



October 31st, 2014

VIA EMAIL AND REGISTERED MAIL

Geschäftsstelle Konsortium der Schweizer Hochschulbibliotheken
Attn: Frau Pascalina Boutsouci
Weinbergstrasse 74
8006 Zürich
Switzerland

Re: unauthorized sharing of confidential business information

Dear Frau Pascalina Boutsouci,

We would like to bring to your attention the following.

Elsevier, B.V. (“Elsevier”) and the Konsortium der Schweizerische Hochschulbibliothek (“Konsortium”) entered into a subscription agreement, dated 23 December 2013 (the “Subscription Agreement”). The Subscription Agreement grants a license to the Konsortium institutions and their authorized users to access and use Elsevier online products subject to certain terms and conditions.

We have learned that one of the Konsortium institutions, The University della Svizzera Italiana, Biblioteco Universitario di Lugano (“USI”), has disclosed to third parties confidential pricing information relating to the Subscription Agreement, without the approval of Elsevier and without any basis in mandatory law. The following hyperlink shows which information provided by this institution was placed on the internet for public access:

<http://wisspub.net/2014/10/13/intransparenz-bei-den-bibliotheksausgaben-von-schweizer-hochschulen/>. Please also find attached the e-mail correspondence that confirms the cooperation of USI and was also found on the post behind the link.

These events constitute a material breach of the contractual obligations under the Subscription Agreement for which the Konsortium can be held contractually responsible. Elsevier hereby refers to section 7.8 of the Subscription Agreement which is included to protect Elsevier’s legitimate business interests by prohibiting the disclosure of financial arrangements to its competitors.

Elsevier would like to receive your confirmation within 10 days from date of this letter that all possible measures have been taken by the Konsortium to prevent similar disclosure from reoccurring in the future.

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We further request that you immediately bring this letter to the attention of USI.

Yours Sincerely,

Mr C.D. van Vliet
Company Counsel

Attachment e-mail correspondence dated
29th July 2014:



gesuch-akteneinsicht
-usi-antwort.pdf