

Report to/Rapport au :

**OTTAWA PUBLIC LIBRARY BOARD
CONSEIL D'ADMINISTRATION DE LA BIBLIOTHÈQUE PUBLIQUE
D'OTTAWA**

**May 12, 2014
Le 12 mai 2014**

**Submitted by/Soumis par :
Jennifer Stirling, Division Manager, Content and Technology /
Directrice, Contenu et Technologie**

*Contact Person / Personne ressource: Jennifer Stirling
(613) 580-2424 x 32155, Jennifer.Stirling@BiblioOttawaLibrary.ca*

Ref N°: OPLB-2014-0052

SUBJECT: Digital Content Advocacy

OBJET : Promotion du contenu numérique

REPORT RECOMMENDATIONS

WHEREAS the Ottawa Public Library is committed to providing equitable access to information and services regardless of format and customer demand for eBooks and eMagazines is increasing; and

WHEREAS Ottawa Public Library staff are working together with publishers to find mutually beneficial solutions so that public library customers have access to the wide range of eBooks and eMagazines they have available to them in a physical printed copy; and

WHEREAS the specialized market terms for libraries provided by some publishers for the purchase of eBooks and eMagazines restrict the Ottawa Public Library's ability to purchase these materials for public use, resulting in an inequity of access to electronic content, significant constraints on the Ottawa Public Library budget, and an undermining of the Ottawa Public Library's ability to fulfill its role;

THEREFORE BE IT RESOLVED that the Ottawa Public Library Board:

1. request that the Department of Canadian Heritage and the Ontario Ministry of Tourism, Culture and Sport investigate publishers' restrictive practices in making eBooks and eMagazines available to public libraries, including the higher prices charged to public libraries; and
2. request staff bring the issues faced by libraries in obtaining access to eBooks and eMagazines to the attention of the Competition Bureau of Canada.

RECOMMANDATIONS DU RAPPORT

ATTENDU QUE la Bibliothèque publique d'Ottawa s'est engagée à offrir un accès équitable à l'information et à ses services, quel qu'en soit le format et malgré l'accroissement de la demande en livres et en magazines numériques de la part des clients;

ATTENDU QUE le personnel de la Bibliothèque publique d'Ottawa collabore avec les éditeurs à la recherche de solutions mutuellement avantageuses, afin que les clients des bibliothèques publiques puissent avoir accès à toute la gamme de livres et de magazines numériques disponible en version matérielle imprimée;

ATTENDU QUE les conditions du marché spécialisé fixées par certains éditeurs pour l'achat de livres et de magazines numériques limitent la capacité de la Bibliothèque publique d'Ottawa à acheter ces articles à l'intention des membres du public, donnant ainsi lieu à une inégalité d'accès aux contenus électroniques, à des contraintes budgétaires importantes pour la Bibliothèque publique d'Ottawa et à une diminution de sa capacité à jouer son rôle;

PAR CONSÉQUENT, IL EST RÉSOLU que le C.A. de la Bibliothèque publique d'Ottawa :

1. demande au ministère du Patrimoine canadien et au ministère du Tourisme, de la Culture et du Sport de l'Ontario d'examiner les pratiques restrictives des éditeurs dans la mise à disposition des livres et des magazines dans les bibliothèques publiques, notamment les prix plus élevés qui leur sont imposés; \

2. demande au personnel de porter à l'attention du Bureau de la concurrence du Canada les problèmes auxquels sont confrontées les bibliothèques pour accéder aux livres et aux magazines numériques.

BACKGROUND

The Ottawa Public Library is pleased that publishers and public libraries in Canada have been working together to find mutually beneficial solutions so that public library customers have access to the wide range of eBooks and eMagazines they have available to them in a physical printed copy. The specialized market terms for libraries provided by some publishers for the purchase of eBooks and eMagazines restricts the library's ability to purchase these materials for public use, resulting in an inequity of access to electronic content and an undermining of the public library's ability to fulfill its role.

DISCUSSION

Public libraries are committed to equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms; limiting access to eBooks and eMagazines blocks universal access.

