



INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS AND INSTITUTIONS
FEDERATION INTERNATIONALE DES ASSOCIATIONS DE BIBLIOTHECAIRES ET DES BIBLIOTHEQUES
INTERNATIONALER VERBAND DER BIBLIOTHEKARISCHEN VEREINE UND INSTITUTIONEN
FEDERACION INTERNACIONAL DE ASOCIACIONES DE BIBLIOTECARIOS Y BIBLIOTECAS
МЕЖДУНАРОДНАЯ ФЕДЕРАЦИЯ БИБЛИОТЕЧНЫХ АССОЦИАЦИЙ И УЧРЕЖДЕНИЙ
国际图书馆协会与机构联合会

الاتحاد الدولي لجمعيات ومؤسسات المكتبات

IFLA 2014 eLending Background Paper - Executive Summary

The International Federation of Library Associations and Institutions (IFLA) released the *eLending Background Paper* in 2012 followed by the *Principles for Library eLending*.¹ The *Background Paper* acknowledged that the eLending environment is changing rapidly and that the paper would need to be reassessed in light of any significant developments.

Since 2012 the *Principles* have been updated twice in the light of changes in jurisprudence and practice. The 2014 eLending Background Paper is intended to consider changes which have occurred since the 2012 *Background Paper* appeared. This Executive Summary does not directly address all of the issues raised in the 2012 Paper.

What is an eBook?

An eBook is a digital version of a text-based work which is available publicly (with or without payment) as a separate work. A number of characteristics further support the definition including purchase and licensing arrangements, formats (e.g. an eBook may be downloadable or streamed) relationship to printed works and publishing sources.

Digital audio versions of text based works are often considered to be eBooks but not digital versions of journals and newspapers. The intent of this definition is to focus on the creative content, text readable by the end user, irrespective of the reading device used to access the content.

What is eLending?

eLending is the temporary provision of an eBook by a library to a registered user for use away from the library premises and in the library should the user wish.

The terms under which the eBook is lent (e.g. number of loans permitted, simultaneous users) are dictated by the licensing or purchasing arrangements. The eBook may be supplied to the reader's device by the library, vendor or publisher. Access to eBooks anywhere there is an internet connection is expected by library users, although there are attempts to limit this flexibility in order to reduce ease of access. Unreasonable limits on library use are unacceptable to libraries.

eBook Trends

eBook publishing statistics and trends vary substantially by region and country. In mature English language markets trade fiction continues to dominate eBook sales. Increased tablet ownership is being reflected in their use for reading eBooks and reading on laptops, mobile phones and the use of dedicated eReaders also continue to increase. Whilst print continues to dominate overall markets in sales and library loans, eBook reading continues to grow.

Library eBook Licence and Purchase Models

eBook licensing practices are inconsistent across the world and differences occur between regions even for access to the same content from the same publisher in different countries.

The most common license models for trade publications are the limited time/use model where the eBook must be relicensed after a defined time (such as 24 months) or number of loans (such as 52 loans) of the title, and the pay per loan model where libraries and suppliers agree on a fixed payment per eBook download. Other models include outright purchase or perpetual term licenses.

Some publishers do not provide libraries with access to new release titles or charge significantly more (300% or more) than the retail price for library access to new eBooks.

¹ www.ifla.org/e-lending



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Emerging commercial services which provide access to large quantities of eBooks on a subscription basis could become a challenge for libraries if publishers perceive a better revenue stream. The use of a 'buy button' within library eBook platforms supplied by commercial providers is not without controversy and there is to date little evidence of significant sales through this mechanism.

In some non-English markets, national platforms have been developed by libraries to enable access to national language eBooks titles. Library services and consortia have collaborated with publishers, authors and suppliers to create sustainable platforms that provide access to eBook content from a range of sources and also ensure ongoing ownership of the eBooks by libraries.

Government Reviews

Government reviews undertaken in the United Kingdom and Australia which related to eBooks, eLending and libraries noted the changed environment for authors, publishers, libraries and library users and that sustainable models which met the needs of all parties were still emerging. The issue of a public lending right mechanism for eBooks was also raised.

Library Advocacy

Library Associations and libraries have been arguing strongly for access to all available eBook content under reasonable licensing terms in order to support their fundamental and core role of providing society with access to information. The monopoly position of publishers in deciding what content libraries could access and in their general relationships with libraries were highlighted, often via public campaigns. In some cases the need for a strong legislated framework ensuring libraries can access eBook content has been a focus of the advocacy campaigns.

ReadersFirst, with nearly 300 library members, works with eBook distributors and library systems vendors to address the fragmented, disjointed and cumbersome user experience arising from eBook lending platforms.

Emerging Legal Framework

Exhaustion of rights, whereby a rightsholder loses the right to control further distribution of a work after the first time it is sold is the basis on which libraries have both purchased print books for their collections and enabled the subsequent loan. There are legal questions as to whether this applies in the digital environment enabling the purchaser of an eBook the same rights to lend and sell a copy in the same way as a physical book is treated.

Conclusion

The 2014 eLending Background Paper shows a general improvement in library access to trade eBooks in some mature eBook markets, but the situation remains far from ideal in all regions and in some regions there has been minimal, if any improvements in access.

The major concern of libraries continues to be an inability to guarantee user access to otherwise commercially available eBooks under reasonable pricing and acceptable use conditions. eBook licensing rather than purchase remains the most prevalent business model offered to libraries who continue to deal with imposed and inflexible terms and conditions which may impede legislated copyright user rights.

Fundamental issues of principle are at stake, including the preservation of society's written record and the right of individuals to access information irrespective of issues such as ability to pay. The crucial societal role of libraries in ensuring the realisation of these principles is being undermined by denying libraries access to commercially available content.

With continuing difficulty in ensuring library user access to all commercially available eBooks, the need for political and judicial engagement increases. IFLA and other library organisations continue to raise government and public awareness of the challenges facing libraries with eBooks and collaborate on potential solutions.



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