**What’s Trending in Digital Lending**

Presentation at Reaching Forward South

May 16, 2019

Who am I?

* I am the E-Content Specialist at the Reaching Across Illinois Library System (RAILS)
* What is RAILS? Provide resources, continuing education, and support services to libraries primarily in norther and western Illinois.
* What kinds of E-Content stuff do I do?
  + I help get e-books into libraries affordably. I work primarily with two e-content platforms – E-Read IL Axis 360 and BiblioBoard
  + I also keep an eye on what’s going on in the world of e-content. There’s always something new (including hot takes).

I am a librarian’s librarian. I get asked about stuff - like a good librarian - I don’t know but let me look into it. So I started collecting some of the trends…

I’m going to talk about digital lending - the lending of digital content - in libraries. Primarily an overview of what is going on with e-content in public libraries. Then I’ll take a look at some trends that are more peripherally related to public libraries, but paradigm shifting none-the-less.

Public library? Academic? Special? School? Who here works at a library that offers e-books?

**Lending Print vs Digital Lending**

* “The ‘first sale’ doctrine (17 U.S.C. § 109(a)) gives the owners of copyrighted works the rights to sell, lend, or share their copies without having to obtain permission or pay fees.”

This is how libraries are allowed to loan books. It’s based on a court decision from 1908 - if you purchase a book, you have the right to lend that book to another person without infringing on the author’s copyright. You cannot copy and distribute copies of the book, but you can loan the actual book.

* The ‘first sale’ doctrine does not apply to digital materials
  + There is no digital ‘first sale’ doctrine

In fact, as it stands now, the courts have more or less said that there cannot be a digital ‘first sale’ doctrine, because there is no way to lend a digital item to another person without making a copy of it.

* + Digital materials are licensed, not sold

Since an e-books and digital audiobooks are pieces of technology (like software), there are restrictions placed on them. Those restrictions are known as DRM (Digital Rights Management) software. DRM limits how a digital item can be used.

* Publishers can impose restrictions on digital lending in libraries

<https://libguides.ala.org/copyright/firstsale>

<https://crln.acrl.org/index.php/crlnews/article/view/9068/9924>

**Digital Lending Models**

Platform dictates user experience.

And it can be hard to keep up with! I generalize a lot with this chart - there are some exceptions to what I’ve put up here. Does anyone use these platforms?

|  |  |  |
| --- | --- | --- |
| **Lending/Use Model** | **Types of Content** | **Platform Examples** |
| One book/one user | Popular materials, best sellers, big 5 publishers | Overdrive, Axis 360, Cloud Library, etc. |
| Simultaneous Use | Independent, self-published, out of copyright, etc. | Hoopla, BiblioBoard, etc. |
| Exclusive/unavailable content | Content published with Amazon, Audible audiobooks, etc. | Amazon, Audible, etc. |

DRM enforces lending model (simultaneous use or one user at a time). It also limits what platform you can access that material on - content can be exclusive to specific platforms (Overdrive, Hoopla, Amazon, etc.)

**Digital Licensing Models**

DRM is a tool used by publishers to control content. There is some fear and uncertainty. (need citations and articles to back this up)

These are some examples of the terms libraries agree to in order to gain access to e-books from the Big 5 publishers.

I took an example of a current best seller from one of each of the big 5 publishers (which account for close to 80% of books published in the US). You can see that there is an extreme lack of consistency between publishers.

There is also a lack of stability. Within the last year, Penguin Random House changed models. They went from charging a lot of money for perpetual access so lowering prices for content that expires.

The most frustrating development, Tor, which is a division of Macmillan, announced last July that they were instituting a 4 month embargo on selling e-books to libraries.

Cory Doctorow’s newest book, *Radicalized*, was published on March 19th of this year. Libraries won’t be able to buy an e-book copy until July.

Hugely disappointing.

**Challenging the Status Quo Without**

Libraries aren’t just going to let this go! This list is by no means exhaustive.

Examples of steps taken by libraries and library professionals to challenge publisher prerogative.

* Call outs - tell patrons what’s up! Libraries inform their users of publisher practices and provide contact info for those publishers.
  + Statement from the [Upper Arlington Public Library](https://www.ualibrary.org/mediasrvc/blog/statement-release-regarding-tor-digital-books)
  + [Wisconsin Public Library Consortium](https://www.wplc.info/node/472) message to members
* Reader’s First initiative
  + A group of libraries “dedicated to ensuring that library users have the same open, easy and free access to e-books that they have come to rely on with physical books.” Involved in a lot of national initiatives to improve access to e-books. Also act as sort of an advocacy wing.
* CULC #eContentForLibraries awareness campaign Speaks directly to library users. This is out of Canada - they ran two different PR campaigns to raise awareness among users and push for legislative change.
  + <https://econtentforlibraries.org/>
* E-Book Summit
  + ALA annual conference 2018 - building connections and facilitating conversations bringing publishers, libraries, distributors, etc. together to have a conversation. Seek solutions together, to gain a better understanding if where we’re all coming from.

**Challenging the Status Quo Within**

Examples of steps taken by libraries and library professionals to change their own approach to e-book lending.

