TO: PLA Board of Directors
RE: E-books, ALA Digital Content Working Group Update
FROM: Kelvin Watson, Director-at-Large
DATE: June 11, 2020

ACTION REQUESTED/INFORMATION/REPORT: Information/Discussion

ALA’s Digital Content Working Group convened on June 10, 2020. Of particular interest from the discussion are the items attached and linked below.


June 1, 2020

Congressional Research Service  
Library of Congress  
101 Independence Ave SE  
Washington DC 20540  
communications@crs.loc.gov


Dear Congressional Research Service,

We are truly thankful for the attention that national and state legislators are devoting to the important issue of copyright, licensing and library ebook lending. It is critical that authors, publishers, libraries and readers come together to find a way forward. However, the industry is dominated by a handful of monopolistic entities and a vocal minority that drive us apart. Libraries are a part of the publishing industry, just as authors and publishers are part of ours. We are partners who help people to learn, explore and grow through reading and who help authors and other creatives to find audiences and consumers for their works.

We are writing today, in particular, to address the recent report released by the Congressional Research Service entitled “COVID-19 and Libraries: E-Books and Intellectual Property Issues”. In short, we are concerned that the report does not paint a complete picture of the situation. We wish to address three important points that we hope will be more thoroughly and accurately addressed in future related research efforts, and we hope to inspire you to dig deeper into this important issue.

1. **This issue has existed long before COVID-19.** Libraries have been reaching out to publishers for more than a decade to attempt to find balance in the industry. In truth, we’ve had some successes. However, it is still not possible for libraries to purchase the entire catalog of ebooks and audiobooks, to make that content available under fair and reasonable terms, and to do so at a fair price. A growing list of ebooks and audiobooks are being held back by publishers, licensing terms are increasingly complex and restrictive, and prices continue to rise.
While libraries are seeing increased use of their digital collections during the COVID-19 pandemic, those gains are overshadowed by the loss of use in our print collections. Rhode Island libraries have seen a growth of more than 50% in ebook use coupled with a 95% reduction in the use of print books which are far greater in number.

2. **There are arguably more barriers to library ebooks than there are to print books.** A common argument by a vocal minority of publishers is that libraries offer frictionless access to ebooks. This is absolutely untrue. As you can see below, ebooks (and digital audiobooks) present, at best, a similar level of friction. We argue that ebooks present even greater barriers due to the digital divide.

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<tr>
<th>Friction</th>
<th>Print Books</th>
<th>Ebooks</th>
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<tr>
<td>Library card required</td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>Limited by number of copies</td>
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<td>Difficult to copy/pirate</td>
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<td>Must travel to the library</td>
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<td>Technology access and skills</td>
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3. **This article is partial and is missing voices from other publishers and from libraries, authors and readers.** This is the most troubling aspect of this report to us. There are, of course, authors and publishers who undervalue the role that libraries play in the publishing industry to expose consumers to new books and authors and to foster a lifelong love of reading. However, there are also publishers who recognize and value libraries for the partners that we are. This article presents one perspective from a vocal publisher who we suggest does not represent the entire industry. We seek representation of other perspectives from the industry including libraries, authors, publishers, readers and technology experts.

We respectfully request that the Congressional Research Service revise this report to responsibly inform Congress on this issue. In the publishing industry, we urge researchers to approach the Book Industry Study Group (bisg.org). In the library industry, we urge researchers to approach the American Library
Association (ala.org), the Chief Officers of State Library Agencies (cosla.org) and ReadersFirst (readersfirst.org). We will gladly assist in making connections with important leaders across the industry if that would be helpful.

While we continue to explore collaborative industry solutions, we hope that Congress will explore legislative remedies that include a review of copyright legislation and unfair business practices by major industry entities that restrict competition, fair pricing and access. We also believe in a “digital first sale doctrine” to protect libraries, readers and consumers from unfair terms. Libraries are woven into the fabric of our democracy to ensure equitable access to information, knowledge and opportunity. A credit card card should not be required.

We welcome any opportunity to be helpful to you in your efforts. Please do not hesitate to reach out to us if we can be of service.

Respectfully yours,

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cc: The Honorable David Cicilline, Chairman, Subcommittee on Antitrust, Commercial and Administrative Law