Title: Journey of discovery: What can we learn from resource sharing of e-journals as we move to e-books?

Authors: Anne Xu and Margarita Moreno

Abstract

Like most libraries, the National Library of Australia spends a significant portion of its acquisition budget on e-resources and while this leads to wonderful outcomes for registered patrons, there are many restrictions in supplying material from these collections on interlibrary loan/document delivery (ILL/DD). The Library currently subscribes to approximately 130 e-resource databases of which 62 enable remote access and only 23 allow document delivery. In addition, the Library has purchased 45 archival e-resource collections of which 42 allow document delivery. Many e-journals have an embargo period ranging from 1 month to 2 years. This has a significant impact on document delivery.

As the Library moves to acquire e-books what impact will this have on interlibrary loans? In June 2012 Anne Xu travelled to several sites in the USA to evaluate emerging e-book models. At the same time, the Library revised its overseas Collection Development Policy for overseas material to give preference to digital acquisition.

This paper examines the National Library's e-resources usage, policy change to preference digital collecting, the business models for e-book supply to libraries and the impact on ILL/DD.

Background

Australian libraries are usually early adopters of technology, so it was inevitable that as e-resources came on the market, Australian libraries would begin to collect/subscribe to these resources. The proportion of library budgets spent on e-resources has grown over time, with some sectors spending over 80% of their acquisitions budget on e-materials, whilst others are more conservative, spending only around 6%. For example, in 2011/12 public libraries'[1] expenditure on e-resources was about $6,310,000 or 6% of their total acquisitions budgets. This differs greatly from the universities, where in 2012 the sector spent $203,128,556[2] on e-resources. As the acquisition of e-resources increases in libraries, access to this material through interlibrary loan and document delivery comes into question. In the Australian context, models for acquisition of e-resources include: on subscription, outright purchase as files for local ingest or access through a vendor platform, pay per use and in some cases, via deposit at the National and State Libraries, which have appropriate legal deposit provisions, or on voluntary deposit. However the bulk of e-material acquired by libraries is subject to licence agreements, which override

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[1] Australian Public Libraries Statistical report 2011/12 compiled by Regional Access and Public Libraries, State Library of Queensland July 2013
http://www.nsla.org.au/sites/www.nsla.org.au/files/publications/NSLA.public_library_stats_2011-12.pdf
[2] From the CAUL annual statistics, and seems to include some purchases since 2008 -
http://statistics.caul.edu.au/download_data.php.

the library exceptions in the Copyright Act. It is only if the library has successfully negotiated specific licence provisions that access for document delivery will be allowed.

When subscriptions to e-journals were first available, access for document delivery was rarely permitted in standard licenses. It was only as the library community came together to develop standard wording to be incorporated into license negotiations, that access provisions for resource sharing amongst libraries was enabled.

Anecdotally, provisions allowing document delivery from e-resources varies across the library community. In some cases libraries have successfully negotiated access for document delivery, particularly libraries in consortia, such as the university sector. In some cases, access for document delivery may be restricted to within own country, sector, or with delivery method limited. It should also be noted that in many cases, although the library may have negotiated access for document delivery purposes, some e-journals will have an embargo period which can range from one month to three years, where the articles are not available via the vendor platform to any user, onsite or remote.

E-Resources @NLA

The National Library of Australia (NLA) has been collecting electronic publications for many years, starting with CD ROMs, undertaking web archiving, then adding e-journal subscriptions and, more recently, e-books. The National Library has the statutory responsibility "to maintain and develop a national collection of library material, including a comprehensive collection of library material relating to Australia and the Australian people[3]". Although the Australian Copyright Act 1968 requires publishers, including self-publishing authors, to deposit a copy of any print work published in Australia with the Library, ensuring its preservation for use now and in the future, there isn't currently a similar requirement to deposit digital publications.

The Library currently collects digital publications by purchasing and subscribing to e-resources, through voluntary deposit by publishers and, for web archiving, seeking permission from individual publishers to collect and preserve significant Australian websites in its PANDORA archive. Australian government domain material collected via annual whole domain harvests is made available under the provisions of a government administrative directive; other material harvested from the wider Australian domain in conjunction with the Internet Archive cannot currently be made available because of copyright restrictions. A proposed extension to the Library's legal deposit provisions to include digital publications will support increased collecting in future.

