



Session II: Innovative Services

Presentation by Jan Sanders,
Pasadena Public Library
Pasadena, California, U.S.A.

The Use, Growth and Impact of eBooks on America's Libraries: Practices and Challenges

Does Your Library Currently Offer eBooks? – All Public Libraries

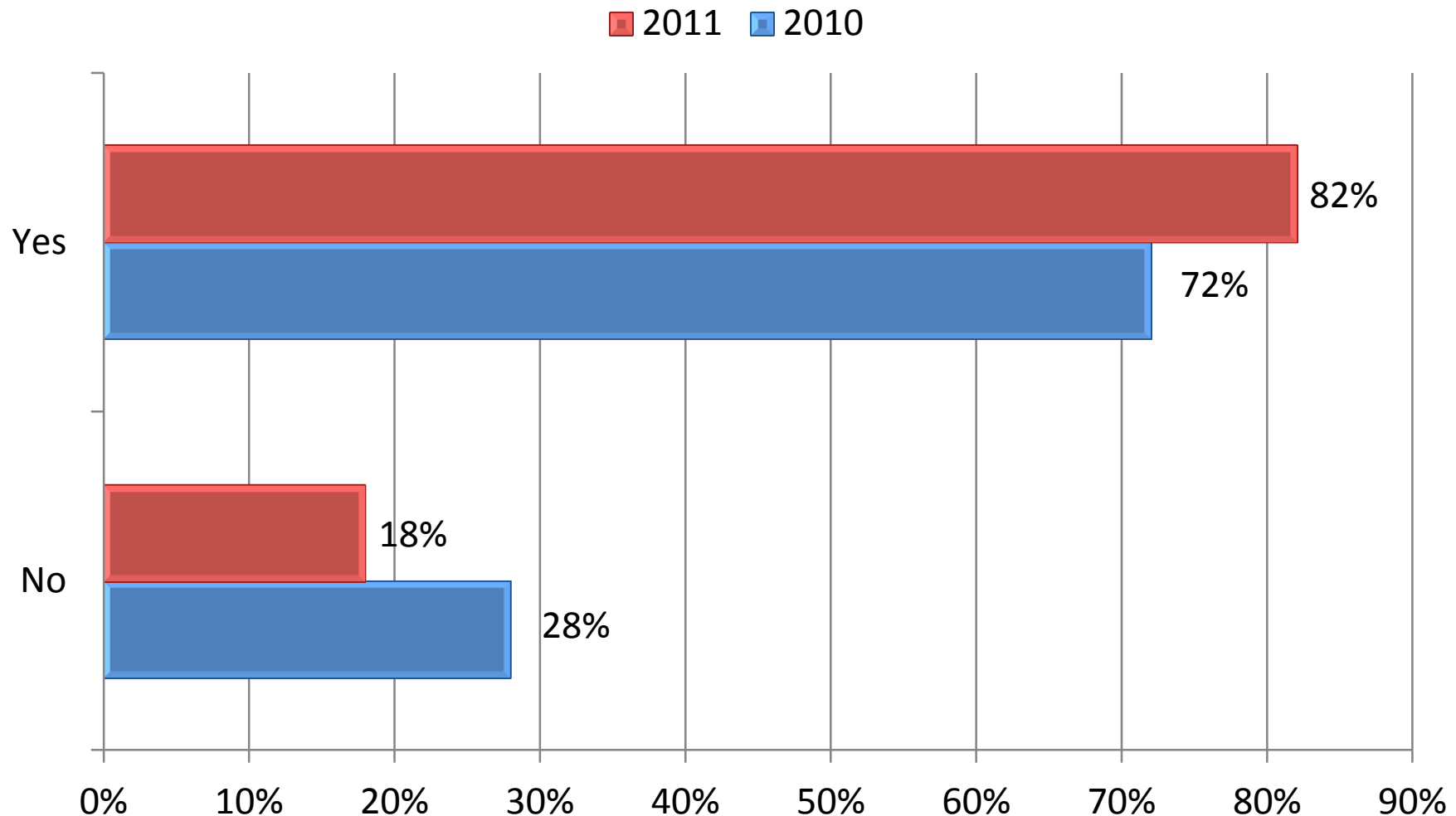


Figure 2. Library Journal (2011, October). *Ebooks: The new normal*. p.20.

