

November 2011

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Recommended Citation

Thomas, Lisa Carlucci (2011) "eBooks: Access, Technology, & Licensing," *Against the Grain*: Vol. 23: Iss. 5, Article 8.

DOI: <https://doi.org/10.7771/2380-176X.5982>

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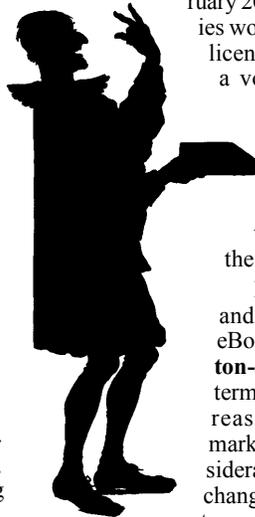
eBooks: Access, Technology, & Licensing

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Introduction

In fewer than five years, since the release of the **Amazon Kindle** and **Apple iPhone**, the popularity and adoption of eBooks and e-reading devices has soared. **Amazon's** first-generation **Kindle** offered immediate access to over 90,000 eBooks in the **Amazon** store, immediate wireless delivery to any **Amazon** customer, and all in a lightweight, portable, e-ink-equipped device. The **Kindle** caught on quickly; it was backed by the reliable **Amazon** brand, and it captured the interest of mainstream readers by including many current bestsellers among its offerings. Likewise, the **Apple iPhone** was a technological and culture-changing marvel. The **iPhone** extended the device functionality of the increasingly ubiquitous mobile phone to include a pocket-sized suite of computing options, and presented new opportunities for e-reading via mobile applications and the Safari Internet browser.

Currently, **Pew Internet Research** reports that “the share of adults in the United States who own an eBook reader has reached double digits” for the first time since their research on the subject began. More astounding is the growth factor: e-reader adoption reached 12% in May 2011, up from 6% in November 2010. In just half a year, twice as many people owned e-readers (**Purcell** 2011). **Pew's** research also indicates that mobile phones hold a strong lead in the device market, with cell phones of all types at 83% adoption. The percentage of smartphones among this figure isn't noted. However, it is clear that overall ownership of e-reading capable devices, from dedicated e-readers to smartphones, is growing rapidly and driving eBook market momentum.



Access

In 2009, my study on mobile access to eBooks at the **Yale University** Library was the first of its kind to examine access to library-licensed eBooks via mobile devices and e-readers. The results of the study highlighted the complications of file and device compatibility, and ultimately identified the **Apple iPhone** as the leading eBook access device compared to three other devices, including the **Amazon Kindle** (**Thomas** 2009). Since 2009, much has changed: mobile applications for e-reading have proliferated, new devices like the **Nook** and the **Kobo** hit the scene, tablets such as the **Apple iPad** have become popular, and both the **iPhone** and the **Kindle** released next generation devices with expanded functionality. Yet, the matter of access remains paramount and significantly unresolved, as publishers, vendors, and libraries struggle to decide how best to deliver eBooks to an eager community of readers, while ensuring the rights and profits of stakeholders are adequately maintained.

When **HarperCollins** announced in February 2011 that eBooks purchased by libraries would be limited to 26 circulations per license, they immediately encountered a vociferous negative response from librarians. Many were outraged that **HarperCollins** would unilaterally make such a decision, especially at a time when libraries are already weathering the conflict of reduced budgets and the hefty costs of e-resources.