The Library currently subscribes to 130 database aggregator services, such as Factiva and Ebsco Academic Search Premier. In negotiating licences for these services, the Library aims to seek broad access for its registered patrons. Anyone living anywhere in Australia may register as a National Library user and the size of the country means that it is important that our users have offsite access to the Library's e-resource collections. As the country's largest provider of ILL/DD services the Library also seeks to negotiate

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[3] National Library Act 1960 - http://www.austlii.edu.au/au/legis/cth/consol_act/nla1960177/

document delivery provisions in licenses for e-resources whenever possible. Of the 130 databases, 62 (48%) allow remote access by registered users and 23 (18%) allow document delivery to Australian libraries. In addition to the database aggregator services, the Library has purchased 45 e-resource archival collections (such as Early English Books Online) of which 42 allow document delivery to Australian libraries. Some of the subscription databases particularly for e-journals, the publisher/vendor has imposed an embargo period which can range from one month to three years which means the more recently published articles are not available onsite, remotely or for document delivery. Other issues with e-resources include: the range of titles offered in these subscriptions can vary over time; the pricing model can favour certain library sectors and there are often overlapping titles between databases.

The usage of e-resources for document delivery has been impacted by licensing restrictions and embargo periods enforced by publishers. During 2012/13 the National Library received over 23,000 requests for ILL/DD copies from the collection and for some 9% of these requests, supply was not possible because the item was within an electronic resource not available for document delivery.

For document supply staff e-resources are a mixed blessing. On the plus side, access to this material is quick and easy, and delivery is fast. The entire process of identifying the item, downloading a copy and supplying it is very efficient, usually a matter of minutes. On the minus side there are a number of factors to consider: firstly, without an excellent e-resources management tool, it's not always clear whether document supply is permitted; cataloguing practice may result in generic holding statements on all titles within an aggregated resource collection; licenses can prohibit or place tight restrictions on document delivery and embargo periods can impede access. This can result in libraries not placing ILL/DD requests from e-resources, and ILL sections being cautious in supplying. Even when requests are placed, a percentage cannot be supplied, reinforcing the notion that access to e-resources is restricted.

Changes to Collection Development Policy

In 2011, the National Library revised its Collection Development Policy for overseas publications in response to the increasing availability and use of publications in electronic format, storage concerns and budgetary pressures. With the exception of collections relating to the Asia Pacific regions, collecting overseas publications will be more selective in future, based on the wide availability of information online that was previously only accessible in libraries and the opportunity to use collaborative networks to provide access to collections.

One of the most significant changes in the Overseas Collection Development Policy was to implement an overarching principle to prefer digital formats over print, whenever digital formats are available, reflecting users' overwhelming preference for immediate access and access from offsite.

In July 2012 the National Library began the shift to acquiring e-books for overseas collections. The Library's policy of negotiating licenses permitting remote access by registered users and interlibrary loan/document delivery now applies to e-books, albeit with document delivery generally limited in license agreements to delivery of a chapter, rather than lending an e-book to another library's user.

This policy change by the National Library to prefer digital follows similar trends in other Australian libraries, although the adoption of e-books has lagged behind some other countries, particularly the USA, partly due to slow adoption by Australian publishers and the delayed release of e-reading devices in the Australian market. The rate of e-book adoption has also been variable between library sectors. Australian universities began to purchase e-books in 2008, however it was only the wider availability of e-readers in the last few years that spurred public libraries to purchase e-books, through vendors such as Overdrive, EBL and Ebrary.

E-books in the USA

The world's first e-book was born in 1971as part of Project Gutenberg, initiated by Michael Hart, a student of the University of Illinois, which established a digital library, through publishing plain text files electronically and freely sharing these public domain files.[4]

By June 2012, when Anne Xu was awarded the Friends of the National Library Travelling Fellowship to travel to the USA to learn about uptake of e-books in libraries, e-books had been commercialised and become more main-stream. Libraries had passed the early adoption period and the maturity of the e-book environment was evident by the number of platforms and lending models trialled and adopted by libraries, including platforms provided by vendors and publishers, as well as those developed by libraries. The latter was of particular interest, as it seemed not only to provide an alternative to the commercial products but also an approach that libraries as a whole may need to explore. Anne observed several models in use in the USA, as set out below.

