

# Ebook Acquisition and Lending in Public Libraries

## Briefing Paper (version 4, October 2014)

This paper presents some of the legal, strategic and technical problems that arise from the addition of trade ebooks to public library collections, together with possible solutions. Some of the most common business models are briefly set out. The latest data on ebook availability and usage is also included.

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## 1. Introduction

Ebooks are now available from libraries in all sectors, but this briefing focuses on public libraries.

CILIP strongly supports the development of elending across the UK public library network because of the huge benefits that come from greater access to reading and knowledge. Through lending and elending libraries promote reading and learning, thereby contributing to key policy objectives, such as the creation of literate and articulate individuals and communities that can better support themselves.

## 2. Definition of an ebook

“A book composed in or converted to digital format for display on a computer or hand-held device” (Merriam-Webster, 2011).<sup>1</sup>

<sup>1</sup> Cited in Kaplan, R (ed), 2012. Building and Managing E-book Collections: A how-to-do-it manual for librarians. London: Facet Publishing. N.B. Gardiner and Musto (2010) believe the definition of an ebook is a work in progress.

### 3. Brief history of ebooks

**1970s** Free ebook publishing began as text archives with initiatives such as the Gutenberg Project.<sup>2</sup>

**1980s** The development of commercial ebook publishing, dominated by the North American university presses. Publishers turned to electronic publishing to address the spiraling cost of printed academic monographs.<sup>3</sup>

**1990s** The proliferation of ebook fiction publishing in North America (largely made available for early ebook readers), and ereference publishing.<sup>4</sup>

**2000 onwards** A major stimulus in the UK was the formation of a new national strategic body – JISC ebook Working Group, which promoted take up and usage in the FE and HE sectors.<sup>5</sup> There has also been significant growth in the public and schools sector. In September 2012 Culture Minister Ed Vaizey announced an independent review of ebook lending in England. The Sieghart review reported in March 2013 (see section 10.1).

### 4. Differences between scholarly and trade publishers<sup>6</sup>

Because public libraries purchase mainly “trade books” from “trade publishers” they face different challenges to sectors that publish mostly “scholarly books” from “scholarly publishers”. It is therefore important to understand the difference between how these publishers operate. This is set out briefly below.

#### ***Scholarly publishers***

- Scholarly publishers publish academic research and scholarship, usually in journal article, book (including text book) or thesis form. The primary market for scholarly publishing is the research/academic sector.
- Digital distribution of scholarly publications to academic and research libraries is long standing and there are established protocols on the use of the content.
- A lot of academic publishers publish e-journals and haven't experienced serious piracy issues with them, so are less afraid of putting their books online than trade publishers. However, as textbooks move online and are sold direct to students, piracy could become more of a problem.<sup>7</sup>
- Ebooks are not usually downloaded to a handheld device; digital access is usually streamed via a live internet connection. However, this is changing as hybrid models are developed.

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<sup>2</sup> Cited in UKEiG, Guide to ebooks, 2011

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Taken from IFLA e-lending briefing paper, 2012 <http://www.ifla.org/publications/background-paper-on-e-lending-2012>

<sup>7</sup> The Creative UK report, Enders Analysis and Bain & Company. Reported in The Bookseller, 19 March 2014 <http://www.thebookseller.com/news/e-books-will-grow-only-slowly-after-2016>

## **Trade publishers**

- Trade publishers publish fiction and non-fiction books aimed at the general public, rather than the academic sector.
- The market demand for trade ebooks is a recent development directly tied to the explosion in ereader sales in 2010.
- Piracy of popular titles is a major concern for trade publishers.
- Ebooks are usually downloaded to a hand held device (such as an e-reader or a tablet).
- Some publishers view library availability of ebooks as a direct threat to their economic interest and are withholding sales. They argue that, if people can borrow an ebook, why would they buy one? This is discussed further in section 7.

