

## **E-book lending in public libraries**

### **Recommendations of the round table on e-book lending**

For many years, there have been discussions between public libraries on the one hand, and publishers and copyright holders on the other, about the fact that e-book licenses are usually not offered to public libraries on the date of publication, but rather with a significant delay – a method known as windowing. To ensure that public libraries are able to fulfil their public mission, they have demanded access to e-books from the date of publication and called for e-books to be treated the same as printed books. Copyright holders and publishers want to limit the economic harm which they suffer from the sale of e-books and ensure fair compensation, in particular through a period of protection.

The coalition agreement for the 20th parliamentary term contains the proviso: “We want fair conditions for e-book lending in libraries.”

In order to fulfil this mission, the Federal Government Commissioner for Culture and the Media hosted a round table on e-book lending in autumn 2022. The following stakeholders took part in the discussions: the German Publishers and Booksellers Association, a representative of a publisher, the German Library Association, the Association of German Librarians, the Network for Authors’ Rights, the Association of German Writers, the Association of Literary and Scientific Translators in German Language, the Federal Ministry of Justice and the Federal Ministry for Economic Affairs and Climate Action.

The round table developed questions for an independent study, with the aim of gathering reliable data. The study was carried out from 2023 to 2024 by DIW Econ GmbH, and the results have been published under the title “Die wirtschaftlichen Auswirkungen des E-Lending in öffentlichen Bibliotheken auf den Publikumsmarkt” (The economic impact of e-book lending in public libraries on the consumer market)

[https://www.diw.de/documents/publikationen/73/diw\\_01.c.912941.de/diwkompakt\\_2024-201.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.912941.de/diwkompakt_2024-201.pdf) (DIW Berlin – Politikberatung kompakt 201/2024, summary in section I.). These results formed the basis for further discussion.

The Federal Ministry of Justice also conducted a broad-based study on e-book lending. The results of the study and survey were to be used as a basis for further considerations.

On the basis of the study and the survey, the round table participants discussed possible solutions, including how to accommodate the libraries’ interest in being able to lend e-books earlier than is currently the case.

As a result of this process, the round table reached the following conclusions and agreed on the following recommendations:

1. In order to improve e-book lending in public libraries, we recommend testing licensing models while preserving contractual freedom, taking into account the legitimate interests of all stakeholders involved.
2. We recognise the importance of appropriate and proportionate remuneration for copyright holders and the economic performance of publishers as an essential basis for creative work.
3. We recognise the mission of public libraries as educational and cultural infrastructure that provides the public with a wide range of media and information, including from the digital world.
4. We understand that e-books are not used in the same ways as printed books. We recommend keeping this in mind when providing public libraries with access to e-books so as to prevent any negative economic impacts on the book market.
5. We recognise digital rights management as a suitable means of ensuring access to digital resources in public libraries.
6. We understand that e-books circulate more intensively than printed books in public libraries. We recommend that this elevated intensity be taken into account adequately when determining licensing conditions and the compensation of copyright holders and publishers.
7. We agree that broadening digital offerings in public libraries will require a much better funding system or mechanism for e-book lending.
8. If the time between an e-book's publication date and the date when it is made available to public libraries is shortened, we recommend that this be accounted for financially through negotiation-based licensing models.

We recommend developing alternative licensing models which, in a free negotiating situation, could make publishers more willing to release e-books to public libraries earlier, forgoing the current method of windowing.

We recommend that the individual contracting parties enter into dialogue on licensing for e-book lending in order to discuss, develop and test licensing models that take into account the various interests in order to reach a common solution.

9. Together, we are committed to the goal of maximum data transparency, and we recommend greater transparency along the licensing chain for e-book lending. We recommend that any available information be passed on as far as possible within contractual relationships while respecting contractual freedom.

10. We recommend that the Federal Government Commissioner for Culture and the Media invite the participants in the round table to discuss the licensing models that have been developed and tested in two to three years' time.

Berlin, October 2024

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*The round table on e-book lending was hosted by the Federal Government Commissioner for Culture and the Media, with the Federal Ministry of Justice and the Federal Ministry for Economic Affairs and Climate Action also participating.*