

Report to / Rapport au:

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

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File Number: OPLB-2019-0302

SUBJECT: Digital Content Issues and Advocacy

OBJET: Enjeux et plaidoyer en faveur du contenu numérique

REPORT RECOMMENDATIONS

That the Ottawa Public Library Board:

- 1. Endorse the Canadian Urban Libraries Council's [Stronger eContent for Libraries](#) advocacy efforts; and,**
- 2. Issue a letter to multinational publishers, as identified in this report, advocating for better access to, and fair pricing for, digital content.**

RECOMMANDATIONS DU RAPPORT

Que le Conseil d'administration de la Bibliothèque publique d'Ottawa:

- 1. Appuie les actions du Conseil des bibliothèques urbaines du Canada pour un meilleur contenu numérique pour les bibliothèques;**
- 2. Adresse une lettre aux éditeurs multinationaux, comme il est mentionné dans le rapport, en vue d'appeler à un meilleur accès au contenu numérique et à des prix plus équitables.**

BACKGROUND

Since the advent of eBook lending, public libraries have experienced challenges in making digital content available to library customers. In the first few years, issues were focused around content availability as some of the multinational publishers would not sell digital titles to libraries. In 2014, issues shifted from availability to terms and conditions. Although content was made available to libraries, high prices and restrictive terms and conditions threatened libraries' ability to provide quality digital content with the breadth and scope customers expected from library collections. Since that time, existing challenges remain unresolved, and new challenges have surfaced. Content embargoes and additional restrictive practices have surfaced, preventing public libraries from purchasing certain digital audiobooks.

To provide a unified voice across Canada, the Coalition of Canadian Public Libraries for Fair eBook Pricing (Coalition) was established in 2015. Its primary purpose was to lobby multinational publishers, Members of Parliament, and Members of Provincial Parliament, and engage in discussions to find sustainable solutions for the provision of eBook, digital audiobook, and electronic resources through Canadian public libraries. Although the Coalition was disbanded in 2016, the Canadian Urban Library Council (CULC) Digital Content Taskforce (Taskforce) continues this important work. Ottawa Public Library (OPL) has been a member of the Taskforce since its inception in 2011 and actively participates in all advocacy efforts.

The Ottawa Public Library Board (the Board) has been an active advocate for stronger access to, and fair pricing for, digital content. Activities in support of advocacy have been reported to the Board in June 2015 (OPLB -2015-0034) and October 2015 (OPL-2015-0084). These are detailed in the Chronology of OPL's Stewardship of Digital Content Access Issues (Document 1) and include:

- Support for the Fair eBook Pricing campaign led by the Coalition in 2015;
- Motion adopted by Ottawa City Council in November 2015, requesting that the Department of Canadian Heritage, as well as Industry Canada, investigate current practices in the publishing industry as part of any upcoming statutory review of the Copyright Act; and,
- Motion presented to the Federation of Canadian Municipalities (FCM) by Chair Tierney on March 2016, in his capacity as Chair of the Ontario Caucus, 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. This motion was unanimously carried.

The purpose of this report is to provide an update to the Board with regards to recent digital content issues and advocacy.

DISCUSSION

Digital content is the fastest growing area of borrowing for public libraries. At OPL, eBook and digital audiobook use has increased by 146% since 2014 and continues to grow. In 2018, eBook usage increased by 13% from 2017, while digital audiobooks use increased by 36%.

Multinational publishers' restrictive pricing models and high prices are creating significant challenges for public libraries and jeopardize the ability to offer universal access to content. Multinational publishers, sometimes referred to as the "Big Five", include: Harper Collins, Hachette, Penguin Random House, Macmillan, and Simon and Schuster. Some of these, including Hachette, offer perpetual licenses that sometimes exceed six times the retail eBook price paid by consumers, or the "list price." Other publishers offer limited term licenses for 26 circulations (e.g. Harper Collins) or 52 circulations/2 years whichever comes first (e.g. Macmillan).

An equally concerning issue has recently emerged regarding access to, and pricing of, digital audiobooks. Some publishers are not negotiating rights for digital audiobooks for the Canadian market, thereby denying access for Canadian public libraries to purchase the digital audiobook format as soon as it is released to consumers. Instead, rights have been licensed strictly for pay-per-use subscription services including Audible.ca and Kobo. Examples include:

- Popular in demand authors such as Yuval Noah Harari, Nora Roberts, Catherine Coulter and Dean Koontz;
- Justin Trudeau's recent memoir;
- Some titles by key Canadian authors, such as Kelley Armstrong, Tyrell Johnson, and Ken Dryden;
- Most of the current Canada Reads shortlisted titles, a much loved and followed competition on CBC as only one title is available in downloadable audio for libraries; and,
- Titles by indigenous authors, such as *The Inconvenient Indian* and *The Back of the Turtle* by Thomas King.

