



The right to e-read

The digital era is a challenge and an opportunity for today's society. On the internet, there are new and innovative ways of providing, creating and distributing content, new ways in which to generate value and to establish a well-educated European knowledge society, which is a precondition for competitiveness and prosperity.

However, the current situation is characterised by uncertainty. Before consumers can legally purchase an e-book online, they are required to sign a ten-page agreement containing terms and conditions of the licence, consumer organisations sue e-book publishers, e-book publishers refuse to sell e-books to libraries – and so opportunities are lost!

We need an updated, modern copyright framework! An updated, modern copyright framework would eliminate this uncertainty, and guarantee effective recognition and remuneration of authors and other rights holders. It would also increase user access to e-books, and enable them, within the law, to enjoy and benefit from the e-books provided by libraries.

European citizens have the right to e-read! They should benefit from this right in libraries. It should therefore be possible for libraries to legally lend e-books. Libraries guarantee free access to content, information, and culture for all European citizens. But the current legal framework prevents libraries from fulfilling these essential services to our society in the digital era, especially in regard to the provision of e-books.

1. Because of the exhaustion of distribution rights after the first sale, a library may buy published works, e.g. books, from a bookseller and use the copies for lending to the library's patrons. This does not interfere with the rights of the author (or other rights holders). The library therefore decides in accordance with its collection building policy what books to buy and use for public lending.
2. In their interpretation of the copyright, publishers claim that e-lending is a service to which the principle of exhaustion does not apply. They believe that rights holders are free to decide whether they want to give access to a specific work, and to decide on the terms and conditions for such access. Should this interpretation prevail, this would mean that publishers, and not librarians, primarily decide on digital collections in libraries.
3. It is a significant, and in our view unacceptable, change that the collection building policy of libraries might be decided by publishers. This would mean that libraries would no longer be able to guarantee free access to content, information, and culture for European citizens.
4. In July 2012, the European Court of Justice ruled that the principle of exhaustion concerning the purchase of software applies to both electronic downloads as well as physical media. Some legal experts say that, with this ruling, the principle of exhaustion also applies to e-books. Several test cases are now before the courts. It will take several years for the European Court of Justice to come to a judgment.
5. This legal uncertainty seriously prevents libraries from building attractive e-books services for the public and furthermore from developing workable legal offers to the benefit of all stakeholders.

Therefore EBLIDA hereby calls on the EU Commission for a clear copyright framework that allows libraries to acquire and lend e-books with an adequate remuneration to authors and other rights holders. Just as with printed books, an updated copyright framework should allow libraries to continue to provide their services for the benefit of all European citizens.

Approved by EBLIDA Executive Committee & Task force on eBooks; The Hague, June 13th 2013