

**Extension of Public Lending Right to Rights Holders of Books in Non Book formats  
A response by the Scottish Library and Information Council and the Chartered Institute of  
Library and Information Professionals in Scotland.**

The Scottish Library & Information Council and CILIP in Scotland represent the Scottish Library community both for organisations (SLIC) and individual professionals (CILIPS). Membership of both organisations includes public library and information services, which are publicly funded from local authorities, schools, universities, colleges etc.

We welcome the opportunity to respond to the consultation on the extension of Public Lending Right for non book formats. Libraries have operated in the digital environment for many years now and ensuring that users of digital environment are properly recorded and recognised.

### **Consultation Questions**

Q1: Do you agree that, on expansion of the PLR Scheme, the inclusion of non-print books is appropriate in terms of lending and creative production trends? Please give details of your position on this issue.

*In principle SLIC and CILIPS agrees that the current PLR scheme should reflect the increasingly digital environment in which public libraries operate. However care should be taken to ensure that libraries can continue to offer a range of reading material in various formats to visually impaired and those with learning difficulties to ensure that their library experience nor their right to access information under DDA legislation is not diluted by legislation which solely supports the creator.*

Q2: We have made an assessment of the current and potential formats for non-print publications which could be made eligible under the PLR Scheme (paragraph 17) – is the scope of this definition sufficiently broad? Do you have any concerns about any of the formats currently listed? If so please provide details.

*The definition of “digital audio file” is sufficiently broad to enable new formats to emerge. The way the market place is emerging means that CD’s will probably be short to medium term.*

Q3: We have made an assessment of the methods of ‘lending’ of non-print books which are currently used by public libraries, or may be adopted in the future (paragraph 19) – can you envisage any additional methods of ‘lending’ which should be included, or do you have any concerns about those currently listed? If so please provide details.

*“Lending” of digital formats will be complex. Very few public library services allow users to users to download material. Audio loans last year represented approximately 4.00% of total book issues in Scotland (3.5%- UK). Currently hard copy digital assets are easily dealt with by the library service’s library management system. Lending of e-books is more complex as borrowing is often controlled by a 3<sup>rd</sup> party vendor of e-books. As a result this may make the gathering of this information more complex and more expensive. At a time of financial difficulties, when resources are stretched – we could not support the implementation of a system which placed a financial or staffing burden on local authorities. Therefore care needs to be taken to ensure that any central costs at Public Lending Right and expected costs in libraries are clear prior to the extension of PLR to non-print materials and relative to the actual use.*

Q4: Are the additional categories of rights holder (i.e. performers and producers) in relation to non-print books an accurate description of rights holders in non-print works?

*A clearer definition of performers and producers would be helpful*



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Q5: Do such rights holders licence/assign their lending rights in practice? If so, do such rights holders enforce their unwaivable right to equitable remuneration in practice?

*The cost of audio material to libraries is very high already, allegedly to deal with appropriate remuneration of performers and producers. The high cost of these items is already a problem for services. A scheme which increased the costs for these formats to libraries is could result in libraries making less instead of more available.*

Q6: It is our understanding that lending rights are currently under-enforced and/or poorly protected in respect of audio and e-books loans through UK public libraries – is this correct?

*In terms of the authors arguments could be made that that is the case. However it is less clear for the other rights holders see our response to Q5 above*

Q7: Where such contractual arrangements exist, how effective are these arrangements and do rights holders feel adequately protected/remunerated?

*See 5 and 6 above*

Q8: Would the inclusion of such rights holders in the Scheme produce the certainty of payment and protection of rights described above (paragraphs 24-28)? Please give details.

*It depends how strong libraries share of the current market is in relation to other outlets such as Amazon and directly from publisher. Libraries do not charge for the lending of spoken work material as CDs or tapes, however there is some doubt over whether this material would be free of charge at download. This may effect how big the market is. See Q3*

Q9: Do you agree that the expansion of the PLR scheme, as opposed to maintaining the current contractual lending market, will benefit rights holders, libraries and the creative sector?

*For libraries the proposed expansion of the scheme would remove any licensing dubiety In the current climate SLIC and CILIPS are not we convinced that this is the right time to do this given the current economic climate. Services are under huge financial pressure, any implementation must be funded by central government. There are also concerns about implementation at a local level in terms of staff being available to carry out this work. We would advocate that a detailed implementation plan needs to de developed for consultation to ensure that costs can be minimised, a fair scheme implemented with low impact on service delivery.*



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