

The Society of Authors

The Society of Authors welcomes the recommendations of William Sieghart's thoughtful Independent Review of E-Lending in Public Libraries in England which supports a sensible balance between the needs and interests of readers, libraries, publishers and authors allowing libraries to flourish and continue to service the public while giving fair remuneration to authors.

We particularly welcome the recommendation to extend PLR to ebook and audio lending (both remote and on site) and to increase the PLR pot and urge the Government to enact those proposals without further delay. As the proposed transfer of PLR's functions to the British Library necessitates primary legislation, we strongly urge that this opportunity is taken to amend the PLR Act to extend PLR not only to audiobooks and on-site e-lending (with an accompanying increase in the money available) but also to volunteer libraries and remote e-lending.

We agree with the recognition that the loan of digital books should emulate the loan of print books, i.e. one book per loan and repurchasing after a certain number of loans. Library membership should be controlled to ensure that only signed up library members can access digital services and welcome moves to support local bookshops by encouraging readers to buy titles after borrowing them, through links to local shops.

We note that libraries and publishers are already meeting to discuss appropriate models and strongly recommend that authors' representatives are included in such meetings to ensure that any model includes appropriate remuneration for authors. . It is clear that not all publishers' contracts with authors give them the rights to authorise on-site and remote lending.

The recommendations are:

- Public libraries should offer both on-site and remote E-Lending service to their users, free at point of use.
- The interests of publishers and booksellers must be protected by building in frictions that set 21st-century versions of the limits to supply which are inherent in the physical loans market (and where possible, opportunities for purchase should be encouraged). These frictions include the lending of each digital copy to one reader at a time, that digital books could be securely removed after lending and that digital books would deteriorate after a number of loans. The exact nature of these frictions should evolve over time to accommodate changes in technology and the market.
- A number of pilots in 2013 using established literary events should be set up to test business models and user behaviours, and provide a transparent evidence base: all major publishers and aggregators should participate in these pilots.

- The provisions in the Digital Economy Act 2010 that extend PLR to audio books and loans of on-site e-books should be enacted.
- Further legislative changes should be made to allow PLR to take account of remote e-loans.
- The overall PLR pot should be increased to recognise the increase in rights holders.

We note the Government response and are delighted that the Government will consider commencing the appropriate provisions of the DEA 2010 to extend PLR to audio, e-audio and e-books. This is now a matter of urgency. We have long been urging this and the failure to enact these provisions to date is patently unjust and a breach of the UK's obligations under the Rental and Lending Directive (2006/115/EC).

We are also delighted that the Government will seek to pursue primary legislation extending the PLR to incorporate remote lending in future parliamentary sessions. We believe that this would be compatible with the Copyright Directive in the same way that PLR itself is compatible and that it would be welcomed by authors. S 182CA of the Copyright, Designs and Patents Act 1988 gives authors the exclusive right to control making a work available to the public by electronic transmission in such a way that members of the public may access it from a place and time of their own choosing. Authors would welcome a scheme that recompensed such rights through PLR payments.

For the Society's views on the recent consultation regarding the transfer of the functions of the PLR office [click here](#).