

# **Recommendations on the diffusion of e-books by public libraries**

## *Preamble*

French cultural practices have already been undergoing deep changes for years<sup>1</sup>. In an environment where research and access to information are now massively digital, and the diffusion of artistic and intellectual works has become increasingly virtual, it is crucially important to preserve our fellow-citizens' access to learning and culture, and their ability to share the excitement of discovering new works through public libraries, which are services accessible to all.

Public libraries have already extended their collections to other resources than printed books in the past, in order to adapt to the needs of their users. In the same way, libraries are today confronted with evolving practices that require an access to various high-quality digital collections.

It is the collective responsibility of all actors of the book industry and of the State to ensure, on one hand, that users have easy access to high-quality digital collections in libraries, and, on the other hand, that the economic balance allowing authors, publishers and booksellers to pursue their activities be maintained. In fact, this balance aims at preserving the vitality and a fair remuneration of the participants in the creation, the publishing and the selling of printed and e-books, the diversity of choice and access to books, to which the whole book industry contributes and from which all readers benefit.

In European law, allowing public e-book lending by libraries is today the exclusive right of the authors. Developing digital collections in libraries so as to benefit to the whole book industry can and must therefore only be sought by way of contracts, and notably by supporting experiments.

The presence of e-books in French public libraries is progressively increasing. It is now necessary to set up stable framework conditions for the diffusion of e-books in libraries. Maintaining a sound relationship between authors, publishers, booksellers and libraries can partly be done through observing practices and clear feedback from libraries, booksellers, publishers and distributors, and sharing analysis in compliance with competition rules and rules on the processing of personal data.

In order to enable the development of the access to e-books in public libraries, while preserving the balance between cultural diversity and all actors of the book industry, the signatories of the present document adopt the following recommendations.

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<sup>1</sup> Cf. in particular the various surveys published by the Department of studies, forecasting and statistics (Département des Études, de la Prospective et des Statistiques) of the French Ministry of Culture and Communication.

## *Recommendations*

### **1. Give public libraries full access to digital publishing production.**

Within the limits of the authors' assigned rights to the publishers, the catalogue available to local communities must be the same as that which is available to private customers. However, the conditions of use and pricing may vary from one publisher's offer to another.

### **2. Make e-book offers intended for libraries known to booksellers, in order to make booksellers deal with libraries.**

All booksellers must have access to the metadata in the publishers' catalogues (descriptions, prices, terms of use) so that none of them may be disadvantaged in the case of public contracts.

### **3. Include the provision of quality metadata, which are necessary to cultural mediation, in e-book offers intended for public libraries.**

These metadata must include, in addition to bibliographic information, all the data related to the pricing conditions and terms of use of the purchased books.

### **4. Ensure interoperability between the catalogues offered to public libraries.**

There are several e-book offers available to libraries. Thus, the interoperability work that was done for booksellers in order to make them have seamless access to all the digital collections offered by the publishers must be undertaken for the benefit of libraries.

### **5. Increase for the users of the public libraries the on the spot and remote availability of e-book offers.**

On the spot access to e-books in libraries must be guaranteed, in order to allow librarians to develop their activities in the field of cultural mediation.

Remote e-book lending calls for control of the access for the users, regardless of what device is used (downloading or streaming).

It is up to local communities to restrict access to the digital collections available in their libraries only to the users that have been authorized by the terms of the contracts they have concluded. Checking the validity of these users' registrations is necessary to remote e-book lending.

Mobile reading practices are developing and also require that library users have access to the digital collections of their library from their mobile devices, provided that they can support the standard formats that enable interoperability.

**6. Acknowledge that access control is necessary to maintain the balance between library loans and bookstore sales, since e-books don't have the same terms of use as printed books.**

Access control is necessary to maintain and develop an attractive digital offer, both for individuals and for local communities, and to preserve the economic balance between the actors of the book industry, without which creation and diffusion would be undermined.

Bearing this in mind, local communities retain control over their purchasing and lending policies (for ex: perimeter of registered users receiving the service, length of loans, maximal number of borrowed books per user), within the limits of the publishers' commercial offers.

**7. Recognize the legitimacy of Digital Rights Management Systems in regulating the use of e-books in public libraries, without them preventing the access to contents.**

Digital rights management systems contribute to the protection of intellectual property rights and help to manage digital lending.

However, using such rights management systems should not make legal use for libraries and their users impossible. The design and adoption of digital rights management and protection systems that enable maximum interoperability and the easiest possible access is to be encouraged.

Technical protection measures are not the only digital rights management and protection system. Other types of devices than those commonly used today in the digital offers available to communities can be implemented, provided that they grant a high-quality service or that they improve it, in compliance with intellectual property rights.

**8. Promote the access to e-books in libraries for people with print disabilities.**

Book catalogues accessible to disabled persons in public libraries must converge with the offer available to all users.

**9. Share use statistics.**

In order to understand better these still emerging ways of use, libraries report clearly on their data feedback, in compliance with the rules on the processing of personal data and in accordance with the principles of open data.

Conversely, the distributors of e-book offers intended for libraries must provide them with standardized tools for monitoring use, in compliance with competition rules. Each library will have the right to freely reuse the statistic information generated with those tools.

Sharing information between the various signatories of these recommendations will be specified by a convention.

## **10. Give fair compensation to authors and maintain favorable conditions for the creation of books.**

Digital public reading develops in a way that respects the balance between the various actors of the book industry, a balance that is necessary to editorial diversity and to financing creation. Publishing contracts provide compensation for the authors for all direct or indirect revenues from their works. In line with this principle, the fact for the libraries of making e-books available must result in fair and equitable compensation for the authors of texts and pictures.

In the case of offers per unit to local communities, the authors' compensation by the publishers is calculated on the basis of the standard retail prices. In the other cases such as packages or subscriptions, the compensation will be calculated on the basis of use statistics in proportion to the number of consultations and loans.

## **11. Experiment various economic models.**

E-book offers to local communities are defined by the publishers under the law of May 26<sup>th</sup> 2011 about the price of e-books.

The composition of offers that are adapted to local community markets, as well as to actual uses, is necessary to the development of digital public reading.

There are two principal models today : offers per unit and packages or subscriptions. In a field where models are emerging, all actors of the book industry lay emphasis on the necessity to experiment with diversified economic models. Among the present and future offers, several parameters have to be tested : duration of use, maximal numbers and simultaneous loans allowed, possibility for the library to build its own package, patron driven acquisition models, pricing models, etc.

Experimenting various models on a single corpus makes it possible to determine the most suitable models for all actors of the book industry.

## **12. Ensure the stability of the contracts with the communities.**

The rights libraries acquire on e-books differ today from those they obtain when they purchase printed books. However, these rights must be of a nature such as to allow libraries to fulfill their missions in terms of public service.

Stability of the offers (titles included, price arrangements, terms of use) is recommended during the whole duration of the contracts and within the limits of the authors' assigned rights to the publishers.

The condition of a sustainable access to all or part of the digital collections provided by the libraries can be contractually negotiated within the scope of their policies of collections and within the limits of the authors' assigned rights to the publishers.

*The signatories of the present recommendations will in a common effort make sure that the offers made available to facilitate the users access to e-books in public libraries be sufficiently attractive, upgradable and balanced for each of the actors of the book industry.*