## **5. The ebook market**

### **5.1 Consumer purchasing of ebooks**

UK readers spent £300m on 80m ebooks in 2013, an increase of 20% in twelve months.<sup>8</sup>

Ebooks accounted for 25% of consumer book purchases, up from 20% a year earlier.<sup>9</sup> This is predicted to grow to around 35% in the next two years.<sup>10</sup>

Almost 15% of the UK population purchased an ebook in 2013, an increase of 3.18% in 12 months.<sup>11</sup>

Worldwide, ebooks are predicted to overtake sales of print books in 2014.<sup>12</sup>

### **5.2 Ownership of ereading devices**

By the end of 2013, 75% of book buyers were in households with a tablet, an ereader or a smartphone.<sup>13</sup> One in five children read using a tablet computer.<sup>14</sup>

## **6. Lending in public libraries**

### **6.1 Ebook library suppliers**

Aggregators, such as OverDrive, Askews and Holts Library Services and Bloomsbury supply content from a range of different publishers. Unlike vendors who sell content on behalf of

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<sup>8</sup> Data from Nielsen, reported in The Bookseller, March 19<sup>th</sup> 2014 [http://www.thebookseller.com/news/uk-e-book-purchases-20-2013?quicktabs\\_1=1](http://www.thebookseller.com/news/uk-e-book-purchases-20-2013?quicktabs_1=1)

<sup>9</sup> Ibid

<sup>10</sup> The Creative UK report, Enders Analysis and Bain & Company. Reported in The Bookseller, 19 March 2014 <http://www.thebookseller.com/news/e-books-will-grow-only-slowly-after-2016>

<sup>11</sup> Data taken from the Kantar UK Worldpanel data as analysed by Nielsen Book Services Ltd, 2014 [trading as Nielsen BookScan]

<sup>12</sup> Data from Nielsen, reported in the Bookseller, July 24<sup>th</sup> 2013 <http://www.thebookseller.com/news/digital-fiction-overtake-paperbacks-2014-says-nielsen>

<sup>13</sup> Nielsen Books & Consumers, 2013

<sup>14</sup> Childwise Monitor Report 2013-14

publishers, aggregators license content from them and sell directly to libraries, hosting the ebooks on their own platform rather than the publisher's website.<sup>15</sup>

Some libraries form consortia to acquire ebooks, as well as other print and electronic products. For example, LibrariesWest, Welsh Libraries and the London Libraries Consortium.

## **6.2 Elending services**

As of February 2014<sup>16</sup>:

- 112 out of 152 English library authorities offer an elending service
- 26 out of 30 Scottish library authorities offer an elending service
- All 22 Welsh library authorities offer an elending service
- Libraries Northern Ireland offers an elending service

## **6.3 Title availability**

Of the 50 most borrowed print books in February 2014:

- 90% had been published in ebook format
- Yet only 7% of these could be borrowed from a public library because the other 93% had not been made available to libraries for elending<sup>17</sup>

12 months earlier, 15% of ebooks had been made available to libraries for elending<sup>18</sup>, so availability decreased by 8%.

## **6.4 Number of ebooks borrowed**

972, 650 ebooks were borrowed from UK public libraries in 2012/13. This is just 0.4% of the total books borrowed.<sup>19</sup> Some of the reasons for this are discussed in section 7.

## **7. The position of trade publishers**

Some trade publishers have serious concerns about ebook public library lending and view it as a threat to their business models, arguing that if people can easily and freely borrow an ebook, why would they buy one? Some are concerned that lending ebooks may lead to pirate copies being made.

Top publishers such as Macmillan, Penguin and Simon and Schuster will not make titles available for the UK library market. Others introduce friction into elending business models (see section 8).

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<sup>15</sup> Grigson, A., 2011. An introduction to e-book business models and suppliers. In Price, K., and Havergal, V., Ebooks in Libraries. London: Facet Publishing

<sup>16</sup> Data from an in-house survey of library authority websites conducted by CILIP in February 2014

<sup>17</sup> Data compiled by CILIP and Shelf Free, 2014

<sup>18</sup> Shelf Free, 2013. Did you know that 85% of ebooks aren't available to public libraries?

<sup>19</sup> CIPFA Public Library Statistics, 2012-13 Actuals

## 8. Business models

To enable library and retail distribution channels for ebooks to coexist, most business models offered to libraries include constraints on how ebooks can be used (also known as “friction”).<sup>20</sup> These include:

**Single user** – Loans are limited to one user at a time for each ebook license purchased, thereby replicating the print model. This results in long waiting lists for popular titles.

