

## Advocacy for Public Library Access to E-Books

<b>Date:</b>	February 12, 2013
<b>To:</b>	E-Book Working Group
<b>From:</b>	City Librarian

### SUMMARY

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The purpose of this report is to provide the E-Book Working Group with an overview of the current situation for public library access to e-books and advocacy activities.

### FINANCIAL IMPACT

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There is no financial impact to this report.

The Director, Finance & Treasurer has reviewed this report and agrees with the financial impact information.

### DECISION HISTORY

The report *E-Books in Public Libraries* was considered by the Library Board at its November 29, 2012 meeting. At that meeting, the Library Board approved the following:

1. *endorses an advocacy strategy that:*
  - a) *encourages Canadian and multinational publishers to sell e-content to public libraries under reasonable terms;*
  - b) *informs the public about the restrictions public libraries face in making e-content available for borrowing; and*
2. *authorizes and directs appropriate Library staff to take the necessary action to give effect thereto;*
3. *strikes an E-Book Working Group, to include any Board members who express an interest, to make further recommendations on strategies to advance Recommendations 1a and b.*

## ISSUE BACKGROUND

Despite significantly increased use and demand of e-content, public libraries face challenges both in terms of being able to purchase content from publishers, as well as making that content readily discoverable through their websites. These challenges stem from many factors, including several publishers' wariness of selling e-content to public libraries due to concerns about future sales revenue and the complications surrounding downloading content on library websites because of digital rights management (DRM) protocols designed to protect content from being illegally copied and shared.

The *Big Six* multinational publishers, namely Random House, HarperCollins, Penguin, Macmillan, Hachette and Simon & Schuster, have been at the centre of this controversy in the United States, and are represented in Canada by subsidiaries or distributors. While the controversy continues, progress has been made with publishers. HarperCollins will sell to libraries but has capped circulation at 26 uses after which copies have to be re-purchased. Random House also sells to libraries but introduced a 300 percent price increase effective March 1, 2012. Macmillan, Penguin, and Hachette have entered into pilot projects to test making e-books available to public libraries. To date, Simon & Schuster remains the only *Big Six* publisher that will not sell e-books to public libraries at all.

Advocacy efforts are currently underway in Canada and internationally. Toronto Public Library is providing leadership in this area as a member of the Canadian Urban Libraries Council (CULC). To further these efforts, the Library Board approved at its November 29, 2012 meeting, an advocacy strategy for improved access to e-content which includes both reasonable terms and costs.

## COMMENTS

### Overview of Current E-Book Situation

Access to digitized reference content has been available to libraries for many years. However, the availability and popularity of downloadable e-content, particularly e-books, is a more recent development. The proliferation of e-book devices and other mobile technology has led to more widespread adoption of the downloadable e-book format and resulted in greater customer demand for e-books from public libraries. At TPL, circulation has grown significantly since making circulating e-content available. In 2012, e-content circulation at TPL surpassed one million for the first time, representing an increase of 105 per cent over 2011 and 3.2 percent of overall circulation.

Public libraries have few vendor options for the purchase of circulating e-content. Currently, libraries need vendors that provide a platform to circulate downloadable content; they also need vendors to provide a digital repository to host the content and manage digital rights. These vendors purchase e-content from publishers willing to sell to them and then sell the e-content to public libraries on a licensed basis. The dominant vendor in the public library e-book market is OverDrive, a vendor based in the U.S.

As an alternative to OverDrive, the advocacy work that CULC initiated with publishers in 2010 has led to a pilot project with eBound Canada, the Association of Canadian Publishers' e-book arm, to pilot a made-in-Canada e-book lending and purchasing platform. An RFP has been issued with plans to start the project in 2013. TPL has members actively engaged on the task group that is working on the pilot project.

There have been many other developments as different business and pricing models are adjusted, and as libraries advocate for improved access to content and discoverability. A chronology of events that are important from TPL's perspective is included to highlight these developments (see Attachment 1).