Demand for Ebooks – All Public Libraries

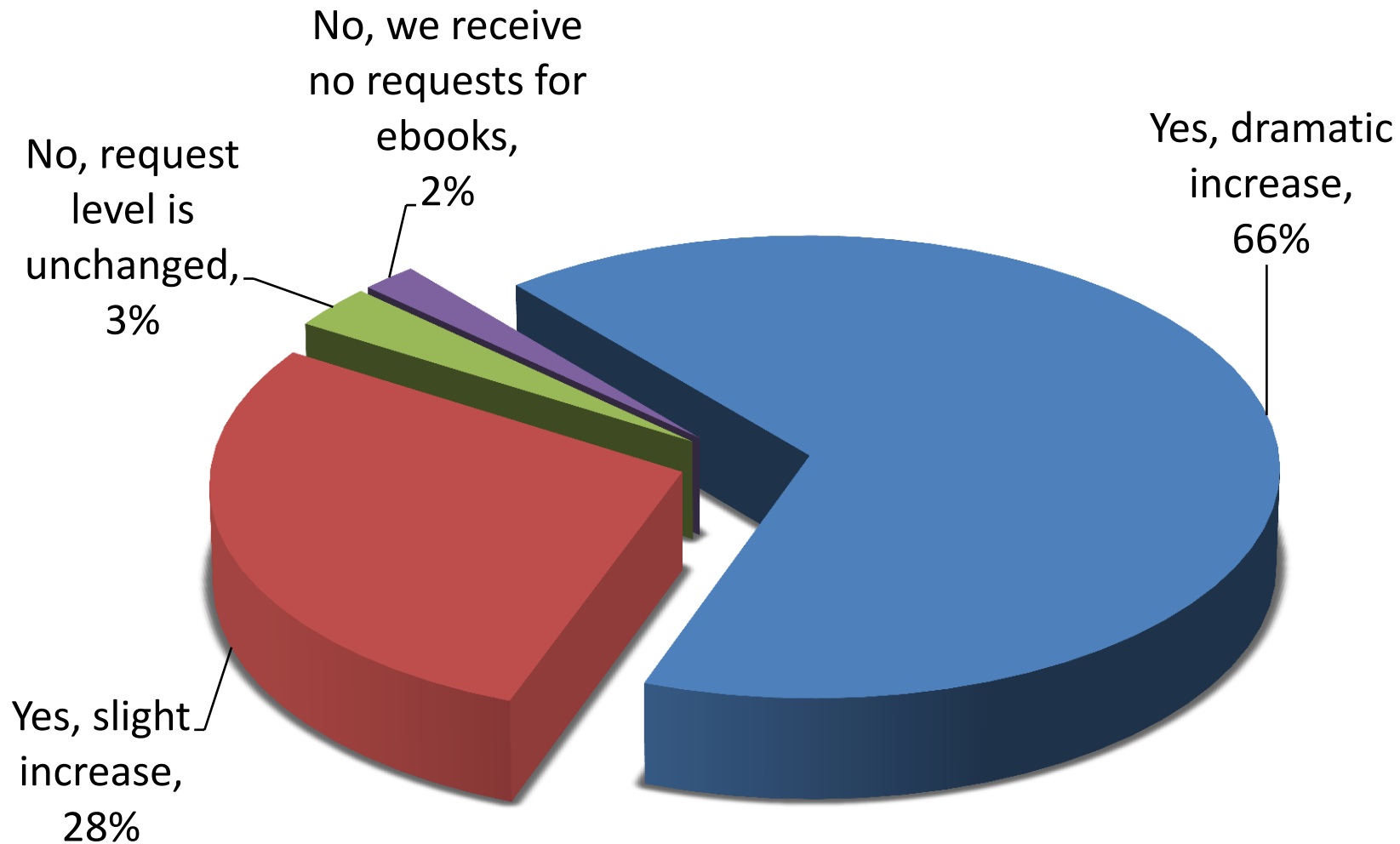
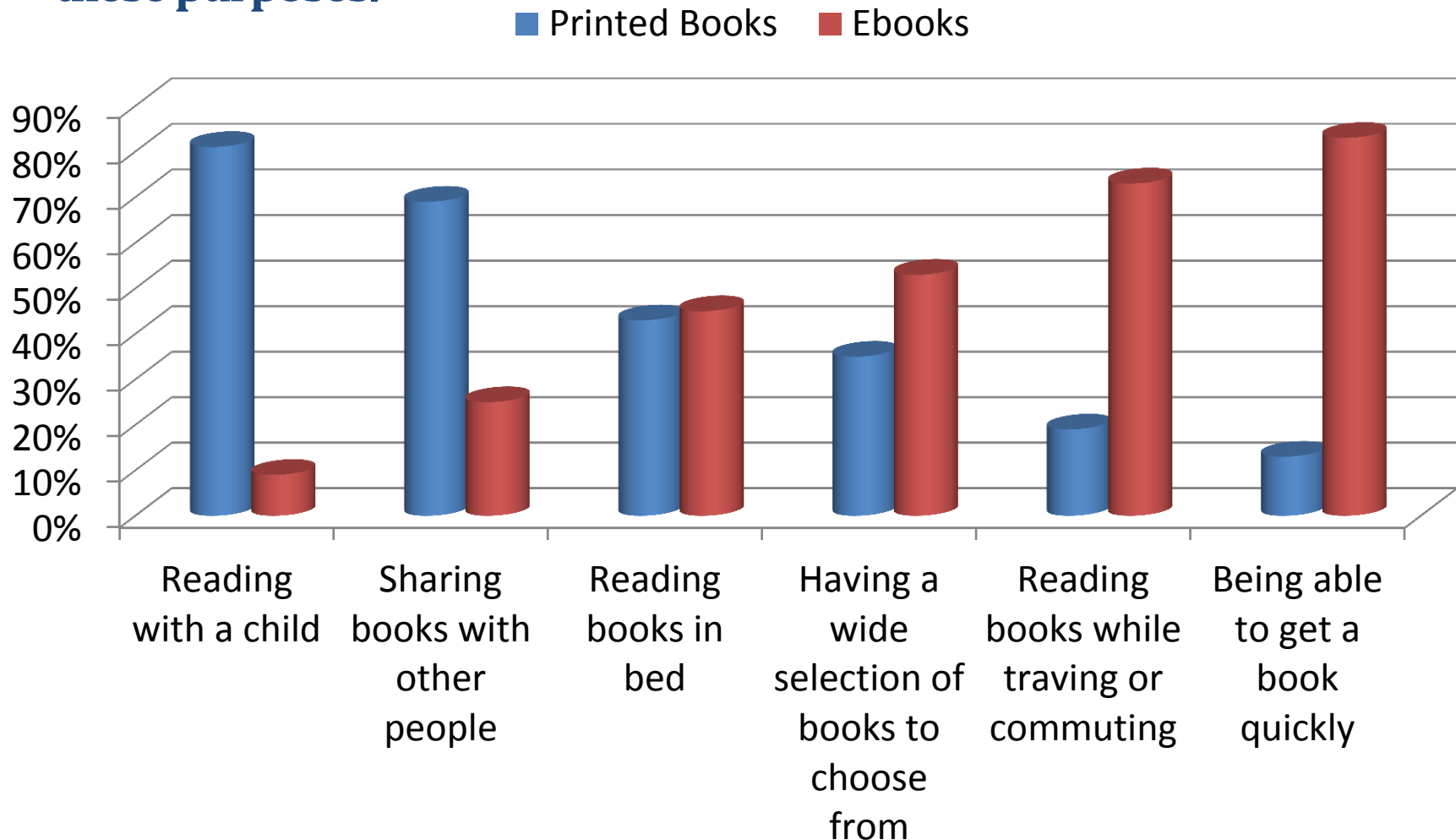