The digital audiobooks available for purchase by libraries are very costly, with a single copy priced as high as \$140. Despite repeated attempts to discuss the situation with publishers and advocacy work, multinational publishers have not significantly adjusted their practices in the past eight years. These recent developments are especially concerning given that digital audiobooks are the fastest growing sector of the publishing industry. They are also an obvious choice for individuals learning English, with low literacy skills, or with a print disability. In fact, in some cases, books are only published in digital format and are not available in print.

Public libraries are key players in the publishing industry, both as major purchasers of material, and promoters of reading and literacy. There is recognition that the publishing industry in Canada, and around the world, is undergoing great change but publishers and libraries must work together to reduce barriers between readers and the content they seek.

From January 14 to 25, 2019 under the leadership of CULC, Canadian public libraries joined forces to advocate for stronger digital content for libraries, drawing attention to the issues of digital audiobook access and fair digital content pricing. The campaign objectives were to:

- Raise awareness of issues facing Canadian public libraries with regards to digital access and pricing;
- Engage public libraries (and their customers) across the country in a discussion around the issues; and,
- Encourage multinational publishers to open a dialogue with public libraries.

The main campaign components were social media and media outreach, encouraging Canadians to use #eContentForLibraries or #NumeriquePourLesBiblios to spread the word, and to voice concerns directly to the multinational publishers. OPL participated in the campaign by responding to media inquiries and generating social media discussions among customers.

Next steps

OPL will continue supporting the Taskforce in its efforts to establish a dialogue with publishers and resolve these on-going issues. Additionally, the Taskforce will host a digital reading program called One eRead Canada / Un livre! Canada that will provide

simultaneous access to one single Canadian book in various digital formats, including eBook and digital audiobook. With this program, the Taskforce aims to demonstrate public library influence on the publishing industry by measuring the impact of the program on sales and use of the featured book, *Glass Beads* by Dawn Dumont. The program will run for a one-month period in June 2019.

Issues of digital content pricing and access have introduced considerable inequity for customers who rely on public libraries for access to information and reading material in a digital format. If advocacy efforts are successful, OPL's purchasing power will increase, making a greater number of titles available to library customers.

Trustees are asked to support the efforts of the Taskforce by visiting econtentforlibraries.org/ and sharing the page to spread the word. Staff also recommend that the Board issue a letter to multinational publishers, advocating for better access to, and fair pricing for, digital content.

CONSULTATION

Input was collected from staff and the management team at OPL. The next steps proposed in this report have been reviewed with the Board Chair, Canadian public libraries, and OPL senior management.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

OPL will manage the risk associated with digital content advocacy through continued negotiations and discussions with publishers.

FINANCIAL IMPLICATIONS

Financial implications have been described in this report.

ACCESSIBILITY IMPACTS

There are accessibility impacts associated with this report. Stronger access to digital audiobooks will increase the number of titles available for customers with print disabilities.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

BOARD PRIORITIES

The recommendations are aligned with the Board's strategic direction and priority: Services that are customer centric: Provide physical and digital collections that are responsive to customer demands and community needs.

SUPPORTING DOCUMENTATION

Document 1 – Chronology of OPL's Stewardship of Digital Content Access Issues

DISPOSITION

Upon approval of the recommendations, staff will:

1. Work with Chair Tierney to draft and send a letter to multinational publishers;
2. Work with CULC Digital Content Taskforce to implement the digital reading program.

