

BIALL Code of Good Practice for Law Publishers

Introduction

The BIALl Code of Good Practice for Law Publishers is based on the belief that good customer service and positive customer relations benefit law publishers as well as customers. This Code aims to provide guidelines for law publishers doing business with librarians and other consumers of legal information: it is hoped that it will be mutually beneficial in improving customer relations.

BIALL urges law publishers to comply with the Code and to implement the requisite internal procedures and infrastructure to support compliance.

Law librarians and consumers of legal information are encouraged to set their expectations of law publishers at the level of the Code and to make reference to these principles and standards in their interactions with publishers.

The legal information and publishing environment is rapidly evolving and BIALl recognises that the Code may need to be modified to keep pace with developing technology, new business models and practices, and the needs of customers. BIALl is committed to reviewing the Code and updating it as needed.

Code review

The code of best practice is reviewed annually by BIALl-LIG in consultation with publisher contacts. Please contact BIALl-LIG via the website with your comments.

Acceptance of the Code.

A list of those publishers who have accepted this code will be maintained on the BIALl website.

Principles for Good Business Practices of Legal Publishers

The Code is based on six major principles detailed below.

Principle 1: Truthful, Clear and Accurate Communication and Advertising

Publishers should engage in truthful and accurate communication with their customers or potential customers.

- Publishers should engage in truthful advertising of their products and services. Their advertising and marketing should not make deceptive or misleading representations or fail to include material facts.
- Publishers should avoid presenting promotional material in a form which resembles an invoice and therefore makes it likely that a customer will be confused or misled.
- Any electronic means of marketing products should accurately describe the nature and content of the products, consistent with the information provided in print advertising for the same products.

- Publishers should endeavour to keep their customers informed of any impending changes in their portfolio of products or in the structure of their companies and notify customers of any company restructuring as soon as is practicably possible.
- Where a key contact has been established with a customer, publishers should respect that principle and make best endeavours to send promotional materials and emails to that contact for distribution and should not use separate subscriber email accounts for direct marketing without prior notification and agreement with the key contact

Principle 2: Electronic Products

- Electronic products should not be placed into the market until tested by a group of users that are representative of their actual anticipated customers.
- Publishers should ensure Beta testing on an electronic product is completed before advertising that that product is ready for general distribution.
- For electronic products, the system requirements for receiving or accessing the product and any known system incompatibilities should be prominently displayed in all communications, including marketing material.
- Publishers should always provide an opportunity for their customers to negotiate contract terms. "Shrink wrap," "click-on," and other attempts to create agreements that do not provide customers with a fair opportunity to negotiate should not be required.
- Publishers should ensure that information on updating schedules and currency of electronic materials is made clearly visible to users. While unforeseen circumstances may affect publishing schedules, publishers should endeavour to communicate significant deviations from agreed schedules to their customers.
- Where an electronic service suffers a significant loss of content during the contract term, publishers should offer subscribers the option of cancellation of subscription no later than six months after the content loss.
- Where a CD ROM is distributed as part of a book or loose-leaf subscription, publishers should include a standard agreement for access and also details of policies for networked access at reasonable costs.

Principle 3: Costs and Disclosure

Publishers should provide full disclosure about their products, services, prices, and transactions insofar as allowed without violating contractual agreements or revealing proprietary information.

- All information about products, services, guide prices, and transactions provided by publishers to customers should be clear, accurate, and easy to find.

- A publisher should give an indication of their policy on providing discounts. Details of any variable pricing options for products and services should be readily available.
- Both print and electronic advertisements should list a product's guide prices for both standalone and networked availability. While it is appreciated that prices may vary, guide prices are useful for budgeting and benchmarking and should be accessible.
- Costs should include the itemisation of all components, an estimate of any postage and packaging charges, the anticipated supplementation costs, applicable discounts, VAT costs and any other advantageous purchasing options.
- Where a product comprises a number of components in differing formats publishers should avoid compulsory bundling and be flexible in the options offered to customers.
- Where there has been a significant enhancement to a product resulting in additional unforeseen costs for the publisher, the publisher should inform subscribers before passing on increased costs.
- Customers should be fully advised of the term of a subscription and what is included in it at the time of purchase. This advisement should describe the expected supplementation, including whether at the publisher's discretion no supplementation may be provided over the term of the subscription.
- Publishers should mail out renewal notices at periods related to the date of subscription, and the notice should provide the expiration date of the current subscription. A renewal notice for a publication should not be sent out more than six months prior to the expiration of the subscription.

Principle 4: Fair Dealing

Publishers should engage in fair dealings with their customers.

- Customer consent. Publishers should obtain the customer's consent prior to posting or initiating a transaction, unless such posting is part of a standing order or subscription to which the customer has previously consented.
- Publishers should seek customer consent prior to shipping materials that fundamentally alter, enhance, or augment a product or subscription. In all cases, publishers should offer a simple procedure for returning products and cancelling subscriptions.
- Publishers should advise customers about a forthcoming edition or substantial revision of a publication when they place an order for the publication or make an enquiry that may lead to its purchase if:
 - it is intended that the new edition or revision is scheduled for publication within the next six months, and
 - the pricing structure is such that the customer will need to make a comparable investment during the year to maintain a current subscription or title.

- BIALl recognises that publishing schedules are subject to change and that factors outside a publisher's control may affect publishing schedules.

Principle 5: Customer Satisfaction

Publishers should seek to ensure customer satisfaction by honouring representations, answering questions, and resolving complaints and disputes in a timely and responsive manner.

- Publishers should work collaboratively with customers to resolve problems and improve products and service.
- Publishers should provide customers with ready and convenient access to information through a variety of channels.
- Customer service provided by telephone:
 - Customer service should be provided on a schedule that meets the needs of the majority of customers and should be available in normal working hours, with adequate provision for additional support available out of these core hours made available wherever possible.
 - Publishers should strive to provide sufficient staff to handle the expected level of calls without leaving callers on hold for extended periods of time, and should consider offering a call back option, to customers who are "on hold" longer than a standard, reasonable period of time.
 - Publishers should provide as many alternative electronic options for communication as is possible using currently available technology, such as e-mail, fax, and the Internet. They should ensure that all contact information disseminated in electronic format is current and well maintained.
 - Customer service employees dealing directly with customer questions should have access to basic information regarding customer accounts. An effort should be made to see that customers are able to get assistance as soon as possible and avoid the necessity for customers to be transferred multiple times or to have to repeat their questions more than once.
 - Contacts with BIALl. Publishers should provide a key contact who can liaise with BIALl-LIG over the development of this code

Principle 6: Product Quality

Publishers should create products that are capable of withstanding reasonable use by customers.

- Hardcover Materials. Since it can be reasonably concluded that hardcover books are purchased for long-term use and may eventually be archived, Publishers should be aware of the standards for the production of hardcover

materials with respect to binding set out in *ISO WD 11800 (working document). Requirements for hard cover and soft cover books - binding materials and manufacturing methods*. Publishers should make best endeavours to meet ISO or similar standards wherever practicable.

- **Softcover Materials.** For softcover materials that are anticipated to remain on library shelves longer than two years, or which may logically be retained by a library for archival purposes publishers should be aware of the standards set out in *:ISO WD 11800 (working document). Requirements for hard cover and soft cover books - binding materials and manufacturing methods*. Publishers should make best endeavours to meet ISO or similar standards wherever practicable.
- **Loose-leaf materials.** Publishers should be aware of the standards set out in *Loose-leaf publications: guidance for publishers on issue formats and updating. SCOOP/ISG. ISBN 0 946347 39 5*. Publishers should make best endeavours to meet ISO or similar standards wherever practicable.