



**Statement of Preferred Practices  
for Legal Publishers**

*Version 1.3*

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## INTRODUCTION

The Australian Law Librarians' Association (ALLA) *Statement of Preferred Practices for Legal Publishers* is a voluntary code of practice for legal publishers doing business with librarians and other consumers of legal information.

By following the principles of the ALLA statement, legal publishers can significantly contribute to effective self-regulation and help establish the Guide as the accepted standard in the industry.

The statement is intended to:

- describe standards of good practice and service;
- promote open communication and disclosure;
- encourage publishers to develop effective dispute resolution processes; and
- foster constructive relationships between publishers and their customers.

The ALLA urges legal publishers to comply with the ALLA statement and to implement internal procedures and infrastructure to support compliance.

Law librarians and consumers of legal information are encouraged to set their expectations of legal publishers at the level of the ALLA statement and to reference these principles in their interactions with publishers. The ALLA may from time to time revise the code, and survey customers' perceptions of publishers' compliance.

The ALLA acknowledges the American Association of Law Libraries' *Guide to Fair Business Practices for Legal Publishers*, and the British and Irish Association of Law Librarians' draft *Code of Good Practice for Legal Publishers*, as the source of some material in this statement.

## **Principle 1: Accurate and timely communication**

- 1.1 Publishers should engage in truthful and accurate communication with their customers and potential customers
- 1.2 Publishers should engage in truthful and accurate advertising of their products and services. Advertising and marketing should not make deceptive or misleading representations or fail to include material facts
- 1.3 Publishers should avoid presenting promotional or marketing material in a form which resembles an invoice
- 1.4 Publishers should respect reasonable requests by the customer regarding methods of contact such as telemarketing and e-mail advertisements
- 1.5 Reasonable access should be given to account representatives, technical support staff and editorial staff, with direct phone and email details for contacts made available on the publishers' websites
- 1.6 Customers' phone calls, emails and letters should be responded to within a reasonable time and requests actioned promptly
- 1.7 In situations where a request cannot immediately be dealt with conclusively, customers should be regularly updated on the progress and given an expected response time
- 1.8 Publishers should ensure that employees responsible for customer service are adequately trained and resourced
- 1.9 Publishers should ensure that account managers have the authority to make decisions
- 1.10 Publishers should analyse calls to their customer support centres so recurring problems are fixed at the highest level
- 1.11 Customers should be notified of new products and services, and changes to formats of existing products, as appropriate
- 1.12 Customers of online services should be given advance notice of significant changes to infrastructure that is likely to result in changes in URLs for individual publications or documents, or to performance or functionality
- 1.13 Appropriate notice of withdrawal of services should be given to subscribers of those services, regardless of whether the service is free or costed
- 1.14 Customers should be notified of down time for individual online services or of the publisher's websites.

## **Principle 2: Costs and disclosure**

- 2.1 Publishers' websites should display comprehensive information about their products and services
- 2.2 Publishers' websites should display comprehensive information about prices, standard contacts and terms of trade, standard discounts and variable pricing options for all products and services
- 2.3 Publishers' websites should provide secure access to a customer's own subscription details
- 2.4 Invoices should be accurate and easy to understand
- 2.5 Invoices should include the itemisation of all components, including postage and handling, discounts, GST and any advantageous purchasing options
- 2.6 Customers should be fully advised of the term and scope of a subscription at the time of purchase including expected supplementation, and whether at the publisher's discretion no supplementation may be provided over the term of the subscription
- 2.7 Publishers should provide customers with renewal notices at periods related to the date of subscription. A renewal notice for a publication should not be sent out more than six months, nor less than four weeks, prior to the expiration of the subscription. The notice should provide the expiration date of the current subscription
- 2.8 Publishers should provide an opportunity for their customers to negotiate contract terms
- 2.9 Where a product comprises a number of components publishers should avoid bundling in favour of flexible options
- 2.10 Where bundling occurs, the contents of bundles should be disclosed to the customer and the contents should not be varied without consultation with the customer
- 2.11 Prior to confirming a purchase publishers should provide all material information necessary for a customer to make an informed decision about products and services, including but not limited to:
  - Full title, author(s) or editor(s), ISBN or ISSN, and publisher;
  - Copyright date
  - The system requirements for electronic products and any known system incompatibilities
  - Notice as to whether the product is a revision, recompilation, condensation, reprint, or otherwise taken from another source

