it easier for libraries to include ILL in agreements, librarians still need to ensure that any agreed terms do not override rights guaranteed by national laws (Mangiaracina et al., 2015). The transition to supporting open access publishing through agreements is key as it also implies repurposing subscription fees to open access publishing.

Moreover, improvements in COUNTER reports can help libraries better understand the usage of open access articles within a subscription agreement and better evaluate investments in transitioning costs to publishing (Bobal and Emery, 2016). How this pans out in the long term is yet to be seen, and one potential issue is that scholarly publishing becomes governed by those who can pay for it, thus excluding institutes that cannot pay for open access and causing a publishing crisis. Paying for open access publishing is not an option for many right now, and may not be in the long term.

A fully open access solution requires complete solutions such as the repository. In essence, additions of open versions of articles and other scholarly works can complement any library's collection. However, the implementation of open repositories has several limitations. Preprint and non-peer-reviewed content may not be acceptable to users (Schöpfel, 2014). Moreover, open access policies from publishers vary, making it difficult for libraries to navigate usage terms of non-published versions (Schöpfel, 2014). In addition, many publishers appear to be

tightening their open-access policies (McGrath, 2016). Furthermore, and perhaps a significant obstacle is user adoption. Users value speed and convenience and, therefore, may still prefer ILL requests over navigating several repositories (Baich, 2011).

Library users do not have access to all the information they need, making ILDS a suitable solution for requesting articles. While open access can be a long-term solution for ILDS, we are not there yet, and a combination of open access and ILDS services seems to be an optimized solution for now. We still need you, ILDS.

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