

Dated 2015

IOP PUBLISHING LIMITED (1)

and

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (2)

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VARIATION AGREEMENT

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THIS AGREEMENT is made the [ ] day of [ ] 2015

BETWEEN:

- (1) IOP PUBLISHING LIMITED a company incorporated in England (registered number 467514) and having its registered office at Temple Circus, Temple Way, Bristol BS1 6HG, United Kingdom ("IOPP"); and
- (2) THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, of California Digital Library, 415 20<sup>th</sup> Street, 4<sup>th</sup> Floor, Oakland, CA 94612, USA (the "Consortium").

RECITALS:

- (A) On 1 November 1999, the parties entered into a licence under which IOPP gave the Consortium access to the Publications (the "Licence"). The Licence was subsequently formally varied on 13 February 2002, 18 November 2003 and 16 August 2004 (the "Variations"). The Licence and the Variations together shall be referred to as the "Agreement".
- (B) The parties now wish to vary the Agreement on the terms hereof (this "Variation Agreement").

## 1 INTERPRETATION

- 1.1 The headings in this Variation Agreement are for convenience only and shall not affect its interpretation.

## 2 TERM

- 2.1 This Variation Agreement will be deemed to have commenced on 1 November 2015.

## 3 THE VARIATIONS

- 3.1 Recitals (C) and (E) shall be deleted.
- 3.2 The following shall be substituted for Recital (F): "Under the terms of this Agreement, IOPP agrees to provide electronic access to all of the Publications

to the Licensees and to provide print subscriptions to the Publications (where available) to subscribing Licensees throughout the Licence Period (as set out in Clause 5) in consideration of the maintenance of the Annual Licence Fee (together with any increases of) throughout the Licence Period".

3.3 Clause 5 shall be varied by the substitution of October 31<sup>st</sup> 2018 in place of December 31<sup>st</sup> 2005.

3.4 The following shall be substituted for Clause 6.3: "For the period 1 November 2015 – 31 October 2016 the Annual Licence Fee will be [REDACTED] for the period 1 November 2016 – 31 October 2017 the Annual Licence Fee will be [REDACTED] and for the period 1 November 2017 – 31 October 2018 the Annual Licence Fee will be [REDACTED]"

3.5 The following shall be substituted for Clause 6.4: "The Annual Licence Fee (as set out in Clause 6.3) for each year of this Agreement after 31 October 2018 (assuming this Agreement is still then in force) will be agreed in writing by the parties".

3.6 The following shall be substituted for Clause 6.7: "Where IOPP acquires or launches a new publication, such publication shall be added to the Publications automatically (save where otherwise notified by IOPP to the Licensees). Where the publication is newly launched, it will be incorporated into the Publications [REDACTED] for the new content during the period between the date of this Agreement and 31 October 2018. Where a title is acquired, the fee charged for the addition to the Publications [REDACTED]  
[REDACTED]  
[REDACTED] If the Licensees have no current subscriptions, the title will be added to the Publications and incorporated into the package base value at [REDACTED]  
[REDACTED] The Licensees can opt not to add acquired titles to the Publications."

3.7. The reference to Lloyds Bank Plc in Clause 6.12 shall be changed to HSBC Bank Plc.

3.8 Clauses 6.13 and 6.14 are deleted from the Agreement.

3.9 The following shall be substituted for Clause 7.3: "In the event that a Publication is to be withdrawn or ceases publication, IOPP will reduce the Annual License Fee for that year [REDACTED]

[REDACTED] the Annual License Fee. For the avoidance of doubt, this contribution shall be equivalent [REDACTED]

[REDACTED]

3.10 The following shall be substituted in place of Clause 13.2: "Upon termination of access to the Publications, where the Licensee is not in breach of any of the terms and conditions of this Agreement and has paid all its fees in full, a Licensee will be entitled to have continued access to the issues of the Publications published during the term of this Agreement and, where it remains a Licensee under this Agreement for subsequent full calendar years, the Licensee(s) will have continued access to the issues of the Publications under this Agreement which were published in those full calendar years (the "Available Content"). All other access shall terminate, including, but not limited to, access to any publications made available from time to time which are not listed as one of the Publications. The Available Content will be made available via a web site on payment of an annual maintenance fee not to exceed [REDACTED] and for so long as IOPP provides electronic access to that content via a web site. If access via a web site is no longer available at any time, the Available Content will be made available on disk or some other form of electronic media. If, at any time, IOPP ceases to publish or distribute any of the Available Content then it will use its reasonable endeavours to negotiate the right for the Licensee(s) to continue to access it in accordance with these terms and conditions."