Librarians **Sarah Houghton-Jan** and **Andy Woodworth** drafted “The eBook User’s Bill of Rights,” (**Houghton-Jan** 2011), which outlines primary terms of use that eBook readers should reasonably expect in this evolving market. Of particular note are the consideration of the long-term impact of the changes taking place now and the appeal to readers and book industry partners to promote constructive policies: “I am concerned about the future of access to literature and information in eBooks. I ask readers, authors, publishers, retailers, librarians, software developers, and device manufacturers to support these eBook users’ rights” (<http://librarianinblack.net/librarianinblack/2011/02/ebookrights.html>). Indeed, policy decisions being made now, in the nascent age of mainstream eBooks, must be developed with extra care and creativity, rather than reaction and anxiety. The technological and cultural convergence taking place predicates an uncertain future for books, libraries, and readers. A clear articulation of the values and rights extended to readers, parallel in form to those in the print environment, is imperative when evaluating and negotiating new eBook licenses; as such, licenses will continue to evolve in conjunction with the advancing electronic environment.

Additional responses to the **HarperCollins** eBook circulation limit included a boycott of **HarperCollins** products until the circulation cap is reversed (<http://boycottharpercollins.com>), critical reaction from the blogging community, such as **Bobbi Newman** (**Newman** 2011), **Jason Griffey** (**Griffey** 2011), **Eric Hellman** (**Hellman** March 11, 2011) and more, and the creation of the <http://readersbilloffrights.info> Website by librarian **Alycia Sellie** and **Matthew Goins**, advocating “Librarians Against DRM.”

Advocacy against digital rights management software (DRM), circulation caps, lending limitations, and restrictive policies ensures that information about how these rules will affect libraries’ eBook collections is being delivered. This is especially important at a time when so much is changing so very rapidly. It can be difficult for even the most knowledgeable information professional to monitor and assess the newest changes day-by-day, let alone craft an informed, evaluative statement to post on a blog or publish in an article.

As it is, librarians have their hands full navigating through myriad, confusing, and sometimes contradictory licensing agreements for eBooks and e-content. Putting aside issues of cost and budget, as well as the related decisions about what to keep in what format and how to archive it all, purchasing eBooks is anything but straightforward. Furthermore, there is insufficient training available on how to manage the eBook decision points and how to routinely assess these collections over time.

Considerations range among the following: Do the eBook terms provide for single- or multiple-use access? How will one determine what should be subscribed to in an aggregated collection or what individual titles are firmly needed? Should short-term access or long-term, perpetual access be obtained? How many people will likely use it? After all, unless it is needed for a class, or expected to be a best-seller, a library may not need several “copies” available at once. Should patron interest shape the eBook collection, as with patron-driven acquisitions arrangements, or should librarians continue to curate the collection exclusively? Once eBooks have been purchased, will the library also purchase devices to circulate? What lending is permitted by the terms of use for the devices? Who will teach the users to load library eBooks on to their devices? Who will teach the librarians?

Technology

Libraries have been challenged to retrofit policies and practices in order to meet the emerging demands of the eBook environment. Librarians working with eBooks must swiftly master new skills and invest time in reworking processing workflows to find efficiencies and create learning tools for patrons and library staff. Often, this simply cannot be done with

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the resources at hand; thus creating a gap between eBook services marketed to consumers, and eBook services provided by libraries. A 2010 study by *Library Journal* surveyed the state of mobile libraries and identified four barriers impeding the advancement of library services to mobile devices (Thomas 2010):

1. Budgets: Fifty-three percent of academic libraries and fifty-six percent of public libraries reported that limited staff time and the cost of training and technology were significant issues inhibiting the development of services to mobile users.
2. Priorities: With resources increasingly stretched to their extent, librarians are forced to make crucial choices about what to fund among existing essential services and collections. There is little to no room to justify experimentation and innovation when libraries are engaged at capacity to simply sustain the basic needs of their communities.
3. Skills: Survey respondents noted that libraries often have few staff members proficient in technology, and often these individuals are already overburdened, juggling technology training, implementation, and support. The survey results reported that, as a result, “libraries may defer technological decisions and actions to others assumed to have more expertise” (Thomas 2010). This is an especially serious concern when it comes to eBooks and licensing decisions and underpins the need for professional development programs and advocacy on these topics to keep the core considerations of libraries at the forefront of these changes.
4. Perceptions: When it comes to mobile access and mobile services, “librarians’ attitudes vary widely” (Thomas 2010). No doubt; strict financial conditions, critical prioritization of services, and varying levels of technological fluency create anxiety and hesitation rather than proactive involvement with eBooks and mobile devices in libraries. Books and book culture are changing in response to the new technologies taking hold in the mainstream. There is a growing awareness that these changes will have both short- and long-term impact libraries; although perceptions vary widely about how.