Lending provided by distributors and publishers

E-book distributors provide libraries with platforms that aggregate a large quantity of material published by various publishers and provide Digital Rights Management (DRM) to manage access, rights and the lending/download process.

These platforms make it easy for libraries to acquire and efficiently provide access to e-books and are therefore widely used. Libraries are usually provided with different acquisition options including: subscribing, renting, or buying outright with or without perpetual access, and can purchase single user, multi-user, simultaneous or unlimited access.

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[4] Marie Lebert, 2009, *A short history of e-books*, University of Toronto, http://www.etudes-francaises.net/dossiers/ebookEN.pdf.

Among the e-book distributors, EBL, Ebrary, EBSCO and MyiLibrary target academic and research libraries while OverDrive, Axis 360 and 3M Cloud Library predominantly focus on public libraries.

The lending model being piloted by academic and research libraries typically involves multi-user simultaneous access with the ability of acquiring material based on user demand, such as Patron Driven Acquisition offered by EBL and Demand Driven Acquisition by Ebrary, as the preferred selection option. Whereas the model adopted by public libraries is closer to the print model of one user at a time per e-book title, which is usually purchased with perpetual access.

Patron Driven Acquisition (PDA) or Demand Driven Acquisition (DDA) allows a library to load a large set of e-book records provided by a distributor to its catalogue, and to pay as a title is viewed or downloaded by users. A range of parameters such as price limit, number of times or various ways a title is viewed can be set to trigger either manual or automatic purchasing. By mid-2012 this form of acquisition of e-books has been piloted in the USA by different library consortia, such as Orbis Cascade Alliance, a consortium comprising 37 academic libraries in Oregon, Washington and Idaho. The attractiveness of PDA and DDA includes its crowd based selection and acquisition that ensures the titles purchased or paid for are used at least once. In Orbis Cascade Alliance's case, its trial in 2011/2012 showed a significant portion of the budget was spent on titles viewed on Short Term Loan (STL) and only a small number of titles were purchased.

The lending model offered by publisher platforms is similar to that of the distributors. It provides single, limited or unlimited multi-user simultaneous access with fixed or open-ended lending periods depending on the purchasing option taken by a library. Selected or packaged content can be subscription-based or purchased with perpetual access. Unlimited multi-user simultaneous access is the most flexible lending model in meeting user demand as there is no waiting period and results in the highest level of user satisfaction, however it comes at a price and may not be affordable for many libraries.

Publishers in some cases have adopted similar business models as they did for other e-resources and are enforcing embargo periods on newly published e-books. An example is Penguin's e-book lending pilot with e-book distributor 3M and the New York Public Library and Brooklyn Public Library, where Penguin's e-books are only available for library lending six months after publication and availability to the consumer market-place.[5]

Lending provided directly by libraries

Some libraries in the USA are sourcing, owning, lending and managing e-books without relying completely on e-book distributors. Douglas County Libraries in Colorado is a pioneer of such a library developed e-book model. It owns and hosts the e-books

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[5] NYPL, "Penguin Group (USA) Launches Library Lending Pilot Program", Press Release, accessed 18 Sep 2012, http://www.nypl.org/press/press-release/2012/06/21/penguin-group-usa-launches-library-lending-pilot-program

purchased from publishers through a self-built e-content management system, and circulates DRM protected e-book files under the lending model of one user at a time with a fixed loan period. With this model, libraries retain complete ownership of the titles purchased i.e. titles cannot be removed or withdrawn by publishers. Also libraries can negotiate a better deal from publishers[6].

Douglas County Libraries pioneering effort demonstrates that libraries do not have to be passive consumers subject to the prices, rules or conditions set up by publishers or distributors. It has demonstrated that libraries can stick to their principles of owning and preserving collections for their communities by taking a strong position in the e-book environment. This approach is beginning to have an impact on the dynamics of the e-book market, for example Smashwords, an e-book distribution business, launched a service 'Library Direct' that sources e-books from authors and publishers at a discount price and transfers the e-book files to libraries[7].

Internet Archive e-book lending

The Internet Archive provides a different e-book model - open and free access to over one million out of copyright e-books in various downloadable formats through its 'Open Library' catalogue, as well as membership based access to over 100,000 in copyright e-books free of charge through its 'In-Library Loans' direct lending program. There are over 1,000 library partners that participate in the Internet Archive's 'In-Library Loans' lending program.