3.11 Schedule 1 of the Agreement shall be replaced by Schedule 1 of this Variation Agreement.

3.12 Schedule 2 of the Agreement shall be replaced by Schedule 2 of this Variation Agreement.

#### 4 GENERAL

- 4.1 Terms which are defined in the Agreement shall have the same meaning where used in this Variation Agreement, save as otherwise stated, and signatures exchanged by facsimile or other electronic means are effective to the same extent as original signatures.
- 4.2 Save as varied by this Variation Agreement, the Agreement shall remain in full force and effect.

## **SCHEDULE 1**

### **THE LICENSEES**

University of California, Berkeley (including Lawrence Berkeley Lab)

University of California, Davis

University of California, Irvine

University of California, Los Angeles

University of California, Merced

University of California, Riverside

University of California, San Diego

University of California, San Francisco

University of California, Santa Barbara

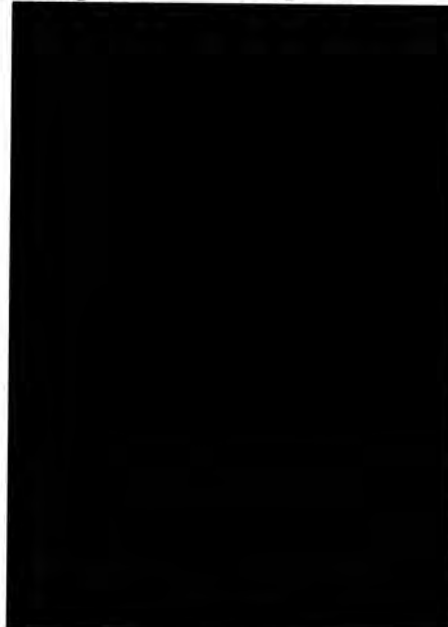
University of California, Santa Cruz

University of California Office of the President

### **University of California IP Address List**

#### ***Berkeley (UCB), including LBL***

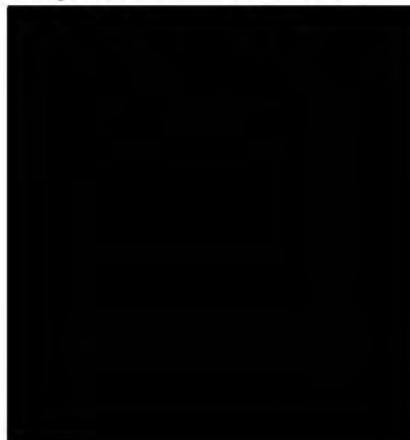
<b>Range Start</b>	<b>Range End</b>
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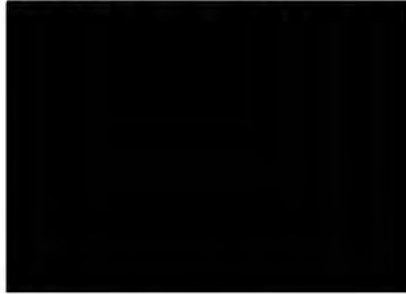
***Davis (UCD)***

<b>Range Start</b>	<b>Range End</b>
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***Irvine (UCI)***

**Range Start      Range End**



***Los Angeles (UCLA)***

**Range Start      Range End**



***Merced (UCM)***

**Range Start      Range End**



***Office of the President (UCOP)***

**Range Start      Range End**







Riverside (UCR)

