

# ALEXANDER STREET PRESS CUSTOMER LICENSE AGREEMENT

**1 THE PARTIES:** "Customer" means the person(s) and/or organization(s) that have ordered one or more of the Product(s). "Site" means the location listed in Appendix A. "ASP" means Alexander Street Press, LLC, whose registered offices are situated at 3212 Duke Street, Alexandria, Virginia 22314. "IP" means the owners of copyright in the original materials that form part of the Product(s).

**2. THE PRODUCT(S):** The "Product(s)" are any items listed in Appendix B for which the Customer has been invoiced, and any other future items created and copyrighted by ASP for which the Customer is invoiced after the date of this Agreement, with the exception of any audio and/or video Product(s) requiring a separate Agreement; ASP is responsible for sending such separate Agreement to the Customer.

**3. USER LICENSE:** This Agreement constitutes a non-exclusive, non-transferable license to use the Product(s). The Product(s) include(s) the data and any accompanying search and retrieval software.

**4. AUTHORIZED USE:** Subject to the restrictions contained in Article 5 below, the Customer is hereby granted a non-exclusive license to use the Product(s) in a way that is consistent with U.S. Fair Use Provisions or any equivalent law in the country of the territory where the Customer is based, provided that in no circumstances may the Product be used for any commercial purpose. For Interlibrary Loan ("ILL"), Authorized Use is limited to the making of a limited numbers of hard or electronic copies of text portions of the Product(s) for research, education, or other non-commercial use only; and the use of the paper format of small, insignificant portions of the Product(s). For more extended use, the Customer must obtain prior consent in writing from ASP or the relevant IP.

The Customer's rights are limited to itself alone and do not extend to subsidiary or parent corporations, or to any other related or affiliated organizations. Any rights not expressly granted in this license are reserved to ASP.

**5. RESTRICTIONS:** The Customer may not decompile or reverse engineer the Product(s); modify or create a derivative work; remove, obscure, or modify copyright notices; sell, distribute, or commercially exploit the Product(s); or transfer, assign, or sublicense this license. In the case of content that can potentially be performed, the Customer must request and be granted permission from the IP for a performance. Access to a stream of video recordings in the Product(s) may be only via the Customer's network to Authorized Users; and Customer may not allow users to download the streaming videos or otherwise make copies.

**6. AUTHORIZED USERS:** Authorized Users at an academic institution are the Customer's currently enrolled full- or part-time students, employees, faculty, staff, affiliated researchers, distance learners, and visiting scholars. Authorized Users at a public library include library card-holders from within the defined, local geographical region served by the library and not people from outside that region who purchase or otherwise obtain membership. Authorized use includes remote access through an authentication (proxy) server that guarantees access only by Authorized Users. Walk-in patrons are also authorized to access to Product(s) while physically present at the Site.

The Product(s) may be used online through the ASP search and retrieval software by the licensed number of simultaneous users for which the Customer has paid.

**7. DELIVERY / ACCESS:** The Product(s) will be stored by ASP at one or more locations in digital form. If the Customer has purchased DVDs, ASP will deliver the physical DVDs to the Customer. If the Customer has paid for a Web subscription, Authorized Users will be granted access to the location(s). If the Customer has purchased perpetual rights to the Product(s) and has paid the owner's access fee, Authorized Users will be granted access to the location(s).

If the Customer has purchased perpetual rights to the Product(s), ASP will provide the Customer, upon request and when the Product(s) reach completion, the data contained in the Product(s) either on a digital storage medium, at a fee for each Product requested, which fee is subject to change from time to time; or

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through a third-party vendor of archiving services. If the customer has purchased perpetual rights to individual streaming video titles, "Product" is defined as all the videos purchased in the most recent 12-month period. The Customer that has purchased perpetual rights to the Product(s) may optionally load data onto a local server to be accessed by Authorized Users through the Customer's search and retrieval software. In the case of audio or video, such access must be restricted by DRM and be limited to one (1) simultaneous user.

**8. CUSTOMER SUPPORT:** ASP will offer reasonable levels of continuing support via email, phone or fax, during normal business hours, for feedback, problem-solving, or general questions. Any technical assistance that ASP may provide to the Customer is provided at the sole risk of the Customer.