- Expected publication date of next edition if known to be within the next six months
- Complete physical description, including whether publication is a loose-leaf or bound volume, or contains a disk or CD
- Cost, including itemisation of all components (see above)

### **Principle 3: Fair dealing**

- 3.1 Publishers should engage in fair dealings with their customers
- 3.2 Publishers have a general duty of confidentiality towards customers and should not disclose or disseminate information concerning the customer to other entities unless the customer has consented to the disclosure
- 3.3 Publishers should take reasonable steps to safeguard information about customers
- 3.4 Publishers should not collect information relating to customers by unlawful means
- 3.5 The anonymity of individual users and the confidentiality of their searches should be fully protected
- 3.6 Publishers should be aware of, and take responsibility for the practices of companies who supply services on their behalf, such as outsourced delivery or billing companies
- 3.7 Licenses should permit the "fair use" of information, including viewing, downloading and printing, in agreement with the provisions in copyright statutes. Publishers should allow e-information (such as electronic copies of journal articles) to be used to generate copies (whether in print or electronic form) for interlibrary loans

### **Principle 4: Dispute resolution**

- 4.1 Publishers should avoid early disputes with customers through early mediation by honouring representations answering questions, and resolving complaints and disputes in a timely and responsive manner
- 4.2 Publishers should work collaboratively with customers to resolve problems and improve products and service
- 4.3 There should be a clear and transparent dispute resolution process, including a single, advertised point of contact for customers

- 4.4 Disputes should be dealt with by a representative who has the appropriate authority to resolve the dispute
- 4.5 If a dispute is not resolved in a manner, which is acceptable to the customer, the publisher should inform the customer in writing of the reasons for the outcome, and of any further steps which can be taken

### **Principle 5: Product quality**

- 5.1 Publishers should promptly correct inaccuracies in products identified by customers, the ALLA and the publishers themselves
- 5.2 Publishers should ensure the provision of ongoing training and support
- 5.3 Electronic products should not be placed into the market until beta testing is completed and the product has been tested by a group of users that are representative of their actual anticipated customers
- 5.4 Statements describing the scope of information provided by electronic products should be included in the documentation for the products
- 5.5 Information as to the date and/or the number of the release should be included within the electronic text
- 5.6 Electronic products should clearly indicate their expiry date
- 5.7 Electronic and online publications should include help and instruction documentation which is easy to access and understand
- 5.8 Publishers should create products that are capable of withstanding reasonable use by customers
- 5.9 Publishers' websites should include a statement on preservation initiatives and activities
- 5.10 Retention of historic material is necessary in the provision of legal research. Publishers must provide a mechanism whereby subscribers can retain this material. Researchers require access both to the law as it stands and to the law as it was. In particular, products with legislation should provide a means of archiving superseded data, just as the print product allows us the option of retaining superseded editions on our shelves
- 5.11 Publications issued in looseleaf format and their electronic equivalents should be regularly updated to reflect changes in the law. Publishers should update the entire publication and not leave parts of the publication with incorrect information. The date of currency of the law in the publication should be clearly expressed. If publishers cannot meet these requirements, consideration should be given to replacing the looseleaf format with a bound edition.

## **Principle 6: Social responsibility**

- 6.1 Publishers should give consideration not only to financial factors, but also to the likely impacts their decisions have on the ability of their customers to deliver services and education
- 6.2 Publishers should support consortia. Non-disclosure language, if necessary, should not preclude library consortia from sharing pricing and other significant terms and conditions with other consortia
- 6.3 Publishers should be willing to work constructively with the ALLA