

NEWSMAKER: JOANNE BUDLER

Kansas State Librarian Joanne Budler recently terminated the Kansas Digital Library Consortium's contract with ebook vendor OverDrive to become a beta tester of 3M's new Cloud Library ebook lending service. The change is the culmination of a nearly yearlong battle over whether the consortium owned the content it had purchased or had simply licensed it. It also required her to undertake a massive campaign: contacting every publisher whose ebooks KDLC had purchased, because OverDrive required their permission to transfer platforms. *American Libraries* interviewed Budler by email December 20 about her decision and its ramifications for Kansas. She will also speak at ALA Midwinter (see p. 59). Read the full interview at americanlibrariesmagazine.org/columns/newsmaker.



Why did you decide to take this bold stance and make Kansas a precedent?

JOANNE BUDLER: There were really only two issues: pricing and ownership of content. A pricing increase of 700% is unreasonable, especially in today's economic climate where library budgets have consistently been cut over the past three years. But the bigger issue was the change in paragraph 11.4, which basically changed our ownership of content to a subscription. This tied our access to this content to a continuation of the service with OverDrive. I believed, and Kansas Deputy Attorney General Jeffrey Chanay agreed, that content we purchased under the 2005 contract is ours, as long as we maintain the integrity of the Digital Rights Management system.

Have all of the publishers that you wrote for permission responded to your request? No. We sent letters to 165. Approximately 20 publishers have not responded at all.

What percentage of the OverDrive collection will be available to Kansas libraries on the new 3M platform? At least half?

We actually have two platforms: one for ebooks (3M Cloud Library) and one for audiobooks (Recorded Books: OneClick-Digital). At the present time, we have written permission to move 73% of the total ebooks and 63% of the downloadable audiobooks to the new platforms.

Have there been any gaps in service, as the Topeka and Wichita librarians were worried about?

There will be no gap in service with Recorded Books. That service is available now to all Kansans. There has been a gap in service with downloadable ebooks because our service with OverDrive ceased on December 5. 3M projected that its service would be available no later than January 1, 2012.

Are there any independent agreements between libraries and

vendors/publishers in the works? Approximately a dozen libraries in Kansas have signed agreements with OverDrive either independently or as a small consortium. This has not affected the state library's ability to negotiate on behalf of the statewide consortium [the Kansas Digital Library Consortium]. All libraries in Kansas are included in the statewide consortium.

What advice do you give other consortia in negotiating with ebook vendors and publishers?

I think that the library community and the publishers need to negotiate to a gain-gain solution. Certainly the library community wants publishers to continue to be economically successful. And anecdotally, we know that the same library user who borrows from his/her library also purchases books—in all formats. I wish there were more empirical evidence to support this!

Should ALA set guidelines for ebook lending contracts, and if so, what elements should be included?

Yes, that would be very helpful. E-content should not be treated any differently than physical content. It is irresponsible to spend tax dollars on material that evaporates or disappears at the end of a certain period of time, whether that is a subscription period or a contract life.

Have you ever regretted going down this path? No. It was the right thing to do. ■

#alamw12

Top 10 Library Stories of 2011

Facing natural disasters, technology issues, and privatization concerns, librarians responded with advocacy and innovation.

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These are the top library stories of 2011, as selected by *American Libraries* editors. Share your top 10 in the comments.

1. Ebook Escapades

HarperCollins imposed an arbitrary 26 loans per ebook license and Penguin refused to let libraries lend its new titles altogether. Even good e-news had a catch: Patrons who could now borrow Kindle-formatted ebooks had to disclose their identities before downloading. Rejecting ebook licenses, Kansas State Librarian Joanne Budler struck a deal to ensure consortial ownership of what taxpayer money buys.



People's Library in Zuccotti Park.

2. Occupying Libraries

Guerrilla libraries sprang up in the numerous camps of the Occupy movement, most notably in Zuccotti Park in New York City, where Occupy Wall Street protesters set up the People's Library. By the time police cleared the park on November 15, it held more than 5,500 volumes, showing that information is an essential ingredient to any community, however temporary.

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3. Rising Above Natural Disasters

Colleagues worldwide coped with sudden calamity. Japan lost lives and libraries in a tsunami. Libraries shifted into community-relief mode in New Zealand and Virginia after enduring earthquakes, as well as on the East Coast after Hurricane Irene and Tropical Storm Lee. It helped that FEMA added libraries to its list of essential post-disaster services. Library associations and library workers aided colleagues with funds and tech assistance.

4. Transforming Libraries' Image

As e-reader sales soared, "ebooks" and "digital" became mots du jour. When content creators changed the lending rules, librarians responded by seeking digital workarounds. Libraries embraced crowdsourcing as a way to enlist volunteers in deepening digital research potential. ALA launched Library Boing Boing, libraries sprouted hackerspaces and 3D printers, and Chicago's YOUmedia lab inspired similar teen spaces at other libraries.

5. Taking Copyright to Court

In September, the Authors Guild sued HathiTrust and several universities, claiming that book digitization infringed on copyright and calling into question the fate of millions of scans at research libraries. Authors are seeking a class-action suit against the Google Books project and a judge is weighing whether Georgia State University pirated its e-reserves.

6. Cutbacks: Meet Advocacy

Across the country, advocates united to persuade politicians that libraries matter enough to fight for them. Zombies crawled in Oakland, California ("Zombies love brains"), cute kids and parents held read-ins from Chicago to California, and 200 folks held hands and hugged the New York Public Library. The third trip to the ballot box was the charm for Troy (Mich.) Public Library, and volunteers collected cash in shifts to reopen Central Falls (R.I.) library.

7. School Librarians' Hard Times

Cuts hit school libraries around the country, perhaps most severely in California, where the number of certified teacher-librarians dropped to 895 this year. Los Angeles Unified School District laid off dozens of library staff, interrogating them for a chance to be reassigned to a classroom. In 2012, advocates will seek support for school libraries in the reauthorized Elementary and Secondary Education Act.

8. Privatization Pushback

Savings-conscious administrators in at least two states got an earful from constituents worried about outsourcing their libraries. A new California law mandates that proponents make their case with hard numbers as of January 1, 2012. Meanwhile, officials of Santa Clarita, California, and Osceola County, Florida, signed library privatization contracts with LSSI.

9. Privacy Concerns Mount

Librarians and technophiles are currently fighting the Stop Online Piracy Act, a sweeping bill that would require internet service providers to police users' activities for potential copyright infringement. Librarians cheered the September announcement that OverDrive would allow library customers to lend ebooks to patrons with Kindles, but the fine print raised ethical concerns. ALA's Office for Intellectual Freedom hosted a Conference on Privacy and Youth in March to discuss how best to raise awareness.

10. Digital Destiny

The ambitious Digital Public Library of America began a two-year endeavor in October to find a way to make the US cultural and scientific record available online, while the Europeana Foundation launched a plan to aggregate and distribute the continent's cultural heritage.

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