**Limited number of loans** – The library must repurchase the same title after a defined number of loans. HarperCollins metered access only allows 26 checkouts, for example.

**Pricing** – Some popular titles are offered at prices in excess of the print price. New and popular titles that are available through OverDrive are usually around £42.50. Some of these titles are available for the public to buy from a bookseller for as little as 99p.<sup>21</sup>

**Holdback** – An embargo period following publication, lasting from a few weeks to several months or more. Random House, who offers ebooks through OverDrive, withhold its front list titles.

**On-site only check-out** – Library users cannot borrow ebooks remotely.

“Some of [the above] terms may be necessary and tolerable, at least temporarily, to offset what publishers perceive as risks in selling ebooks to libraries. Others, such as requiring patrons to come to the library to check out ebooks, will be onerous to the patrons, contradicts a fundamental benefit of ebook technology, and is damaging to perceptions of library service”. *American Library Association, 2012, p2*<sup>22</sup>

## 9. Other issues and challenges

### 9.1 Legal context and legal uncertainty

The transition from print to digital is raising new legal issues in the area of copyright and the underlying principles that enable library acquisition and lending in the print era.

Within the conceptual system of copyright legislation, lending constitutes a subgroup under the category of “distribution”. The rights holder has exclusive control whether to publish or not, but after the first sale the distribution right is exhausted. This is known as the “first-sale doctrine” or “exhaustion doctrine”. Once exhausted, the rights holder cannot control subsequent lending or re-sale of the physical object. As a consequence, the library decides in accordance with its collection building policy what books to buy and use for lending. The library can keep these books indefinitely or sell/ give them away.<sup>23</sup>

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<sup>20</sup> American Library Association, 2012. Ebook business models for public libraries.

<sup>21</sup> Some vendors able to mark down titles such as Khaled Hosseini's “And The Mountains Echoed” to 99p, Nook “Hot Summer Reads” and Amazon matched the price. The same title through OverDrive cost £42.50 to buy

<sup>22</sup> American Library Association, 2012. Ebook business models for public libraries.

<sup>23</sup> From: Harald von Hiemcrone, Rosa Maiello, Toby Bainton and Vincent Bonnet, 2012. E-publishing and the challenge for libraries: A discussion paper  
<http://www.db.dk/files/dbf.dk/E%E2%80%90publishing%20and%20the%20challenge%20for%20libraries%20-%20discussion%20paper.pdf>

In their interpretation of the InfoSoc Directive<sup>24</sup>, publishers and some legal experts claim that ebooks are “communicated to the public” rather than distributed, that communication to the public is a service and the exhaustion doctrine does not apply to services. As a result the library can only acquire an ebook by entering into a licence agreement with the rights holders and the rights holders are free to decide whether they want to give access to a specific work, and to decide on the terms for such access. The library cannot loan ebooks without permission. Ebooks cannot be sold or given away and access is not necessarily perpetual.<sup>25</sup>

However, the *UsedSoft v Oracle* ruling by the CJEU in 2012 introduced the concept that exhaustion applies to software because a transfer of ownership does take place.<sup>26</sup> At present it is unclear if this applies to other digital media such as ebooks though.

In September 2014, as a result of a test case brought by the Dutch Association of Public Libraries in 2013<sup>27</sup>, The Hague District Court decided to seek guidance on the legal position of e-lending from the Court of Justice of the European Union (CJEU).<sup>28</sup> It is hoped this guidance will bring much needed clarity.

## **9.2 Implications for collection development and management**

As a consequence of the legal context and uncertainty set out above, at present a range of practices and policies that were under the exclusive control of the library are now a matter of negotiation with publishers and/or distributors.

For the first time the ability to acquire commercially published books for library collections is constrained. The supplier decides what is in a subscription package, and as a result the library loses the freedom to select materials to suit the needs of the communities they serve.