Figure 3. Library Journal (2011, October). Ebooks: The new normal. p.24.

Figure 1: Which is better for these purposes, a printed book or an e-book? Percentage of those who have read e-books and printed books in the last 12 months who say that this format is better for these purposes.



Ebook Categories

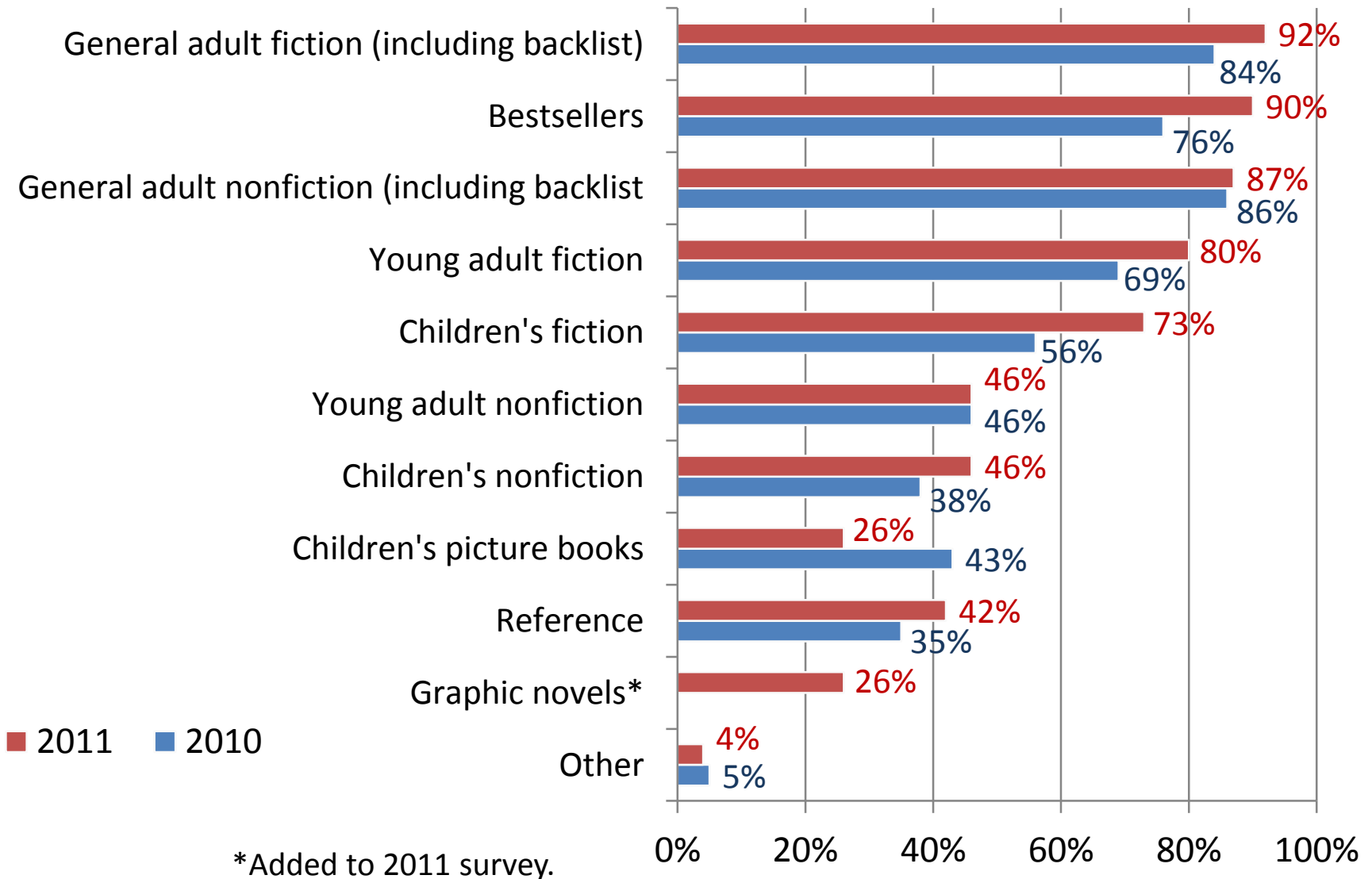
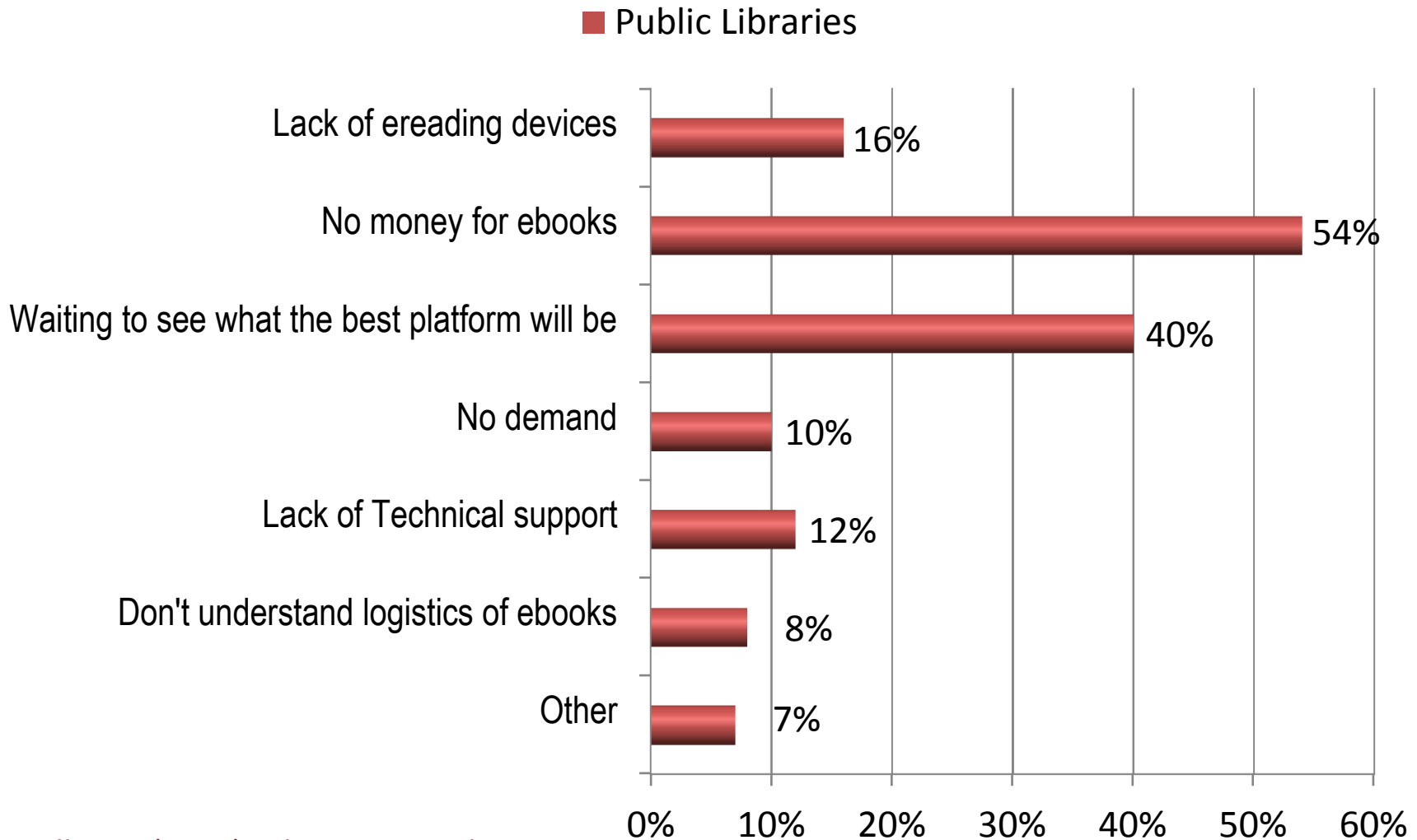


Figure 4. Library Journal (2011, October). *Ebooks: The new normal*. p.30.

Why Not Offer eBooks?



