

E-books in Public Libraries

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| Date: | November 29, 2012 |
| To: | Toronto Public Library Board |
| From: | City Librarian |

SUMMARY

The purpose of this report is to provide the Toronto Public Library Board with background information and a possible advocacy strategy regarding access and the costs of e-collections for public libraries.

RECOMMENDATIONS**The City Librarian recommends that the Library Board:**

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 the appropriate Library staff to take the necessary action to give effect thereto.

Implementation Points

Once the CULC/eBound Request for Proposal (RFP) is awarded, letters supporting the pilot project and encouraging publishers to sell e-content to public libraries under reasonable terms would be written and sent to the associations representing Canadian and multinational publishers and individually to the CEOs of large multinational publishers in Canada; a statement would be added to the Library's website.

FINANCIAL IMPACT

There is no financial impact to this report.

The Director, Finance & Treasurer has reviewed this financial impact and is in agreement with it.

DECISION HISTORY

At its October 16, 2012 meeting, the Budget Committee received the report *Collections Budget: Breakdown and Prioritization* and adopted the following motion:

1. *Request the City Librarian to report to a future meeting of the Toronto Public Library Board on a position and a possible advocacy strategy regarding the access and costs of e-collections.*

ISSUE BACKGROUND

The purchase of e-content has become an increasingly important component of TPL's collections. While access to electronic reference content has been available to libraries for many years, 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 devices 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, e-content circulation has increased 246 percent between 2009 and 2011; currently, it is up another 112 percent in 2012. This trend is international in scope with public libraries throughout the world experiencing dramatic increases in use. In response to circulation trends and demand, TPL is purchasing more e-content than ever before. In 2009, the budget for circulating e-content was \$185,000 while in 2012 it is \$1.14 million.

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. TPL purchases from OverDrive; content from OverDrive represents over 85% of e-content circulation. TPL also has smaller subscriptions for e-content such as Safari (technology e-books), Ebsco (e-books), and OneClick (e-audiobooks).

However, despite increased use and demand, public libraries face challenges both in terms of being able to purchase content from publishers as well as in terms of making that content readily discoverable through their websites:

- Many publishers are wary of selling e-content to public libraries due to concerns about future sales revenue;
- Downloading content on library websites is complicated by processes imposed by the digital rights management (DRM) protocols designed to protect content from being illegally copied and shared;
- Discoverability is impeded by the fact there is no common interface because different vendors offer proprietary platforms;
- There is limited search functionality within these platforms.

The greatest challenges in purchasing e-content remain with the six large multinational publishers. Simon & Schuster, Macmillan, Penguin, and Hachette will not sell e-books to public libraries. HarperCollins will sell to libraries, but have increased costs by capping 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.

Penguin and 3M are in the process of entering into a pilot project with New York and Brooklyn public libraries to make Penguin e-books available for borrowing. Hachette recently announced it will be entering into a pilot project to make its content available to public libraries, although the details are not yet known. What is known is that Hachette will be increasing its prices 200 percent as part of the pilot.

COMMENTS

Current Advocacy Efforts in Canada

In Canada, TPL is providing leadership as a member of the Canadian Urban Libraries Council (CULC). The approach taken for improving public library access to e-books has been to enter into discussions with publishers -- both Canadian independent publishers as well as the large multinationals with Canadian subsidiaries -- to find mutually beneficial solutions.

CULC launched its advocacy effort by issuing a position document in November 2010 entitled, *Vision Statement for Public Library Access to Downloadable and Portable E-Content* (see Attachment 1). The role of public libraries in providing free and open access to the world's knowledge, information and resources, intellectual freedom and the digital divide are issues that arise in the debate over public library access to e-content and are reflected in the CULC statement:

Public libraries provide access to a broad range of human knowledge, information, and ideas and serve all readers, regardless of their socio-economic, educational, or literacy status. In order to continue to do this, public libraries have to be able to access information regardless of the delivery mechanism. The Canadian Urban Libraries Council (CULC) / Conseil des Bibliothèques Urbaines du Canada (CBUC) has developed a vision statement to identify public library issues around access to downloadable and portable e-content with the intent of entering into a dialogue with publishers, distributors, and producers of e-content.

The discussions between CULC and publishers 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 will be issued at the end of this year or early in 2013 with the project starting in 2013. TPL is a member of the task group working on the pilot project. This co-operative approach to work with publishers is a hallmark of the current advocacy campaign. The pilot is receiving a lot of international attention and interest.