Range Start

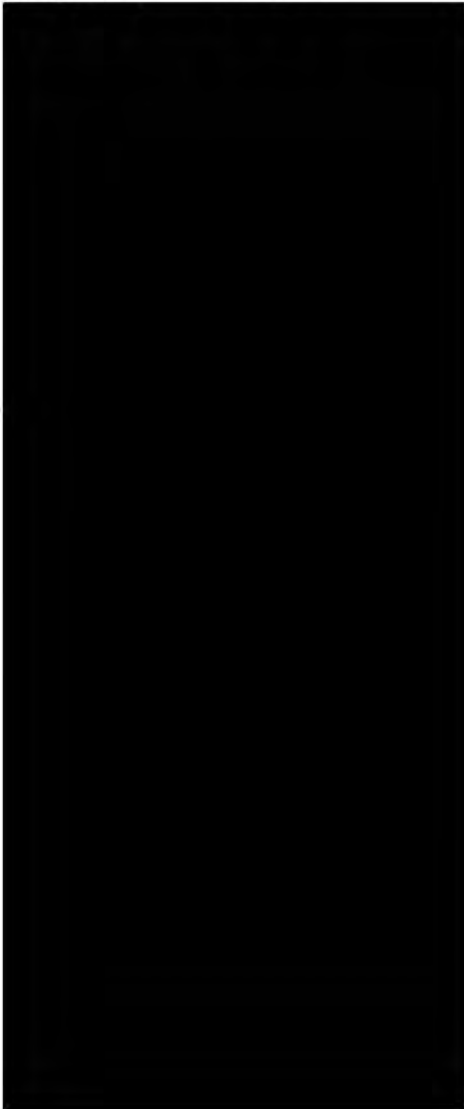
Range End



*San Diego (UCSD)*

Range Start

Range End





***San Francisco (UCSF)***

**Range Start      Range End**



***Santa Barbara (UCSB)***

**Range Start      Range End**



***Santa Cruz (UCSC)***

**Range Start      Range End**



## SCHEDULE 2

### THE PUBLICATIONS

The Publications included in this Licence in 2015 are as follows:

Titles	E-ISSN	P-ISSN	Start year	End Year	Start Vol.	End Vol.	Vol. Numbers
2D Materials	2053-1583	Electronic only	2014	2015	1	2	2
Advances in Natural Sciences: Nanoscience and Nanotechnology**	2043-6262	2043-6254	2010	2015	1	6	6
Applied Physics Express	1882-0786	1882-0778	2008	2015	1	8	8
Biofabrication	1758-5090	1758-5082	2009	2015	1	7	7
Bioinspiration and Biomimetics	1748-3190	1748-3182	2006	2015	1	10	10
Biomedical Materials	1748-605X	1748-6041	2006	2015	1	10	10
Biomedical Physics & Engineering Express***	2057-1976	Electronic only	2015	2016	1	2	2
Chinese Physics B	-	1674-1056	2008	2015	17	24	8
Formerly: Chinese Physics	-	1009-1963	2000	2007	9	16	8
Formerly: Acta Physica Sinica (Overseas Edition)			1992	1999	1	8	8
Chinese Physics C	-	1674-1137	2008	2015	32	39	8
Formerly: High Energy Physics and Nuclear Physics	-	0254-3052	-	-	-	-	-
Chinese Physics Letters	1741-3540	0256-307X	1984	2015	1	32	32
Classical and Quantum Gravity	1361-6382	0264-9381	1984	2015	1	32	32
Communications in Theoretical Physics	-	0253-6102	1982	2015	1	63/64	63/64
Computational Science & Discovery	1749-4699	1749-4680	2008	2015	1	8	8
Convergent Science Physical Oncology***	2057-1739	Electronic only	2015	2016	1	2	2
Distributed Systems Engineering	1361-6390	0967-1846	1993/1994	1999	1	6	6
Environmental Research Letters**	1748-9326	Electronic only	2006	2015	1	10	10
EPL	1286-4854	0295-5075	1986	2015	1	108-111	108-111
European Journal of Physics	1361-6404	0143-0807	1980	2015	1	36	36
Flexible and Printed Electronics***	2058-8585	Electronic only	2016	2016	1	1	1
Fluid Dynamics Research	1873-7005	0169-5983	1986	2015	1	47	47
Inverse Problems	1361-6420	0266-5611	1985	2015	1	31	31
IOP Conference Series: Earth and Environmental	1755-1315	1755-1307	2008	2015	-	-	-



Science**							
IOP Conference Series: Materials Science and Engineering**	1757-899X	1757-8981	2009	2015	-	-	-
Izvestiya: Mathematics *	1468-4810	1064-5632	1995	2015	59	77	21
Formerly: Russian Academy of Sciences: Izvestiya Mathematics	-	1064-5632	1993	1995	40	45	6
Formerly: Mathematics of the USSR – Izvestiya	-	0025-5726	1967	1992	1	39	39
Japanese Journal of Applied Physics	1347-4065	0021-4922	1962	2015	1	54	54
Journal of Breath Research	1752-7163	1752-7155	2007	2015	1	9	9
Journal of Cosmology and Astroparticle Physics	1475-7516	Electronic only	2003	2015	1	13	13
Journal of Geophysics and Engineering	1742-2140	1742-2132	2004	2015	1	12	12
Journal of High Energy Physics	1029-8479	Electronic Only	1997	2009	1	13	13
Journal of Instrumentation	1748-0221	Electronic only	2006	2015	1	10	10
Journal of Micromechanics and Microengineering	1361-6439	0960-1317	1991	2015	1	25	25
Journal of Neural Engineering	1741-2552	1741-2560	2004	2015	1	12	12
Journal of Optics	2040-8986	2040-8978	2010	2015	12	17	6
Formerly: Journal of Optics A: Pure and Applied Optics (from 1999)	1741-3567	1464-4258	1999	2009	1	11	11
(Formed by merger of Journal of Optics (1977-1998) and	-	0150-536X	1977	1998	8	29	22
Pure and Applied Optics: Journal of the European Optical Society Part A (1992-1998))	1361-6617	0963-9659	1992	1998	1	7	7
Formerly: Nouvelle Revue d'Optique (1973- 1976)	-	0335-7368	1973	1976	4	7	4
Formerly also Nouvelle Revue d'Optique Appliquée (1970-1972)	-	0029-4780	1970	1972	1	3	3
Journal of Physics A: Mathematical and Theoretical (from 2007)	1751-8121	1751-8113	2007	2015	40	48	9
Formerly: Journal of Physics A: Mathematical and General (1975-2006)	1361-6447	0305-4470	1975	2006	8	39	32
Formerly: Journal of Physics A: Mathematical, Nuclear and General (1973-1974)	-	0301-0015	1973	1974	6	7	2
Formerly: Journal of Physics A: General Physics (1968-1972)	-	0022-3689	1968	1972	1	5	5