Licensing

What can be done to counter the budgetary, prioritization, skills training, and perception barriers holding libraries back? It’s easy to feel discouraged by the vicissitudes of today’s technologically-driven library times. However, librarians are forging ahead through uncertainty and seeking innovative solutions with a future-ready slant. Format and device compatibility will be sorted out in the consumer market in relatively short order as sales of

eBook devices and smartphones increase and the market base of mobile readers expands. Where librarian can best shepherd improvements is on the licensing front: first, by not signing and agreeing to unsupportive agreements, and second, by supporting those endeavoring to seek appropriate licensing practices and, in some cases, alternative licensing models.

Two initiatives to watch are **LibraryRenewal** (www.libraryrenewal.com) a non-profit advocacy and research organization founded by **Michael Porter** and **GlueJar** (<http://www.gluejar.com>) founded by **Eric Hellman**. The goal of **LibraryRenewal** is to develop “a new electronic content access and distribution infrastructure” — designed by librarians for libraries. **LibraryRenewal** aims to establish a functional foundation today that will ultimately support thriving future for electronic access in libraries in the years ahead. **Michael Porter**, president, states “the writing on the wall tells us we run the risk of being replaced by commercial alternatives that serve only those who can afford them. In such an environment, all content provision is subject to the corporate bottom line. Existing libraries are not addressing this massive threat, and it simply cannot stand, plain and simple “The stakes for libraries and the communities we serve are too high” (Thomas 2011).

GlueJar takes an innovative approach to “ungluing” books from their heavy copyright fees and restrictions, without shorting rights-holders or stakeholders. The **GlueJar** vision relies on what **Hellman** describes as “the public-radio model” which crowdsources funding for specific programming — or in this case, books — so that all interested individuals pay a fraction of the cost to meet the defined cost of “ungluing” the eBook; i.e., making it publicly available. **Hellman** writes, “the Internet presents an incredible capability for assembling audiences around a common purpose. The business will bring together people to pay for the fixed costs of producing eBooks, reward the best producers with profits, and make eBooks public, free to read, and free to copy, to everyone, everywhere in the world, using **Creative Commons Licensing** (<http://creativecommons.org>)” (Hellman April 6, 2011).

Conclusion

Libraries, librarians, and book industry peers all face new challenges related to eBook access, technology, and licensing. The current popularity of eBooks and e-reading devices shows no signs of slowing down, and the cultural shift taking place will be felt far into the future. Already, we’ve seen major eBook mergers that promote discoverability in libraries, such as **ProQuest** and **EBSCO/NetLibrary**. Combining the strengths of high-powered search platforms with established eBook providers sets the stage for continued developments in the library-focused eBook market.

Meanwhile, eBook options for libraries are becoming more prolific; **3M** recently announced the **3M Cloud Library**, **Amazon** is expected to launch **Kindle Lending Library**, **OverDrive WIN** offers enhanced access to

library eBook collections promising less DRM and better file compatibility, and the **Boopsie for Libraries** mobile application provides a direct link between library catalogs and eBook collections for **iPhone**, **Android**, and **Blackberry** users.

Libraries that can mitigate barriers to eBook innovations will be better prepared to participate in the changing market and facilitate the e-reading requests of library patrons. Moreover, librarians experienced with the challenges of eBook licensing can lend a voice to those still learning. Research, leadership, and advocacy all serve to educate peers, influence policy, leverage resources, and inspire fresh perspectives on how to best adapt to the emerging e-reading culture.

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