

# The Need for Change: A Position Paper on E-Lending by the Joint Digital Content Working Group

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## Introduction

COVID-19 has for months shuttered most library buildings. Libraries have been forced to operate entirely electronically. Schoolchildren and their parents have been especially disadvantaged: many and perhaps most school systems began in autumn 2020 as online only, with in-school library collections languishing unused. Public and academic libraries started slowly but safely to re-open, often for curbside service only, only to be forced to scale back by an autumn pandemic resurgence. Much concern and uncertainty about safety exists. A study of [COVID-19 and library materials](#) has suggested the virus can survive on commonly used library materials, if stacked, for at least 5 days and even longer on some materials, leading to quarantining periods, complicating circulation, and raising further concerns about personnel and public safety. Even as libraries open, users may stay away or avoid physical materials to avoid any possible virus transmission; a return to using a mix of physical and electronic materials will be slow, influenced by both public health guidelines and public opinion.

While we all look forward to the end of the pandemic, we must also recognize that the pandemic will have lasting effects on society: how we live, work, learn and play. The pandemic has accelerated trends that were already happening; however, the pandemic has also introduced unforeseen new behaviors and expectations. Libraries are grappling with extraordinary demand for both digital content and services--two costly program areas--that will add to the strain on already lean budgets.

This disruption has highlighted the importance of digital media and thus underscored a problem that libraries have raised for years: that some digital pricing and business models unreasonably hamper and sometimes entirely block access for library users. The problem existed before COVID; COVID has just revealed how bad the problem is, as those who rely on library materials for education, information, access to new thoughts and ideas, or simply some comfort in the face of physical isolation face long waits or unavailable materials. For libraries, the inability to provide access is an existential threat, particularly in the age of COVID, regardless of whether it is access to a best-selling novel, an important documentary, the latest research, or a or a book about the Constitution. Those who rely most on libraries – often poor or otherwise marginalized groups -- are especially disadvantaged, as are many students and their families as they struggle to succeed in remote learning situations.

The Joint Digital Content Working Group has developed this position paper, describing some current (and indeed long-standing) problems in providing digital content that harm libraries, and consequently society broadly. Further proposals for particular action may spring from it later.

We recognize many works exist in a commercial framework, and we recognize creators' and publishers' need for fair remuneration. We salute some publishers for adopting [some flexible](#)

[models and sometimes reduced pricing](#) during the pandemic, especially since these changes show that some of the terms we seek are possibly long-term. But publishers should recognize the value of and support the role of libraries in civil society and honor these roles as we transition to the digital age. Libraries help with discovery, often giving new authors their first, vital visibility, and all manner of free marketing for many authors and publishers. Academic libraries create a market for rarely-circulated titles; research libraries in particular serve as the memory for our society. School and public libraries promote reading, growing the next generation of readers. Libraries are an essential part of the democratic enterprise, promoting and sharing ideas, knowledge, and creative expression, ensuring accountability, and preserving the cultural record. Note here that we define works and publishers broadly: not just creators and distributors of books, but audiobooks, sound recordings, moving images and other materials.

To best serve their communities, libraries need the choice among a variety of licensing models from publishers. Libraries and communities differ and have different needs. No one model is good for all types and size of libraries. A blend of models, such as perpetual access to allow for libraries to maintain the history of published works along with circulation-based metered access to allow for libraries to meet burst demand for high-interest works, might meet many situations. Also important are circulation-based metered access and other models to address short-term demands for high-interest works or for limited access by classrooms, book clubs or other groups to meet the educational, informational and civic missions of libraries. Because a huge variety of models could exist—perpetual access, metered by circulation, pay-per-use, or subscription, with or without simultaneous access by multiple users—setting out a “must have” model for all libraries is difficult. In some ways, however, the exact license terms may matter less than price. What we need are models with prices that approximate costs for use of print to deliver digitally the same library service we deliver with physical materials. If this need were met in some form, perpetual access to a title for example would be a “nice-to-have” for public libraries, even at a premium price, but the perpetual use option will always be “must have” for academic libraries. Ideally, we would have access to all copyrighted titles with prices and models that allow flexibility: keeping some titles perpetually at perhaps a higher price while providing greater access to popular titles while they are in high demand.

