



EBLIDA Key Principles on the acquisition of and access to E-books by libraries

Expert Group on Information Law, 22 October 2012

Approved from EBLIDA EC and Task force

These Key Principles define minimum conditions for libraries when e-books are acquired and made available, whilst maintaining a balance between the interests of the public and those of the rightholders.

Whereas:

Noting that the introduction of electronic publishing represents an immense potential improvement in library services, while at the same time challenging the legal basis for the activities of libraries;

Observing that the introduction of e-books affects the core activities and responsibilities of libraries and raises serious issues of cultural policy and societal risks;

Acknowledging that libraries strive to achieve a balance between the human and democratic right to access to information on the one hand and the rights of authors and other rightholders on the other;

Searching for appropriate business models for e-books to be acquired and accessed by libraries in order for such models to meet and overcome the challenges libraries face;

Recognising the significant uncertainties as to how e-book content will evolve and how the evolution of the content will influence such models;

Assuming that libraries, authors, trade publishers, and other rightholders will develop agreements with standardised clauses that will enable libraries to make e-books available on reasonable and fair terms to their users;

The undersigned participants to key principles agree to the following guiding principles:

DEFINITIONS

For the purpose of this dialogue

- an electronic book (e-book) is a book composed in or converted to digital format for display on a computer screen or handheld device;
- a user is any person using library services;
- a registered user is a user who has registered with the library and whose identity is known to the library.

Principle No 1 – Acquisition

1. All e-book titles available for sale to the public should be available to libraries for acquisition and access;
2. All e-books titles should be available to libraries at the time of publication.
3. Publishers should deliver e-books in interoperable formats.

Principle No.2- Access

1. Libraries should be permitted to make available acquired or licensed e-books for a limited period of time to a user.
2. It should be possible to use the same e-book title simultaneously.
3. Registered users should be able to download an e-book either in the library or by way of remote access via authentication systems.
4. There should be an option for a licence allowing for interlibrary access.
5. Publishers and libraries should cooperate towards finding solutions providing for the production and delivery of alternative formats for persons with disabilities.

Principle No 3 – Continuous access and long term preservation

1. When purchasing an e-book, a library should have the option of permanent storage and use of the e-book.
2. Libraries authorised to store the e-book should have the right to transfer, in response to technological change, e-books to another delivery platform.
3. If a library opts for permanent storage and use it should be entitled to give unrestricted access to an e-book once the work is out-of-commerce in all its versions.
4. The contractual terms of a licence for an e-book should not override any statutory provisions regarding the entry of the work into the public domain.

Principle No 4 – Availability of metadata

1. The delivery of e-books should include the supply of metadata.
2. Libraries should be permitted to include the metadata in their catalogue system;
3. It should be permitted to make metadata relating to e-books openly available in conjunction with other metadata.

Principle No.5 – Pricing

1. The price of an e-book should not exceed the price of the print version of the same e-book title.
2. Payments for e-books should decrease with the age of the publication.

Principle No. 6 – Privacy

1. Users' personal data should be processed only by the library and in accordance with the data protection regulations applicable to the library.
2. User data and other personal data should be deleted in accordance with the data protection regulations applicable to the library.
3. The publisher or service provider should not allow access by third parties to the user data without the consent of the library.

The Hague Netherlands, October 2012