<b>Journal of Physics B: Atomic, Molecular and Optical Physics (from 1988)</b>	1361-6455	0953-4075	1988	2015	21	48	28
Formerly: Journal of Physics B: Atomic and Molecular Physics (1970-1987)	-	0022-3700	1970	1987	3	20	18
Formerly: Journal of Physics B: Proceedings of the Physical Society: Atomic and Molecular Physics (1968-1969)	-	0368-3508	1968	1969	1	2	2
In 2006 this journal merged with Journal of Optics B: Quantum & Semiclassical Optics(1999-2005)	1741-3575	1464-4266	1999	2005	1	7	7
Formerly Quantum and Semiclassical Optics: Journal of the European Optical Society Part B (1995-1998)	1361-6625	1355-5111	1995	1998	7	10	4
Formerly Quantum Optics: Journal of the European Optical Society Part B (1989-1994)	-	0954-8998	1989	1994	1	6	6
Journal of Physics: Condensed Matter (from 1989) Formed by merger of:	1361-648X	0953-8984	1989	2015	1	27	27
Journal of Physics C: Solid State Physics (1970- 1988)	-	0022-3719	1970	1988	3	21	19
Formerly: Journal of Physics C: Proceedings of the Physical Society: Solid State Physics (1968-1969) and	-	0368-3516	1968	1969	1	2	2
Journal of Physics F: Metal Physics (1971- 1988)	-	0305-4608	1971	1988	1	18	18
Journal of Physics: Conference Series..	1742-6596	1742-6588	2004	2015	-	-	-
Journal of Physics D: Applied Physics	1361-6463	0022-3727	1968	2015	1	48	48
Formerly British Journal of Applied Physics (1950 – 1967)	-	0508-3443	1950	1967	1	18	18
Journal of Physics G: Nuclear and Particle Physics	1361-6471	0954-3899	1989	2015	15	42	28
Formerly: Journal of Physics G: Nuclear Physics (1975-1988)	-	0305-4616	1975	1988	1	14	14
Journal of Radiological Protection	1361-6498	0952-4746	1988	2015	8	35	28
Formerly : Journal of the Society for Radiological Protection (1981 - 1987)	-	0260-2814	1981	1987	1	7	7
Journal of Semiconductors		1674-4926	2009	2015	30	36	7



