

LIBRARY eBOOKS

what's the big deal?

The Problem:

Libraries pay 3 to 10 times more than the general public for the same ebook titles. And, libraries do not own ebooks, they lease them. After two years, or 26 checkouts, the licenses expire and must be bought again to maintain access. **This is costing taxpayers a fortune!**

Waitlists for ebooks across Connecticut are regularly 6+ months. Libraries can't build collections and can't keep up with demand.

To some, ebooks are a convenience but to others with visual impairment, dyslexia, physical disability, or lack of access to transportation, they are a necessity.

The current contract terms offered by publishers don't allow libraries to fulfill their mission to serve all of our residents.

The Solution:

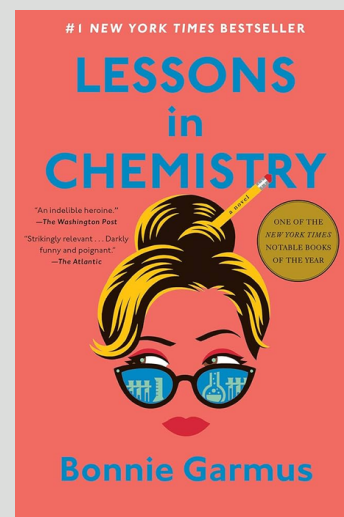
Libraries need fair contract terms. Connecticut has the power to regulate contracts between taxpayer-funded libraries and publishers.

SB 148 & HB 5312 will allow our libraries to offer more digital content in return for residents' tax dollars.

Support SB 148 & HB 5312 for CT Libraries!

Learn more: bit.ly/cla-advocacy

How much does it cost to read *Lessons in Chemistry?*



Consumers pay \$14.99 for the eBook and \$18.82 the eAudiobook

Libraries pay: \$55.00 for the eBook every two years and \$95.00 for the eAudiobook.

**How much have
taxpayers been
overcharged to read
*Lessons in Chemistry?***

CONNECTICUT
LIBRARY
ASSOCIATION

Get the Scoop

Hartford Courant



"E-books and downloadable audiobooks serve people with visual or reading impairments."

Excerpted from: "Opinion: Connecticut needs fair e-book pricing and terms for libraries," in *Hartford Courant* (March 11, 2023)

Full story: <https://bit.ly/ebook-oped>

NEW HAVEN REGISTER



"Perhaps most perversely, [e-book licensing contracts] require libraries to keep the terms of their agreements secret, preventing them from shopping around — or banding together — to negotiate a better deal on behalf of their patrons and the taxpayers."

Excerpted from: "Opinion: Publishers have libraries in a bind. We've got a novel solution," in *New Haven Register* (March 1, 2024)

Full story: <https://bit.ly/libraries-core-mission-2024>



"Imagine if all our roads completely disappeared after two years and the DOT had to build them all over again."

Excerpted from: "Libraries need fair eBook contract terms," in *CT Mirror* (April 3, 2023)

Full story: <https://bit.ly/ebooks-asphalt-2023>



"Librarians have protested this inequity, but publishers ignored us."


Excerpted from: "CT library users want more e-books. Libraries can't meet the demand," in *CT Mirror* (February 8, 2024)

Full story: <https://bit.ly/ebook-demand-2024>


LIBRARY eBOOKS

MYTHS & FACTS

Myth #1: Authors Will Starve

 Publishers set contracts with authors. Authors earn out advances based on the number of copies sold/licensed. If libraries can license more copies, authors will earn more. Authors do NOT earn more for library digital licenses.

Myth #2: Negotiating Table is Open

 In over two decades, no publisher has negotiated a digital contract with libraries. With all bargaining power in publishers' hands, libraries have essentially had to agree to contracts of adhesion just to ensure they are fulfilling their mission of service.

Myth #3: Libraries Are Pirates!

 Since the beginning, Libraries have only licensed digital content protected with Digital Rights Management (DRM) software. Libraries are staunch protectors of Intellectual Property rights.

Myth #4: Illegal Abuse of Copyright

 Connecticut's proposed legislation is focused on existing Consumer Protection and Contract laws, and does not violate copyright. Consumer protection falls within the purview of Connecticut lawmaking.

Share the FACTS with your legislators today! Ask them to **Co-Sponsor SB 148 & HB 5312.**



Learn more:
bit.ly/cia-advocacy

Library Ebooks: A Call for State Legislative Action

When selling ebooks to libraries, major publishers inflate prices and impose restrictive terms, severely curtailing libraries' financial ability to build ebook collections for their patrons. The Connecticut State Library, the Connecticut Library Association, and the Connecticut Library Consortium request the adoption of a state law to regulate library ebook contract pricing and terms, thereby enabling Connecticut libraries to offer more digital content in return for residents' tax dollars.

The Problem: Major publishers limit libraries' ability to acquire ebooks by imposing exorbitant pricing and restrictive licensing terms. These prices and terms make it impossible for libraries to fully meet the digital content needs of their communities. Library ebook licenses:

- **Are prohibitively expensive.** An ebook costs a library three to ten times what a consumer would pay for the same ebook.¹
- **Impose usage restrictions.** For example, all ebook licenses offered to libraries by the "Big Five" publishers (Simon & Schuster, Penguin Random House, HarperCollins, Hachette Book Group, and Macmillan) expire after 24 months or 26 checkouts; they must then be leased again.²
- **Completely exclude titles.** Many ebooks are unavailable to libraries at any price.³

In over two decades, no publisher has negotiated a digital contract with libraries. With all bargaining power in publishers' hands, libraries have had to agree to contracts of adhesion just to ensure they are fulfilling their mission of service. Ebook licensing contracts require libraries to keep the terms of their agreements secret, preventing them from shopping around — or banding together — to negotiate a better deal on behalf of their patrons and the taxpayers.

State Ebook Legislation: We propose a bill grounded in Connecticut Unfair Trade Practices law (Chapter 735a, Section 42-110b). This proposed bill uses the **power of the state government to regulate the terms of consumer contracts and protect public policy.** The bill aims to ensure:

- Contractual agreements between libraries and publishers contain **equitable licensing terms** for the acquisition of ebooks.
- Literary materials have at least the **same utility in digital form** as they have in print or physical form.
- No contract requires, coerces, or enables the library to violate the law protecting the **confidentiality of a patron's library records.**
- The availability of **remedies:** The ability of a court to rule that a contract (or provision of a contract) is "**unconscionable**" or an "**unfair trade practice**" and therefore **unenforceable.**

H.B. 5312 differs from previous legislation in Maryland because it does not conflict with, is not preempted by, and does not involve federal copyright law. H.B. 5312 differs from previous ebook legislative solutions attempted by Maryland and New York in 2021. H.B. 5312 does not contain "shall offer" language, or any language that *requires* publishers to offer a license. It is rooted in the purview of the state (i.e. contract law); Connecticut is within its rights to regulate rather than mandate contracts. Connecticut's libraries spend over \$3.5M a year on digital materials and need better value for those tax dollars to fulfill their public mission.

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¹ Jennie Rothschild, [Hold On, eBooks Cost HOW Much? The Inconvenient Truth About Library eCollections](#) (Sept. 6, 2020).

² "[Publisher Price Watch](#)," *ReadersFirst* (last visited July 8, 2022).

³ ALA News, [ALA turns to Congress as Macmillan ignores public call to reverse library e-book embargo](#) (Nov. 1, 2019).