

**Report to / Rapport au:**

**Ottawa Public Library Board  
Conseil d'administration de la bibliothèque publique d'Ottawa**

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**File Number: OPLB-2015-0084**

**SUBJECT: eBook Advocacy Update**

**OBJET: Mise à jour sur le plaidoyer en faveur des livres numériques**

#### **REPORT RECOMMENDATION**

**That the Ottawa Public Library Board receive this report for information.**

#### **RECOMMANDATION DU RAPPORT**

**Que le Conseil d'administration de la Bibliothèque publique prenne connaissance de ce rapport.**

#### **BACKGROUND**

Since 2014, OPL has been working with other library systems and associations, such as the Toronto Public Library (TPL), the Canadian Library Association (CLA), and the Canadian Urban Libraries Council (CULC) to find mutually beneficial solutions for making e-content available to public libraries on reasonable terms and conditions.

As demand for ebooks continues to grow rapidly, multinational publishers, known as the "Big Five" (Hachette, HarperCollins, Macmillan, Penguin Random House, and Simon & Schuster) are imposing unreasonably high prices, creating a barrier for public libraries in offering universal access to this content. In some cases, libraries pay three to five times

more for ebooks than consumers. Multinational publishers will often impose caps and time limits on ebook use. As a result, public libraries offer fewer ebook titles and fewer copies for readers to discover, resulting in longer wait times for these materials due to shrinking purchasing power. Meanwhile, many independent and Canadian publishers make their ebooks available at reasonable prices and with reasonable terms of use.

### **Past Activities**

- May 12, 2014: the Board approved an advocacy program in the Digital Content Advocacy report, OPLB-2014-0052.
- April 14, 2015: the Board received an eBook Advocacy report, OPLB-2015-0034 for information, which provided an update on 2014 actions and outlined the 2015 advocacy plan targeting external stakeholders, publishers, and customer experience improvements. In addition, the Board approved “eBook Advocacy” as one of its strategic priorities.
- Spring and summer of 2015: OPL and other library systems and associations continued to deploy advocacy efforts. In summary these consisted of:
  - Endorsement of key library eContent priorities by the Canadian Library Association (CLA), the Canadian Association of Research Libraries (CARL) and the Canadian Urban Libraries Council (CULC);
  - The creation of the Canadian Public Libraries for Fair Ebook Pricing coalition;
  - The launch of [www.fairpricingforlibraries.ca](http://www.fairpricingforlibraries.ca) to better inform the public about the issue; and,
  - A presentation of the issue by Kevin Finnerty, Ontario ADM for the Ministry of Tourism, Culture and Sport, at a meeting of the Federal-Provincial-Territorial Ministers responsible for Culture in New Brunswick, this past summer.
  - See Appendix A for further details.

### **DISCUSSION**

While the above actions have brought some local and national media attention, very little progress has been made in influencing the Big Five and their approach in working with public libraries. Additional advocacy efforts are required to increase the pressure and raise awareness of this critical access issue beyond the public library sphere.

Building on the current momentum, the following activities will be undertaken in Q3 and Q4 of 2015, in order to reach a broader audience, expand the campaign's reach and garner additional support on this critical issue.

**Fall Action Plan – OPL in partnership with other public libraries:**

- Will continue to present and discuss the issue with federal and provincial ministers, including members of parliament.
- Will introduce its preferred pricing models through the advocacy efforts of CULC and participation on its eBook Taskforce. This includes engaging Big Five publishers in individual discussions.
- Will continue supporting the CLA eBook Task Force.

**Fall Action Plan – Chair's role:**

- In his capacity as Chair of the Board, Councillor Tierney will seek Ottawa City Council's endorsement of a motion, requesting the Department of Canadian Heritage and Industry Canada investigate current practices in the publishing industry as part of any upcoming statutory review of the *Copyright Act*. (See Appendix B).
- In his capacity as Chair of the Ontario Caucus of the Federation of Canadian Municipalities, the Chair will present and discuss the issue of ebook pricing at a the November meeting of the Federation of Canadian Municipalities. This federal issue impacts municipalities by adversely affecting materials budgets for public libraries across Canada.

**Fall Action Plan – Board's Role**

The issue of fair ebook pricing is an important campaign, both for OPL and for its customers. If successful, purchasing power will increase such that a greater number of titles will be made available to library customers. Trustees are asked to support Fair Pricing for Libraries Campaign in one of the following ways:

- Accompany staff in meetings with local Members of Parliament and Members of Provincial Parliament to raise awareness regarding OPL's involvement in this campaign.

- Visit [www.fairpricingforlibraries.org](http://www.fairpricingforlibraries.org) and sign up for email notifications through the website
- Follow and share the discussion through social media using the hashtag #FairEbookPrices
- Stay informed about what's happening with the campaign and help spread the word.

## **CONSULTATION**

The next steps proposed in this report have been reviewed with the Board Chair, representatives of key library associations such as CLA and CULC, and OPL senior management.

## **LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

## **RISK MANAGEMENT IMPLICATIONS**

The OPL will manage the risk associated with eBook advocacy through continued negotiations and discussions with publishers.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **TECHNOLOGY IMPLICATIONS**

There are no technology implications in this phase of the eBook advocacy campaign.

## **BOARD PRIORITIES**

The eBook advocacy campaign is a strategic priority aligned with the following Board 2015-2018 strategic direction: Services that are customer centric: Provide physical and digital collections that are responsive to customer demands and community needs.