**9. PRICING AND TERM:** The price of the Product(s) and term of use are as invoiced. ASP will provide Web access for each term for which the Customer has paid the subscription fee or the owner's access fee; the charges may change periodically. In the case of a subscription price based on FTE, ASP will review the Customer's FTE periodically and may adjust the price accordingly if there is a marked change in FTE.

ASP reserves the right to cease offering the Customer the opportunity to renew a subscription.

**10. PRODUCT UPDATES:** The Customer will have online access to updates to the Product(s) for which the appropriate fee has been paid.

**11. PERFORMANCE:** ASP will use reasonable efforts to ensure that its servers have sufficient capacity and rate of connectivity to provide the Customer with a quality of service comparable to current standards in the online information industry. ASP will use reasonable efforts to provide continuous service with an average of 28 days of up-time per month and will attempt to perform scheduled downtime at low-usage times.

**12. LIMITATION OF WARRANTIES AND LIABILITY:** ASP warrants and represents that it has the right to enter into this Agreement and to deliver the Product(s) "as is." This warranty is in lieu of any and all other warranties, written or oral, express or implied, including without limitation, warranties of merchantability of fitness for a particular purpose, all of which ASP disclaims. In no event will ASP be liable for more than the license fee paid, whether such liability arises from breach of warranty, breach of this contract, or otherwise, and whether in contract or in tort, including negligence and strict liability.

**13. TERMINATION:** If the Customer breaches any term of this Agreement, ASP may, in addition to its other legal rights and remedies, terminate this license 7 days after written notice to Customer, if Customer has not remedied the breach within the 7 days. Upon any termination, the Customer will erase all electronic storage of copies of the Product(s). Any termination, whether or not pursuant to this Article 13, will not affect any obligation or liability of a party arising prior to termination, and the provisions of Articles 13 will survive any termination.

**14. FORCE MAJEURE:** Neither ASP nor the IP will be responsible for any delay or failure in performance resulting from any cause beyond their control.

**15. APPLICABLE LAW:** This Agreement will be governed by and construed in accordance with the laws of Virginia without giving effect to the principles of conflict of laws thereof, and to the extent permitted by applicable law, the Customer consents to the jurisdiction of courts situated in Virginia in any action arising under this Agreement.

**16. DISPUTE RESOLUTION:** If any differences arise between the Customer and ASP relating to the meaning of this Agreement, the parties agree to resolve such differences through Arbitration or by any other means to which the two parties may agree.

**17. INDEMNIFICATION:** Each party shall indemnify and hold the other harmless for any losses, claims, damages, awards, penalties, or injuries incurred by any third party, including reasonable attorney's fees, which arise from any alleged breach of such indemnifying party's representations and warranties made under this Agreement, provided that the indemnifying party is promptly notified of any such claims. This indemnity

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shall survive the termination of this Agreement.

**18. ENTIRE UNDERSTANDING:** This Agreement constitutes the entire understanding of the parties and supersedes all prior communications, understandings, and agreements relating to the subject matter hereof, whether oral or written.

**19. AMENDMENT:** No modification or claimed waiver of any provision of this Agreement shall be valid except by written amendment signed by authorized representatives of the Customer and ASP.

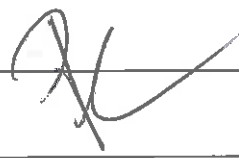
**20. ENFORCEABILITY BY IP:** The IP retains its rights to enforce its trademarks, copyrights, patents, trade secrets and other rights against any violation thereof.

**21. SEVERABILITY:** If a term or condition of this Agreement is invalid or unenforceable, the remaining terms and conditions hereof shall remain in full force and effect and shall be enforceable to the maximum extent permitted by law.

**ALEXANDER STREET PRESS  
CUSTOMER LICENSE AGREEMENT**

We, the undersigned, have read and agree to abide by the conditions contained in this Agreement.

