The Right to E-Read

Yvonne Morris
& Guy Daines
The legal context

• Copyright legislation regulates how libraries use the material they acquire

• With the introduction of electronic publishing, the legal basis for library activity changes dramatically
The doctrine of exhaustion

• A printed book is a “tangible” object
• Tangible objects are “distributed” – rights holders have a “distribution right”
• After first sale, the distribution right is “exhausted”
• No permission is needed to lend books
No doctrine of exhaustion for e-books?

• An e-book is “intangible”
• Intangibles are not distributed, they are “communicated to the public”
• E-lending is a service?
• The doctrine of exhaustion does not apply to e-books?
• Permission is needed to lend e-books

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Legal uncertainty

• UsedSoft GmbH v Oracle International Corp (July 2012)
• German Regional Court of Bielefeld (March 2013)
• For now, contract law prevails
The international response

- WIPO – Discussing a Library Treaty
- Licences for Europe
- EBLIDA – E-reading campaign

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EBLIDA’s E-Reading Campaign

Key aims:

- Awareness raising in the library community
- Awareness raising amongst politicians
- Awareness raising amongst the public
- Establishing a right for libraries to e-lend

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The Right to E-Read campaign

• Alerting National Associations
• Poster campaign
• Supporting material
• Lobbying MEP’s
• E-Reading Day
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