E-books and a public lending right: is time for an update?

November 13, 2015

The current debate in Europe is not set to last forever. They are legally established with the limited number of e-books that publishers make available for a lending public libraries, whereas in many EU countries, this process has various and complex borrowing conditions set by publishers. As part of the plr, public libraries are expected to pay a set of licensing fees in order to get access to e-books. In this context, it is important to consider whether the extension of the PLR to e-books is feasible and whether it meets the needs of the authors. This term was not yet defined by the literature and is not tied to copyright law. Thus, the PLR Commission has full authority to decide on what conditions the PLR funds will be distributed. Following a few years of discussion, the PLR Commission decided that it could not be included in the scheme as of 2008. Since the Canadian system is based on holdings and not on the number of books, authors whose books are available in e-format will not thus be affected by the duration of their e-books. The authors argued that it would be a cultural support scheme and the measure would not be based on copyright law.

A similar argument, with the PLR as a source of social support, has been established in Canada. As Peter Sieghart from the Canadian PLR office explained, the Canadian PLR office is recognizing that the British government intends to pay publishers in order to make more books available for electronic reading. Following a few years of discussion, the British government has extended the PLR to e-book downloads occurring within the premises of UK libraries. Currently it applies only to on-site lending, i.e. to e-books that are downloaded inside the premises of the library and the UK government decided to extend the scheme to off-site downloads. This would trigger the making available right that is harmonised under the EU Information Society directive and therefore the PLR action would be weakened. Initially, the UK government promised to push for such action at the EU level. However, more recently they have suggested looking for voluntary private stakeholder solutions on the issue. Keeping in mind the fairly conflicting relationship between UK publishers and libraries on e-lending, it will be interesting to see where such private party negotiations lead.

Even more interestingly, Annette Bach from the Danish PLR office explained that the Danish PLR office is recommending that the British government intends to pay publishers in order to make more books available for electronic reading. The government report in favour of the extension of the PLR scheme for a few was issued in June 2015 and the corresponding implementation is expected in 2016. The speaker argued that it would be a cultural support scheme and the measure would not be based on copyright law.

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