Ebook Circulation – FY2010

All Public Libraries with eBooks

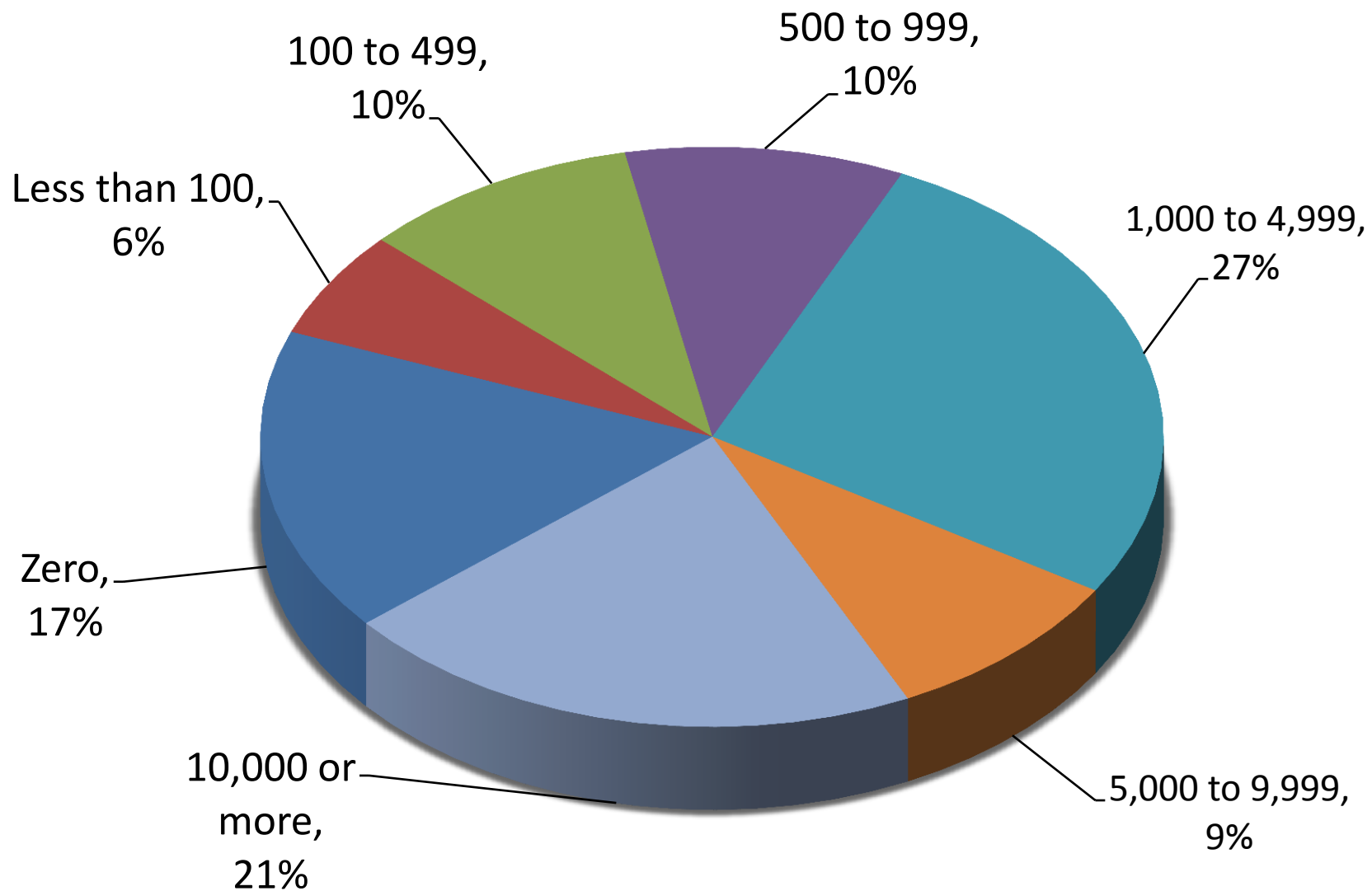


Figure 10. Library Journal (2011, October). Ebooks: The new normal. p.67.

