



The Oberlin Group

A Consortium of Liberal Arts College Libraries

On Ebooks & Libraries

A Statement by the Oberlin Group of Liberal Arts College Libraries

Colleges and universities, democracies, and civil societies thrive only when information moves readily between institutions and peoples. No institution is self-sufficient, and none can fulfill its members' needs in isolation.

The same is true for academic libraries. None can provide its institution's faculty and students with every piece of information they may someday need. Hence libraries specialize, acquiring content central to the teaching and research at their own institutions, while relying on one another to fill gaps that occur as a matter of course.

Such dependencies are inevitable, codified over the decades in agreements struck by local, regional, national, and international consortia. This ecosystem of sharing—traditionally known as interlibrary loan—depends on trust and good faith, not only among libraries, but also between libraries and publishers. Both parties acknowledge (a) the need to borrow and (b) limits on appropriate borrowing—limits affirmed by interlibrary loan codes. Quite simply, (a) publishers acknowledge libraries' need to loan and borrow material they purchase and rent, while (b) libraries acknowledge their obligation to purchase items they request multiple times.

This system constitutes an equalizing and democratizing force. It reduces disparities between wealthy institutions and impoverished institutions. It provides citizens outside the academy with scholarly content beyond the scope of public library collections, and it provides faculty and students with content beyond the scope of traditional academic collections.

This system now faces an existential threat. The threat is simple: contractual agreements for electronic books regularly forbid sharing those publications with persons outside the licensing institutions.

When libraries purchase print books, they own those books and—under the first-sale doctrine—may lend them to the persons and institutions they choose. But new licensing agreements for electronic books threaten this infrastructure and the values it enshrines. While (a) librarians still acknowledge their obligation to compensate publishers for use that exceeds fair use, (b) publishers that demand restrictive licensing agreements have effectively abandoned their decades-long acknowledgement of libraries' need to share material.

The [Oberlin Group](#), a consortium of liberal arts college libraries in the U.S., submits that we libraries accept such licensing restrictions at our peril. When we purchase or rent material we cannot share with citizens beyond our campus borders, we turn our backs on a great strength of

the academy—the ability to build complementary collections and share them in good faith with researchers and the community of readers.

Long-standing relationships between publishers and libraries must continue, to our mutual benefit. We acknowledge that many good publishers are struggling. Our goal is not to harm or constrain the activities of good presses adhering to ethical practices. In fact we remain particularly sympathetic to presses committed to the hard work of publishing academic books.

Our intent, rather, is to suggest that libraries and presses *work together* to make material available to all who need it—to use digital technology cooperatively to promote rather than constrain the dissemination of scholarship. We affirm libraries' obligation to buy books central to their institution's curriculum and research. And we oppose piracy and illegal file sharing in all forms. We expect in return that publishers work with us to realize our shared mission: making good scholarly literature available to everybody who needs it.

To summarize, we do not live in isolation. We all find ourselves impoverished—always indirectly and sometimes directly—when information fails to reach those in need. Our commitment to sharing is fundamental, as is our commitment to promoting and demanding models that make such sharing possible.

We thus assert the following: Contracts without provisions for transmitting material beyond our home institutions undermine our commitments to each other and artificially circumscribe the larger scholarly ecosystem. They constrain the research of students and faculty at our home institutions, who will soon find themselves unable to obtain essential material from institutions failing to secure such provisions. Looking out for ourselves means looking out for others.

In light of these assertions, we advocate the following principles:¹

1. Contracts should allow libraries to provide a temporary copy of the work to another library in response to a user request, in a manner that is neither cumbersome nor awkward for patrons or library staff.
2. Contracts should allow libraries to transfer electronic content efficiently and electronically, i.e., with minimal use of paper.
3. Software should allow libraries to control the parameters of circulation (loan periods, renewals, recalls, etc.) and to limit access to a single user when contracts do not authorize use by multiple, simultaneous users.
4. Contracts should impose no limits on the number of times a patron may access an e-book; neither should they impose additional costs for multiple uses.
5. Contracts should provide options for archival and perpetual access.
6. Software should allow patrons to download content and to use said content on multiple, standard-use platforms and devices.

¹ Adapted from *E-Book Rights Advocacy* (St. Paul, MN: Dewitt Wallace Library, Macalester College, 2013), <http://www.macalester.edu/library/changingebooksforlibraries/advocacy>, accessed 21 January 2013, which draws in part from the *IFLA Principles for Library E-Lending* (The Hague: IFLA, 2013), <http://www.ifla.org/node/7418>, accessed 21 January 2014.

7. Contracts should forbid publishers from using or sharing patron data if such use allows publishers to identify an individual without that individual's permission.
8. Publishers should offer libraries the ability to purchase individual titles apart from bundled packages.
9. Publishers should offer libraries the ability to purchase licenses for unlimited simultaneous users—for short or long periods—at fair prices.
10. Reading software should allow readers to copy text and media within publications, paste it, and print it.
11. Contracts should allow libraries to insert metadata that accompanies publications into library systems and discovery layers.
12. Content should comply with ADA accessibility requirements and work with text-to-speech engines.

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