



February 4, 2022

Statement of the Maryland Library Association in Support of the Maryland Attorney General

The Maryland Library Association expresses its appreciation and whole-hearted support for the Maryland Attorney General's strong defense of the public's right for access to library materials in the lawsuit against Maryland's "Public Libraries - Electronic Literary Product Licenses – Access."

This law expresses the desire of the residents of Maryland to ensure equal access to information for all. This desire is reflected by the state delegates and senators, who supported this law unanimously. It requires publishers who sell e-books or digital audiobook content to residents in Maryland to provide that same content to libraries with reasonable terms. Attorney General Frosh has proven his commitment to upholding this law protecting access to information for all Marylanders.

The law is not unduly burdensome as the content is already available. Our libraries have always strongly safeguarded authors' works from unfair use. Ample provisions enjoin libraries to protect the content from copyright violation. Withholding content from libraries, on the other hand, unfairly burdens many Maryland residents. They must pay for the content to access it, furthering an already growing digital divide. Marylanders should not be required to have a credit card to be informed residents. Maryland cannot build a just and equitable society if all Marylanders do not have opportunities for access to information.

The Maryland Attorney General has grounded their position in a compelling interest under consumer law. They note that "This case is not about copyright protection—it is about the unfair and discriminatory trade practices of publishers at the expense of public libraries. Many publishers have exploited the rapid advancement of digital technology to discriminate against public libraries when licensing e-books and audiobooks." It further states that "The historical balance between publishers' commercial motives and public libraries' role in providing fair access to literature and information to benefit all members of the public has been lost."

We thank the many publishers that do provide materials for libraries with reasonable terms. Others, however, especially most large publishers and their imprints, do not.

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THE LEADING ADVOCATE FOR THE MARYLAND LIBRARY COMMUNITY

Costs for purchasing digital content far exceed costs for print equivalents. The question is why the prices for digital content cannot follow a fair and balanced model, similar to the print content model that has served the industry so well for centuries. We advocated for the support of this law because publishers have negotiated reluctantly, if at all. They set and change terms without notice or explanation and their terms have grown more difficult over the years.

Marylanders will thrive in a 21st-Century information economy if this law is upheld. We thank Attorney General Frosh and his team for their work in protecting it. Libraries are interested in ensuring reasonable terms. Maryland's libraries look forward to holding those conversations with publishers to come to agreed-upon terms for what is reasonable. Libraries certainly wish to respect the role of publishers as well as protecting the needs of the authors, on whom we both depend to provide resources.

For more information, contact:

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