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Abstract

E-book rights advocacy efforts began nearly from the moment the format appeared. The topics have evolved over time but significant issues and the need for ongoing discussion and negotiation remain. To this end, Macalester College published an E-Book Advocacy Statement in 2013. Since then several libraries have signed on. Most importantly, productive conversations with e-book providers and vendors have ensued. These conversations have led to a better understanding of the library, publisher, and e-book provider points of view as well as helped strengthen library/vendor relationships that are rooted in a willingness to deeply engage on these topics while appreciating one another's knowledge, needs, and realities that may serve as a launching point for positive change. The paper summarizes the statement's genesis and an open dialog between Macalester and a representative from Ingram's MyiLibrary discussing the terms of the statement from both points of view. Even though the parties do not agree on all issues, and the library is not actively purchasing e-books, both have committed to continually learning together so that in time we will both be able to fully meet the needs of our organizations and communities.

Background

Macalester is a small liberal arts college in St. Paul, Minnesota. Most of our students live on campus, although a large percentage of students study abroad at some point in their time here at Macalester. The majority of our classes are taught on campus. So far Macalester has offered a single online course to its students. Although we are a small college, as a library one of our aims is to provide our patrons with a research library experience by connecting students, faculty, and staff to the resources they need to be successful with their scholarship and teaching. We use a variety of methods to do this and interlibrary loan plays a large role in this effort.

Over the last few years we began to notice a few things that prompted us to have more conversations about our e-book collections. We had begun acquiring a significant amount of e-reference materials. We also began circulating Kindles and iPads as well as seeing more and more devices being used by our community. We noted an increase in the number of ILL lending and borrowing requests for e-books—all of which were denied primarily because of licensing restrictions, but also due to undeveloped or cumbersome procedures for facilitating such loans. We were also receiving questions from

confused patrons and library staff about how to access e-books they discovered in our catalog. At that point we formed a small group in the library to begin looking more closely at issues surrounding e-books—primarily getting a better handle on how to access the e-books we had, educating ourselves about the licensing restrictions for each collection and learning more in general about the different business models in the marketplace.

Our consortium also began conversations with Ingram about opportunities for the eight schools to share e-books on the MyiLibrary platform. While it looked like a possibility at the outset, we quickly realized the complexities involved, as we would need to work on agreements with each individual publisher for every title we wanted to share. The consortium changed our approach and began engaging publishers (instead of platform providers) in conversations about basing e-book pricing for the consortium by looking at us as one institution with an FTE equivalent to our combined FTE instead of looking at us as eight separate institutions and requiring us each to buy an individual license to the e-book.

Finally, one of our colleagues came back from a Charleston Conference and reported on conversations at the conference where many

libraries mentioned that they are not displaying holdings for their e-books in OCLC. This spurred more discussion among our group at Macalester. If all libraries are building collections that we no longer set holdings for in OCLC, what impact does this have on the services we offer and how we provide our patrons access to content? Does our aim to provide a research library experience for our patrons have a future in an environment where libraries are building collections of materials that they cannot lend?

Macalester's E-Book Rights Advocacy Standards

(<http://www.macalester.edu/library/changingebooksforlibraries/index.html>)

As we asked ourselves these questions our focus began to shift. Our initial intention was to educate ourselves about the e-book collections we had and clarify how we were able to use and provide access to those collections. Educating ourselves was important, but the group also felt drawn towards the role of advocate. Our next step was to identify the issues for which we were advocating. This resulted in a list of twelve standards (listed immediately below) to which we are asking publishers to adhere. We plan to give preference to publishers who most fully meet these standards and we do not plan to invest heavily in building an e-book collection until the e-book marketplace provides us the option to build a collection that helps us to fulfill our mission as a library to act in the public good by enabling access to information.

We have used the advocacy document as a tool to start conversations with colleagues at other libraries, publishers, and content providers. MyiLibrary is one of the content providers that we have engaged in conversation with about this topic.

The Standards

1. Libraries must be able to lend the entire contents of e-books to other libraries in a manner that is not cumbersome to our operations and patrons.

2. Electronic transfer of content between libraries should be permitted to facilitate efficiencies and minimization of paper usage.
3. Libraries should be able to control the parameters of circulation functions: loan periods, renewals, recalls, etc. This includes libraries limiting access to a single user at a time if the content is not authorized for multisimultaneous users.
4. There should be no limits and no additional costs related to the number of times an e-book can be accessed over time.
5. There should be options for archival and perpetual access. This could be accomplished by license agreements, facilitated through a third party, or by selling content outright to libraries.
6. Content should be downloadable and accessible on multiple, standard-use platforms and devices.
7. No patron data should be used or shared if it allows for the identification of an individual without the individual's permission.
8. Libraries should have the option to purchase titles individually, separate from a bundled package.
9. An option for allowing unlimited simultaneous users, for short-term or long-term periods of time, should be offered at fair prices.
10. Copy, paste, and print functionality should be available.
11. Accompanying metadata should be allowable in library systems and discovery layers.
12. Meet ADA accessibility requirements, including allowing the use of text-to-speech engines.

Ingram Content Group Background

Ingram Content Group is a private, family-owned company that has been in the book business for

almost 50 years. Ingram is a progressive company that got its start as a textbook depository but has grown and transformed to become the leader in our industry. As the world's largest and most trusted distributor of physical and digital content, Ingram is committed to developing technology solutions that make physical and electronic books available to readers around the world.

