

Commercial Availability of Digital Editions - FAQs

- Q: Does 'commercially available' mean available only from platforms we use or know about?**
- A:** No, it means available from any platform that an institution could reasonably be aware of, whether currently used by your institution or not. Please also check the publisher's own website.
- Q: Does it mean 'commercially available irrespective of cost'?**
- A:** Yes, if an eBook is available on commercial terms to libraries, then a print copy cannot be scanned under the extended licence provisions, regardless of the cost.
- Q: If an eBook is only available under the Kortext e-textbook subscription model (or similar) with a fee per user, does it count as 'commercially available'?**
- A:** Yes.
- Q: Some e-textbook subscription providers such as Kortext offer to source any title for provision as an e-textbook. How should this be interpreted when trying to identify whether a digital edition is available on these platforms?**
- A:** If a title is listed in the platform's online catalogue as immediately available for supply as an e-textbook, then this is considered to be commercially available. Institutions do not need to speculatively enquire about the potential availability of titles as e-textbooks.
- Q: If Publishers don't make their works available via our aggregators and only sell as PDFs that we would have to host on our own servers, does it count as 'commercially available'?**
- A:** Yes.
- Q: If we are currently only able to purchase single user licence copies of a book, but we have 150 students needing access, does this count as 'commercially available'?**
- A:** Yes.
- Q: If an eBook is only available digitally for purchase by consumers or students, for example on Kindle or other direct-to-consumer platforms, or to public libraries, with no option for HEIs to provide the eBook to students, does it count as 'commercially available'?**
- A:** No, if an eBook is not commercially available for HEIs to provide to students, then it can be copied under the CLA licence extension.
- Q: If an eBook is available only in a package of multiple titles, does it count as commercially available?**
- A:** Yes. However, we have been advised that this should not be the case for the vast majority of titles. If there is an issue with a particular title being available only as part of a package, please speak to your publisher representative.
- Q: What will happen if we digitise an extract under the extension in error, and CLA becomes aware that a digital edition is in fact available?**
- A:** If this occurs we will assist the institution in seeking direct permission to continue to use the extract, however if this is not possible we will work with the institution to ensure that the extract is removed from the DCS or other workflow tool with minimum disruption to students.