

Libraries, publishers at odds over access to e-books

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Battle lines have been drawn between libraries and publishers over electronic books, and victory could hinge on a Supreme Court decision from when the high-tech news was the appearance of the first Model T on the market and what was hailed as the first public flight by an airplane in the U.S.

In 1908, the court settled an argument over [copyrights](#) by ruling that a publisher can't dictate what's done with a book or record after it's sold. It's called the right of first sale.

But the first-sale doctrine doesn't yet apply to e-books - the digitized versions of authors' works that people can enjoy on their Amazon Kindles, Barnes & Noble Nooks and Apple iPads - and other digital content.

So most publishers won't even allow libraries to buy e-books. The publishers haven't said so, but the reason may be that they believe that people who can read a book for free won't buy it.

Penguin Group once sold to libraries but stopped selling new e-book titles to libraries in November and cut off access to older titles in February.

"We care about preserving the value of our authors' work, as well as helping libraries continue to serve their communities," Penguin spokeswoman Erica Glass said. "Looking ahead, we are continuing to

talk about our future plans for e-book and digital audiobook availability for library lending with a number of partners providing these services."

To librarians, being cut out of the loop is unacceptable.

"The publishers are being shortsighted," said Maria Redburn, the public library director in Bedford, Texas. "When a library purchases a book and someone borrows it, they may recommend it to friends who may go a bookstore and buy it. People who won't buy a book by an unfamiliar author may check it out from the library, discover they really like that author and buy other books by that author."

Libraries also connect publishers with readers who don't buy books, said Susan Andrews, head librarian in Hurst, Texas.

"There are people who prefer to borrow books from libraries, and we buy books to lend to those people," she said. "So we are the portal through which those vendors reach readers they can't reach any other way."

Some librarians are reluctant to describe the situation as combative.

"About a year ago, I would have classified it as close to war," said Linda Evans, an Arlington, Texas, library spokeswoman. "Folks were pretty upset. Things are still very much in a state of flux, especially with the big six publishers: Simon & Schuster, Macmillan, Hachette, Penguin, [Random House](#) and HarperCollins."

Of the six, Random House and HarperCollins still sell e-books to libraries, Redburn said.

HarperCollins is clear about its devotion to libraries. "We were one of the first publishers to sell e-books to public libraries," spokeswoman

Erin Crum said. "We're committed to continuing to do so."

But each e-book a library buys from the publisher can be checked out only 26 times.

"We felt that in this time of a changing landscape we needed to put some friction in the process," Crum said.

Friction is the term given to measures publishers use to limit or complicate the e-book borrowing process, Redburn said.

While a person who buys a book from Amazon can see it download almost instantly, the process isn't the same for library patrons. They have to go through several steps, even transferring the e-book from the library's platform through a distribution console, such as OverDrive, to a laptop and from there, using a USB cord, to the e-reader, Redburn said.

Until conditions imposed by publishing companies through the distribution consoles are changed, Fort Worth library spokesman Adam Wright said, the battle will rage on. Like many other librarians, he hopes the public will push for legislation similar to the first-sale doctrine.

"The optimal solution in my mind is for Congress to pass a law that says we have first-sale rights to e-books," he said. "Once we get around the publishers' excuse for not selling e-books to us, we'll be OK."

Simon & Schuster says it's still talking with libraries while it monitors new developments in e-book distribution.

"While we've had numerous open and productive dialogs with library colleagues and we recognize the importance of libraries in communities, we haven't yet found a business model with which we're comfortable and that properly addresses the long-term interests of our authors," Simon &

Schuster spokesman Adam Rothberg said.

On the other side of the coin, the American Library Association is trying to develop business models that will make librarians happy.

If publishers want to make people go to a library to download a book, librarians won't go along with that, association spokeswoman Carrie Russell said.

"We may go along with having the publisher's full catalog available in case the customer chooses to buy a book instead of borrow it from the library," she said. "A user would go to the library's website and click on e-books and, say, Random House had all its titles there. Some would be books the library could lend for free and some would be titles the user could purchase."

That could turn libraries into bookstores, making them more valuable to publishers, especially at a time when traditional bookstores are struggling, Russell said.

"The major point is that, if we are successful in collaborating with [publishers](#) over business models, we will be able to provide access to all the bestsellers, not just a couple," she said. "Whether that means that we might engage in selling books as part of the bargain, then that could be."

The latest salvo in the e-book battle was fired at content distributors last week when, according to Library Journal, more than 70 North American library systems petitioned for improved e-book services for their users.

The New York Public Library listed principles that were approved by [libraries](#) in the United States and Canada.

The demands include that the e-book borrowing process be less

complicated and that content be compatible with all e-readers.

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