Content is sometimes removed from databases by publishers, often due to technical or licensing problems. The library has little or no control over this.<sup>29</sup>

## **9.3 Threat to the principle of free access to reading**

Charging for ebooks could be seen as starting to charge for core public library provision. Section 8.3 of the 1964 Public Libraries and Museums Act states that no authorisation shall be given for charges for the borrowing of written material providing “the material is lent in a form in which it is readable without the use of any electronic or other apparatus”. Clearly this is not true for ebooks which do need a device to read them and therefore a charge can be made for them with no upper

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<sup>24</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0029:EN:HTML>

<sup>25</sup> Ibid

<sup>26</sup> For a discussion of the ruling see IPKat, 2012. *UsedSoft and the principle of exhaustion: CJEU ruling published today* <http://ipkitten.blogspot.co.uk/2012/07/usedsoft-and-principle-of-exhaustion.html>

<sup>27</sup> Future of Copyright, 2013. Dutch public libraries are commencing a test case on e-lending <http://www.futureofcopyright.com/home/blog-post/2013/06/18/dutch-public-libraries-are-commencing-a-test-case-on-e-lending.html>

<sup>28</sup> Future of Copyright, 2014. Dutch Court refers preliminary questions on the lending of e-books to ECJ [http://www.futureofcopyright.com/home/blog-post/2014/09/04/dutch-court-refers-preliminary-questions-on-the-lending-of-e-books-to-ecj.html?no\\_cache=1&cHash=a45d2c0c190896802dadce100d115342](http://www.futureofcopyright.com/home/blog-post/2014/09/04/dutch-court-refers-preliminary-questions-on-the-lending-of-e-books-to-ecj.html?no_cache=1&cHash=a45d2c0c190896802dadce100d115342)

<sup>29</sup> EBLIDA, 2014. The Right to E-Read : EBLIDA Position Paper. [http://www.eblida.org/News/2014/EBLIDA\\_E-read\\_position-paper.pdf](http://www.eblida.org/News/2014/EBLIDA_E-read_position-paper.pdf)

limit being stipulated in the Library Charges Regulations (1991). This brings into question the library's role in ensuring freedom of access to information for all.

Charging levels are a matter of local discretion and will probably be set by publishers. Nottinghamshire Library Service instituted a charge of £1 per book for ebook loans in 2011 but this was abolished in 2013.

## **9.4 Interlibrary lending**

The right to interlibrary loan an ebook requires both negotiated license conditions and a technical capability that many libraries do not have access to.

## **9.5 Privacy**

The current model of digital content delivery for libraries potentially places library users' privacy at risk. Authorizing the loan of an ebook or the use of a database can communicate unique identifiers or personally identifiable information that reveals a user's identity. Databases and ereaders create records of a user's intellectual activities that can include search terms, highlighted phrases, and what pages an individual actually read. This can be used as a marketing tool, or even passed over to law enforcement officers.<sup>30</sup>

## **9.6 Technical issues**

There is a diverse range of ebook platforms and standards in the market that are often not compatible, user friendly or accessible. You cannot borrow UK public library ebooks on a Kindle, the most popular ereader, for example.

## **9.7 Alternative formats for the print disabled**

Ebooks offer the greatest potential to increase access to books by blind and partially sighted people.

RNIB has commissioned research into the availability of accessible versions of the most popular books in the UK. In 2012, 84 per cent of the top 1,000 titles, the most popular books, were available in braille, audio and large print formats using accessible ebooks.<sup>31</sup> However an accessible ebook still requires an ebook reader to have certain characteristics in order for a reader with sight loss to be able to read the resulting ebook. Logging in using screen readers and magnification software, and navigating online catalogues and selecting titles to download can also be difficult.

Until recently legal restrictions on re-formatting text impeded access. However, on June 1<sup>st</sup> 2014 copyright reform was implemented to allow disabled users to may make an accessible copy in any format, unless it is already commercially available in the desired format.<sup>32</sup>

## **9.8 Value Added Tax (VAT)**

Printed books and journals are exempt from VAT, but electronic resources are not.