Fair and Realistic Licensing Model

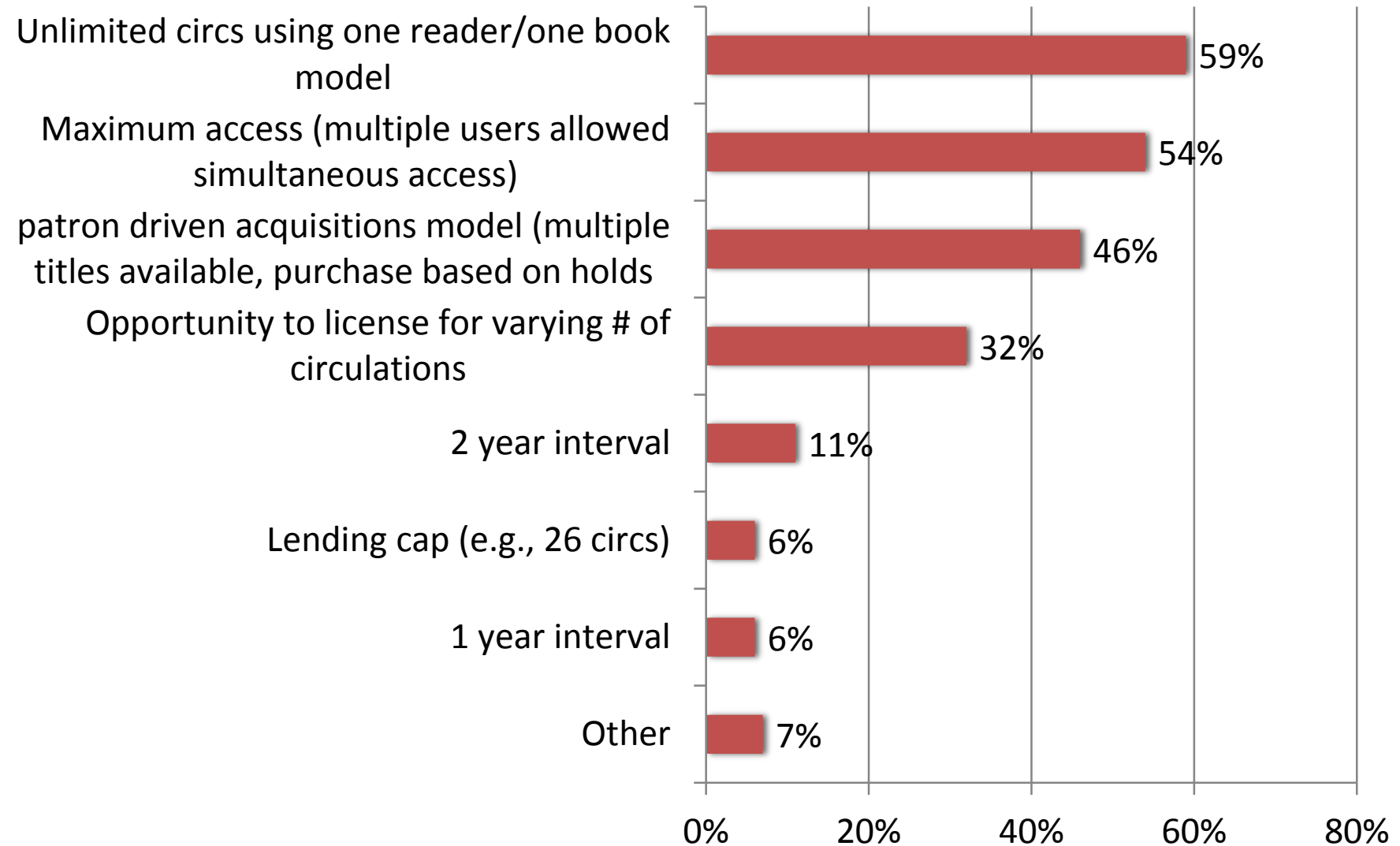


Figure 8. Library Journal (2011, October). *Ebooks: The new normal*. p.52.

As Reported in Scholarly Communications @ Duke

The Case:

Plaintiff: The Authors' Guild and some number of foreign associations similar to AG, plus a few named authors

Defense: HathiTrust and five major U.S. universities

Judge Harold Baer of the Federal Court of the Southern District of the State of New York

As Reported in Scholarly Communications @ Duke

Points and Decisions:

- A motion asserting that “fair use” is not available to libraries, filed by the Plaintiffs.

Decision: Judge rejected the argument and dismissed the claim

- A motion asserting that copyright law does not allow associations (like AG) to sue on behalf of its members, filed by the Defendants

Decision: Judge agreed for US associations, but would not foreclose on foreign associations due to treaty obligations

As Reported in Scholarly Communications @ Duke

- Fair Use arguments given by Defendants

Decision: Arguments so strong that Judge ruled in favor as summary judgment, without a trial

Decision: Use of copyright materials in this case ruled a “transformative use”

Decision: Different purpose served by providing searchable database within copyright materials only being made available to visually - impaired users, thus a transformative use of that material

<http://blogs.library.duke.edu/scholcomm/2012/10/11/a-big-win-for-fair-use-and-libraries>

Suggested Actions to Consider in Developing an eBook Collection

- Undertaking a thorough examination of the technologies, platforms, and agreements that control the delivery of digital content to identify problematic features and inform changes in library policy and practice;
- Updating existing professional standards and policy statements to ensure that they address new technologies and digital content;
- Developing professional guidelines, tool kits, and FAQs that will help librarians in the field assess vendor agreements and develop and propose alternative agreements to protect user rights;

Suggested Actions to Consider in Developing an eBook Collection

- Committing to protect user rights when entering into agreements with vendors;
- Working with vendors and content providers to assure that professional values are “baked in” to technologies and platforms that deliver digital content to library users; and
- Working with legislators, regulators, and library users to ensure that the laws that protect against censorship and preserve reader privacy fully apply to digital content.