Formerly: Chinese Journal of Semiconductors	-	0253-4177	-	-	-	-	-
Journal of Statistical Mechanics: Theory and Experiment	1742-5468	Electronic only	2004	2015	-	-	-
Laser Physics	1555-6611	1054-660X	2013	2015	23	25	3
Laser Physics Letters	1612-202X	1612-2011	2004	2015	1	12	12
Materials Research Express	2053-1591	Electronic only	2014	2015	1	2	2
Measurement Science and Technology	1361-6501	0957-0233	1990	2015	1	26	26
Formerly: Journal of Physics E: Scientific Instruments (1968-1989)	-	0022-3735	1968	1989	1	22	22
Formerly Journal of Scientific Instruments (1923 – 1967)	-	0950-7671	1923	1967	1	44	44
Methods and Applications in Fluorescence	2050-6120	Electronic only	2013	2015	1	3	3
Metrologia	1681-7575	0026-1394	1965	2015	1	52	52
Modelling and Simulation in Materials Science and Engineering	1361-651X	0965-0393	1992	2015	1	23	23
Nanotechnology	1361-6528	0957-4484	1990	2015	1	26	26
New Journal of Physics**	1367-2630	Electronic only	1998	2015	1	17	17
Nonlinearity	1361-6544	0951-7715	1988	2015	1	28	28
Nuclear Fusion	1741-4326	0029-5515	1960	2015	1	55	55
Physica Scripta	1402-4896	0031-8949	1970	2015	1	91/92	91/92
Physical Biology	1478-3975	1478-3967	2004	2015	1	12	12
Physics Education	1361-6552	0031-9120	1966	2015	1	50	50
Physics in Medicine & Biology	1361-6560	0031-9155	1956	2015	1	60	60
Physics in Technology	-	0305-4624	1973	1988	4	19	16
Formerly: Review of Physics in Technology (1970 – 1972)	-	0034-6683	1970	1972	1	3	3
Physics-Uspekhi	1468-4780	1063-7869	1993	2015	36	58	23
Formerly: Soviet Physics Uspekhi (1958 – 1992)	-	0038-5670	1958	1992	1	35	35
Physics World (Including Physics Bulletin)***	-	0953-8585	2006	2016			
Physiological Measurement	1361-6579	0967-3334	1993	2015	14	36	23
Formerly Clinical Physics and Physiological Measurement (1980-1992)	-	0143-0815	1980	1992	1	13	13
Plasma Physics and Controlled Fusion	1361-6587	0741-3335	1984	2015	26	57	32
Formerly: Plasma Physics	-	0032-1028	1967	1983	8	25	17



(1967-1983)							
Formerly Journal of Nuclear Energy Part C, Plasma Physics, Accelerators, Thermonuclear Research (1959- 1966)	-	0368-3281	1960	1966	1	7	7
Plasma Science and Technology	-	1009-0630	1999	2015	1	17	17
Plasma Sources Science and Technology	1361-6595	0963-0252	1992	2015	1	24	24
Proceedings of the Physical Society (1958-1967)	-	0370-1328	1958	1967	71	92	22
Proceedings of the Physical Society Section A (1949-1957)	-	0370-1298	1949	1957	62	70	9
Proceedings of the Physical Society Section B (1949-1957)	-	0370-1301	1949	1957	62	70	9
Proceedings of the Physical Society (1926-1948)	-	0959-5309	1926	1948	38	61	24
Proceedings of the Physical Society of London (1874-1925)	-	1478-7814	1874	1925	1	37	37
Publications of the Astronomical Society of the Pacific***	1538-3873	0004-6280	2016	2016	128	128	1
Quantum Electronics	1468-4799	1063-7818	1993	2015	23	45	23
Formerly: Soviet Journal of Quantum Electronics	-	0049-1748	1971	1992	1	22	22
Quantum Science and Technology***	2058-9565	Electronic only	2016	2016	1	1	1
Reports on Progress in Physics	1361-6633	0034-4885	1934	2015	1	78	78
Research in Astronomy and Astrophysics	-	1674-4527	2009	2015	9	15	7
Formerly Chinese Journal of Astronomy and Astrophysics	-	1009-9271	2001	2008	1	8	4
Russian Chemical Reviews	1468-4837	0036-021X	1960	2015	29	84	56
Russian Mathematical Surveys	1468-4829	0036-0279	1960	2015	15	70	56
Sbornik:Mathematics *	1468-4802	1064-5616	1995	2015	186	206	20
Formerly: Russian Academy of Sciences: Sbornik Mathematics	-	1064-5616	1993	1995	75	83	9
Formerly: Mathematics of the USSR – Sbornik	-	0025-5734	1967	1993	1	74	74
Science and Technology of Advanced Materials**	1878-5514	1468-6996	2000	2015	1	16	16
Semiconductor Science and Technology	1361-6641	0268-1242	1986	2015	1	30	30
Smart Materials and Structures	1361-665X	0964-1726	1992	2015	1	24	24
Superconductor Science and Technology	1361-6668	0953-2048	1988	2015	1	28	28

Surface Topography: Metrology and Properties	2051-672X	Electronic only	2013	2015	1	3	3
Transactions of the Optical Society (1899-1932)	-	1475-4878	1899	1932	1	33	33
Translational Materials Research***	2053-1613	Electronic only	2014	2016	1	3	3

\* - Volumes re-numbered in 1995 – no gap in volume

\*\* - Open Access Journals – included within this Licence as they are available to the Members via the IOPscience server

\*\*\* - Titles added to the Publications from 2016

AS WITNESS the hands of the parties the day and year first above written.

Signed by )  
for and on behalf of )  
IOPP )

[Redacted Signature]

date 17 DEC 2015

Signed by )  
for and on behalf of )  
the Consortium )

[Redacted Signature]

[Redacted Signature]

Interim Executive Director  
California Digital Library

date 12-22-15