We Love E-Books!

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True confession: I really love e-books. They are so convenient. They travel easily and open up so many interesting possibilities both for managing and for creating new scholarship. But I also prefer to borrow rather than buy a lot of books. My tastes are esoteric: I want to explore and try new things without spending too much money. Unfortunately, I can’t seem to combine these two desires very well when it comes to e-books. Why can’t e-books play nicer with libraries?

Oh, the simple days. . . . You borrowed a book, you read the book, and you returned the book, hopefully on time. Maybe you even bought a book, read the book, lent the book to your friends, and later donated it to your local church for its annual flea market. Or you left your fabulous book collection to your family or your alma mater in your will. Whether a book was borrowed or bought, the content and its delivery mechanism were wrapped up in one nice little package. If the book was borrowed from the library, maybe it was even wrapped in a crisp plastic jacket not to be removed.
Today your library, if it’s like mine, wants to lend *everything*. You name it, and the library wants to put a barcode on it and start checking it out to anyone who comes along. But have you asked about e-books at your academic or public library? If so, did you witness vacant stares, dodgy behavior, or offers of exotic workshops? It’s easy to understand why users think libraries "don’t like" e-books or "can’t figure out" e-books. The slowness to lend e-books makes librarians look bad, stuck in their ways, or lacking in technical chutzpah. But really, libraries want to lend everything!

Today, your library might be able to lend you an e-reader, and it might have quite a few e-books, but I’d venture to say that the scenario of users ably borrowing devices and e-content from a library, academic or public, is rare. You can borrow a really nice $2,000 laptop, and look at e-books through a browser, but a $200 reader with an e-book? That’s unlikely.

Yet this should be simple. Have you bought an e-book from a major corporate provider like Amazon? In under a minute, the book will be in your hands. Even your grandmother can do it! Have you borrowed an e-book from your local public library? If you haven’t, try to do so. If you have, you may have had the same experience most people do: the complexity is beyond mind-boggling. Teaching grandma UNIX seems easier. And even if your academic library is providing e-books, have you seen much choice in the available popular titles? It’s no wonder library users think: “Nice job getting all those articles in your catalog, but why can’t you figure out how to get them on my e-reader like the rest of the world can?"

In addition, whereas the purchase/download model for e-books seems to have sorted itself out, the e-book lending world of libraries is still like the Wild West. New models appear, models vary widely, formats are in flux, and limitations vary from wide-open to extremely restrictive. Throw in added complications like user authentication, lending to personally owned e-readers, and (shudder) library consortial licensing, and the result is a mess. Not willing to wholly re-invent the marketplace to account for libraries—and for lending generally—purveyors have yet to come up with good models for libraries. (I use the word "purveyors" here because they are in the
business of providing platforms for e-book delivery and not the more traditional publishing services.)

But why should purveyors even bother with libraries? With Amazon.com reporting that sales of e-books now exceed those of print books, the marketplace isn’t demanding easy lending. I was ecstatic to hear about a new functionality that allows e-book owners to lend their copy of an e-book to someone else. Then I discovered that its availability is extremely limited and that even when it is enabled, the number of times a purchaser can lend a book is restricted to just once or twice. Sad.

Purveyors of e-books are still trying to figure out how to ensure the continuity of their revenue streams as they move from print to digital formats. Notions of lending do not fit in these models, just as sharing never fit in the models for music or movie companies when they slammed headlong into the digital content world. Publishers believe that sharing doesn’t make good business sense, and now it’s their turn to experience the same growing pains as did the entertainment industry, evidently with few lessons learned. E-books open up new opportunities for purveyors to revisit entirely the rights and privileges delivered to the license-holder—in this case, the library. Any benefits that copyright and/or fair use may allow can be set aside by licensing terms. This means there is an opportunity for the purveyor of content to legally deny the buyer the rights and privileges that came by default with old-fashioned print book purchases. If you don’t typically think of the library (or even yourself, as a reader) as a "license-holder," you better start to do so.

So here are the librarians, trying to help people use e-books. Some library staff are genuinely good at this, despite the complexity and ever-changing landscape. Sometimes I feel like we librarians are making headway, but time and again, we run headlong into barriers. What would I wish for, if I could wave my magic wand across the e-book landscape?

1. For all library e-books, regardless of license terms—whether unlimited use, five uses and then buy, or a temporary collection replaced cyclically—the owning library may
loan an e-book to another library. I won't dictate the technological solution, but this has to happen or libraries as we understand them will be fundamentally altered.

2. E-content purveyors must recognize (and libraries must demand) that fair use—even with all of its limitations—remains in force and should not be undone by licensing. Licensing agreements restrict learning and teaching by conveniently placing a set of terms between the consumers of content and the provider. When the “consumers” are students, society as a whole loses if they cannot access the knowledge they need.

3. Library-owned e-books should not become second-class substitutes for personally purchased ones. E-book purveyors need to invent creative ways for libraries to use e-books on e-readers, not just on old-fashioned computers. This is happening, but too slowly.

4. We need an electronic content doctrine equivalent to the first-sale doctrine. As consumers, we must think about what it means to lose our first-sale rights, which allow us to sell, lend, or give away our physical books. Today, any e-books I purchase will pretty much vanish when I do. Worse still, even if I don't vanish, I am not entitled to sell them or give them away, so they are stuck in my e-reader until I delete them.

Short of a magic wand and lists of demands, what can academic librarians do?

1. We need to make progress with some of our large, open digital projects. A lot of money, energy, and governance supports them. Meanwhile, the usual corporate entities are running circles around us, getting tools and resources into people's hands. Unfortunately, people aren't willing to wait on a nobler delivery platform and will enter into relationships that do not benefit them. Academic libraries feel great pressure to do the same as we serve those users.
2. Copyright and fair use expertise should be a point of pride among all professional library and instructional technology staff. We need to stop making expertise in copyright and licensing a limited specialty role. We do need specialists, for advanced and complex situations. Unfortunately, it seems as if the word “copyright” too often makes us panic and demand a specialist, when a well-educated librarian will do.

3. We need to put e-readers into the hands of as many library staff as possible. Be it a Nook, Kindle, iPad, or the next new product, we need to build the frontline expertise that comes from use, to help us make informed decisions. These folks tend to also fall prey to the lure of the lend, so we will be adding to the number of demanding library users who want more from library e-books.