Current Advocacy Efforts Internationally

There are examples of organizations and associations throughout the world that are working to find solutions. The International Federation of Library Associations and Institutions (IFLA) provides the international context for this issue with the May 2012 release of its position paper: *IFLA E-Lending Background Paper* found at www.ifla.org/files/assets/clm/publications/ifla-background-paper-e-lending-en.pdf. In an effort to develop policy guidelines for e-books in libraries, the IFLA Governing Board established a Working Group to investigate the complexity of issues relating to e-book availability in libraries considering such issues as lending e-books, preserving works for posterity and providing alternate formats for the print disabled. In addition to providing the library perspective, this background paper provides an overview of the issues faced by publishers, making a distinction between scholarly and trade publishing. The paper concludes:

....[It] is inevitable that an international model for the inclusion of e-books in library collections will take time, especially in underdeveloped and developing countries. We need to build on the trusted and enduring relationship which has existed for centuries between publishers and libraries. Open and constructive dialogue among the stakeholders is essential if progress is to be made in ensuring library availability of e-books globally. However, there are broad negative societal implications if digital content is withheld from library collections. With this outcome all parties will suffer: authors, publishers, libraries and especially readers. Libraries need to be prepared to draw society's attention to the problem and push hard to preserve our role in providing public access to information.

In the U.K last August, the Society of Chief Librarians (SCL), a local government association in England, Wales and Northern Ireland, issued its position paper entitled *SCL Position on E-Book Lending in Libraries* which can be found at www.goscl.com/scl-position-on-e-lending-in-libraries/. Designed to seek common agreement on library e-book lending models, the position paper is another advocacy effort to encourage publishers to make content available for libraries to purchase or licence.

In the U.S., there are a number of advocacy initiatives underway. TPL is participating in one of those initiatives involving public libraries throughout North America called *ReadersFirst* (<http://readersfirst.org/>). New York Public Library launched this initiative a few months ago to attract more public attention to the issue of e-books in public libraries. The work of this initiative has also evolved to include the development of principles for improving access and discovery of e-content into functional requirements for vendors to act upon.

In another effort, the Urban Libraries Council (ULC) is assisting its members to educate the public on the current challenges faced by libraries in accessing e-books. ULC's advocacy approach focuses on preserving the freedom to read and the fundamental role that libraries play in ensuring people's freedom to read. ULC has drafted two op-ed pieces for libraries to use if they want to get the message out through their local media channels (see Attachment 2).

Adopting a three-pronged approach, the American Library Association's (ALA's) Digital Content and Libraries Working Group has completed analytical work to describe business and pricing models, worked with some key stakeholders within the library community and conducted outreach beyond the library community by meeting with four of the six big publishers.

ALA has also issued various advocacy statements. In September 2012, ALA President Maureen Sullivan issued an open letter to publishers (see Attachment 3). This letter signifies a shift in ALA's strategy after a year of discussions with publishers failed to reach any positive results.

We librarians cannot stand by and do nothing while some publishers deepen the digital divide. We cannot wait passively while some publishers deny access to our cultural record. We must speak out on behalf of today's—and tomorrow's—readers. The library community demands meaningful change and creative solutions that serve libraries and our readers who rightfully expect the same access to e-books as they have to printed books.

So, which side will you be on? Will you join us in a future of liberating literature for all? Libraries stand with readers, thinkers, writers, dreamers, and inventors. Books and knowledge—in all their forms—are essential. Access to them must not be denied.

Access to e-books is an issue for the public at large, but has even greater implications for others such as the print disabled where access to alternate format material is a necessity. This is an important accessibility issue that needs more attention in advocacy efforts. TPL has received feedback from a few print disabled customers concerned about accessibility issues with e-content.

Advocacy Strategy for the Library Board

While there is still much work to be done to improve the discoverability of e-books on library websites and the ease of borrowing/downloading, the focus of most advocacy efforts is on publishers and public library access to e-books. The advocacy effort recommended to the Board adopts this approach.

As noted above, TPL is working with CULC/eBound on a project with publishers to pilot a made-in-Canada e-book lending and purchasing platform. An RFP will be issued at the end of this year or early in 2013. Once the RFP is awarded, the Library Board would lend its support to the success of the pilot by sending letters to the Association of Canadian Publishers (representing the independent Canadian publishers), the Canadian Publishers' Council (representing the large multinational publishers in Canada), and individually to each CEO of the large multinational publishers in Canada. A component of the advocacy strategy would be to inform the public about the current lack of available e-books for public libraries through the Library's website.

A letter would 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/eBound 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.

CONCLUSION

The purchase of e-content has become an increasingly important component of TPL's collection development plan. It is essential for public libraries to make e-content available to its patrons and TPL will continue to work with other libraries in Canada and internationally to improve public library access to e-content from all publishers.

CONTACT

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SIGNATURE

Jane Pyper
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ATTACHMENTS

- Attachment 1: *Vision Statement for Public Library Access to Downloadable and Portable E-Content* (Canadian Urban Libraries Council, November 2010)
- Attachment 2: *Freedom to Read – the 21st Century Way and Libraries and E-Books: Preserving the Freedom to Read* (Urban Libraries Council, October 2012)
- Attachment 3: *An Open Letter to America’s Publishers* (ALA President Maureen Sullivan, September 2012)