Is your Library Part of a Consortium

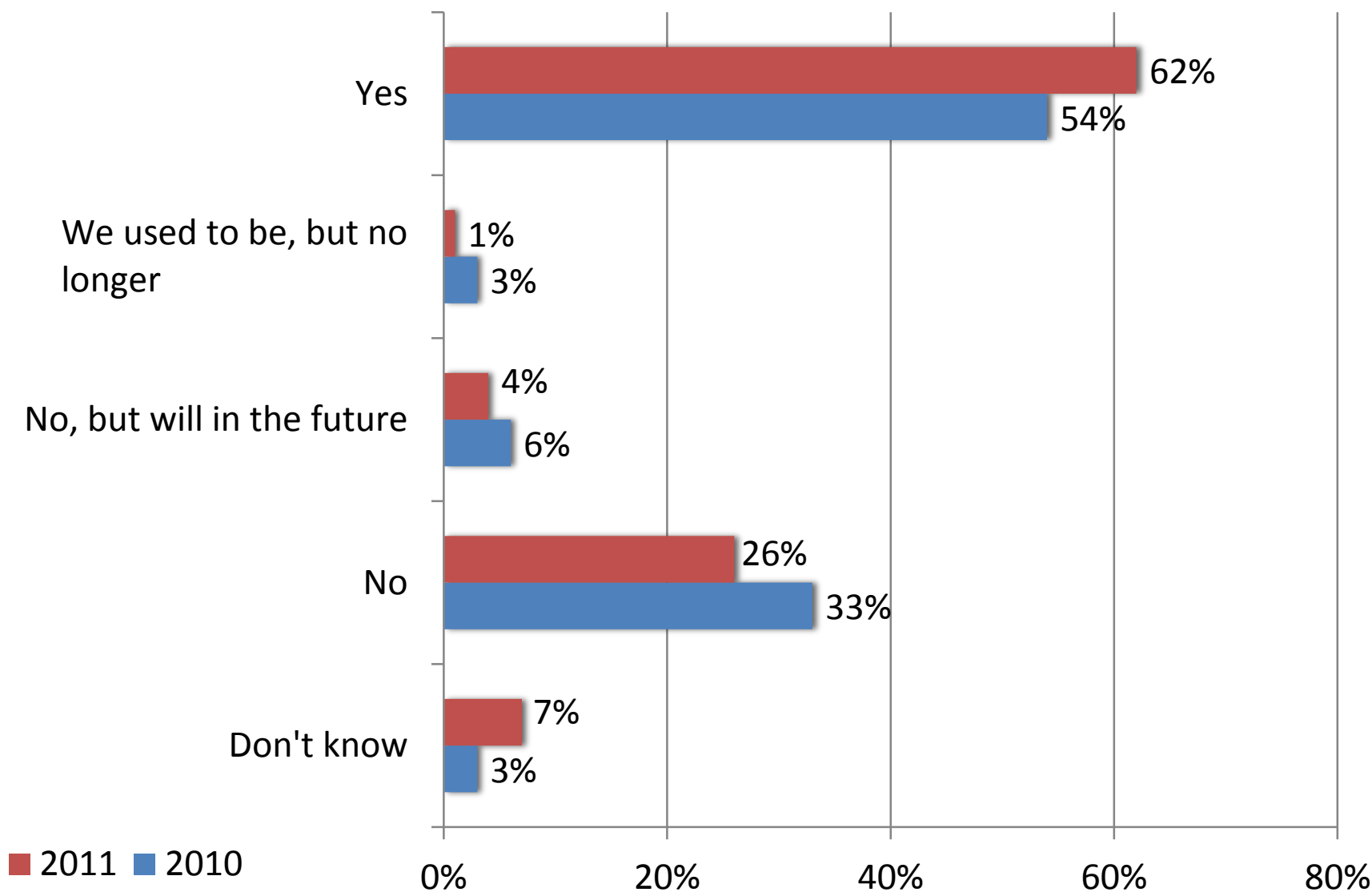
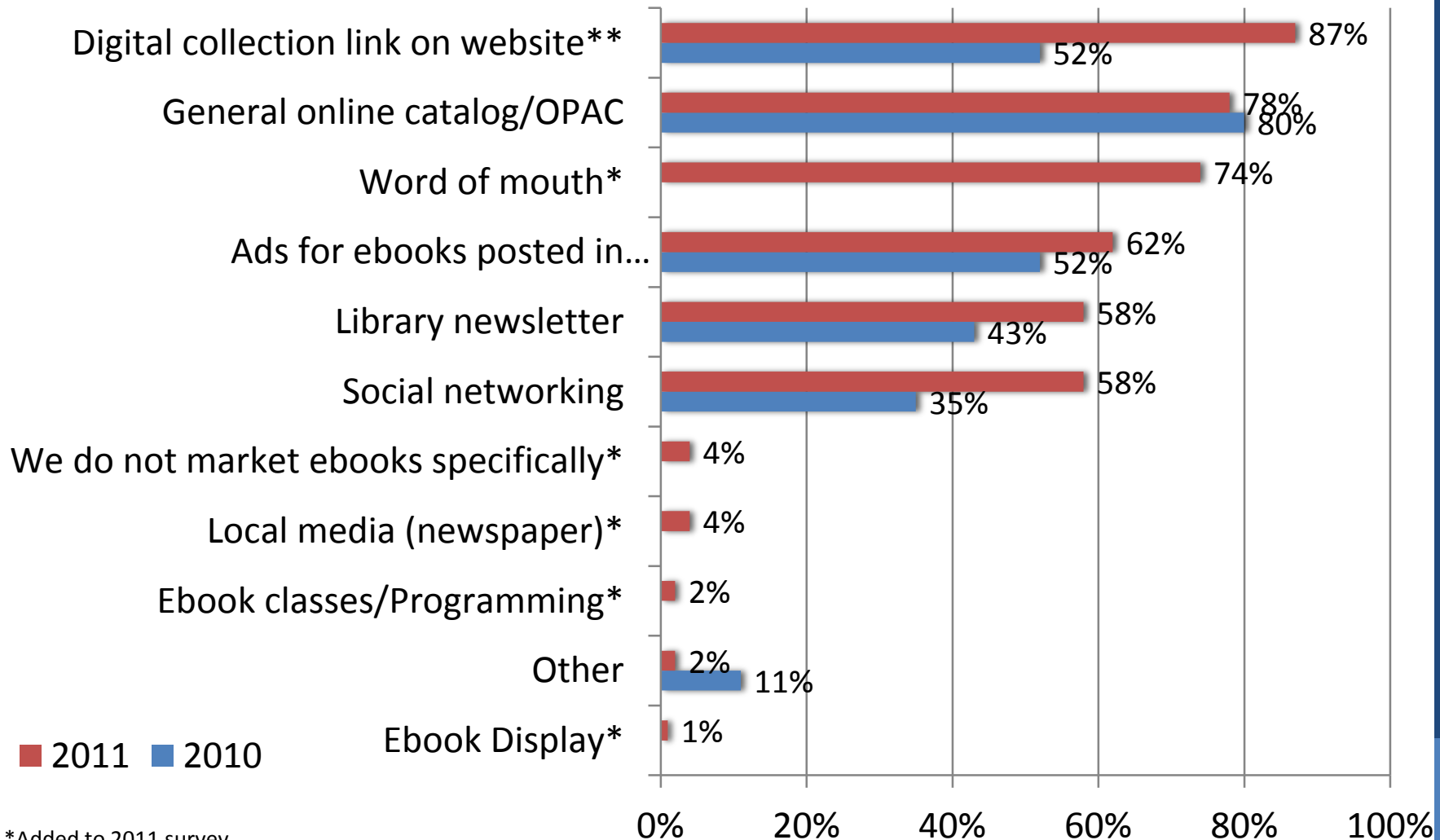


