## **EMERALD LICENCE**

# This License Agreement is agreed between

- 1) Emerald Publishing Limited, of Howard House, Wagon Lane, Bingley BD16 1WA, England, trading as 'Emerald' ("the **Publisher**")
- 2) the National Library of Finland, with its principal offices at Unioninkatu 36,(P.O.Box 15), FIN-00014 UNIVERSITY OF HELSINKI, Helsinki, Finland ("National Library") and other members of the FinELib Consortium (each the "**Licensee**"), the other members of the FinELib Consortium represented by National Library via a power of attorney

Whereas the Publisher holds the rights granted under this Agreement;

**and whereas** the Licensee desires to use the rights and the Publisher desires to grant to the Licensee the right to use the rights for the fee.

#### 1. DEFINITIONS

In this Agreement, the following terms shall have the following meanings:

#### **Authorised Users**

**University, polytechnic**: Current members of the faculty and other staff of the Licensee (whether on a permanent, temporary, contract or visiting basis) and individuals who are currently studying at the Licensee's institution, outsourced faculty and/or staff previously employed by the Licensee in their performance of services for and on behalf of the Licensee only, retired faculty, staff and researchers of the Licensee, and Alumni of the Licensee, who are permitted to access the Secure Network regardless of the physical location of such persons and who have been issued by the Licensee with a password or other authentication. Alumni of the Licensee are only Authorised Users where the Licensee has opted for an Alumni Access Extension subject to payment of an additional fee as set out in Schedule 3.

**Research institute**: Current members of the staff of the Licensee (whether on a permanent, temporary, contract or visiting basis), outsourced faculty and/or staff previously employed by the Licensee in their performance of services for and on behalf of the Licensee only, retired faculty, staff and researchers of the Licensee, who are permitted to access the Secure Network regardless of the physical location of such persons and who have been issued by the Licensee with a password or other authentication.

#### Walk-in Users

Persons who are not Authorised Users but who are permitted to access the Secure Network from computer terminals or otherwise within the Licensee's physical premises. Walk-In Users may not be given means to access the Licensed Material when they are not within the physical premises of the Licensee. For the avoidance of doubt, Walk-In Users may not be given access to the Licensed Material by any wireless network provided by the Licensee unless such a network is a Secure Network

# **Commercial Use**

Use for the purposes of monetary reward (whether by or for the Licensee or an Authorised, or Walk-in User) by means of the sale, resale, loan, transfer, hire or other form of exploitation of the Licensed Material. For the avoidance of doubt, neither

- recovery of direct costs or costs required by law by the Licensee from Authorised or Walk-In-Users or from the receiving library in the case of Inter Library Loan
- use by the Licensee or by Authorised or Walk-In-Users of the Licensed Material in fee based educational programs (e.g. MBA)
- use by the Licensee, Authorised or Walk-in-Users of the Licensed Material in the course of research funded by a commercial organisation
- use by Alumni for their professional purposes
- nor use of the Licensed Material as a source for or quoting from it in Authorised or Walk-in User's own scientific, scholarly, and educational works including but not limited to articles and books

is deemed to constitute Commercial Use.

**Educational Purposes** 

For the purpose of education, teaching, distance learning, private study, retrieving information and research.

# Finna

Finna is a national online information search service which provides access to the digital information and services of libraries, archives and museums. Finna is maintained by the National Library of Finland. It is based on software developed from VuFind. A metadata aggregation service, Primo Central Index by Ex Libris, is used as a way to access licensed materials in Finna. SFX is used for managing licensed content and as OpenURL link resolver.

#### **Licensed Material**

The material listed in Schedule 2, or in new Schedules to this Agreement which may be agreed by the parties from time to time.

## Fee

The Fee set out in Schedule 3 or in new Schedules to this Agreement which may be agreed by the parties from time to time

## **Secure Network**

A network, (whether a standalone network or a virtual network within the Internet), which is only accessible to Authorised and Walk-in-Users whose identities (except in the case Walk-in Users) are authenticated at the time of login and whose conduct is subject to regulation by the Licensee.

#### Server

The server, either the Publisher's server or a third party server designated by the Publisher, on which the Licensed Materials are mounted and may be accessed.

#### **Academic Works**

Assignments, portfolios, theses and dissertations.

#### Text Mining/Data Mining

A machine process by which information may be derived by identifying patterns and trends within natural language through text categorization, statistical pattern recognition, concept or sentiment extraction, and the association of natural language with indexing terms.

# **Text Mining/Data Mining License**

The terms which apply to the Licensee's access to and use of the Licensed Material for Text and Data Mining purposes described in clause 2.5.

#### **Dispute Notice**

A written notice outlining details of a dispute, its nature and full particulars, that either party has with the other.

#### Alumni

Members of the Licensee's formal alumni association.

# 2. AGREEMENT

## 2.1 License

The Publisher agrees to grant the Licensee as specified in Schedule 1 and as amended from time to time by the parties, a non-exclusive and non-transferable right to access and use the Licensed Material and to allow Authorised and Walk-in Users to access and use the Licensed Material throughout the term of this Agreement via a Secure Network for Educational purposes and the Licensee agrees to pay the Fee.

# 2.2 Term of Agreement

This Agreement shall commence on 1.1.2018 and shall remain in effect until 31.12.2020.