* Improving User Experience
  + [Simply-E](http://www.librarysimplified.org/)  - collects a libraries e-content offerings in one app App developed by New York Public Library and being tested in other places.Single sign on, access all of a library’s digital collections, read in the app.
* What can data do for us?
  + [Panorama Project](https://www.panoramaproject.org/) asks: what impact do libraries have on sales? This is a project that Overdrive is working on - look at data to determine whether or not library lending impacts sales. So, they ran a “Big Read” project with a book  called *Flat Broke with Two Goats*. Made the book available to everyone on Overdrive (simultaneously). Then looked at sales of that book on amazon.
  + Book Industry Study Group and metadata standards Advocating for better metadata practices - standardizing metadata across all publishers - will be able to collect better information.

That’s the current state of affairs in digital lending. Now I’m going to talk about some other hot topics in e-content. I’ve identified 4 other trends you might have heard of. We could spend an entire session talking about each of these. I’m just going to go over some basics. So that you can be a little more informed going forward. These aren’t having a huge direct impact on public libraries, but could have implications on the industry as a whole.

**Patron Driven Acquisition**

* What it is
  + A library only buys e-content that patrons want The way it works in academic libraries - patrons have the option to search for any title. When they indicate they want it (or have read a certain portion of it) the library automatically buys it for the collection.
  + Similar to content driven acquisition
* Why you should know about it
  + It can reduce the breadth of collections
  + It is a paradigm shift in terms of how libraries collect materials, but also what we collect It’s ultimately designed to save a library money by limiting a collection to only things patrons want.
* More info
  + [2018 Library Journal Materials Survey](https://www.libraryjournal.com/?detailStory=whats-hot-now-materials-survey-2018)
  + [Keeping Up with Patron Driven Acquisition](http://www.ala.org/acrl/publications/keeping_up_with/pda)

**Independent and Self Publishing**

* What it is
  + Authors forgo the involvement of traditional publishers to publish e-books. There are all sorts of reasons that authors might self-publish - rejected by traditional publishers, reach readers, more control over the process, etc.
* Why you should know about it
  + Amazon accounts for an estimated 70% of e-book publishing market and they are by far the most popular self-publishing option. Self-published e-books account for about 40% of amazon’s e-book sales. (and they don’t lend to libraries)
  + Upsetting traditional publishing and the book industry as a whole
  + Libraries are entering this space both in terms of collection and creation I want to highlight two things in particular - The Soon to Be Famous Illinois Author project - it’s a self-published e-book competition started by Illinois librarians. Authors submit their e-book to the competition, a winner is announced, their book is published, given national publicity, and featured on an e-book platform that is available to every person in Illinois.

That platform is BiblioBoard - an e-content platform that is geolocated to the entire state of Illinois - great collection of self-published books, independently published items, and other content. YOU HAVE THIS.

* More info
  + [Soon to Be Famous Illinois Author Project](https://soontobefamous.info/)
  + [BiblioBoard](https://library.biblioboard.com/home)
  + [DPLA Exchange](http://exchange.dp.la/)

**Open Educational Resources**

OER - open educational resources - we could do an entire presentation just on OER. I recently went to a daylong workshop about OER. We don’t have anywhere near that kind of time, so I’m going to give you the briefest of overviews.

* What it is
  + OER “are teaching, learning or research materials that are in the public domain or released with intellectual property licenses that facilitate the free use, adaptation and distribution of resources.” This is the UNESCO definition. Some examples of OER include open textbooks, course packets,
* Why you should know about it
  + Address the rising costs of textbooks and other course materials
  + Many different approaches and concerns including university buy in, support of campus bookstore, time for faculty to crete resources, copyright concerns, publishing platform, access for students, etc.
* More info
  + [CARLI](https://www.carli.illinois.edu/products-services/collections-management/open-ed-resource-overview) Consortium of Academican Research Libraries in Illinois is a great place to start. Not super relevant to public libraries, but something to know about

**Controlled Digital Lending**

* What it is So, this is a topic that created a hullabaloo a few months ago. More applicable to academic and special libraries right now, but could have implications for public libraries.
  + Take materials that are in copyright but out of print, digitize them, and make them available as e-books. While lending the digital copy, remove the physical copy from circulation.
* Why you should know about it
  + It makes rare and hard to get materials accessible. Especially applicable to academic and scientific collections - there is a gap of mid-20th century research available digitally
  + It might violate copyright law. There are arguments for and against it - it needs to be tested in the courts. Essentially we’re asking a library to institute a controlled digital lending program and then get sued.
  + The Author’s Guild and publishing groups have come out strongly against it
* More info
  + [White Paper on Controlled Digital Lending](https://controlleddigitallending.org/whitepaper)
  + [Author’s Guild Statement](https://www.authorsguild.org/industry-advocacy/controlled-digital-lending-is-neither-controlled-nor-legal/)
  + [A public library case study](https://blog.archive.org/2018/11/13/wasted-a-case-study-for-controlled-digital-lending/)
  + [Publisher, Author Groups Protest Library Book Scanning Program](https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/79262-could-library-book-scanning-be-headed-back-to-court.html)

THANK YOU!!!

Anna Behm

E-Content Specialist

RAILS

[anna.behm@railslibraries.info](mailto:anna.behm@railslibraries.info)