CUSTOMER / SIGNED BY:

Name (please print) MIRO PUŠNIK 

Title DIRECTOR CTK

Authorized Signature 

On behalf of CTK

Date 9<sup>th</sup> December, 2016



ASP / SIGNED BY:

Name Eileen Lawrence

Title Senior Vice President

Authorized Signature \_\_\_\_\_

On behalf of ALEXANDER STREET PRESS, LLC

Date \_\_\_\_\_

Customer initials: 

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## **Appendix A**

- The "Customer" is: Central Technological Library at the University of Ljubljana, located in Ljubljana, Slovenia.
  
- The "Site" is: Central Technological Library at the University of Ljubljana, located in Ljubljana, Slovenia.

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## Appendix B

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**ACADEMIC VIDEO ONLINE: PREMIUM,** copyright [2013] Alexander Street Press, LLC. This is a collection of tens of thousands streaming videos covering a variety of disciplines. Users view the video over the Internet. This is a subscription-only product that continues to grow and change. Some component titles may be available for limited time periods based on licensing arrangements with the many copyright holders who contribute content. ASP reserves the right to add and remove titles.

**AFRICAN AMERICAN MUSIC REFERENCE,** copyright © [2005] Alexander Street Press, LLC. This is a searchable online database, including approximately 50,000 pages of reference texts, with a discography, biographies, links to external Web resources, and other related materials.

**ALEXANDER STREET DRAMA,** copyright © [2007] Alexander Street Press, LLC. This is a searchable online database containing full-text plays and associated content, cross-searchable through (and including) the *North American Theatre Online* index, with content drawn from various Alexander Street Press individual drama collections.

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**AMERICAN FILM SCRIPTS,** copyright © [2001] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 1,000 film scripts plus biographical and bibliographic information.

**AMERICAN HISTORY IN VIDEO,** copyright © [2008] Alexander Street Press, LLC. This is a searchable online database containing approximately 2,000 hours of streaming video newsreels and documentaries with transcribed and synchronized narrations and related indexing. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders. (United News and Universal Newsreel content will not be removed.)

**AMERICAN SONG,** copyright © [2006] Alexander Street Press, LLC. This is a searchable online database of approximately 50,000 songs as music recordings. Users search and select and then listen to the music over the Internet.

**ANTHROPOLOGICAL FIELDWORK ONLINE,** copyright © [2016] Alexander Street Press, LLC. This is a searchable online database containing the fieldwork archives of important anthropologists, including the full text of unpublished journal entries, notebooks, linguistic notes, charts, maps, drawings, photos, audio and video recordings.

**ANTHROPOLOGY ONLINE,** copyright © [2011] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 100,000 pages of Ethnographies, field notes, texts, memoirs, and contemporary studies.

**ART AND ARCHITECTURE IN VIDEO,** copyright © [2011] Alexander Street Press, LLC. This is a searchable online database including films documenting global ideas related to these disciplines, with the films delivered as streaming video files. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders.

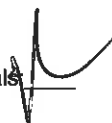
**ASIAN AMERICAN DRAMA,** copyright © [2002] Alexander Street Press, LLC. This is a searchable online database that contains the full text of approximately 250 plays, along with biographical and other supporting information.

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BLACK SHORT FICTION AND FOLKLORE, copyright © [2004] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 150,000 pages of short stories and other fictional works written by black writers from Africa and the African Diaspora, accompanied by biographical and bibliographic information.

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BLACK WOMEN WRITERS, © [2005] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 100,000 pages of the writings of black women from North America, Africa, the Caribbean, and the rest of the African Diaspora.

BRITISH AND IRISH WOMEN'S LETTERS AND DIARIES, copyright (c) [2002] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 100,000 pages of the letters and diaries of women from England, Scotland, Ireland, and Wales.

BUSINESS E-BOOKS ONLINE, copyright © [2014] Alexander Street Press, LLC. This is a searchable online collection of approximately business textbooks and reference materials in digital format, with unlimited access, downloadable as PDFs.

BUSINESS EDUCATION IN VIDEO, copyright © [2013] Alexander Street Press, LLC. This is a searchable online database containing approximately 500 hours of streaming video documentaries with transcribed and synchronized narrations and related indexing. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders.

CARIBBEAN LITERATURE, copyright © [2006] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 100,000 pages of the writings of authors from English, Spanish, French, and Dutch Caribbean countries, including poems, drama, novels, stories, and related material.