## **SUPPORTING DOCUMENTATION**

Appendix A – Chronology - Ebooks File

Appendix B – Draft Motion to present to Ottawa City Council

## **DISPOSITION**

Staff will implement the following in Q3 and Q4 2015:

1. Establish stakeholder meetings with provincial and federal elected officials.
2. Participate in CULC and CLA eBook Taskforces initiatives.
3. Work with Chair Tierney to bring a motion to City Council.
4. Work with Chair Tierney, as a member of the Board of Directors of the Federation of Canadian Municipalities, to bring forward a motion at the November FCM meeting.

APPENDIX A – Chronology – Ebook File

2009	<ul style="list-style-type: none"> <li>• Ebooks form part of OPL’s collection for the first time</li> <li>• Primary issue – availability of content</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Harper Collins introduces metered licensing, forcing OPL and other public libraries to purchase new copies of titles after 26 loans.</li> </ul>
2012	<ul style="list-style-type: none"> <li>• Access to ebooks becomes a Board strategic priority</li> <li>• Hachette and Random House begin raising their prices, up to 300%</li> </ul>
2013	<ul style="list-style-type: none"> <li>• More English content now available on the market</li> <li>• Greater number of titles available in OPL’s catalogue</li> <li>• OPL launches discussions with suppliers of French language e-content</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Issue of fair pricing emerges, not only for public libraries but also for academic libraries primarily for English language materials             <ul style="list-style-type: none"> <li>○ Costs to purchase ebooks are unreasonably high for libraries, sometimes up to 3-5 times higher than what consumer pays</li> <li>○ Circulation caps and/or time limits are imposed on purchases from Big Five publishers</li> <li>○ Note: Quebec and many independent and Canadian publishers make their French and English ebooks available at reasonable prices, with reasonable terms of use.</li> </ul> </li> <li>• Ma Biblio is released, giving OPL customers access to French ebooks.</li> <li>• OPL partners with Toronto Public Library, with the agreement of their respective boards. Together, they:             <ul style="list-style-type: none"> <li>○ Begin lobby efforts at the provincial/federal levels, targeting the Ontario Ministry of Culture, the Federal Department of Canadian Heritage, and the Competition Bureau.</li> <li>○ Contact other public libraries to solicit their support in a letter</li> </ul> </li> </ul>

	<p>writing campaign to these same targets, outlining the issues of eBook terms and conditions and content sustainability for public libraries</p> <ul style="list-style-type: none"> <li>○ Launch a public awareness campaign promoting e-content at the public library, through bus and newspaper advertisement.</li> </ul> <ul style="list-style-type: none"> <li>● Building on momentum created by OPL/TPL, and attention brought to fair pricing for ebooks, other stakeholders join the conversation, including the Canadian Library Association (CLA), the Canadian Urban Libraries Council (CULC), the Federation of Ontario Public Libraries (FOPL)</li> <li>● Note: for the first time, digital content is the fastest growing area of circulation in many public libraries, and in particular at Ottawa Public Library</li> </ul>
2015	<ul style="list-style-type: none"> <li>● The Ottawa Public Library Board reconfirms eBook Advocacy as one of its strategic priorities.</li> <li>● OPL/TPL continue their efforts in tandem to:       <ul style="list-style-type: none"> <li>○ Engage key stakeholders, including SOLS/OLS North, AMPLO, CELUPL</li> <li>○ Communicate directly with Big Five publishers, underscoring issues faced by Canadian public libraries</li> <li>○ Put forth a preferred, hybrid pricing model which provides libraries with choices about maintaining copies in perpetuity at a higher price, and other copies of the same title at a lower price, to be held in collections on a time-limited basis, thereby meeting customer demand for titles when these are most popular and preserve access to content in the longer term.</li> </ul> </li> <li>● The Canadian Association of Research Libraries join the movement and begin to raise awareness within the academic milieu.</li> <li>● CULC joins the campaign officially and agrees to initiate discussions with the Big Five publishers. They are guided by an eBook Taskforce,</li> </ul>

	<p>of which OPL is a member.</p> <ul style="list-style-type: none"><li>• In June 2015, the Canadian Public Libraries for Fair Ebook Pricing coalition is formed. Members include:<ul style="list-style-type: none"><li>○ Canadian Library Association</li><li>○ Canadian Urban Libraries Council</li><li>○ Federation of Ontario Public Libraries</li><li>○ Nova Scotia Library Association</li><li>○ Ontario Library Association</li><li>○ Toronto Public Library</li><li>○ Ottawa Public Library</li></ul></li><li>• Launch of <a href="http://www.fairpricingforlibraries.ca">www.fairpricingforlibraries.ca</a>, where everyday citizens can learn more about the issue</li><li>• Kevin Finnerty, Ontario ADM for the Ministry of Tourism, Culture and Sport, presents the issue of fair ebook pricing at a meeting of the Federal-Provincial-Territorial Ministers responsible for Culture in New Brunswick in July 2015.</li><li>• In September 2015, Fair Pricing for Libraries featured on OPL's website</li></ul>
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**Appendix B – Draft Motion to Ottawa City Council**

WHEREAS The proliferation of e-book devices and the increased availability of e-content have led to a greater number of Ottawans wanting to borrow e-books and e-magazines from their public library, and

WHEREAS public libraries, including the Ottawa Public Library are often unable to secure the e-book resources that are available to the general public, or are only able to secure them for limited periods of time and/or at significantly greater expense than the general public, and

WHEREAS the Ottawa Public Library Board is committed to providing Ottawa residents with equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms, and

WHEREAS refusing to sell e-books or e-magazines to public libraries or imposing other terms that unreasonably increase costs undermines Ottawa Public Library's ability to serve Ottawans and are not the answer to a healthy publishing industry, therefore

BE IT RESOLVED that City Council request the Department of Canadian Heritage and Industry Canada investigate publishers' restrictive practices in making e-books and e-magazines available to public libraries, including the higher prices charged to public libraries, as part of any upcoming statutory review of the *Copyright Act*.