Chronology of OPL's Stewardship of Digital Content Access Issues

2009	<ul style="list-style-type: none">• Ebooks form part of OPL's collection for the first time.• Primary issue – availability of content.
2011	<ul style="list-style-type: none">• Harper Collins introduces metered licensing, forcing OPL and other public libraries to purchase new copies of titles after 26 loans.
2012	<ul style="list-style-type: none">• Access to eBooks becomes a Board strategic priority.• Hachette and Random House begin raising their prices, up to 300%.
2013	<ul style="list-style-type: none">• More English-language content now available on the market.• Greater number of titles available in OPL's catalogue.• OPL launches discussions with suppliers of French language digital content.
2014	<ul style="list-style-type: none">• 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">○ Costs to purchase eBooks are unreasonably high for libraries, sometimes up to 3-5 times higher than what consumers pay○ Circulation caps and/or time limits are imposed on purchases from Big Five publishers○ Note: Quebec and many independent and Canadian publishers make their French and English eBooks available at reasonable prices, with reasonable terms of use.• MaBiblioNumérique is released, giving OPL customers access to French-language eBooks.• OPL partners with Toronto Public Library (TPL), with the agreement of their respective boards. Together, they:<ul style="list-style-type: none">○ Begin lobby efforts at the provincial/federal levels, targeting the Ontario Ministry of Culture, the Federal Department of Canadian Heritage, and the Competition Bureau.○ Contact other public libraries to solicit their support in a letter writing campaign to these same targets, outlining the issues of eBook terms

	<p>and conditions and content sustainability for public libraries</p> <ul style="list-style-type: none"> ○ Launch a public awareness campaign promoting digital content at the public library, through bus and newspaper advertisement. • 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), and the Federation of Ontario Public Libraries (FOPL). • Note: for the first time, digital content is the fastest growing area of circulation in many public libraries, including OPL.
2015	<ul style="list-style-type: none"> • The Board reconfirms eBook Advocacy as one of its strategic priorities. • OPL/TPL continue their efforts in tandem to: <ul style="list-style-type: none"> ○ Engage key stakeholders, including SOLS/OLS North, AMPLO, CELUPL ○ Communicate directly with Big Five publishers, underscoring issues faced by Canadian public libraries ○ 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. • The Canadian Association of Research Libraries joins the movement and begins to raise awareness within the academic milieu. • CULC joins the campaign officially and agrees to initiate discussions with the Big Five publishers. They are guided by an eBook Taskforce, of which OPL is a member. • In June 2015, the Canadian Public Libraries for Fair Ebook Pricing Coalition (the Coalition) is formed. Members include: <ul style="list-style-type: none"> ○ Canadian Library Association ○ Canadian Urban Libraries Council ○ Federation of Ontario Public Libraries ○ Nova Scotia Library Association ○ Ontario Library Association

	<ul style="list-style-type: none"> ○ Toronto Public Library ○ Ottawa Public Library • Launch of www.fairpricingforlibraries.ca, where citizens can learn more about the issue. • 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. • In September 2015, Fair Pricing for Libraries featured on OPL's website. • In November 2015, Chair Tierney receives Ottawa City Council's endorsement of a motion, requesting that the Department of Canadian Heritage, as well as Industry Canada, investigate current practices in the publishing industry as part of any upcoming statutory review of the Copyright Act. The Mayor issues two letters on City Council's behalf. • In December 2015, Penguin Random House announces a new licensing model for libraries in the United States and Canada, one with significantly reduced prices on perpetual licenses for eBooks. OPL responds by issuing a media release, acknowledging this important step towards reasonable eBook pricing and inviting other publishers to follow suit.
2016	<ul style="list-style-type: none"> • In February 2016, the Canadian Urban Libraries Council (CULC) sends an open letter to multinational publishers to request discussion of a proposed dual pricing model. • In March 2016, Tim Tierney, in his capacity as Chair of the Ontario Caucus of the Federation of Canadian Municipalities (FCM), presents a motion to FCM 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. This motion is unanimously carried. • On March 31, 2016, TPL, Edmonton Public Library, and OPL (with Chair Tim Tierney), host a twitter chat. Lively chat with many tweets and picked up by media. • The Coalition is disbanded and the CULC eBook Taskforce takes over the file.

2018	<ul style="list-style-type: none">• The CULC eBook Taskforce is renamed the CULC Digital Content Taskforce.• eContent licensing principles developed by members of the CULC Digital Content Taskforce and shared with Canadian libraries.• Penguin Random House make changes to their pricing model; eBooks are now offered at \$57 each for a two-year license.• TOR, an imprint of MacMillan, embargoes new eBooks for 4 months before allowing libraries to purchase.• Globe & Mail, available from many libraries via Pressreader, is suddenly no longer available for remote access; this is done by the publisher with no advance communication.• Major multinational publishers are not negotiating rights to digital audiobooks for Canadian libraries, making several best-selling titles unavailable to Canadian public libraries in digital audiobook format.
2019	<ul style="list-style-type: none">• Stronger Digital Content for Libraries campaign launched in response to increasing issues with digital content pricing and access for eBooks and digital audiobooks.• Launch of CULC's One eRead Canada / Un livre! Canada initiative