



Thinkpiece “Libraries, e-Lending and the Future of Public Access to Digital Content”

Prepared by Civic Agenda and presented to IFLA in The Hague November 2012.¹

Comment from FAIFE-Perspective.

Philippe Colomb, Hermann Rösch, Amélie Vallotton Preisig

There is no doubt: the era of printed books as the one and only media format for information and knowledge transfer is over. We are witnessing the triumph of digital media and e-books distributed via Internet. Libraries and public libraries in particular are highly challenged by new models of access to digital content. Publishers and distributors provide access via licenses. They don't sell the material anymore: Licensing has replaced ownership in many cases. Some publishers even refuse to offer digital content to libraries; others have created licensing restrictions which put the traditional role of libraries in modern societies at risk. This was the reason why IFLA HQ commissioned Civic Agenda, an independent consultant, to prepare a thinkpiece exploring future options of e-lending and public access to digital content via libraries. The results were presented at IFLA in The Hague in November 2012 and discussed intensively.²

FAIFE salutes the quality of the report in terms of ethical approach. Indeed the reflection goes much beyond the merely technical issues to question the very role of libraries towards the society and ask what the shift from printed books to electronic books might actually change with regard to this fundamental mission. The report also makes it clear that the quite technical discussion about e-books licensing should not remain in librarians offices only. It must be advocated to the outside so that it becomes an issue for the large public and for the politicians: we all as citizens have to defend our right to a free public access to information.

The situation is worrying indeed. The report's biggest merit is to compile the cascade of different licensing conditions in a detailed appendix, listing the characteristics of existing models of eBook provision.³ The main question to be discussed is: Should Libraries insist to own eBooks? This would imply a simple continuation of what they did and do with printed material. Or is there a chance to define liberal licensing conditions which allow libraries to fulfill their political and social role as providers of public access to information, knowledge and cultural resources.

The downside of licensing as it is applied nowadays is obvious: If the library doesn't own an eBook, the rights holder is able to withdraw the title whenever he wants or the file could be removed from a digital distribution database without reason. And if the original files are damaged, the library is not able to reproduce or shift the format in order to preserve access for library users. The library doesn't have the

¹ The Thinkpiece “Libraries, e-Lending and the Future of Public Access to Digital Content”. Prepared by Civic Agenda. November 2012. <http://www.ifla.org/files/assets/hq/topics/e-lending/thinkpiece-on-libraries-elending.pdf> (June 10 2013)

² Brantley, Peter: You Have Two, Maybe Three Years... For all the recent attention on e-book lending in the U.S., the problem of libraries being denied access to e-books crosses borders. In: Publishers Weekly. Vol. 259, Issue 51, 12/17/2012. <http://www.publishersweekly.com/pw/print/20121217/55131-you-have-two-maybe-three-years.html> (June 10 2013)

³ Matrix: Models of Accessing Digital Content. Libraries, e-Lending and the Future of Public Access to Digital Content”. Prepared by Civic Agenda. November 2012. <http://www.ifla.org/files/assets/hq/topics/e-lending/thinkpiece-matrix.pdf> (June 10 2013)

control over a well designed and professionally controlled information space any more. Companies, rights holders and commercial distributors are now able to decide who will have access to certain information. Without the non-commercial balance of libraries the commercial sector will have the command and define with pricing policies who will be able to afford what information.

This is the main reason why the thinkpiece aims to find a solution which keeps libraries in the game by finding a compromise between the interests of publishers, distributors, rights holders and libraries.

And the conclusion provided by Civic Agenda is:

“... the licencing model does not necessarily or intrinsically undermine the role of libraries in as providers of public access to digital content. Indeed if implemented appropriately, it could potentially provide a welcome flexibility and diversity in the options and pricing structures available to libraries. In a context where negotiable access to all digital content and titles is enforced, libraries need not necessarily secure enduring rights/ownership of that content.”

But compared to ethical values of libraries, compared to the above mentioned downsides of licensing this statement seems to be contradictory. Licensing remains licensing and lacks the control ultimately needed for libraries to provide the guarantee of free and unlimited access to information.

Neutrality and social responsibility are key values of libraries and the actual licensing models do not seem to match with those values.⁴ Librarians always try to provide balanced collections, in which the readers are free to pick and to build their own point of view. This neutrality is part of the unwritten contract between the readers and the librarians. Readers go to libraries to find a broader range of points of view than she can find by herself.

To assume this social responsibility, which is to ensure that they provide a fair overlook on its topics, librarians have to have some control on their collections. The readers have the right to know why such or such book is part or is not part of the collections and librarians must be held responsible for the choices they made. But to ensure this, librarians must have the full choice to shape their collections.

If publishers or content sellers of eBooks dictate use restrictions through DRM, this is completely against the spirit of libraries and the ethics of librarians. Libraries have always been more than collections; they are at the service of their users. They create value added information services, mainly based on their collections, the collections of the whole library system and other sources. To do so they must have the power to copy, to assemble, to extract and to combine published documents and information. Libraries as service institutions cannot accept licensing terms which restrict the use of digital content.

Of course publishers and distributors must have the chance to realize profit. The only chance to escape from this dilemma is campaigning for legislation at a national and international level: Libraries must have the right to buy and own eBooks whenever they want and the DRM must be compatible with the effective uses of their readers. It has to be discussed if every library needs the right to store the original files or if it would be sufficient, if library networks own the files with the right to distribute them to their members. And pricing models have to be discussed. It seems to be necessary that state funds – in many cases nowadays flowing to publishers to support literature and culture – are required by libraries to enable them to acquire and lend eBooks. This seems to be a challenging but promising way but it would allow libraries to preserve their fundamental ethical value in the digital and networked world: provide free access to information and thus democratize information, knowledge and education.

⁴ Cf. IFLA Code of Ethics for Librarians and other Information Workers. Chapter 2 “Responsibilities towards Individuals and Society” and Chapter 5 “Neutrality, Personal Integrity and Professional Skills”. <http://www.ifla.org/news/ifla-code-of-ethics-for-librarians-and-other-information-workers-full-version> (June 10 2013).