While some current publisher licensing and pricing models complicate access by library users, other issues also contribute to our ability to meet demand, including library vendor practices and the increase in content (especially streaming) to which libraries have no access. Some aspects of the library digital content experience have improved in the last decade—it no longer takes 17 steps to get a library ebook. Overall, however, licensing models, pricing, and even some content availability is worse than ten years ago. But change is urgently necessary if we are to fulfill our mission while moving to a digital age, a move the pandemic is accelerating.

### **Looming Budget Crisis Impacts Libraries' Content and Services**

The pandemic has done terrible damage to state and local budgets, as well as the broader economy—and it is persisting. Public libraries will face huge budget pressures during the time that the public needs them more than ever. Public libraries are concerned that their staff and services will be targeted for cutbacks. For some, cuts have already occurred with more cuts

promised. School libraries, often poorly funded to begin with, may face further cuts as schools are forced to make expensive adjustments to run virtually and eventually make classrooms safe for in-person attendance. Academic libraries face these same concerns while enrollment fluctuations and disruption create an uncertain budgetary future. With talks of deep budget cuts to compensate for lower enrollments and budget shortfalls, cuts to resources seem inevitable. While there has been considerable talk about some federal relief, the Congress and the President remain at an impasse.

When libraries do reopen, there will be a necessary focus not only on the redesign of physical space to promote healthy distancing and safe face-to-face services, but also a focus on the rethinking of digital resources as well, from equitable access both in-person and remotely, as well as a rethinking of what resources best serve a new financial reality. Libraries will need to scrutinize, even more closely than they already do, how every dollar is spent. Libraries will be confronted with a necessary rebalance of physical and digital resources as many of the temporary financial accommodations from publishers either will not survive or have already expired.

Yet, the preference for digital content will likely continue even after stay-at-home, shelter-in-place, and physical distancing restrictions are lifted. If libraries cannot find ways to make digital collections robust, affordable and lasting, including a return to perpetual access as an option, they will never be able to meet an ever-increasing demand and provide equity of access to the communities they serve.

### **The Public Library: Roles and Needs**

Public libraries have an important cultural mission, existing so that knowledge, culture, and the materials that foster learning may be shared and preserved for all. Every content experience is valuable to the user, be it for research, to improve job prospects, or simply experience the complex and full range of emotions and thought that a novel or music can supply. Recent changes in digital licensing models frustrate that mission even more than previously, and the availability of titles and costs also restrict access for all in public libraries. More broadly, these changes complicate supporting K-12 students in states where there are no meaningful school libraries, even as their need for support increases.

During the pandemic, demand for digital materials has intensified. In the first week of April, 2020, 10.1 million digital books were borrowed from public libraries worldwide via Libby, according to statistics from OverDrive, the company behind Libby, which represents a nearly 30 percent increase compared with the same week in 2019. Nearly all libraries report the same trend. Meeting demand is increasingly a challenge for many reasons. Budgets are a problem. Public libraries are already seeing layoffs, furloughs, and budget cuts, with many or most bracing for the worst to come in the next few years. Yet diminishing revenues are not the only issue. The cost and content licensing models of many publishers make building and sustaining robust digital collections difficult. While some [smaller and mid-sized publishers](#) have offered multiple license models and reasonable pricing for some time, and (as noted above) even some large publishers have made adjustments beneficial to libraries during the pandemic--and we

salute them for showing what is possible--some of the largest publishers' current practices are frustrating and unsupportable, seemingly designed to restrict library readership. We are concerned that after the pandemic, any beneficial changes might also be rolled back.

A [recently conducted study](#) has detailed changes made by the so-called Big 5, the publishers which are responsible for the great majority of best-selling titles that see high demand at public libraries. By 2018, all the Big 5 offered only metered access, giving up perpetual access altogether. The study documents that "the average price per copy [of ebooks] has tripled in nine years at the same time that license models have become much more restrictive." A combination of time-metered access at high prices means a high price per circulation for libraries. Maintaining ebook collections is becoming unsustainable.