It is important to note that significant progress has been made with much improved access to Canadian content on OverDrive. Publishers such as Random House Canada and HarperCollins Canada made their e-books available for the first time in 2011 and 2012 respectively, and many of the Canadian independent publishers are now available on OverDrive such as Dundurn Press, House of Anansi, Orca, ECW Press and Douglas & McIntyre. In addition, Penguin, Macmillan and Hachette have all announced pilot projects in the United States to test public library access to e-books.

The International Federation of Library Associations (IFLA) is committed to working at the international level to find solutions for library access to e-content, and established a working group to develop policy guidelines for e-books in libraries. As part of this effort, IFLA released a report in 2012, *E-Lending Background Paper* that provides a useful overview of the technical, legal and strategic issues surrounding library access to e-book collections (see Attachment 2). The paper provides both perspectives from the publishing and library sectors, and considers issues for maintaining core library principles in an e-lending environment.

#### Overview of Current Advocacy Activities

Advocacy activities are underway in many library organizations or groups. Initiatives of particular importance for TPL are being undertaken by CULC, IFLA, ReadersFirst, the American Library Association (ALA), and Urban Libraries Council (ULC), (see Attachment 3). Some of these groups have focused on the discovery and integration of e-books into library catalogues and websites while others have focused on access to content. CULC on the other hand, has focused on both issues.

The report to the Library Board, *E-Books in Public Libraries*, provided information about advocacy efforts in Canada and internationally. In considering the report, the Library Board endorsed an approach that focuses its advocacy efforts on publishers for improved public library access to e-books. The Library Board also endorsed the formation of a working group of the Board to provide leadership on strategies to advance these advocacy efforts.

The strategies approved by the Library Board are twofold: one is designed to encourage publishers to participate in the made-in-Canada e-book lending and purchasing platform

that is being developed jointly by CULC and eBook; the second is to draw the public's attention to the issue through TPL's website. The advocacy with publishers will be achieved by sending individualized letters to various key stakeholders in the publishing industry, encouraging them to participate in the CULC/eBook pilot project. The timing of these letters will coincide with the RFP award of contract in the first quarter 2013.

A letter will cover the following main points:

- The Toronto Public Library Board is committed to equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms; limiting access to e-books blocks universal access.
- The Library Board acknowledges in particular that for people with disabilities, alternate format material that meets their accessibility standards is a necessity in a free and democratic society.
- The Library Board recognizes publishing in Canada and around the world is undergoing great change. The importance of the publishing industry in Canada to the preservation and ongoing evolution of the Canadian identity and literary culture is also recognized. Libraries are integral to this ecosystem of reading. Refusing to sell e-books to public libraries or imposing other terms that unreasonably increase costs are not the answer to a healthy publishing industry.
- We are pleased publishers and public libraries in Canada are working together to find mutually beneficial solutions so that public library patrons have access to e-books from all publishers.
- We support the CULC/eBook project to pilot a made-in-Canada e-book and lending platform and hope the success of the project will encourage all publishers to participate in making their e-books available to public library patrons across Canada.

## **CONTACT**

Vickery Bowles; Director Collections Management and City-Wide Services;  
Tel: 416-395-5506; Fax: 416-395-5500; Email: [vbowles@torontopubliclibrary.ca](mailto:vbowles@torontopubliclibrary.ca)  
Linda Hazzan; Director, Communications, Programming & Customer Engagement;  
Tel: 416-393-7214; Email: [lhazzan@torontopubliclibrary.ca](mailto:lhazzan@torontopubliclibrary.ca)

## **SIGNATURE**



Jane Pyper  
City Librarian

## **ATTACHMENTS**

Attachment 1: *Chronology of E-Book Related Events*  
Attachment 2: *E-Lending Background Paper* (IFLA, 2012)  
Attachment 3: *Library Groups Involved in E-Book Advocacy*