OPL provides available eBooks, eMusic, and eMagazines to our customers. eBook usage has increased by 500% from 2010 to 2013, with close to 600,000 eBooks borrowed in 2013.

OPL has been working as part of the Canadian Urban Libraries Council (CULC) eContent Task Force since 2012, working with eBound and representatives from the Association Canadian Publishers (ACP) to find mutually beneficial solutions for making eContent available to public libraries on reasonable terms.

The *Big Five* multinational publishers, including Penguin Random House, HarperCollins, Macmillan, Hachette, and Simon & Schuster, have been at the centre of these discussions in the United States, and are represented in Canada by subsidiaries or distributors.

There has been a significant shift in the availability of content to libraries as more local and multinational publishers have made their content available to libraries.

OPL has also signed an agreement with Archambault in order to provide much-needed Canadian French-language eContent.

Although most publishers will now sell or license at least some of their eBooks to public libraries, some impose terms such as unreasonably high prices or usage caps, which decrease our purchasing power. Generally, the issues fall into the following categories:

- Publishers will not make their content available to public libraries; OR,
- Publishers impose other terms such as caps on use and/or time limits which require content to be re-purchased; OR,
- Publishers make content available at prices as much as 300 percent higher than consumer prices.

To respond to customer demand, OPL has significantly increased spending on eBooks, but this has not resulted in a corresponding increase in the number of titles in the collection due to these specialized purchase terms. For example in 2013 OPL increased the eBook budget by 78% but this translated to only a 30% increase in the amount of titles available for loan.

Canadian libraries have experienced issues with content durability and changing usage terms with eMagazines as core popular Canadian magazines were withdrawn by the publishers from the library's platform without prior notice or negotiation.

Advocacy activities are underway in many library organizations or groups throughout the world. Initiatives of particular importance are being undertaken by CULC, the International Federation of Library Associations (IFLA), ReadersFirst, the American Library Association (ALA), and Urban Libraries Council (ULC). In the United States, some advocacy initiatives have started to involve different orders of government in an effort to make greater progress.

Direct lobbying of Canadian and Ontario governments requesting investigation of the publisher licensing terms of eBooks and eMagazines for libraries has been undertaken by the Toronto Public Library whose board struck a taskforce on eBook issues.

The Quebec government has mandated that items purchased from the SOGANEL (la Société de gestion de l'Association nationale des éditeurs de livres) must be sold to libraries at the consumer market price, but limits the library circulations to 55 before a new copy must be purchased.

A Recent decision by the Competition Bureau of Canada forced four major eBook publishers to drop their practice of stopping retailers from offering discounts on eBooks. However, this decision does not have any effect on the pricing models that are being offered to libraries and is aimed at Canadian consumers not institutions. In keeping with the theme of fair practices for consumers, the Competition Bureau's decision to exclude institutional customers from its ruling impacts consumers who choose to use the public library as their source for eContent.

At its April 14, 2014 library Board meeting with a review of the Collection Management Framework 2014 – 2016, staff described the impact of eBook purchasing models on the collections budget. The Board asked about Canadian government advocacy and directed staff to bring forward a motion at the next Board meeting to request that relevant Federal and Provincial government departments and the Competition Bureau investigate restrictive eBook pricing and licensing to Canadian public libraries.

CONSULTATION

Toronto Public Library

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

OPL does not want to alienate the publishers as we seek to find mutually beneficial access terms and pricing to ensure content available for OPL customers.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

TECHNOLOGY IMPACTS

There are no technology impacts.

FINANCIAL IMPLICATIONS

There are no financial implications.

BOARD PRIORITIES

The recommendation supports the OPL Board's strategic direction D.
INNOVATION through Technology and Continuous Improvement.

DISPOSITION

Upon the passage of this motion:

A letter will be signed by OPL Board Chair requesting that the Department of Canadian Heritage; the Ontario Ministry of Tourism, Culture and Sport; and, the Competition Bureau of Canada investigate publishers' restrictive practices in making eBooks and eMagazines available to public libraries, including the higher prices charged to public libraries.