#### 2.3. Perpetual use

After termination of this Agreement the Publisher will provide each terminating Licensee and its Authorised and Walk-in Users with access to that part of the Licensed Materials published within the subscription period, as detailed in Schedule 2, as applicable to each individual Licensee. Furthermore, after termination of this Agreement the Publisher will continue to provide each terminating Licensee and its Authorised and Walk-in Users with access to that part of any Licensed Materials published within previous subscription periods since 1.1.2000, as applicable to each individual Licensee. This shall be accomplished either by continuing online access to the same material on the Publisher's server or a third party server including Portico. If the Publisher does not provide access on its own server the Licensee may opt to be provided with an archival copy (including Article and Journal Level Metadata) of the Licensed Material in an electronic medium mutually agreed between the parties. The Licensee may also gain perpetual access via the LOCKSS system. Perpetual access and use shall be free of charge and is subject to the terms and conditions of this Agreement. Perpetual access will not be provided to the Licensee nor their Authorised Users where the Agreement has been terminated due to a breach by that particular Licensee.

For avoidance of doubt it is stated that the current Licensee/s' predecessor/s' archival rights extend to the current Licensees. The predecessors are as follows:

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University of Turku: Turku School of Economics, University of Turku
Tampere University of Applied Sciences: Tamk University of Applied Sciences.
Lapland University of Applied Sciences: Kemi-Tornio University of Applied Sciences.
Novia University of Applied Sciences: Polytechnic Sydväst
University of Helsinki: University of Helsinki, National Consumer Research Center
Xamk University of Applied Sciences: Kymenlaakso University of Applied Sciences, Mikkeli
University of Applied Sciences

The Licensee is permitted to mount the archival copies of the Licensed Material supplied by the Publisher, communicate, make available and provide access to such Licensed Material via a Secure Network to Authorised and Walk-in-Users in accordance with the terms of this Agreement. The Licensee is further permitted to make such copies or re-format the Licensed Material contained in the archival copies supplied by the Publisher in any way to ensure their future preservation and accessibility in accordance with this Agreement.

For the avoidance of doubt, the Publisher hereby acknowledges that any sui generis database rights created by the Licensee as a result of local mounting of the Licensed Material shall be the property of the Licensee, but this clause operates to transfer no database rights, copyright or other intellectual property rights in the Licensed Material. The Licensed Material shall always remain under licence from the Publisher.

## 2.4. Discount for print journals

Print journals listed in Schedule 2 are available for the Licensee, depending on the database access each Licensee has (listed in Schedule 1), at a flat price of EUR 345/journal/year. If the list price is lower than EUR 345, the list price will be charged instead. All subscriptions and payments for print journals will be handled directly by the members themselves.

# [2.5. Text and Data Mining

The parties will negotiate in good faith terms for text and/or data mining activities. If the parties reach an agreement, the terms of such use will be agreed in writing between the parties by way of an addendum to this Agreement.]

## 3. PERMITTED USES

3.1. This Agreement shall be deemed to complement and extend the rights of the Licensee, Authorised and Walk-in Users under the Finnish Copyright Act (404/1961) and EC Copyright Directive (2001/29/EC) and nothing in this Agreement shall constitute a waiver of any statutory rights held by the Licensee, Authorised and Walkin Users from time to time under the Act and the Directive or any amending legislation.

In the event of any conflict between the Permitted Uses in this section 3 and any terms and conditions communicated to Authorised and Walk-in -Users at the website where the Licensed Material is provided this Agreement shall prevail

# 3.2. Licensee may:

- 3.2.1. Allow Authorised Users to have access to the Licensed Material from the Server via a Secure Network.
- 3.2.2. Allow Walk-in Users to have access to the Licensed Material from the server at computer terminals or otherwise within the physical Premises of the Licensee.
- 3.2.3. Make such temporary local electronic copies as are necessary to ensure efficient use by Authorised and Walk-in-Users.
- 3.2.4. Provide single printed or electronic copies of single articles at the request of individual Authorised and Walk-In-Users.
- 3.2.5. Use reasonable parts of the Licensed Material for the purposes of internal marketing, testing or for training of Authorised and Walk-in-Users during the subscription period and perpetual access period (if applicable), including the display, electronic saving, and distribution of part of the Licensed Material including Publisher's trademarks, screenshots and logos on the Licensee's secure network; display, electronic saving and distribution of screenshots of part of the Licensed Material, the Publisher's trademarks and logos on the Licensee's public website; and printing and distribution of part of the Licensed Material to Authorised and Walk-In-Users for such purposes.
- 3.2.6. Produce translations of user guides and other promotional materials available at Publisher website (public or secure) or otherwise received from Publisher, electronically save/deposit such translations on any electronic network including networks open to the public, display and distribute such translations via any said electronic network for the purpose of promotion or for training Licensee's Authorised and Walk-in-Users and for the use of other Licensees for the same purpose. Any such materials produced cannot be used for commercial use
- 3.2.7. Produce audio visual works that include parts of the Licensed Material (including trademarks, logos and screenshots), electronically save/deposit such works on any electronic network including networks open to the public, distribute and publicly perform such works via any said electronic network for the purpose of promotion or for training Authorised and Walk-in-Users and for the use of other Licensees for the same purpose. Any such materials produced cannot be used for commercial use
- 3.2.8. Supply a paper or electronic copy to a user of another library (whether by post or fax or secure transmission, using Ariel or its equivalent or via email, whereby the electronic file is deleted immediately after printing) for Educational purposes and not for Commercial Use.
- 3.2.9. Allow the Licensed Materials to be searched by Authorized and Walk-in-Users via Finna or other portal in the Licensee's use provided that the terms of this Agreement are upheld.
- 3.2.10. Gather usage data via Finna or other portal in the Licensee's use.
- 3.2.11. Provide Authorized and Walk-in-Users with integrated access and an integrated article author, article title and keyword index to the Licensed Material and all other similar material licensed from other publishers.

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  - b) online public institutional repositories
  - c) online institutional research information systems (CRIS)
  - d) online national research information system
  - e) information search portal(s) and system(s) (including but not limited to the national Finna, sector specific or geographical Finna)
  - f) national metadata repository Melinda
  - g) research publications portal(s) including national portals (including but not limited to JUULI)

Only data regarding materials authored by the Licensee's faculty, students, staff or affiliated researchers may be used for Licensee's online institutional repositories, online institutional research information systems (CRIS) and online national research information systems.

