



IFLA Principles for Library eLending

Background

Digital content has been an important component of library collections for over two decades. Until relatively recently this content largely comprised access to aggregated databases of newspapers, scientific and technical journals and specialized monographs. Since 2010 the huge escalating increase in the purchase of eReaders by consumers in some markets, and the corresponding increase in the commercial availability of trade eBooks¹ in turn has led to increased demand for eBooks in public libraries.

Library acquisition and usage of digital databases, typically published by scholarly publishers, was addressed in the IFLA *Licensing Principles* (2001) which presented “a set of basic principles that should prevail in the contractual relationship and written contracts between libraries and information providers”.² While some areas of concern are common to both types of digital content, issues of library access to trade eBooks differ fundamentally from databases that assume a willing information provider and where the focus is usually on negotiated access. Trade eBook publishing, which is evolving rapidly, presents libraries with different technical, legal and strategic challenges which have led in some cases to confusion and frustration for libraries and their users, as well as publishers and authors.

In 2011, the IFLA Governing Board tasked a Working Group to propose actions which IFLA and its members should consider to address the situation. In April 2012, the eLending Working Group produced a [background paper](#) and commissioned a “think-piece”, “*Libraries, e-Lending and the Future of Public Access to Digital Content*” that formed the basis for discussion at an [expert meeting](#) in November 2012. In February 2013, [Principles for Library eLending](#) were approved by the Governing Board to assist libraries in addressing issues relating to the inclusion of downloadable eBooks in library collections.

The eBook environment is rapidly changing and IFLA has updated the IFLA *Principles for Library eLending* to reflect this. The revised *Principles* maintains a focus on the acquisition of eBooks, the importance of copyright exceptions and limitations, accessibility, continuity of access including the ability to preserve and user privacy with a revised preamble and more concise wording.

¹ Trade books are usually distributed through retail channels for sale to a general audience.

² <http://www.ifla.org/publications/ifla-licensing-principles-2001>

Preamble

The arrival of the internet age and the proliferation of digital content have heralded a new and exciting phase in the democratisation of information, ideas, and knowledge – arguably at least as potent and transformative as any other event in recorded history. However, despite the myriad of innovative social and economic benefits attached to widespread digital distribution and access to information and content, there are disturbing signs that in the realm of public access, the clock is turning back in certain areas.

At this stage in the evolution of digital dissemination of text based content, libraries and their users wish at a minimum to be able to obtain and use an eBook in the same way they can obtain and use a print book. However, libraries are facing the new reality where they are often constrained from acquiring commercially available eBooks for their collections under acceptable terms and conditions. For example, some trade publishers and authors are withholding sales when they believe that access to eBooks by libraries may undermine retail sales and thereby reduce royalties.

The exhaustion of rights for digital content is an issue of increasing legal debate and uncertainty. Rights holders operate on the assumption that they can control all subsequent uses of digital works following initial access by the purchaser. This assumption has been the subject of legal proceedings in several countries. Should an consensus emerge that exhaustion should be applied for digital works in the same way it applies to physical objects (i.e. that reselling and lending is permissible without rightsholder approval as long as one copy of the same work remains one copy) a number of the IFLA principles will be achievable. Should the rightsholders interpretation prevail that they can control all post-first sale uses of digital works, the library's public service mission of ensuring societal access to written culture over time will be undermined.

The *IFLA Principles on eBooks in Libraries* is based on the assumption that it is necessary for libraries and publishers/authors to agree to reasonable terms and conditions for the library acquisition of eBooks, thus allowing libraries to fulfil their mission of guaranteeing access to knowledge and information for their communities. While we need solutions that support the publisher's and author's financial viability, it is not acceptable for a publisher or author to restrict a library's ability to license and/or purchase otherwise commercially available eBooks for library collections.

If the practice of withholding eBooks from libraries continues, publishers/authors should be required in legislation to make eBooks available to libraries under reasonable terms and conditions. In countries where publishers and authors receive public financial support, the argument for government mandated public access to published works through libraries is especially strong.

Libraries worldwide operate with a fundamental mission of providing access to information and, while acknowledging that regional differences exist in technological capacity and maturity of the eBook marketplace, this mission is universal and should prevail.

Principles

1. **A library must have the right to license and/or purchase any commercially available eBook without embargo.** If titles are withheld from the library market by publishers and/or authors, national legislation should require such access under reasonable terms and conditions. Libraries must be able to determine their own acquisitions by choosing specific titles from publisher or distributor listings in support of their mandate to provide community access to information and knowledge.
2. **A library must have access to eBooks under reasonable terms and conditions and at a fair price.** Terms of access should be transparent and costs predictable to enable the library to operate within its budget and funding cycles.
3. **eBook licensing/purchase options must respect copyright limitations and exceptions available to libraries and their users in national law,** such as the right to:
 - a. Copy a portion of the work
 - b. Re-format the work for preservation purposes if it is licensed and/or purchased for permanent access
 - c. Provide a temporary copy of the work to another library in response to a user request
 - d. Reformat a work to enable access for people with print disabilities
 - e. By-pass a technological protection measure for the purpose of exercising any non-infringing purpose.
4. **eBooks available to libraries should be platform neutral and developed with standards for accessibility.** Content should be capable of integration into library systems and online public access catalogues, and interoperable across platforms, applications and e-reader devices that the library or library patron has chosen to invest in.
5. **Strategies must be in place to ensure the long term preservation of eBook titles by libraries.** Long term availability of eBook titles should not be compromised by factors such as a publisher ceasing to operate. This can be addressed through measures including the collaborative development of archival databases by publishers and libraries and legislative solutions which require the legal deposit of digital content with specified agencies.
6. **eBook services must protect the privacy of library users.** Libraries and their users must be able to make informed decisions about the control and use of personal information including reading choices.

These Principles were endorsed by the IFLA Governing Board in February 2013. 1st Rev April 2013, 2nd Rev August 2013.

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