

**Amendment to NewsBank/Readex – Evans: Digital Edition
License Agreement – 5/7/03**

THIS AMENDMENT is made on the 15th day of June, 2004

BETWEEN:

Licensor: NewsBank, Inc., a Delaware corporation having its principal place of business at 5020 Tamiami Trail North, Ste 110, Naples, Florida 34103 (“NewsBank”)

Licensee: Regents of the University of California, a non-profit academic institution, with its principal offices at the California Digital Library, University of California Office of the President, 415 20th Street, 4th Floor, Oakland, CA 94612, USA (“Customer”).

WHEREAS

This is an Amendment to the License Agreement (“the License Agreement”) dated May 7, 2003, and made between the Licensor and the Licensee;

NOW IT IS HEREBY AGREED as follows;

From the Date hereof the License Agreement shall be amended as follows:

The Product shall, in addition to that specified in the License Agreement, include from the date hereof worldwide, non-exclusive, non-transferable perpetual right to access the following: [Note: Perpetual right as used through-out this Amendment is defined in section 7 of the License Agreement, as amended by this Amendment.]

U.S. Congressional Serial Set (1817 - 1980) plus American State Papers (1789

1838) – Estimated December 2008 completion

- Early American Newspapers (1690 - 1876) – Estimated July 2006 completion (Note: the contents of this product is defined as the current microfilm collection as of June 2004)

Shaw-Shoemaker Early American Imprints, Series II (1801 - 1819) – Estimated July 2007 completion

Includes all maps, images, tables, illustrations and other graphics produced for the collection.

Includes perpetual rights to OCR-generated ascii text produced for the collection.

Includes all Dublin Core MARC records produced for the collection for the US Congressional Serials set (354,000+ records)

Pricing

A one-time fee for perpetual rights for all ten UC campuses of

An annual maintenance fee of _____ per campus or _____ total for Berkeley, Davis, Los Angeles, Irvine, Merced, Riverside, San Diego, Santa Cruz, Santa Barbara. Access for UCSF is _____ with _____ annual maintenance fee with payment of the annual maintenance fee for the other nine (9) campuses.

- The annual maintenance fee begins on the first anniversary of the contract, July 1, 2005.

Customer will prepay the annual maintenance fee for three years (July 2005 through June 2008) at a pre-payment discount. The total prepaid amount is

There is an annual cap on the maintenance fee of

Additional License Terms

Access is for unlimited simultaneous users.

Access will begin on July 1, 2004.

The annual maintenance fee does not include: 1) the Readex educational training program. UC campuses may send staff to the Readex training programs at their own cost for tuition, board, and travel and 2) interface upgrades or features, services or content not contemplated to be in the product(s). Should Customer choose not to upgrade such interfaces, features or services, Newsbank will continue to support such to the extent necessary to allow Customer continuing access to the Products.

Should Customer choose to purchase MARC records produced by the American Antiquarian Society for the Shaw-Shoemaker or the Early American Newspaper collection, it understands that a separate fee will be negotiated for those records.

Section 4(e) will be revised to read:

“Interlibrary Loan (ILL): Customer may use the Product to create hardcopy for the purpose of supplying ILL requests. Customer acknowledges that such copying should be limited, and will follow procedures consistent with Section 108 of the U.S. Copyright Law and CONTU Guidelines. The parties mutually agree that each requesting library is responsible for monitoring its own compliance. Customer agrees to take reasonable steps to prevent obvious or egregious violation by an borrower.”

The following language will be added to Section 7 of the License Agreement:

“c. If for any reason, NewsBank or any successor to NewsBank ceases to provide permanent online access, or upon request of the Customer, NewsBank or such successor to NewsBank shall provide Customer or its designee, at cost, with an archival copy of the Product content (images & ASCII database) in a mutually agreeable electronic format. Customer and Customer’s Authorized Users may use the archive as provided in Section 3. In no event shall Customer make the archival copy available to any third party.

d. NewsBank will allow the Customer to purchase, at cost, a magnetic tape load of the Product content (images & ACSII database) provided under this Agreement at anytime during the subscription period or within 60 days of cancellation or non-renewal, which the Customer can either archive or load onto a local server to be accessed by the Customer’s own search and retrieval software. Customer and Customer’s Authorized Users may use the archive as provided in Section 3. In no event shall Customer make the archival copy available to any third party. “

The parties each agree to the terms of this Amendment to the License Agreement

Signed by: ..
For and on behalf of
NewsBank, Inc.

Signed by: *16 June 2004*
For and on behalf of
Regents of the University of California