- 3.3. Authorised Users and Walk-in-Users may:
- 3.3.1. Search, download, view, retrieve and display the Licensed Material
- 3.3.2. Electronically save copies of parts of the Licensed Material.
- 3.3.3. Print off single copies of parts of Licensed Material.
- 3.3.4. Make a reasonable number of photocopies of parts of the Licensed Material for Educational purposes.
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  - 3.4.6.2 the visible metadata for any Works deposited must include the Digital Object Identifier to the original Work on <a href="https://www.emeraldinsight.com">www.emeraldinsight.com</a>.
- 3.5 Licensees to which the respective authors belong have the same right.
- 3.6 Authorised users who are Alumni shall use the Licensed Material solely for their own use, whether for personal or professional purposes.

## 4. PROHIBITED USE

- 4.1. The Licensee, Authorised Users or Walk-In-Users may not:
- 4.1.1. Remove or alter the authors' names or the Publisher's copyright notices or other means of identification or disclaimers as they appear in the Licensed Material save as provided in this Agreement.
- 4.1.2. Systematically make printed or electronic copies of multiple extracts of the Licensed Material, save as permitted elsewhere in this Agreement.
- 4.1.3. Provide, by electronic means, to a user at another library or elsewhere, a retained electronic copy of any part of the Licensed Material, save as permitted elsewhere in this Agreement.
- 4.1.4. Display or distribute any part of the Licensed Material on any electronic network, including without limitation the Internet and the World Wide Web, other than a Secure Network save as provided elsewhere in this agreement.
- 4.1.5 Permit anyone other than Authorised or Walk-In-Users to access or use the Licensed Material, save as permitted elsewhere in this Agreement.
- 4.2. The Publisher's explicit written permission must be obtained in order to:
- 4.2.1. Use the whole or any part of the Licensed Material for any Commercial Use.
- 4.2.2. Publish, distribute or make available the Licensed Material, works based on the Licensed Material or works which combine it with any other material, save as permitted in this Agreement.
- 4.2.3. Alter, abridge, adapt or modify the Licensed Material, except to the extent necessary to make it perceptible on a computer screen, to Authorised and Walkin Users save as permitted in this agreement. For the avoidance of doubt, no alteration of the words or their order is permitted.

#### 5. PUBLISHER'S UNDERTAKINGS

- 5.1. The Publisher shall:
- 5.1.1. Provide access to the Licensed Material via the World Wide Web by means of the use of IP address authentication or by other means agreed between the National Library acting on behalf of the Licensee and the Publisher from time to time.
- 5.1.2. Make the Licensed Material available to the Licensee from the Server at the start of the term. The Publisher will use reasonable endeavours to notify the Licensee at least sixty (60) days in advance of any anticipated specification change applicable to the Licensed Material. If the changes render the Licensed Material less useful in a material respect to the Licensee, the Licensee may within thirty days of becoming aware of the change treat such changes as a material breach of this Agreement.
- 5.1.3. Use reasonable endeavours to make available the electronic copy of each journal covered by this Agreement at the start of business hours on the day of publication of the printed version. In the event that for technical reasons this is not possible for any particular journal, as a matter of course, such journal shall be identified at the time of licensing, together with the reasons therefore.
- 5.1.4. Use reasonable endeavours to ensure that the Server has adequate capacity and bandwidth to support the usage of the Licensee at a level commensurate with the standards of availability for information services of similar scope operating via the World Wide Web, as such standards evolve from time to time over the term of this Agreement.
- 5.1.5. Use all reasonable endeavours to make the Licensed Materials available to the Licensee and to Authorised and Walk-in Users at all times and on a twenty-four hour basis, save for routine maintenance, and to restore access to the Licensed Material as soon as possible in the event of an interruption or suspension of the service. If the online access is continuously interrupted for a period of one (1) weeks or more due to failure on the Publisher's side, the Publisher shall refund to the Licensee that part of the Fee that is in proportion to the time that the Licensed Material has not been available due to interruptions in the online access.
- 5.1.6. Provide customer support services to Authorised and Walk-in Users via e-mail or phone, including answering e-mail inquiries relating to the use, functionality and content of the Licensed Material. The Publisher will use all reasonable endeavours to respond to such enquiries within 24 hours of request. Although the standard response time for rights and permissions enquiries is within 5 working days of request;
- 5.1.7. Provide statistics by month and organisation regarding the online usage of the Licensed Material included in this Agreement to the National Library acting on behalf of the Licensee. Statistics will be provided on at least a quarterly basis.

In addition the Publisher will provide additional usage statistics to the Licensee via the Publisher's or third party's website through the use of passwords issued by the Publisher.

Publisher confirms that such usage statistics will adhere to the specifications of the COUNTER Code of Practice, including data elements collected and their definitions; data processing guidelines; usage report content, format frequency and delivery method. Such usage data shall be compiled in a manner consistent with applicable privacy and data protection laws, and the anonymity of individual users and the confidentiality of their searches shall be fully protected.

- **5.1.8.** Provide online training.
- 5.1.9. The Publisher reserves the right at any time to withdraw from the Licensed Material any item or part of an item for which it no longer retains the right to

publish, or which it has reasonable grounds to believe infringes copyright or is defamatory, obscene or unlawful. In the case of the Publisher not retaining the right to publish the material the Publisher shall give written notice to the Licensee and the National Library acting on behalf of the Licensee of such withdrawal 30 days prior to the withdrawal. When the Publisher removes material due to infringement of copyright or because the material is defamatory, obscene or unlawful the Publisher shall give notice to the National Library as soon as practicable, so that notification can be conveyed to Licensees and Authorized Users. If the withdrawn material represents more than ten percent (10%) of the item in the Licensed Material the Publisher shall make a pro rata refund of part of the Fee, taking into account the amount of material withdrawn and the remaining unexpired portion of the Term. If the withdrawal results in the Licensed Materials being less useful to the Licensee, it may within thirty days of such notice treat such changes as a material breach of this License.

