



Elsevier BV
Radarweg 29
1043 NX Amsterdam
Netherlands
t +31 20 485 3911
f +31 20 485 2912
elsevier.com

HR Amsterdam 33158992 | vat no. NL 005039019801

Dear Dr. Nunnenmacher,

Thank you for your email notifying Elsevier of the request of a third party who would like to be informed of what the Consortium of Swiss Academic Libraries (the "Consortium") currently spends annually for access to Elsevier journals and other products.

Elsevier respects the applicable Swiss information disclosure laws and general policy of favoring broad disclosure of public records, however as mentioned in the letter there are exceptions in the data protection law referenced above for public disclosure of corporate proprietary information and information constituting a trade secret ("Geschäftsgeheimnis")

In Elsevier's opinion a disclosure of the amount of money spent by the Consortium on Elsevier e-journals constitute a Geschäftsgeheimnis and will prejudice the commercial interests of Elsevier if such financial information is disclosed.

From Elsevier's perspective, this information discloses the licensing fees we have negotiated with the Swiss Consortium for the benefit of the members in deal-specific circumstances. It also includes a level of discount. The disclosure of this information will damage our competitive interests in the market and negotiating position in arrangements which may be argued to be analogous with that of the Swiss Consortium which represents a large percentage of our market and, potentially, our position on negotiation of discounts against list price generally.

We believe that confidentiality clauses like in section 7 of our subscription agreement are relevant as they allow publishers to arrive at a fair and competitive, negotiated and customized price for every customer. In a world with full pricing transparency, the best pricing model that publishers could offer is list price, or some variant of it. Thus, the end result is that some customers will pay more than they do today, and others less. But more importantly, the disclosure of pricing terms will inhibit publishers' ability to develop flexible, tailored solutions suitable for a particular customer's need and it may even be detrimental to the customer's negotiations with other publishers. The revealing of pricing information may also lead to increased prices for some with unique circumstances such as GDP, economic hardship, growth, length of relationship and other factors that work in their favor.

For the reasons given above, Elsevier declines the request under the IDG, par. 20 Absatz 1. to disclose information from the license agreement which must be deemed a Geschäftsgeheimnis under applicable Swiss law and jurisprudence.

This letter is written without prejudice to any of Elsevier's rights or remedies, under contract, at law or in equity or otherwise, all of which are expressly reserved.

We would like to thank you in advance for your attention to this matter.

Yours sincerely,

Claus Grossmann | Elsevier B.V. | Regional Director – Research Solutions A&G DACH
Radarweg 29 | 1043 NX Amsterdam | The Netherlands | www.elsevier.com
Mobile: +49 160 9623 6529 | Email: c.grossmann@elsevier.com