[Another study](#), first with a limited number of titles but eventually of 100,000 titles, identifies still other issues in the market. While 65% of older titles in a list of culturally significant works were available in ebook format (as compared to 94% in print)—a rate higher than expected by the researchers-- license terms and pricing did not significantly vary from newer titles. These titles which may be of interest but in lower demand, are less likely to be licensed, especially with time-bound metered licenses. Prices sometimes varied from library vendor to vendor, sometimes as much as 500%. In this 2017 study, license terms also often varied by vendor, though that difference may be less now that at least the Big 5 have adopted the metered license as standard.

A follow-up [2019 study](#) of three vendors in the USA and Canada validated some of these findings, suggesting that prices for the same titles could vary widely by vendor, ebooks generally cost more their print counterparts per circulation, older titles often cost more than might be expected for the same licensing terms, and, while vendor coverage of titles varied more in Canada than in the U.S., no single vendor had complete coverage of all the available titles. Taken together, these studies suggest that maintaining a robust collection of older but still significant or less-high demand titles to match our print collections is nearly impossible, while we cannot necessarily trust publishers to offer the same cost per title to the various vendors or perhaps that all vendors may not reflect all publisher discounts. While it may provide the best "bang per buck," are public libraries destined to offer a revolving carousel of only the titles most popular at the moment? Current Big 5 models drive library digital content selection towards a limited boutique collection, with a [study](#) showing "higher prices result in smaller collections skewed away from the midlist."

The 2019 study cited above also suggests that the availability of titles can be an issue: "collecting ebook titles of less popular interest may be a challenge, especially in poetry, drama, and literary fiction." We shall take up this issue in greater depth below in the academic library section of this paper. For now, consider that "40 titles [out of 574 sampled] were not available to library ebook readers but were available to Amazon users via Kindle, Audible, or both formats." Amazon, which has become a larger ebook producer than some of the Big 5, is increasingly dominating the market. Popular authors, understandably lured by Amazon's deep pockets, are signing deals for titles that Amazon alone carries.

Amazon's failure to license their "exclusive" content to libraries poses a threat to the preservation of content as well as shutting out any reader without or unwilling to use a credit card. Amazon unbalances the library digital content market in another way. It allows only one vendor to offer content in its popular Kindle format. Whether or not libraries should encourage use of a proprietary format that forces readers to go to Amazon, privileging one commercial entity, is a debatable matter. That only one library vendor should have this competitive advantage is not. Since many libraries are unwilling to give up the percentage of readers that use the Kindle format, even if weaning them to a standard format and away from dealing with Amazon might be desirable, competition among library vendors is unacceptably skewed.

Amazon, however, is not the only problem. For public libraries, having all copyrighted works made available to us is becoming increasingly "must-have," especially as exclusive content has become a streaming service business tactic. We shall explore this trend in even more detail in the academic library section below. For now, consider a list of titles that as of this writing libraries cannot provide to our users:

- *Charlotte's Web* ebook (also, *Stuart Little*, *Trumpet of the Swan*, and other E.B. White books)
- *The Coming Storm* digital audiobook by Michael Lewis (Audible exclusive) – not released as an ebook or in print at all
- *In the Heart of the Fire* digital audiobook by Dean Koontz (Audible exclusive) – released as an ebook but not in print.
- *The Mandalorian* (Disney, not released on DVD)
- *Schitt's Creek*, which just won several Emmy awards (Netflix, not released on DVD)
- *The Marvelous Mrs. Maisel* (Amazon, not released on DVD)
- Later seasons of:
  - *Stranger Things* (Netflix)
  - *Grace & Frankie* (Netflix)
  - *Bosch* (Amazon)

How might these problems be addressed? First, no single licensing model suits all library needs. All publishers, and most urgently the Big Five, should offer the option for a perpetual access. Such a license might well be offered at a higher price than a metered model. The option is essential for libraries to build long-term collections as rich as what we offer in print. Furthermore, the time-based metered model, with licenses expiring in one or two years, often results in a high cost-per-use and discourages the licensing of many titles by new or less well-known authors. It should be abandoned for a circulation-based model, with licenses expiring

only after a set number of checkouts have occurred. Only then will libraries be able to know what their cost-per-use on metered access titles might be. During the COVID-19 crisis, at least one publisher is offering licenses on audiobooks in both perpetual and metered models. We salute this practice: it shows that options for variable licenses can be offered. As a gesture of their willingness to work with one of their main customers—perhaps their biggest one—we ask that the Big Five (and other publishers) immediately make these licensing changes, offering both a lowered cost on metered (by circulation) licenses and perpetual options at once. Other models can and certainly should be considered: pay-per-use, subscription, simultaneous use of metered licensed titles, varying prices depending upon the likely demand for titles, etc. But two basic ones—a premium cost perpetual and lower cost metered (by circulation)—are essential if a single low-cost perpetual model is not fair (at least to publishers) on every title.