- 5.1.10. Confirm that it will adhere to the specifications of the Transfer Code of Conduct.
- 5.1.11. In the event Publisher ceases to publish a journal that has been published online and the Transfer Code of Conduct is not applicable, Publisher will make its best efforts to continue to provide access to those volumes. This includes both journals which will no longer be published at all, and journals that will be published henceforward by another publisher.
- 5.1.12. Use its best endeavors to ensure that the Licensed Material will be compatible with standard search interfaces (e.g. Z39.50, SRU/SRW) for the term of the Agreement.
- 5.1.13. Use its best endeavors to ensure Licensed Material will meet the openURL standard for the term of the Agreement.
- 5.1.14. Supply Journal Level Metadata to the National Library acting on behalf of the Licensee on an annual basis in an appropriate format (if requested).
- 5.1.15. Use reasonable endeavours to provide the Licensee with the necessary data to allow the Licensed Materials to be searched by Licensee's Authorized and Walkin-Users via a portal in the Licensee's use.
- 5.1.16. Provide the National Library with monthly updates regarding changes in the Licensed Material. The information must include titles and ISSN or ISBN numbers.
- 5.1.17. Use reasonable efforts to facilitate making searches to the Licensed Material via Primo Central Index. Licensor shall provide to Licensee's discovery service vendor on an ongoing basis the citation and complete descriptive metadata (including all subject headings, abstracts, and keywords), and full-text content necessary to facilitate optimal discovery and accessibility of the content for the benefit of Licensee and Authorised Users.
- 5.1.18. Use its best endeavours to adhere to the specifications of the KBART standards (<a href="http://www.uksg.org/kbart/s5/guidelines">http://www.uksg.org/kbart/s5/guidelines</a>).
- 5.1.19. Use its best endeavours to meet the W3C standards (www.w3.org/WAI/Resources/#in) in order to ensure that the Licenced Material is accessible to all the Authorised and Walk-in -Users of the Licensee.
- 5.1.20. Archive the Licensed Material to ensure that it is preserved for future scholarship in at least one of the following archiving solutions: Portico, Clockss or Lockss, and inform the National Library acting of behalf of the Licensee in which of the archiving solutions the Licensed Material may be found;

- 5.1.21. Implement the Standardized Usage Statistics Harvesting Initiative (SUSHI) protocol (<a href="https://www.niso.org/workrooms/sushi">www.niso.org/workrooms/sushi</a>);
- 5.1.22. Use its best endeavours to enable provision of an SFX-target for the Licensed Material through ExLibris.

# 6. WARRANTIES AND REPRESENTATIONS

- 6.1 The Publisher warrants and represents that it is the owner of the copyright in the Licensed Material or that it is duly licensed to use the copyrighted material contained in the Licensed Material and that the Licensed Material used as contemplated in this Agreement does not infringe any copyright or other proprietary or intellectual property rights of any natural or legal person.
- 6.2 The Publisher shall indemnify and hold the Licensee harmless from and against any loss, damage, cost, liability or expense (including reasonable legal and professional fees) arising out of any legal action taken against the Licensee claiming actual or alleged infringement of such rights. This indemnity shall survive the termination of this Agreement for any reason. This indemnity shall not apply if the Licensee has amended the Licensed Material in any way not permitted by this Agreement, and such amendment has caused the loss, damage, cost, liability or expense.

## 7. LICENSEE'S UNDERTAKINGS

- 7.1. The Licensee will:
- 7.1.1. Use reasonable endeavours to notify Authorised and Walk-in-Users of the user terms and conditions of this Agreement and take steps to protect the Licensed Materials from unauthorised use or other breach of this Agreement.
- 7.1.2. Use all reasonable endeavours and immediately upon becoming aware of any unauthorised use or other breach, inform the Publisher in writing of such unauthorised use or breach and take all reasonable and appropriate steps, including disciplinary action, both to ensure that such activity ceases and to prevent any recurrence;
- 7.1.3. Provide through the National Library acting on its behalf a list of valid IP addresses, within 30 days of the date of this Licence, to the Publisher and update those lists on a regular basis. The information provided will be sufficient to enable the Publisher to provide access to the Licensed Materials.
- 7.2. Nothing in this Agreement shall make the Licensee liable for breach of the terms of the Agreement by any Authorised or Walk-in-User provided that the Licensee did not cause, knowingly assist or condone the continuation of such breach to continue after becoming aware of an actual breach having occurred.
- 7.3. The Licensee acknowledges that the copyright and all other intellectual property rights in the Licensed Materials are the property of the Publisher.
- 7.4. The Licensee shall, in consideration for the rights granted under this Licence, pay the Fee as set out in Schedule 3 within sixty (60) days of receipt of invoice. The practical tasks of receipt, payment and other handling of invoices is undertaken by the National Library on behalf of the Licensee. The Fees are invoiced and paid annually. The Fees are exclusive of value added tax.

Should the National Library not pay the Fees on time, Publisher shall give the National Library written notice of default, granting it a further 2 (two) month period in which to comply with its payment obligation. Upon that period expiring, the National Library shall be deemed to be in default by operation of law and Publisher shall be entitled to suspend access to the Licensed Materials and charge the National Library an interest rate of 2% above Barclays Bank plc base rate on

any payment that is not paid on time. Such interest shall be calculated from the day on which the National Library fell into default until the day on which the amount owing is received.

