

MLA

Maryland Library Association



THE LEADING ADVOCATE FOR THE MARYLAND LIBRARY COMMUNITY

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For Immediate Release

MLA Response to Decision by U.S. District Court of Maryland's ruling on eBook legislation.

The U.S. District Court for the District of Maryland has granted a preliminary injunction on Maryland's ebook bill. In her ruling, Judge Boardman noted the following:

"Libraries serve many critical functions in our democracy. They serve as a repository of knowledge—both old and new—and ensure access to that knowledge does not depend on wealth or ability. They also play a special role in documenting society's evolution. Libraries face unique challenges as they sit at the intersection of public service and the private marketplace in an evolving society that is increasingly reliant on digital media."

In granting the preliminary injunction, Judge Boardman nevertheless indicated that the matter of fair eBook pricing for libraries likely needs to be considered at the federal level. Though we are disappointed with the ruling, the Maryland Library Association (MLA) appreciates Judge Boardman for noting the vital importance of libraries and the challenges we face in the digital realm. As this legal matter proceeds, we hope for continued consideration of libraries' unique position.

This hearing has shown that the status quo of publishers charging what they want for limited licensing is unjust. Judge Boardman herself said in the hearing, "It does seem to me that there is inequity and an unfairness on how publishers have treated public libraries." This inequity is on clear display when it comes to the cost libraries, and in turn taxpayers, pay for physical materials in comparison to the restricted access and high costs of eBooks. Under the current model set by the publishers, libraries pay anywhere from \$54 to \$75 for a two-year license for a single eBook. By comparison, the printed version of the same book would cost a consumer \$15 to \$18 and not be subjected to a time-limited license. This illustrates the truth to our Attorney General's claim that this is not a matter of copyright protection, but about "the unfair and discriminatory trade practices of publishers at the expense of public libraries."

MLA will follow the proceedings with confidence in our position and with profound thanks to the Maryland Legislature and the Maryland Attorney General's Office for their determined stance and support. The legislature's unanimous support is a reflection of the will of Maryland residents that one should not be required to have a credit card to access information.

MLA continues to support a call for publishers to enter into discussion with libraries. We further call for library associations to continue to raise awareness of the unfair trade practices and imbalance in terms employed by publishers. Libraries seek reasonable terms so we may ensure that our clients will have access to content; similar to the terms that have been considered reasonable for print material. More than a century's worth of experience shows that the example of print, and its pricing model, is a fair standard for all: authors, publishers, libraries, and most importantly, readers.

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