



The Royal Society  
of Literature

The Society  
of Authors



# The future of e-lending in public libraries

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A briefing note

## Background

Over the past few months William Sieghart and a distinguished advisory panel have reviewed a myriad of issues and concerns around the subject of e-lending in libraries. Their report, An Independent Review of E-Lending in Public Libraries in England, was recently published (March 2013) and a number of recommendations made that would ensure that authors receive fair remuneration from the lending of digital, audio and e-audio books by libraries.

## What is Public Lending Right (PLR)?

PLR is the legal right for authors to receive payment for the loans of their books by public libraries. Currently this applies only to the loans of books in printed formats.

## Recommendations pertaining to writers from the Independent Review of E-Lending in Public Libraries in England

- The anomaly where rights holders are still not recompensed for the loans of their audio and e-books should be urgently addressed by extending PLR to cover e-books and audio books\*
- There should be an increase in the Government's PLR funding to take this into account so that writers and other rights holders are equitably compensated
- The provisions in the Digital Economy Act 2010 that extend PLR to on-site loans of audio books and e-books should be enacted
- The Government should find space in its legislative programme at the earliest opportunity to enact primary legislation to extend PLR to remote e-loans

## Government's Response

In his summary in Section 7 of the Review, Sieghart's first recommendation is for the enactment of the lending provisions of Digital Economy Act; in its response the Government agrees to "consider" commencing these provisions.

*\* For this purpose, the definition of an audio book is someone reading a book (or abridged book) and not a dramatic adaptation with actors.*

*An Independent Review of e-Lending in Public libraries in England and the Government's response:  
<https://www.gov.uk/government/publications/an-independent-review-of-e-lending-in-public-libraries-in-england>*

The Government has committed to pursuing the legislation to extend PLR to remote lending in future parliamentary sessions, subject to compliance with the EU Copyright Directive with further funding dependent on evidence of remote loans.

## **The potential consequences if the Government does not implement the recommendations**

The continuing failure to provide for lending remuneration in respect of non-print formats raises an important legal issue. While on-site e-book lending is a developing service, the ability to access audio-books in public libraries is clearly highly valued by the public: the advisory panel heard that around 10 million audio book loans take place each year, the vast majority of which are loans in hard copy formats. Quite apart from the inequitable treatment of rights holders, the current situation also places the library service in a position where rights are being infringed on a daily basis.

For libraries and authors, the longer-term consequences of a failure to implement the Sieghart recommendations expeditiously are clear. Readers are increasingly choosing digital formats, anticipating on-demand access at the time and place of their choosing. If the library service fails to meet this demand, the vital connectivity it currently provides between authors and a broad and diverse readership may be lost. However it is essential that authors receive adequate payment for any such loans and this should be effected by developing fair licensing models with publishers which compensate authors and retain the principle of a payment every time a book is loaned as well as an overall licence fee.

## **What you could do to help authors**

**Please encourage the Government to act upon William Sieghart's recommendations without delay to effect the extensions to PLR envisaged by the Digital Economy Act and to provide adequate, additional funding for these extensions and to fund and encourage appropriate models for remote ebook lending so that libraries can act within the law and authors can receive fair remuneration.**

**Ed Vaizey MP is responsible for this area in his role as Minister for Culture, Communications and the Creative Industries**

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### ***For more information:***

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*An Independent Review of e-Lending in Public libraries in England and the Government's response:*  
<https://www.gov.uk/government/publications/an-independent-review-of-e-lending-in-public-libraries-in-england>