Figure 9. Library Journal (2011, October). *Ebooks: The new normal*. p.54.

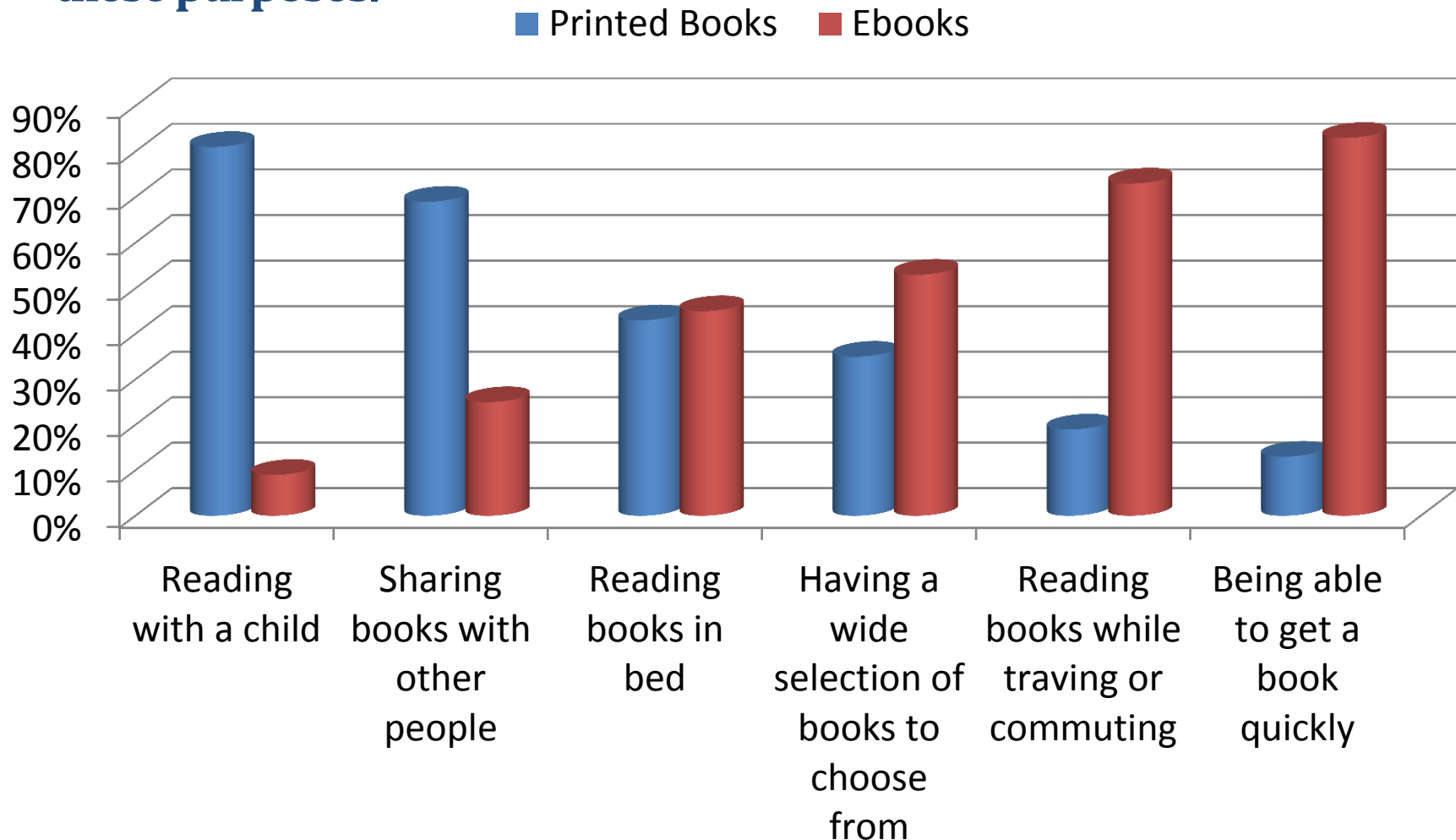
eBook Marketing



*Added to 2011 survey.

**On 2010 survey, this was phrased as "Unique eBook catalog on website."

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Contact Information

jsanders@cityofpasadena.net

www.pasadenapubliclibrary.net

Thanks!