The MyiLibrary e-book platform began in 2004, as a web-based portal for academic libraries in the UK. Ingram acquired MyiLibrary in 2006 and MyiLibrary continued to grow, first to US libraries and then worldwide. Today, MyiLibrary serves over 3,000 libraries worldwide, from academic to public and offers more than 530,000 active titles.

MyiLibrary continues to help libraries develop innovative ways to deliver e-books as well as assisting libraries with their community initiatives. Through ongoing strategic discussions with forward-thinking institutions, such as Macalester College, MyiLibrary will continue to offer the premier e-book experience in the library market.

Summary from Conversation with Attendees

This Lively (Lunch) Discussion session offered an opportunity to demonstrate ways library staff could engage publishers and content providers in conversation about issues that are of importance to their library. The session also provided an environment for all attendees to share ideas, priorities and concerns about the current e-book marketplace. Below is a summary of the conversation that took place with the session attendees.

Option to Purchase Titles Individually, Separate from a Bundled Package

From the library perspective, we believe that it is important to have options when selecting and providing content for our patrons, especially while budgets continue to remain very tight. Journal publishers have figured this out over time. For example, libraries have options to provide their patrons access to article content via subscriptions to individual print and/or electronic journals,

subscriptions to bundled journal packages, and aggregated content in databases and via interlibrary loan and/or pay-per-view. Each library can determine which options best meets the needs of their community as well as the demands of their budget. Are e-books such a different animal that we have to treat them vastly differently? Or can e-book models be built on some variation of these journal models?

Many academic libraries also enlist the expertise of departmental faculty to select materials for the collection that best support the curriculum and their research. With bundled packages we lose that freedom along with scarce collection dollars by paying for individual titles we want as well as many other titles that we would not normally select for our collection.

In addition, libraries have internal considerations to puzzle through, which include implementing a decision tree for staff that do the actual ordering of content. Policies for selecting which format and/or business model to purchase need to be considered when developing an effective decision tree, so that the library is getting the right value for its expenditures.

Some publishers are already offering DRM-free content with the ability to lend entire e-books via interlibrary loan if you purchase bundled collections hosted on their platform. However, if a library wants to select title-by-title, the individual titles are hosted on a different platform that usually has more restrictive DRM. So by selecting title-by-title you lose the DRM-free environment and the ability to lend these titles. We understand that managing the business end of title-by-title selection is complex and takes some investment on the publisher's end to the degree that it may prohibit the publisher from providing title-by-title selection on their DRM-free platform.

Technology continues to be developed that allows for a more graceful way to "chunk" e-book content, so that e-books can be broken down and offered on a chapter-level basis. This technology encourages flexibility in usage, which is married nicely to the "e" format.

Option for Allowing Unlimited Simultaneous Users, for Short-Term or Long-Term Periods of Time, Offered at Fair Prices

Again, for libraries, it comes down to having options. We are seeing an increased use of our e-book titles. Some faculty are using these titles in their courses as one of the textbooks. Some of the e-books are highlighted during a library instruction class and see higher use immediately after an instruction session. The technology allows for unlimited simultaneous users. We believe it makes sense to provide it as an option and we are willing to pay a fair price for it.

From the side of the content provider, we see that the explosion in e-book popularity has really changed the landscape surrounding e-book lending and acquisition. In balancing the shift from “p” to “e,” arriving at the fairest price is not always a simple calculation. In order to help the dialogue, libraries may consider providing as much information as possible, which includes usage, concurrent users, and estimated duration. At times, when trying to negotiate between library and publisher, we are literally starting from scratch, which makes the dialogue more extended and not as productive.

Related to this topic is the need for improved metadata and more transparency, provided by e-book providers (either aggregators or direct from publishers), so that libraries are full aware of any restrictions in purchasing and providing access to the content. Having clearly defined remarks regarding the usage make it easier for libraries to buy what they need and to help reduce confusion among their patrons and staff.

No Limits and No Additional Costs Related to the Number of Times an E-book Can Be Accessed Over Time

The e-book marketplace is still in flux. Publishers and content providers are trying out different models to determine which is “the one.” In the print environment there is a revenue stream due to purchasing of replacement copies. There is no equivalent need to purchase replacements in the electronic environment. We understand that this

may cause publishers to be more cautious about the business models they offer. However, we do not believe that it makes sense to price the content in the electronic format based on the limitations of the print format.

We also recognize that publishers are trying to develop inventive sales models, in order to address the unique complexities associated with e-books. So, as the market matures and trends develop, we believe that publishers and libraries will find more common ground, with respect to e-book pricing, so that all sides feel that they are getting the right value for e-books.

Ability to Lend the Entire Contents of E-books to Other Libraries in a Manner That is Not Cumbersome to Our Operations and Patrons

As a library we see lending content to other libraries as part of our mission—acting in the public good to enable access to information. Due to space and budget constraints, we depend heavily on interlibrary loan to help support our community’s teaching and research needs. As more and more libraries spend larger portions of our collection budgets on e-book collections, we are creating a silo of resources that can no longer be shared with patrons outside of our institution. This has significant implications on how we serve our patrons as well as for the role libraries play in the community at large.

Some publishers are allowing us to lend entire e-books electronically via interlibrary loan. There is work underway to develop tools to make this process more streamlined and efficient. We have seen and experienced proof that this can indeed happen and we are hopeful that in time more and more publishers will be comfortable with including the right to lend entire e-books via interlibrary loan in their license agreements.

Conclusion

It was clear that many libraries, publishers, and content providers are still wrapping their arms around e-book business models and licensing terms. There are many pieces to sort through, but we believe that with open and respectful

conversations among library staff, publishers and content providers we will continue to find more common ground to help all parties best meet the needs of their communities and organizations.