#### 8. UNDERTAKINGS BY BOTH PARTIES

Each party will use its best endeavors to safeguard the intellectual property and proprietary rights (branding or trademarks of Emerald Group Publishing Limited) of the other.

#### 9. LIMITATION OF LIABILITY

- 9.1 Neither party will be liable for any consequential, incidental, special or indirect damages save as provided elsewhere in this agreement.
- 9.2 For the avoidance of doubt every Licensee (member of the FinELib consortium listed in Schedule 1) will only be liable for its own actions and/or defaults.

#### 10. TERMINATION

- 10.1. In addition to automatic termination at the end of the Term as contemplated in clause 2.2., unless renewed, this Agreement is terminated if either party gives written notice to the other in the following circumstances:
- 10.1.1 Either party commits a material or persistent breach of any term of this Agreement and fails to remedy the breach (if capable of remedy) within thirty days of notification in writing by the other party.
- 10.1.2 Either party becomes insolvent or becomes subject to receivership, liquidation or similar external administration.
- 10.1.3 A change in control of a Licensee occurs, a Licensee merges with or acquires an organization, breaks up or if changes relevant to this Agreement occur in the Licensee's permission to organize higher level education or other legislation regarding the Licensee and relevant to this Agreement. The National Library will give the Publisher notice of the termination no later than 30 days before the end of a calendar year and the termination will take effect from the beginning of the next calendar year. When the Agreement is terminated the respective Licensee's share of the Fee will be deducted from the total Fee. The Licensee's share of the fee is determined by the FinELib cost division model. In the case of alumni access the Licensee's share of the fee is defined in Schedule 3.
- 10.1.4 Licensee opts out during the term of the Agreement. Notice of an opt out must be given to the Publisher no later than three months prior to the end of the calendar year. The opt out will become effective on 1st of January of the following year. When the Agreement is terminated the respective Licensee's share of the Fee will be deducted from the total Fee. The Licensee's share of the fee is determined by the FinELib cost division model. In the case of alumni access the Licensee's share of the fee is defined in Schedule 3.
- On termination all rights and obligations of the parties automatically terminate except for those specified in clauses 2.3 (perpetual use although not provided where the termination is due to a breach by a Licensee, perpetual access will then not be provided to the offending Licensee) and 6. (warranty, indemnity), 3 and 4 (rights and obligations to Licensed Material to which access continues to be permitted during perpetual access).
- 10.3 On termination of this Agreement by breach of a Licensee, the Licensee in question shall use reasonable endeavours to immediately cease to distribute or make available the Licensed Materials to Authorised Users and shall immediately destroy

- all Licensed Materials locally stored in accordance with the rights granted in this Agreement.
- 10.4 The termination as contemplated in clause 10.1.and all its consequences will only affect the Licensee(s) in question.
- On termination of this Agreement the Publisher shall refund the proportion of the Fee that represents the paid but un-expired part of the Term.

#### 11. OPEN ACCESS

# Subject matter

- 11.1 The Publisher and the Licensee are combining the two collaboration formats, subscribing/licensing and open access publishing as a pilot. The eligible article types are as follows:
  - Research Paper
  - Viewpoint
  - Technical Paper
  - Conceptual Paper
  - Case Study
  - Literature Review
  - General Review

For the avoidance of doubt, Editorials and Book Reviews are not eligible article types.

- 11.2 The parties will make publishing in open access format, in journals listed in Schedule 2, available to eligible corresponding authors that are affiliated to the Licensee. In addition, the vouchers may also be used for any fully gold open access journals published by the Publisher.
- 11.3 The Publisher has agreed to issue gratis Article Processing Charges (APC) vouchers at the values set out in Table A below. The total annual APC voucher value must be used within the calendar year and cannot be transferred into the following calendar year(s). Vouchers will be assigned at the point of article acceptance and will be allocated on a first come first served basis. All articles eligible for a voucher will be subject to the respective journal's editorial and peer review processes.

#### Table A

Year	APC Value (GBP)
2018	22 566
2019	45 133
2020	68 142

In the event that the value of requested vouchers exceeds the agreed total annual value for that year, the Publisher will offer the author the option of self-funding the APC at the charge listed at <a href="http://www.emeraldgrouppublishing.com/apc price list.pdf">http://www.emeraldgrouppublishing.com/apc price list.pdf</a>. In this event, the Author shall also have the option to direct the Publisher to publish the article via the Publisher's subscription model instead of its open access model.

11.5 The parties plan to evaluate the experiences of this combined availability of the points indicated above to explore future cooperation and a mutually sustainable model.

Eligible titles and articles

- 11.6 For the avoidance of doubt, all journals listed in Schedule 2 shall be included in this pilot for the term of the agreement. The Publisher reserves the right to review the inclusion of titles at any point, and may add or remove titles by mutual consent.
- 11.7 The following standards have to be met by the open access articles: Articles will be subject to the respective journal's editorial and peer review processes, will be original, will not infringe on any law and/or third party right and will meet ethical standards.

**Eligible authors** 

- 11.8 Students and faculty and other staff enrolled or accredited to the Licensee institutions set out in Schedule 1 are eligible to apply for a voucher.
- 11.9 Authors are only eligible once their article has been accepted following the journal's peer review and editorial processes.
- 11.10 Prior to publication all authors will be required to sign a Creative Commons Attribution License (CCBY).
- 11.11 In case of articles published by multiple authors, the corresponding author must be the eligible author. The corresponding author will be required to sign the CCBY license.