The Internet Archive built its e-book collection mainly through massive digitisation of the titles contributed by its library partners and second-hand book dealers. It has also purchased some e-books directly from publishers and distributors. All of its member libraries have contributed to its collection by providing at least one collection item for digitisation. E-book usage statistics show on average between 500 and 700 loans a day during 2012 with a trend of increasing usage.

The Internet Archive's lending model is like "an instant, hassle-free interlibrary e-book loan" among its member libraries with direct individual access to a single e-book repository. However the collection coverage of in-copyright e-books is very limited, especially for more recent publications.

OCLC e-book lending

OCLC piloted an e-book program with Ingram Digital in 2011 to provide WorldCat Resource Sharing (later branded WorldShare) member libraries with access to a subset of Ingram Digital's MyiLibrary e-books. The lending model OCLC adopted was to set up MyiLibrary as one of its library locations on WorldShare. Once an e-book title is

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[6] Jamie LaRue, "An open letter about ebooks and Douglas County Libraries." *The Douglas County Libraries web site*, accessed on 15 Sep 2012, http://douglascountylibraries.org/content/ebooks-and-DCL
[7] Matt Enis, "Califa, DCL, Open Library make commitments to Smashwords' Library Direct", *the Digital Shift*, 9 August 2012, http://www.thedigitalshift.com/2012/08/ebooks/calif-dcl-open-library-make-commitments-to-smashwords.

discovered through OCLC FirstSearch, a library can request it through normal ILL processes i.e. to add MyiLibrary location to the rota and send the request to MyiLibrary. The e-book title is provided to the requesting library for a 9 day short term loan and charged at 15% of its listed price.

Unlike other models involving purchasing or subscription and providing direct and unmediated access, the OCLC lending model offers libraries with one-off access to an e-book title through the standard interlibrary lending process. It has removed the need for each library to negotiate a license agreement with an e-book distributor. Although it may not be used by libraries as a main source of e-books, it could certainly be a helpful supplement to the core collection of a library and may have the potential to meet the needs of some libraries.

The OCLC e-book lending model is essentially to use its established interlibrary lending and resource sharing network WorldShare to facilitate e-book access and connect libraries with a commercial e-book distributor. Although the effectiveness of the model is not yet clear, it is nevertheless an innovative and useful trial to explore the possibilities of resource sharing in the e-books environment.

Interlibrary lending and resource sharing

With print books libraries can lend to each other without geographical limit and at reasonable costs. In the USA, interlibrary lending of print material is based on ownership of the material and the legal framework of fair use and first sale doctrine, which enables libraries to lend and borrow books. With e-books, libraries are restricted by licence agreements on access and use of the content purchased, for example, to limit use for interlibrary lending to one chapter only. In very rare cases libraries have been allowed to lend an entire book but are restricted to downloading one chapter at a time, which makes interlibrary loan no longer a viable option. Interlibrary lending and resource sharing, one of the most successful cooperative services developed by the library community and operated globally, was first compromised by the restrictive licenses applying to e-resources and has now been seriously challenged in the e-book environment.

Resource sharing of e-books is mostly consortium-based in the USA. The consortium member libraries proportionally contribute to the purchasing of e-books and their users directly access the e-books on offer. These consortia may be based on library sector, or geographical area. Most of the e-book lending models so far provide direct and unmediated lending, from the e-book collection of a library, consortium, e-book distributor or a publisher direct to the end user. Libraries are exploring demand driven models of acquisition such as PDA and DDA as an alternative to interlibrary lending.

As consortia-based direct lending becomes a major avenue for e-book resource sharing, and with interlibrary lending as it operated in the print environment no longer a viable option for e-books, the question then is how to satisfactorily meet the borrowing needs of a consortium from another library. Direct purchasing would appear to be the only option in the e-book environment.

As publishers play a major role in determining whether e-books can be used for interlibrary lending and resource sharing, their concerns must be addressed first if interlibrary lending of e-books can be possible. This was voiced by library colleagues in the United States. The major concerns of publishers seem to be the potential loss of revenue as a result of piracy. Libraries are seen as competitors rather than as partners in bringing books and readers together. These concerns will need to be addressed, whichever options libraries wish to explore.