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<sup>30</sup> American Library Association, 2012. E-Content: The Digital Dialogue

<sup>31</sup> [http://www.rnib.org.uk/professionals/publishing/Pages/publishing\\_industry.aspx](http://www.rnib.org.uk/professionals/publishing/Pages/publishing_industry.aspx)

<sup>32</sup> <http://www.legislation.gov.uk/ukdsi/2014/9780111112694>

## 9.9 Competition from alternative providers

Public libraries will be in competition with alternative providers. For example, in 2014 Amazon launched its Kindle Unlimited subscription service in the UK. For £7.99 a month, customers will have unlimited access to more than 650,000 ebooks and thousands of audiobooks.<sup>33</sup>

In “Start-Ups Take Library Jobs”, Eric Hellman lists some other digital offers that could be regarded as competitors to libraries - <http://tinyurl.com/ldxdygg>

## 9.10 A national ebook lending service?

Do we need over 200 public library authorities managing ebook acquisitions and lending, or could it be done by national and regional consortia or even just one UK agency? This would stop unnecessary duplication and reduce costs. However, a centralized service may mean libraries are unable to take into account the needs and preferences of their own area.<sup>34</sup>

## 10. Possible solutions

### 10.1 The Sieghart Review

An independent review of elending in public libraries in England was commissioned by the UK Government in 2012. It was chaired by William Sieghart.

CILIP responded to the review, making four key recommendations.<sup>35</sup>

- Elending should be provided free of charge
- All elending models should allow for remote downloading of ebooks in addition to on-site access
- DCMS/Arts Council funding should be made available to research the impact of elending pilot
- A national training programme focusing on accessing econtent should be developed and offered to public library employees across the UK

In March 2013 the review issued its report. It recommended that:<sup>36</sup>

- Public libraries should be able to offer remote elending service to their readers, free at the point of use.
- Pilots to test business models and user behaviours and to provide a transparent evidence base
- Public Lending Right (PLR) should be extended to on-site e loans. Further legislative changes should be made to allow PLR to take account of remote e loans.

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<sup>33</sup> For more information see Bookseller, September 24<sup>th</sup> 2014. Amazon launches Kindle Unlimited in the UK <http://www.thebookseller.com/news/amazon-launches-kindle-unlimited-uk>

<sup>34</sup> Society of Authors', 2013. Briefing note on PLR and Royalties from Library elending <http://www.societyofauthors.org/sites/default/files/Briefing%20note%20on%20PLR%20and%20Royalties%20from%20Library%20elending%20%20Final%20%2011%206%2013%20%282%29.pdf>

<sup>35</sup> The response is available at <http://www.cilip.org.uk/cilip/advocacy-campaigns-awards/advocacy-campaigns/ebooks/consultation-responses/response-review>

<sup>36</sup> The report is available at <https://www.gov.uk/government/publications/an-independent-review-of-e-lending-in-public-libraries-in-england>

- The interests of publishers and booksellers should be protected by building in frictions to lending models.

The Government published its response in March 2013.<sup>37</sup> The response:

- Welcomed the proposal for pilots
- Committed to considering commencing the appropriate provisions of the Digital Economy Act 2010 to extend PLR to onsite audio, eaudio and ebooks (now implemented).
- Committed to examining whether extending PLR to remote lending would be compatible with the Copyright Directive and, if it is found to be, committed to pursuing it in future parliamentary sessions.<sup>38</sup>
- The response was silent on the recommendation for free remote lending.

## 10.2 Evidence from the Sieghart pilots

As a result of the Sieghart Review, a year-long pilot was launched in March 2014 in four areas of the UK (Peterborough, Newcastle, Windsor and Maidenhead, and Derbyshire) and gives library users access to 1000 titles that are not available for lending elsewhere, including new releases. Loans are for 7 or 21 days.<sup>39</sup> The pilot is being overseen by the Society of Chief librarians and the Publisher's Association and will establish the impact of lending on retail sales, on library membership and usage, and will show how an lending offer changes the perception of the library service.<sup>40</sup>

## 10.3 Evidence that library users also purchase ebooks

As recognised in the Sieghart Review, evidence that library ebook borrowers also buy ebooks could help to allay some of the publishers' concerns. The software platform used in the pilots includes an option that allows patrons to "click to buy" the ebook and early evidence suggests that people who borrow ebooks also buy them.<sup>41</sup>

The Pew Internet Report concluded that "the majority of readers of ebooks (61%) prefer to purchase their own copies rather than borrow them". The study also contained data showing that libraries and librarians are a prominent source (21%) for owners of ereading devices to get recommendations for reading materials.<sup>42</sup>

A 2011 study by Library Journal and Bowker PubTrack Consumer reports that 50% of all library users in the USA report purchasing books by an author they were introduced to in the library.<sup>43</sup>

<sup>37</sup> The Government's response is available at <https://www.gov.uk/government/publications/an-independent-review-of-e-lending-in-public-libraries-in-england>

<sup>38</sup> Such a change would require primary legislation.