This change would be a vital step in working together to get content to readers, increasing visibility and ultimately consumer sales, while allowing libraries to develop their best collections. We believe this move will also be good for publishers, as libraries help readers discover items they wish to purchase: [“One of the big concerns](#) in the publishing industry about selling e-books to libraries is that allowing free access to e-books through libraries might eat into book sales. In fact, Pew Research data show that those who use libraries are more likely than others to be book buyers and actually prefer to buy books, rather than borrow them.”

Second, we should as a profession advocate for access to content so that no company can offer competitive advantages to one vendor that lessens competition in the library digital content market. This advocacy will probably have to take the form of legislative action. Tech giant publishers creating content that users cannot access through libraries is a threat not only to libraries but to democracy, deepening the digital divide. Addressing concerns about cost variations among library vendors and ameliorating the need for libraries to have greater choice in selection are more difficult to address. It is to be hoped that all the library vendors will contract with as many publishers and offer a wide a selection as possible. The issue of cost variations could be addressed by greater communication. Publishers might work with libraries more and announce sales. Library vendors should be open about pricing and always reflect publisher discounts when such discounts are offered.

Existing license models are not sustainable for libraries. Library users are being excluded from reading as surely by those models as they are by the physical barriers to borrowing created by the pandemic. We seek a fair deal for all, but we must wonder if a digital version of first sale would best suit the need for public access, with the original intent of copyright in mind: to “promote the progress of science and the useful arts—that is—knowledge.” Perhaps legislative measures may need to be enacted if we cannot find some middle ground with publishers. Interestingly, on April 28th, 2020, the Congressional Research Service (CRS), a “nonpartisan shared staff to congressional committees and Members of Congress [operating] solely at the behest of and under the direction of Congress,” released a [“Legal Sidebar, COVID-19 and Libraries: E-Books and Intellectual Property Issues.”](#) It “explains how copyright law governs e-book lending; describes how the COVID-19 pandemic has affected e-book accessibility; and outlines some possible legal approaches Congress may consider.” Though not without flaws from a library perspective, that report suggested “Congress could now re-examine the market

and determine whether it has matured sufficiently and in a manner that would warrant” providing “limited copyright immunity for library e-book lending” or even a “digital first sale doctrine.” We as a profession must continue to work with our legislators to keep them informed as we move into an increasingly digital world.

### **The Academic Library: Roles and Needs**

Academic libraries, particularly research libraries, are critical stewards of cultural memory, and publishers of all kinds must offer content in a way that supports this basic function, for otherwise the content is all but useless for our purposes. Access to the contents of research libraries are critical to the function of the enterprises of teaching, research, and scholarship. When content used in teaching can't be shared with students, learning is hindered. When content used for research can't be accessed, scholarship is hindered. In such a world, discovery, innovation, and progress is lost. Academic libraries serve the broader enterprise of research and education, often with methods such as inter-library loan (ILL) that are less viable during a pandemic and increasingly dated in a digital ecosystem, and changes to enhance this mission are necessary.

While publishers have sometimes been forward thinking in their delivery of and licensing models for front list books, access to backlist and out-of-print items has lagged. As a result, millions of titles are inaccessible on the shelves during our current crisis are totally unavailable since they do not exist in digital form. The market is failing to meet research needs. A [study](#) cited earlier gives some specific examples. While it mostly examined current titles and did not survey every Pulitzer Prize winner, for example, it found huge gaps in availability. Unavailable titles from before 1990 include six Pulitzer Prize winners or nominees and other significant titles:

- *A Summons to Memphis*, Peter Taylor (1986, Pulitzer)
- *Elbow Room*, James Allen McPherson (1977, Pulitzer)
- *Guard of Honor*, James Gould Cozzins (1948, Pulitzer)
- *Humboldt's Gift*, Saul Bellow (1975, Pulitzer)
- *The Elected Member*, Bernice Rubens (1969, Booker Prize)
- *The Way West*, A.B. Guthrie (1949, Pulitzer)
- *Tales of the South Pacific*, James A. Michener (1947, Pulitzer)