#### **Work-flow**

11.12 The author will be asked to identify their eligibility for a voucher during the submission process on ScholarOne Manuscripts. Their eligibility for a voucher will be assessed on his/her institutional email address. On acceptance, the Publisher will verify the author's eligibility and the availability of vouchers, and inform the author if they have been successful in obtaining a voucher. If successful, the author will be asked to complete the CCBY licence. The Publisher will keep a record of the number of vouchers used and will report to the National Library on a quarterly basis. The report will contain the following information: Corresponding author name and institutional affiliation; journal title, ISSN, article title, article type, DOI link, journal discipline.

The parties' obligations

- 11.13 The parties have the following obligations regarding Open Access Publishing:
  - 11.13.1 The Publisher shall not levy article processing charges (APCs) directly on Authors who have identified themselves and whose eligibility has been verified.
  - 11.13.2 The redemption of a voucher shall not influence the peer review process & editorial decision(s), nor interfere with any of the Publisher's COPEcompliant ethics or submission guidelines.
  - 11.13.3 The Licensee is responsible of informing the authors to identify themselves as being eligible in the course of the submission process. In the case that authors have not identified themselves as being eligible, once an article has been published in EarlyCite or final format, vouchers cannot be requested or articles made open access retrospectively.
  - 11.13.4 The Publisher shall publish the open access articles in the publisher interface under the CCBY license.

#### 12 GENERAL

## 12.1 ENTIRE AGREEMENT

This Agreement constitutes the entire agreement of the parties and supersedes all prior communications, understandings and agreements relating to the subject matter of this Agreement, whether oral or written.

#### 12.2 ALTERATIONS

Alterations to this Agreement and to the Schedules to this Agreement (which may be altered separately from the body of this Agreement without affecting the validity of the Agreement as a whole) are only valid if they are recorded in writing and signed by both parties.

## 12.3 ASSIGNMENT

- 12.3.1 This Agreement may not be assigned by either party to any other person or organisation, nor may either party sub-contract any of its obligations, without the prior written consent of the other party, which consent shall not unreasonably be withheld.
- 12.3.2 If rights in all or any part of the Licensed Material are assigned to another Publisher, the Publisher will ensure that the terms and conditions of this Agreement are maintained.

#### 12.4 NOTICES

Any notices to be served on either of the parties by the other shall be sent by prepaid recorded delivery or registered post.

Notices to the Licensee shall be sent to the following address:

The National Library of Finland FinELib P.O.Box 26 (Teollisuuskatu 23-25) 00014 University of Helsinki, Helsinki, Finland

Notices to the Publisher shall be sent to the following address: Emerald Publishing Ltd. Howard House Wagon Lane Bingley, BD16 1WA UK

All such notices shall be deemed to have been received within 14 days of posting.

#### 12.5 FORCE MAJEURE

Neither party's delay or failure to perform any provision of this Agreement, as result of circumstances beyond its control (including, without limitation, war, strikes, floods, governmental restrictions, power, telecommunications or Internet failures, or damage to or destruction of any network facilities) shall be deemed to be, or to give rise to, a breach of this Agreement.

# 12.6 SEVERABILITY

The invalidity or unenforceability of any provision of this Agreement shall not affect the continuation in force of the remainder of this Agreement.

# 12.7 WAIVER

The failure of either party to require performance by the other party of any provision of this Agreement will not affect its full right to require such performance at any subsequent time; nor will the waiver by either party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself.

## 13 GOVERNING LAW

This Agreement shall be governed by and construed in accordance with Finnish law, excluding its choice of law rules.

# 14 DISPUTE RESOLUTION

- 14.1 In the event any dispute, controversy of claim arises between the parties under or in connection with this Agreement, the parties agree to first exercise their best efforts to resolve the dispute as soon as possible via negotiations.
- 14.2. Either party shall give the other written notice of the Dispute, setting out its nature and full particulars (Dispute Notice), together with relevant supporting documentation. On service of the Dispute Notice the Licensee and the Publisher shall attempt in good faith to resolve the Dispute.
- 14.3 If these negotiations are unsuccessful any dispute, controversy or claim arising between the parties under or in connection with this Agreement will be subject to and within the jurisdiction of the courts of Finland.

#### 15. SCHEDULES

This Agreement includes the following Schedules (which can be amended from time to time), which are incorporated as if fully set forth herein:

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Accounting Research Journal	1030-9616	2005
Accounting, Auditing & Accountability Journal	0951-3574	1988
Agricultural Finance Review	0002-1466	2000
Asian Review of Accounting	1321-7348	2006
China Agricultural Economic Review	1756-137X	2009
China Finance Review International	2044-1398	2011
Humanomics	0828-8666	2006
Indian Growth and Development Review	1753-8254	2008
International Journal of Accounting & Information Management	1834-7649	2007
International Journal of Development Issues International Journal of Islamic and Middle Eastern Finance and	1446-8956	2007
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International Journal of Managerial Finance	1743-9132	2005
International Journal of Manpower	0143-7720	1994
International Journal of Social Economics	0306-8293	1994
Journal of Accounting & Organizational Change	1832-5912	2005
Journal of Accounting in Emerging Economies	2042-1168	2011
Journal of Agribusiness in Developing and Emerging Economies	2044-0839	2011
Journal of Applied Accounting Research	0967-5426	1999
Journal of Chinese Economic and Foreign Trade Studies	1754-4408	2008
Journal of Economic and Administrative Sciences	1026-4116	2003
Journal of Economic Studies	0144-3585	1994
Journal of Financial Crime	1359-0790	2003
Journal of Financial Economic Policy	1757-6385	2009
Journal of Financial Regulation and Compliance	1358-1988	2002
Journal of Financial Reporting and Accounting	1985-2517	2003
Journal of Investment Compliance	1528-5812	2002
Journal of Islamic Accounting and Business Research	1759-0817	2010
Journal of Money Laundering Control	1368-5201	2003
The Journal of Risk Finance	1526-5943	2005
Managerial Auditing Journal	0268-6902	1994
Managerial Finance	0307-4358	1998
Meditari Accountancy Research	2049-372X	2000
Pacific Accounting Review	0114-0582	2004
Qualitative Research in Accounting & Management	1176-6093	2004
Qualitative Research in Financial Markets	1755-4179	2009
Review of Accounting and Finance	1475-7702	2006
Review of Behavioral Finance (2012 Acq - replaced JHRCA)	1940-5979	2009
Studies in Economics and Finance	1086-7376	2006
Sustainability Accounting, Management and Policy Journal	2040-8021	2010