<sup>39</sup> For more information see The Bookseller, 3<sup>rd</sup> March 2014. Library e-lending pilot loans new releases <http://www.thebookseller.com/news/library-e-lending-pilot-loans-new-releases>

<sup>40</sup> [http://www.eblida.org/News/2014/EBLIDA\\_E-read\\_position-paper.pdf](http://www.eblida.org/News/2014/EBLIDA_E-read_position-paper.pdf)

<sup>41</sup> <http://www.americanlibrariesmagazine.org/blog/london-book-fair-2014>

<sup>42</sup> The rise of e-reading, April 2012 <http://www.themarketingblog.co.uk/2012/04/%E2%80%9Cthe-rise-of-ereading%E2%80%9D-the-average-e-book-reader-read-24-books-in-the-past-12-months/>

<sup>43</sup> Albanese, A, 2011. Survey Says Library Users Are Your Best Customers, Publishers Weekly <http://www.publishersweekly.com/pw/by-topic/industry-news/publishing-and-marketing/article/49316-survey-says-library-users-are-your-best-customers.html>

Libraries are ideally placed to showcase a wide range of publishers' output. OverDrive reported that, during March 2012, 5.02 million visitors viewed 146 million pages over 12.6 million visits to OverDrive hosted digital catalogues. Visitors experienced more than 630 million digital book cover images while browsing.<sup>44</sup>

#### **10.4 Evidence about levels of piracy**

Ebook suppliers wrap their ebooks in robust digital rights management (DRM) software, meaning the file expires after the loan period. There is no evidence of library loaned items being stripped of DRM and loaded on file sharing websites.<sup>45</sup>

#### **10.5 Evidence of the benefits of partnership working**

Partnering with other stakeholders adds value to lending and is to be encouraged. By working with publishers and suppliers, libraries can ensure that the download experience is as seamless as possible for the reader. Libraries may also enhance publisher offerings through reader and staff reviews incorporated into their catalogues and can stimulate interest in titles through recommendations. There is also value in sharing data about reading habits with publishers, as long as no private information about readers is given out.

All parts of the book industry share an enthusiasm and commitment to the value of reading and a desire to grow the market for books and ebooks. The showcasing opportunities provided by libraries, and the support they give readers, help sustain and improve the overall market for books and ebooks.

#### **10.6 Other licensing solutions**

The European Bureau of Library, Information and Documentation Association (EBLIDA) is calling for "Mandatory Fair Licences" as part of its "Right to E-Read" campaign, discussed below (section 10.8). EBLIDA regards fair licensing as a short term solution, however. Its middle and long term goal is reform of copyright law (ibid).

#### **10.7 Self-published ebooks**

A fifth of all consumer ebook purchases are self-published titles, representing 12% of the spending on ebooks and this is predicted to grow.<sup>46</sup>

2000,000 ebooks from 80,000 indie authors and small independent presses are now available in the USA through OverDrive.<sup>47</sup>

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<sup>44</sup> OverDrive, March 2012. Library Media Network eBook Report: Summary of Select Traffic and User Behavior Statistics, p2

<sup>45</sup> Taken from Edwards, S., and Leech, H., 2012. Library e-book lending fears – myth or reality? <http://www.goscl.com/sclposition-on-e-lending-in-libraries/library-e-book-downloading-socauth/>

<sup>46</sup> The Bookseller, 19<sup>th</sup> March 2014. UK e-book purchases 'up 20% in 2013' <http://www.thebookseller.com/news/uk-e-book-purchases-20-2013>

<sup>47</sup> <http://www.digitalbookworld.com/2014/overdrive-and-smashwords-ink-deal-to-distribute-indie-author-ebooks-to-libraries/>

Although not a solution to the problems libraries are facing with trade publishers, if quality controls are in place, providing access to self-published titles alongside commercially published ones, and advice on self-publishing, could be an additional offer for UK libraries to consider.