CLASSICAL MUSIC LIBRARY, copyright © [2003] Classical International. This is a searchable online database of classical music recordings, with digital audio selections cross-referenced to a database of supplementary reference information. Users listen to the music over the Internet.

CLASSICAL MUSIC IN VIDEO, copyright © [2011] Alexander Street Press, LLC. This is a searchable online database of approximately 1,000 hours of performances and masterclasses delivered as streaming video files. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders.

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**COUNSELING AND PSYCHOTHERAPY TRANSCRIPTS, CLIENT NARRATIVES, AND REFERENCE WORKS**, © [2006] Alexander Street Press, LLC. This is a searchable online database containing approximately 2,000 transcripts of therapy sessions, 40,000 pages of first-person accounts, and 25,000 pages of reference materials.

**COUNSELING AND PSYCHOTHERAPY TRANSCRIPTS: VOLUME II** © [2013] Alexander Street Press, LLC. This is a searchable online database containing approximately 4,000 complete transcripts of therapy sessions by practicing therapists, in adherence with the American Psychological Association's ethics guidelines for use and anonymity.

**COUNSELING AND THERAPY IN VIDEO: VOLUME I**, copyright © [2008] Alexander Street Press, LLC. This is a searchable online database of videos of therapy sessions, demos, training tools, discussions, and other materials delivered as streaming video files. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of the content in each volume if required to do so by third-party copyright holders.

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**EARLY ENCOUNTERS IN NORTH AMERICA: PEOPLES, CULTURES, AND THE ENVIRONMENT**, copyright © [2001] Alexander Street Press, LLC. This is a searchable online database containing the full text of approximately 100,000 pages of books, journals, maps and drawings describing the exploration of North America.

**EDUCATION IN VIDEO: VOLUME I**, copyright © [2010] Alexander Street Press, LLC. This is a searchable online database of approximately 750 hours of education training videos, classroom footage, interviews, lectures, and demonstrations delivered as streaming video files. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders.

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**EVIDENCE-BASED ACQUISITION (EBA)**. This is a program giving unlimited access to a searchable online collection of tens of thousands of streaming videos. Authorized users select videos and click to watch the films over the Internet. At the start of an agreed-upon time period ("EBA access period"), Alexander Street invoices the Customer for an agreed-upon dollar amount ("EBA funds") that the Customer will use to purchase video titles for perpetual rights. The Customer reviews usage statistics and other factors important to Authorized Users at the Site and then makes title-level selections to acquire the videos ("EBA selections"). The Customer will use the Customer-specific online Administrative Portal ("AP") to make the EBA selections. The Customer will make EBA selections until all the EBA funds are allocated, and this must occur before the end of the EBA access period. Should the Customer instead wish to allow ASP to make selections using the AP on the Customer's behalf, the Customer agrees to provide ASP with a list of EBA selections. ASP staff will select those titles to be counted against the EBA funds, using the customer's AP as if the Customer were making those selections. The Customer agrees to provide ASP with a final list of title selections at least ten (10) days before the end of the EBA access period; and ASP agrees to complete the EBA selections in the AP by the end of the EBA access period. The EBA selections will then be final and changes are not permitted. The individual videos selected for perpetual rights are subject to all the terms within this Agreement.

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including approximately 4,000 primary source documents, including corporate training videos, instructional films, case studies, textbook chapters, research reports, sample business documents, and self-assessments. The films delivered are as streaming video files. Users watch the videos over the Internet. ASP reserves the right to swap out up to ten (10) percent of this content if required to do so by third-party copyright holders.

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**ILLUSTRATED CIVIL WAR NEWSPAPERS AND MAGAZINES: IMPORTANT AND RARE PERIODICALS FROM CONFEDERATE, UNION, ABOLITIONIST, AND BRITISH PRESSES**, a searchable online full-text database that contains Civil War era issues of 49 publications, including newspapers, magazines, and pamphlets, along with images, indexing, and contextual commentaries. Originally © by HarpWeek [1998].

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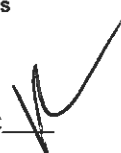
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