In conclusion, the efforts that libraries in the United States have made so far in procuring and managing e-books have partially met interlibrary lending needs. Direct lending within consortia, direct purchasing through PDA or DDA from e-book distributors, acquiring DRM free e-books and sharing e-book collections among libraries, have all had some effect. The future of interlibrary lending of e-books depends on whether libraries are prepared to reach a compromise with publishers. It involves working together, innovating, explaining to and negotiating with publishers and e-book vendors with the aim of finding a way to provide access to e-books that meet the demands of library users. It may be a little too early to exclude interlibrary lending completely in the e-book environment.

E-books, e-lending and document delivery global context

ILL/DD enables users to request access to material not held in their local library collection. With the inundation of published material, tight library budgets and increasing user expectations, libraries will be unlikely to have the capacity to purchase all of the material their patrons may need or want. The digital environment will not alter this fact and will most likely exacerbate it. Libraries will still need to look outside their collections to assist their clients, whether they are able to source the material directly from authors, publishers, vendors or other libraries is another matter. The question therefore is what options will libraries have in the future?

In 2013 IFLA launched its Principles for library e-Lending [8]developed to assist libraries to "grapple with the complicated process of negotiating e-book licenses with publishers and resellers." These guidelines came about as tension between publishers and resellers and libraries increased, and some publishers withdrew material from e-book platforms or did not make materials available to libraries at all. There is also concern about the cost and the limitations being placed on libraries to access e-book material. The principles state that libraries must have:
- the right to license or purchase any commercially available e-book without embargo
- reasonable terms and conditions at a fair price

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[8] IFLA Principles for library e-lending http://www.ifla.org/files/assets/hq/topics/e-lending/principles-for-library-elending-rev-aug-2013.pdf are based on IFLA Elending background paper the http://www.ifla.org/news/ifla-releases-background-paper-on-e-lending and the Thinkpiece 'Libraries, eLending, and the Future of Public Access to Digital Content' http://www.ifla.org/node/7447

- copyright limitations and library exceptions available
- platform neutral e-publications, taking into account accessibility standards
- the ability to preserve e-books long term
- the ability to protect the privacy of users

The European Bureau of Library Information and Documentation Association (EBLIDA) released its "right to e-read"[9] statement in June 2013, aimed at the EU Commission, calling for a copyright framework that allows libraries to acquire and lend e-books, just as with print books. The document acknowledges authors/publishers right to fair pricing.

In the USA libraries have for the past few years engaged with publishers, although not always amicably, seeking better access to e-books. Recently the Urban Libraries Council released its briefing paper "Libraries, publishers and public access to e-books"[10] aimed at the US Congress, highlighting the issues faced by public libraries in providing access to users.

In Australia, the Australian Library and Information Association (ALIA) developed an issues paper [11]on e-books and e-lending released in January and published the "ALIA Position Statement on e-books and e-lending"[12] in May 2013. ALIA has spent the last 6-8 months consulting with the library community to explore issues relating to e-books. It has been an interesting process, with libraries reporting significant issues in purchasing e-books. Examples include: libraries excluded from access to e-books with publishers/vendors not selling under any circumstance; pricing at increased rates, sometimes 300% over the recommended retail price, or dictating the number of copies the library must purchase; embargo periods on access by libraries or works by popular authors not being available for purchase/lease.

In all cases while document delivery i.e. supplying a copy of a chapter is allowed, loans of the whole work to the patron of another library i.e. interlibrary lending, is prohibited.

At the same time the Book Industry Collaborative Council was established by the Australian Government in June 2012 to maintain a dialogue with government and encourage collaboration between different sectors in the book supply chain. The Council focused on seven key areas for industry reform and established expert groups to examine them in detail. These include Copyright, Data, Distribution, Export, Industry Skills, Lending rights and Scholarly book publishing. Libraries had representation in two of

[9] EBLIDA (2013) "The right to e-read" accessed Sept 2013 http://www.eblida.org/about-eblida/the-right-to-read-task-force-on-e-books.html
[10] Urban Libraries Council (2013) "Libraries, Publisher and Public Acess to E-Books" http://www.urbanlibraries.org/filebin/pdfs/EBooks_Summary.pdf
[11] ALIA (2013) "E-books and e-lending issues paper" http://www.alia.org.au/sites/default/files/documents/advocacy/Ebooks%20and%20Elending%20Issues%20Paper%20FINAL.pdf
[12] ALIA. (2013) ALIA position statement on ebooks and elending. http://www.alia.org.au/sites/default/files/documents/advocacy/ALIAebooksandelendingposition130522.pdf

these groups. The final report [13]of the Council was launched in July 2013 and offers comment on three issues of particular importance to libraries: a set of principles for the supply of e-books to libraries, a framework for digital lending rights and suggested principles to incorporate into the Copyright Act.