## **10.8 Updating European copyright law**

Clarity is needed around EU copyright law in regard to the lending of ebooks. Changes also need to be put in place to make it clear that libraries have the right to both purchase and lend ebooks on reasonable terms.

In 2013 EBLIDA launched the Right to E-Read Campaign.<sup>48</sup> The aim of the campaign is to raise awareness among the general public, the library profession and policy makers about the challenges and issues librarians currently face with regards to accessing ebooks and digital content. The campaign is also calling for an updated, modern copyright framework to eliminate uncertainty in regard to lending, to deliver fair access to information for European libraries and their patrons and to guarantee effective recognition and remuneration of authors and other rights holders.

## **10.9 Disability Regulations 2014**

In June 2014 copyright reform came into force that makes it easier for disabled people to access materials that are protected by copyright.<sup>49</sup> The law has changed so that anyone who has an impairment that prevents them accessing copyright works can benefit from the exception, not just visually-impaired people. The law also now allows individuals, educational establishments and not-for-profit organisations to reproduce all types of copyright-protected content in accessible formats. This will address some of the problems visually impaired people faced previously due to restrictions on re-formatting ebook text. However, it is only legal to reproduce material if suitable accessible copies are not commercially available. Contracts cannot override this exception, although copyright owners can still apply Technological Protection Measures to their works.<sup>50</sup>

## **11. Next steps**

### **11.1 EBLIDA's Right to E-Read campaign**

CILIP is supporting EBLIDA's Right to E-Read campaign. Over the coming months CILIP will be:

- Encouraging people to sign up to EBLIDA's Right to E-read petition calling for changes to copyright law so public libraries have the same right to lend ebooks as they do printed books <http://www.change.org/p/for-the-right-to-e-read>
- Lobbying UK MEPs, MPs, members of the national devolved parliaments and assemblies to support a change in European copyright law.

More information is on the CILIP website at <http://www.cilip.org.uk/cilip/advocacy-campaigns-awards/advocacy-campaigns/ebooks/let-libraries-lend-ebooks>

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<sup>48</sup> <http://www.eblida.org/e-read/home-campaign/>

<sup>49</sup> <http://www.legislation.gov.uk/ukdsi/2014/9780111112694>

<sup>50</sup> Further guidance is available from the Intellectual Property Office  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/359249/Exceptions\\_to\\_copyright\\_-\\_Accessible\\_formats\\_for\\_disabled\\_people.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/359249/Exceptions_to_copyright_-_Accessible_formats_for_disabled_people.pdf)

## 11.2 EU review of copyright rules

In December 2013 the EU launched a consultation in an effort to gather views on how to modernise the existing EU copyright framework. The consultation asked a series of questions on lending and responses will inform a European Commission White Paper on copyright, which is expected in late 2014. This will form another focus for campaigning for EBLIDA and CILIP.

## 11.3 Treaty Proposal on Limitations and Exceptions for Libraries and Archives

The Committee on Copyright and Related Rights (SCCR) began formal deliberations on a Treaty Proposal on Limitations and Exceptions for Libraries and Archives (TLIB) in 2011. A number of TLIB clauses, if incorporated in an international WIPO treaty, have the potential to influence ebook licence agreements.<sup>51</sup> Unfortunately treaty discussions stalled in 2014.<sup>52</sup>

## 11.4 Sieghart lending pilots

Initial findings from the pilots could be available by the end of 2014, with full findings published in 2015. The findings will help to inform the development of a licensing solution or solutions that can win the confidence of all parts of the Book Trade.

## 12. Core documents/key websites

- **EBLIDA's Right to E-Read position paper**  
[http://www.eblida.org/News/2014/EBLIDA\\_E-read\\_position-paper.pdf](http://www.eblida.org/News/2014/EBLIDA_E-read_position-paper.pdf)
- **IFLA Principles for Library Lending** - <http://www.ifla.org/nod>
- **The Right to E-Read Campaign** – <http://www.eblida.org/e-read/home-campaign/>
- **Let Libraries Lend Ebooks** - <http://www.cilip.org.uk/eread>

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<sup>51</sup> <http://www.ifla.org/node/5858>

<sup>52</sup> <http://www.ifla.org/node/9075>