A wider study would certainly find other works of scholarly interest to be unavailable. Libraries have proposed a solution, controlled digital lending, that would provide access to those titles while preventing mass distribution of titles that publishers have not digitized and commercialized. Controlled digital lending is a stop-gap measure, but it at least allows access to works otherwise unavailable in digital format: almost invariably out-of-print, perhaps with little commercial market, but still culturally significant. Despite market failures and even during

emergencies like COVID, it is still not a replacement for properly produced e-books from publishers.

The same study also suggests that even when under license, titles of academic interest might be unavailable due to a combination of pricing and licensing. For example, “The Collected Stories of Katherine Anne Porter costs \$10.95 in print in the U.S. All three U.S. ebook vendors sell it for \$40 on a 24-month license. This title is culturally significant. If it had a guarantee of 52 checkouts in 24 months, costing 77 cents per use, many librarians would likely purchase it. If it circulates 10 times in its license, its cost-per-use is \$4 for the ebook. For print, the cost [for the same number of circulations] would be about \$1.10, and the book [might well] still be available [after two years].” This title would not be suitable for a class read because the ebook could only be accessed by one student at a time. A high cost-per-use for a short license period may be unattractive in digital format for academic libraries and certainly raises concerns about maintaining long-term preservation without controlled digital lending.

Audio and moving image material is even more problematic for academic than for public libraries. Libraries hold sizeable inventories of physical versions of these materials that are now inaccessible. When a title is not available in digital form—for example, of a title that is on reel of film—current law on media often prevents libraries from creating a digital copy that can be shared. Libraries can often only provide access to titles available from a streaming vendor, and of course not all titles are even available in this way. A specific example is instructive: one of our group members, an academic library, was asked to provide, if possible, access to two documentaries recently for classroom use: *The Social Dilemma* and *Living on a Dollar a Day*. Neither could be provided. The inability to provide *The Social Dilemma* was particularly frustrating for librarians and professors because of the timeliness of the election, which had led to many requests for use. *The Social Dilemma* is only available on Netflix and *Living on a Dollar a Day* is only available on Amazon Prime.

For many academic libraries, streaming access is in any case beyond financial reach due to exorbitant pricing models by the vendors. The model for streaming is usually 1-3 year licenses at rates similar to public performance rights, even if it is a single researcher accessing the digital title. As we look to the future, where more and more digital material is available streaming only, the ability of academic libraries to serve faculty and students is increasingly under challenge. The lack of an ownership or perpetual access model for digital media conflicts with the academic library’s mission to build collections and provide ongoing access as well as threatening these titles’ future preservation. Some vendors do not even offer an institutional pricing model at all, transferring the burden to students via their personal streaming accounts like Netflix, Hulu or iTunes. This model in particular creates vast inequity among students, who must have a credit card on which to pay a monthly subscription fee or per-title access. These examples illustrate that pricing is not the only barrier. In many cases, the content is not available to libraries in a form and with terms that is accessible to users at any cost.

Textbooks in digital format are a long-standing problem. E-textbooks have been shut out of the library ecosystem for many years now. Many schools tried their best to at least maintain a print copy for the sake of preservation. For college textbooks, there have been initiatives to ensure



access to print texts to students through reserves collections. For K-12, there are many state initiatives to ensure that state-adopted textbooks are on the shelves of academic libraries' curriculum centers. The current crisis has accelerated the already quickly growing market of electronic textbooks—run through student bookstores and often tied to an individual access key that expires at the end of the academic year. This model does not allow for the multi-person access on which library missions are built. They also do not allow for long-term preservation for future researchers and historians to study the history of education in our country. Now is also a good time to revisit this model with publishers to correct this decades-long pattern of shutting libraries out of textbook collection. Electronic textbooks are increasingly important for student success, particularly for the most challenged and disadvantaged students, as our institutions of higher education and libraries try to support these students in the current emergency and through the future changes in teaching.