The lending rights group recommended 8 principles on e-lending, including:
- libraries' role in promoting a reading culture
- models for the supply of e-books to libraries
- availability of e-books through libraries
- continuity of access
- fair remuneration for authors and publishers
- fair pricing
- rights protection
- device neutral e-books

These principles would provide a more consistent model for the supply of e-books to libraries and are intended to influence the book industry in Australia. This is a welcome outcome and hopefully will be adopted by the Australian Government in coming years.

However whilst these endeavours will hopefully lead to a more balanced approach to e-books, at this point in time there are a number of questions that still need answers.

Conclusion

From their beginnings, libraries have provided a bridge between the vast world of information and users. The Australian Book Industry Collaborative Council report clearly identifies the important role libraries play in bringing readers to books. This was confirmed in a recent article "Yes library borrowers really do buy books - 3.2 a month[14]" highlighting the results of a survey of over 75,000 library users hosted by OverDrive and the American Library Association. The study found library users purchase 3.2 books per month and 53% reported they would consider purchasing books discovered through their library.

The publishing world is currently undergoing massive changes. The increasing concentration of publishing houses, the rapid adoption by readers of e-devices, the increasing demand for equitable access across the world for material are all issues needing to be addressed longer term. Within this complex environment, libraries are asking questions about their role in providing access to e-books and e-lending.

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[13] Book Industry Collaborative Council, Final Report 2013
http://www.senatorkimcarr.com/uploads/1/8/8/8/18881120/book_industry_collaborative_council_final_report_2013.pdf

[14] Abrams, Dennis. (2012). "Yes, Library borrowers really do buy books: 3.2 a month" in Publishing Perspectives. Accessed Sept 2013 http://publishingperspectives.com/2012/11/yes-library-borrowers-really-do-buy-books-3-2-a-month/

Libraries need to be able to acquire material for their collections in both print and digital form. Most libraries, but more particularly the legal deposit libraries, have a significant role in collecting and preserving national culture and heritage. Along with collecting and preserving is access; the provision of access to collection material being one of the reasons for libraries existence. The extension of legal deposit legislation to digital publications is necessary to ensure this preservation and access, as well as to overcome restrictions imposed by some publishers on library access to e-books.

What options do libraries have in terms of providing ILL/DD services in the long term for e-resources, including e-books?

Firstly libraries need the legal framework to allow them to purchase and provide ILL/DD access to e-books while safeguarding the rights of authors and publishers. In addition to purchase/subscription of commercially available material, a sound legal deposit framework for e-books would be helpful. Provisions in the Copyright Act should ensure that some reasonable access is available, including the ability to provide short term temporary access to library patrons. The assumption that libraries will be able to purchase any item requested by their patrons is perhaps naive; as territorial publishing practices may result in particular items not being available for purchase; constrained library budgets limit purchases and continued access to publishers' entire back catalogues cannot be guaranteed.

In terms of commercially available e-books, one obvious option is to circumvent the need for interlibrary lending by purchasing titles whenever there is a demand from users, as is the case for print material. PDA or DDA can meet the need of users to some extent, but is unlikely to fully remove the need for interlibrary lending, as costs can be high and material may not be available in some territories.

Another potential option could be an extension to use the pay-per-view lending feature provided by many e-book vendors such as Short-Term-Loan (STL) for the purpose of e-book interlending among libraries. With this option, libraries would need to be able to access each other's e-book platforms for a title that is not held in the home library and pay a reasonable fee for the access. The fees could be paid either directly to the publisher if the supplying library does not own the title, or otherwise to the supplying library.

But in all cases it is essential that interlibrary loan departments are part of the dialogue between libraries and publishers, to allay fears and seek a middle ground that balances the needs of the authors/publishers and library users in whichever library they may be in mine, yours or theirs.

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