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Business, Management and Strategy eJournal Collection (EBMS)	1012 9255	2040
Academia Revista Latinoamericana de Administración	1012-8255	2013
African Journal of Economic and Management Studies	2040-0705	2010
American Journal of Business	1935-5181	1986
Annals in Social Responsibility	2056-3515	2015
Asia-Pacific Journal of Business Administration	1757-4323	2009
Baltic Journal of Management	1746-5265	2006
Chinese Management Studies	1750-614X	2007
Competitiveness Review	1059-5422	2005
Corporate Governance; The international journal of business in society	1472-0701	2001
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EuroMed Journal of Business	1450-2194	2006
European Business Review	0955-534X	1994
European Journal of Innovation Management	1460-1060	1998
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International Journal of Conflict Management	1044-4068	2006
International Journal of Emerging Markets	1746-8809	2006
International Journal of Entrepreneurial Behavior & Research	1355-2554	1995
International Journal of Gender and Entrepreneurship	1756-6266	2009
International Journal of Innovation Science	1757-2223	2009
International Journal of Law and Management	1754-243X	2008
International Journal of Managing Projects in Business	1753-8378	2008
International Journal of Retail & Distribution Management	0959-0552	1994
International Journal of Wine Business Research	1751-1062	2007
Journal of Advances in Management Research	0972-7981	2003
Journal of Asia Business Studies	1558-7894	2006
Journal of Business Strategy	0275-6668	2003
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Chinese Entrepreneurship)	2053-4604	2009
Journal of Enterprising Communities: People and Places in the Global	1750-6204	2007
Economy  Journal of Entrepreneurship and Public Policy	2045-2101	2012
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Journal of Clabal Responsibility	2043-0236	2011
Journal of Global Responsibility		
Journal of Indian Business Research	1755-4195	2009
Journal of International Trade Law and Policy	1477-0024	2002
Journal of Korea Trade	1229-828X	2016
Journal of Management History	1751-1348	2006
Journal of Modelling in Management	1746-5664	2006
Journal of Service Management	1757-5818	2009
Journal of Small Business and Enterprise Development	1462-6004	1998
Journal of Strategy and Management	1755-425X	2008
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Multinational Business Review	1525-383X	2003
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Social Enterprise Journal	1750-8614	2005
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Strategic Direction	0258-0543	2002
Strategy & Leadership World Journal of Entrepreneurship, Management and Sustainable	1087-8572	2000
Development	2042-5961	2010
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Asian Education and Development Studies	2046-3162	2012
International Journal of Information and Learning Technology (Prev.		
Campus-Wide Information Systems)	2056-4880	1995
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Health Education	0965-4283	1994
Higher Education, Skills and Work-Based Learning	2042-3896	2011
History of Education Review	0819-8691	2004
Interactive Technology and Smart Education	1741-5659	2004
International Journal for Lesson and Learning Studies	2046-8253	2012
Studies in Graduate and Postdoctoral Education (prev. International Journ for Researcher Development)	nal     2398-4686	2009
International Journal of Educational Management	0951-354X	1994
International Journal of Educational Management	2046-6854	2012
International Journal of Mentoring and Coaching in Education	1467-6370	2000
Journal of Professional Capital and Community	2056-9548	2016
International Journal of Comparative Education and Development	2396-7404	2016
Journal of Applied Research in Higher Education	2050-7003	2010
Journal of Educational Administration	0957-8234	1994
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Technology Journal)	2053-535X	2007
On the Horizon	1074-8121	2000
Qualitative Research Journal	1443-9883	2006
Quality Assurance in Education	0968-4883	1994
Social Studies Research and Practice	1933-5415	2017
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Aircraft Engineering and Aerospace Technology	0002-2667	1997
Anti-Corrosion Methods and Materials	0003-5599	1997
Assembly Automation	0144-5154	1994
Circuit World	0305-6120	1996
COMPEL - The international journal for computation and mathematics in		
electrical and electronic engineering	0332-1649	1996
Engineering Computations	0264-4401	1996
Grey Systems: Theory and Application	2043-9377	2011
Industrial Lubrication and Tribology	0036-8792	1994