Research libraries expect and require the ability to provide access to the cultural record that has been collected for centuries to their users in the format that is necessary for that moment. Limitations to distribution are necessary but the inability to purchase and maintain digital copies impedes the fundamental mission and purpose of a library. This is utterly unsupportable and may ultimately require legislative solution.

Publishers' use of licensing models over ownership models prohibits the cultural stewardship role of the academic library. Publishers in general, and academic publishers in particular, must return to a perpetual use model if this option has been abandoned. Vendors of streaming film should adopt models that allow perpetual access and that do not place public performance rights prices on films that are often being used by only one researcher at a time, or at least provide a licensing option to institutions allowing for less expensive individual viewing.

## **School Libraries**

Even more than for public and academic libraries, the pandemic has complicated the use of ebooks and other digital content in school libraries. These librarians face special challenges with acquiring and sustaining digital collections, even as demand for digital is increasing. Some of the issues these libraries currently face are unsolvable by librarians. With many districts opening only virtually at the start of the fall and delaying in-person attendance with the later resurgence of the pandemic, many students, perhaps particularly in less affluent or rural areas, simply don't have access to online instruction, much less school library materials. One of our paper's authors lives in a rural county. There, even affluent neighborhoods may lack broadband access due to the failure of providers to reach the "last mile." Wi-Fi hotspots, though relied upon by schools as a stopgap, may not help due to poor cellular coverage. While smart phones may seem ubiquitous today, [teachers report](#) that "lack of access to unlimited-data plans proved to be a barrier for some . . . students." Nationwide investment in public broadband—a need nearly as important today as electricity to be informed and participating in society is needed.

Even where broadband exists, however, difficult problems complicate access. Funding is paramount among these. For example, according to Melissa Jacobs, Director, New York City Department of Education, New York City School Library System, funding for school libraries in

New York state is \$6.25 per student. With this budget, school librarians are hard-pressed to provide print books in normal times, much less to provide ebooks or other digital content which might cost \$65 or more to license. While some providers of digital materials to schools are more likely to offer perpetual licenses than the Big 5 are to public libraries, the prevalence of “exploding” time-bound licenses in areas such as best-selling teen titles can make licensing all but impossible. A recent article in *School Library Journal* by Lauren J. Young, “Fast & Curious: Librarians Grapple With The Ins And Outs of Purchasing Ebooks” concurs, suggesting that “acquiring and distributing ebooks can be a flawed and complicated business.” While many companies offered materials for free at the start of the pandemic, “many free services have expired, despite the hundreds of schools still remote learning or limiting on-campus activity. Now, librarians are left with a tough decision: Do they continue with a paid ebook service?” The author concurs that “The cost of licenses, like single user ebooks, can quickly eat up a budget if not planned carefully. Exorbitant prices and ongoing fees to maintain e-collections are a major block” and that expiring licenses are “budget destroyers.”

Of special interest to school librarians are class sets, which the librarians would provide for one of the most important clients: teachers. Class sets must be available in some way to many students at once. They might be available simultaneously on one license, or at the very least at low cost per title for a number of licenses. Class sets are unlikely to be needed for more than a month or two, and then yet another title might be needed. Such short license terms (or low costs) are unlikely to be available for most titles. Even when available, licensing can be difficult, with many school systems requiring a longer purchase order process that complicates being nimble enough to work quickly to get new titles once older titles are completed. Titles that are available this way may not always suit the needs of a particular teacher or group of students; teachers must then use what is available, with the content tail wagging the educational dog. Selection can be particularly frustrating for schools with large numbers of English Speakers of Other Languages (ESOL) students, as books in other languages may be limited in number. There is, however, an even more problematic alternative. Ms. Jacobs trains school librarians to be digital content license experts for the teachers and to know and use digital content properly, an educational function that is vital since many teachers may not be aware of the fundamental difference between copyright and license. Many schools may not have the luxury of a school library, much less a librarian. If schools do not have the funding to hire school librarians trained in this way, teachers may be confused about how best to provide access to protected content. use of titles can occur not supported under fair use. School librarians face the same constraints on providing textbooks that academic librarians do. With a textbook market set up to license only for individual rather than group use (or appropriate text books possibly not available in digital format at all) and with acquisition of class sets being nearly impossible, the school librarian faces a daunting task in meeting educational needs, even as teachers are most desperate for digital content while students face challenges with new modes of learning that may not be enhanced by quality monographic titles. Teachers and students—often perhaps the most economically vulnerable students—end up frustrated, and the educational enterprise is imperilled in an already difficult time.

