



department for
**culture, media
and sport**

Government Response to the Independent Review of E-Lending in Public Libraries in England

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Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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Section 1: Introduction

Libraries services are evolving, and E-Lending represents one of many technological developments that can help them meet the increasingly high expectations of their membership. Many library authorities have been quick to embrace early E-Lending solutions, and others are investigating provision that meets local demand.

My thanks go to William Sieghart, and his advisory panel, for his timely and insightful review of E-Lending in English public libraries. I also thank all those who have engaged with the review, through the call for evidence, or for contributing their time, expertise and perspectives.

I welcome the reviews findings, and hope that all those engaged in the sector can play their part in moving forward the proposed developments.

Ed Vaizey MP

Minister for Culture, Communications and the Creative Industries

Section 2: Government Response

In his review of E-Lending, William Sieghart has made several recommendations for E-Lending best practice, in core principles for this developing sector, in recommendations for future collaboration in the sector, and developments to Public Lending Right.

Core Principles

- 1. Public libraries should be able to offer remote E-Lending service to their readers, free at point of use.**
- 2. The interests of publishers and booksellers must be protected by building in frictions that set 21st-century versions of the limits to supply which are inherent in the physical loans market (and where possible, opportunities for purchase should be encouraged). These frictions include the lending of each digital copy to one reader at a time, that digital books could be securely removed after lending and that digital books would deteriorate after a number of loans.**
- 3. The exact nature of these frictions should evolve over time to accommodate changes in technology and the market.**

We welcome the report's recommendations for guidelines for E-Lending in public libraries.

Publishers and booksellers are crucial to maintaining and supporting a creative literary environment- E-Lending should aspire to complement their industries, and offer new opportunity for engagement with libraries and their readers, rather than representing a challenge to their viability.

As a continually evolving area, with new entrants entering the market, we support the recommendation that flexibility should be maintained, to allow for growth, innovation and the widest offer for public library users in the future.

Future Collaboration

4. A number of pilots in 2013 using established literary events should be set up to test business models and user behaviours, and provide a transparent evidence base: all major publishers and aggregators should participate in these pilots.

A transparent evidence base will inform both further development of E-Lending provision, and establish appropriate levels of support for this diversification of service. Whilst individual publishers, library services and aggregator services conduct their analysis of trends and demands, the motivation to conduct broader, collaborative research is a public policy interest that we acknowledge.

The British Library Trust was established in 2012 to, in part, advance and support the efficient management of other libraries, library facilities and information services conducive or complementary to the work of the British Library. We therefore welcome their funding of this significant research project for the sector, around a series of library-based publishing events in 2013, and look forward to the findings providing an informed appreciation of the E-Lending environment in English libraries. We thank those in the sector who have agreed to approach the development of this research with open minds, for the benefit of future e-lenders. We will consider how the relevant questions within our Taking Part survey could be improved to generate further intelligence about users' digital engagement with public libraries in England, including E-Lending. We will make improvements to the Taking Part questionnaire in time for the 2013-14 survey.

Extension of the Public Lending Right

5. The provisions in the Digital Economy Act 2010 that extend PLR to on-site e-loans and e-books should be enacted.

The Digital Economy Act 2010 (“DEA”) contained provisions to extend PLR to cover loans of audio-books or e-books. In the challenging economic climate it has not been possible to date to bring those provisions into force. The evidence received by William Sieghart and his Panel suggests that the number of these loans is increasing.

The challenging economic climate continues, but Government will consider commencing the appropriate provisions of the DEA 2010 to extend PLR to audio, e-audio and e-books.

6. Further legislative changes should be made to allow PLR to take account of remote e-loans; and the overall PLR pot should be increased to accommodate this.

It is clear from evidence submitted to the review that those library authorities already offering E-Lending are embracing remote lending, both as a practical solution to catering to the many technological variants and to meet their membership expectations, often by contracting the services of third party aggregators who liaise with publishers on their behalf.

The reason that the e-book provisions in the DEA only allow downloading from library premises is because under the Copyright Directive authors are provided with the exclusive right to authorise or prohibit any communication to the public of their works. This includes making a work available to the public by electronic transmission in such a way that members of the public may access it from a place and time of their own choosing. This is provided for in section 182CA of the Copyright, Designs and Patents Act 1988.

If remote loans are becoming the primary method of E-Lending in from public libraries, then a fit for purpose PLR should reflect these habits and recompense authors as for other loans from public libraries. Extending the PLR to incorporate remote lending will require primary legislation, and is an amendment we will seek to pursue in future parliamentary sessions, subject to considering whether that would be compatible with the Copyright Directive. Any increase to PLR funding would need to be considered against evidence of increased loans within the increased remote scope.



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