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Industrial Robot	0143-991x	1994
International Journal of Clothing Science and Technology	0955-6222	1994
International Journal of Intelligent Computing and Cybernetics	1756-378X	2008
International Journal of Intelligent Unmanned Systems	2049-6427	2013
International Journal of Numerical Methods for Heat & Fluid Flow	0961-5539	1997
International Journal of Pervasive Computing and Communications	1742-7371	2005
International Journal of Structural Integrity	1757-9864	2010
International Journal of Web Information Systems	1744-0084	2005
Journal of Structural Fire Engineering	2040-2317	2010
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Multidiscipline Modeling in Materials and Structures	1573-6105	2005
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Rapid Prototyping Journal	1355-2546	1995
Research Journal of Textile and Apparel	1560-6074	1997
Sensor Review	0260-2288	1994
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World Journal of Engineering	1708-5284	2011
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Career Development International	1362-0436	1996
Employee Relations: The International Journal	0142-5455	1994
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Opportunities International)	2040-7149	1998
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Journal of Management Development	0262-1711	1994
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Journal of Organizational Ethnography	1366-5626	1997
Journal of Workplace Learning	0143-7739	1997
Leadership & Organization Development Journal  Qualitative Research in Organizations and Management: An International	0143-7739	1994
Journal	1746-5648	2006
Team Performance Management: An International Journal	1352-7592	1995
The Learning Organization	0969-6474	1994
Health & Social Care eJournal Collection (EMXHSC)		
Advances in Autism	2056-3868	2015
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Advances in Dual Diagnosis	1757-0972	2008
Advances in Mental Health and Intellectual Disabilities	2044-1282	2007
International Journal of Health Governance (Prev. Clinical Governance: An	2050 4024	2002
International Journal )	2059-4631	2003
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Inequalities in Health and Social Care)	2056-4902	2008
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International Journal of Health Care Quality Assurance	0952-6862	1994
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International Journal of Prisoner Health	1744-9200	2005
International Journal of Workplace Health Management	1753-8351	2008
Journal of Aggression, Conflict and Peace Research	1759-6599	2009
Journal of Enabling Technologies (prev. Journal of Assistive Technologies)	2398-6263	2007
Journal of Children's Services	1746-6660	2006
Journal of Criminal Psychology	2009-3829	2011
Journal of Criminological Research, Policy and Practice	2056-3841	2015
Journal of Health Organization and Management	1477-7266	2003
Journal of Integrated Care	1476-9018	1996
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Disabilities OB)	2050-8824	2010
Journal of Public Mental Health	1746-5729	1999
Leadership in Health Services	1751-1879	1997
Mental Health and Social Inclusion	2042-8308	2010
Mental Health Review Journal	1361-9322	1996
Nutrition & Food Science	0034-6659	1994
Quality in Ageing and Older Adults	1471-7794	2000
Safer Communities	1757-8043	2002
The Journal of Forensic Practice (Prev. British Journal Forensic Practice)	2050-8794	1999
The Journal of Adult Protection	1466-8203	1999
The Journal of Mental Health Training, Education and Practice	1755-6228	2006
Therapeutic Communities: The International Journal of Therapeutic		
Communities	0964-1866	2012
Tizard Learning Disability Review	1359-5474	1996
Working with Older People	1366-3666	2000
Information & Knowledge Management eJournal Collection (EMXIKM)		5.V
Industrial Management & Data Systems	0263-5577	1994
Digital Policy, Regulation and Governance (prev Info)	2398-5038	1999
Information and Computer Security (Prev. Information Management & Computer Security)	2056-4961	1994
Information Technology & People	0959-3845	1994
Internet Research	1066-2243	1994
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Journal of Enterprise Information Management	1741-0398	2004
Journal of Information, Communication and Ethics in Society	1477-996X	2003
Journal of Intellectual Capital	1469-1930	2000
Journal of Knowledge Management	1367-3270	1997
Journal of Systems and Information Technology	1328-7265	1997
Records Management Journal VINE Journal of Information and Knowledge Management Systems (Prev.	0956-5698	1998
VINE)	2059-5891	2001
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Aslib Journal of Information Management (Prev. Aslib Proceedings)         2050-3806         1998           Collection Building         1060-4953         1996           Information Discovery and Delivery (prev. Interlending & Document Supply)         2398-6247         1994           Journal of Documentation         0022-0418         1997           Library Hi Tech         0737-8831         1997           Library Management         0143-5124         1994           Library Review         0024-2535         1994           Information and Learning Science (prev. New Library World)         2398-5348         1994           Online Information Review         4668-4527         2000           Performance Measurement and Metrics         1467-8047         2000           Program (prev. Program: electronic library and information systems)         0930-3037         1997           Reference Reviews         9950-4125         1997           Reference Services Review         0990-4125         1997           The Bottom Line (Prev. Arts Marketing: An International Journal)         2058-5495         1998           Arts and the Market (Prev. Arts Marketing: An International Journal of Marketing and Sponsorship         1356-3289         1999           European Journal of Marketing and Marketing         1366-3233         1994		i	
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Transforming Government: People, Process and Policy 1750-6166 2007 Social Transformations In Chinese Societies 1871-2673 2016 World Journal of Science, Technology and Sustainable Development 2042-5945 2010	Management of Environmental Quality: An International Journal	1477-7835	2003
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World Journal of Science, Technology and Sustainable Development 2042-5945 2010	Transforming Government: People, Process and Policy	1750-6166	2007
	Social Transformations In Chinese Societies	1871-2673	2016
Tourism and Hospitality eJournal Collection (EMXTH)	World Journal of Science, Technology and Sustainable Development	2042-5945	2010
	Tourism and Hospitality eJournal Collection (EMXTH)		

International Journal of Contemporary Hospitality Management	0959-6119	1994
International Journal of Culture, Tourism and Hospitality Research	1750-6182	2007
International Journal of Event and Festival Management	1758-2954	2010
International Journal of Tourism Cities	2056-5607	2015
Journal of Hospitality and Tourism Technology	1757-9880	2010
Tourism Review	1660-5373	2007
Worldwide Hospitality and Tourism Themes	1755-4217	2009

# **Schedule 3: The License Fees**

Product	Members	No. of titles	Year	Price
			2018	
Emerald Premier eJournal Collection	36	310	2019	
			2020	

Annual prices removed. The contract doesn't contain prices per subscriber, only totals.

Total price 2018-2020: EUR 839 057

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Annual prices removed. Total price 2018-2020: EUR 5803

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Signature:

Position / Title:

Global Sales Director GROUP FINANCE DIRECTOR

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Name (in block capitals):

Mr Kai Ekholm

Date: February 26, 2018

Signature:

Position / Title:

Library Director