There have been some innovative efforts to address these problems. The Internet Archive’s [Open Library Student Library](#) makes many titles available, but, being based on Controlled

Digital Lending, cannot fill the need for class sets. The [Open Ebooks app](#) makes thousands of quality titles available for free, with no waiting and simultaneous use possible. Use of this resource is, however, limited to students who qualify under Title 1, with special codes being needed for access. The distribution of codes and passwords is cumbersome and creates additional obstacles for students. This initiative is a fine effort to confront a big problem but until access can be expanded—which would require the permission of the publishers providing the books—it cannot meet many needs. The initiative for public libraries to work with school systems to provide every student a library card is laudable indeed, but shifts the demand to a source also generally unable to provide most titles simultaneously, or at least not without paying a cost-per-use that might preclude purchase of much other digital content for public library users. Nevertheless, the example provided by Nashville’s [Limitless Libraries](#), in which public and school libraries are completely integrated, is instructive. The Georgia Public Libraries eRead Kids project, providing “more than 15,000 electronic and audio books,” is for children from pre-K through fourth grade” and is available to all Georgia Public Libraries. A project extending an initiative like this to all schools, perhaps partnering with public library, local, state, federal, and grant funding, might begin to meet school librarian needs. Our group encourages district, state, and federal funding of school libraries as one way to close the digital divide, and the development of shared content at the state or even national level, with publishers seeing how they can develop future readers as a possible gain.” Until the will and funding to build such projects can be found, however, better and more flexible licensing models to meet school library needs, is imperative. As noted by [Kipp Bentley](#), “Even with increased 1:1 laptop initiatives, schools’ purchase and use of ebooks has leveled. A big reason for this is the draconian restrictions book publishers have imposed on ebook lending.” Meeting student need for content is a pressing challenge, yet many U.S. public and non-public school libraries cannot afford ebooks at all. Because of their greater cost and restrictive licenses, digital audiobooks have little place in many school libraries, though “reluctant readers” might benefit greatly from them.

## **Conclusion**

If libraries can acknowledge the critical role of the publisher in our information ecosystem and broader society and publishers can respect libraries’ responsibility to a public good that goes all the way back to the formation of our democracy, then perhaps we can meet on a middle ground. Library purchasing, marketing, and engagement are economically advantageous to publishers. Especially now as publishers are also under financial stress with layoffs, furloughs and budget cuts, and some avenues that authors use to earn income such as book tours are closed, the need for dialog is paramount. Both sides can benefit by recognizing that people create books, film, and other expressions of knowledge not only for financial gain but as an expression of thoughts and ideas, and libraries can help publishers and authors survive economically not only in a difficult time but in an increasingly digital age. Put simply, a writer needs a reader. The publisher and the library connect the two. And works deserve to survive, and to be preserved across time. This is the ecosystem that we should be striving to preserve—the one that symbolizes the freedom of the mind.

This is a powerful moment for libraries, a juncture where there is an opportunity to evaluate and require equity in terms of the three components necessary for a successful library experience:

access, discovery and delivery. As usage by library patrons increases, and as academic and school libraries increasingly turn to digital, libraries are in a strong position to advocate for digital equality.

This is the moment for libraries of all types and the funding agencies that support them to call upon publishers to increase and improve access to new and exciting e-content to our customers, regardless of their ability to pay and to be fair in their pricing and delivery methods, not just now, but from now on. Libraries must require publishers to offer new ways for our customers and community to discover the informational, educational and recreational resources public libraries provide, whether printed, online or virtual.

As a united group of public service institutions, libraries must ask publishing leaders to join us in creating a model that calls for open accessibility and equity not just some of the time and not just for some of the people, but also for everyone, all of the time, under any conditions, in any market, as a matter of industry practice.

Libraries should remain steadfast in doing what benefits their patrons. An increasing preference for digital content will continue even after stay-at-home, shelter-in-place and physical distancing restrictions are lifted. If we cannot find ways to make our digital collections robust and lasting, including a return to perpetual access as an option, libraries will never be able to meet an ever-increasing demand and provide equity to the communities we serve.

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