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Cross-border document supply between libraries

Why we need a copyright exception

Over 100 Million Library Users in the EU:
How can copyright reform help them?

European Parliament Strasbourg
15 March 2017

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What is inter-library document supply?

- Managed system of co-operation between libraries that enables an end-user to access specific resources not available in their 'home' library
- Requests made on a non-commercial basis, taking into account any copyright or licensing conditions
- Cross-border requests are made when the item is not available within national library network
- Institution-to-institution for a specific, defined activity

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Document supply supports global research

"Research shows that much of the best research in Europe takes place as a result of international, cross-border collaborations.

Our information infrastructure must be globally oriented, and underpinned by a legal framework that supports seamless access to information and enables its exploitation for innovation."

LIBER, Ligue des Bibliothèques Européene de Recherche, at WIPO SCCR/27

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Growth in cross-border requests

International requests increasing:

- New opportunities for search and resource discovery enabled by the Internet and online catalogues
- Increase in multidisciplinary research and cross-border collaboration
- Border changes, shared language or common history often means that a library has content of high cultural and historical value to people in other countries

Open Innovation
Open Science
Open to the World
- a vision for Europe

'Open to the world': EU strategic priority for research and innovation policy

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Estonian PhD student: comparative research on historiographical narratives In 5 Baltic and Nordic countries

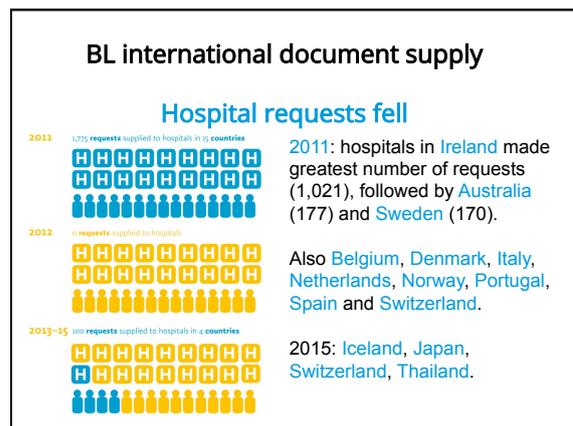
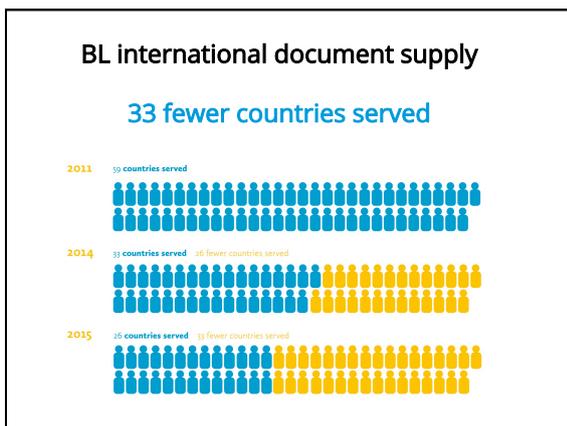
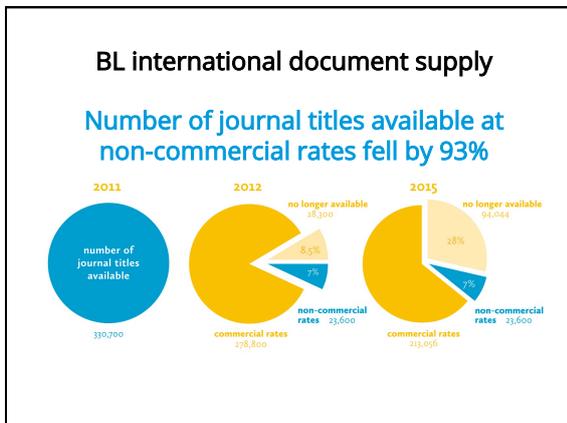
"Request denied due to copyright restrictions"
"Not licensed to fill"

Cover images for illustration purposes

THE BRITISH LIBRARY
Explore the world's knowledge

The case of the British Library: one of the world's great research libraries

- **January 2012:** BL ceased **copyright-based international document supply service** to protect Library from claims of copyright infringement
- replaced by **publisher-approved licensing scheme** - International Non-Commercial Document (INCD) supply service
- **July 2016:** **INCD service terminated** - no longer sustainable
- Data obtained by EIFL under FOI requests show that the **impact of the licensing scheme on access was immediate and dramatic.**



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Why did this happen?

- Many items no longer available at all - 94,000+ titles (28%) 'disappeared'
- Unaffordable prices
- Extra bureaucracy

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Reaction

"What happened at the British Library is a great shame. The copyright fees became prohibitively expensive overnight e.g. in 2013 we requested a five-page article from a 2004 issue of 'Practice Nursing'. It would have cost €55 - that's €11 per page! The library couldn't afford to pay for the article, and neither could the user." - Librarian in a public hospital in Ireland

"We did try the new British Library service a couple of times when nobody else on earth had what we needed. But because of the enormous increase in prices, we dare not even look at the website anymore". - Library of the Lithuanian University of Educational Sciences

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Reaction

"The BL service used to be fast, reliable and affordable. Now we are abandoning the licensed service because it has become too strict and expensive to use. For example, the price per article of some requested items increased from c. €20 to €75."
 – University librarian in south-east Europe

"In 2012, a patron requested two pages from an early twentieth century literary journal found only at the British Library. Although the Library had the journal, it was not allowed to send the pages. The patron couldn't comprehend the refusal."
 Peter Bae, former Head of Delivery Services, Columbia University, US

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Consequences

Students and researchers

- delays or denies research
- sends out message that copyright is a barrier to research & learning

Libraries

- reduces effectiveness in supporting science & scholarship
- undermines role in educating users about copyright

Policy-makers

- reduces efforts to build respect for the law
- without reasonable access for research and education, drives people towards unauthorized sites, such as Sci-hub.

Policy failure?



"It (Sci-hub) suggests an almost complete failure to provide a path of access for these researchers", - Senior executive at a major publisher



"#icanhazpdf is a symptom of a broken scholarly publishing system..." - Bypassing Interlibrary Loan via Twitter: An Exploration of #icanhazpdf Requests

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That's why we are asking for a

cross-border exception for document delivery

protected from override by contract terms

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Recommended text on document delivery:

- Amendment 11 New recital 21a
- Amendment 45 New article 5a

See IMCO DRAFT OPINION on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market
 IMCO_PA(2017)599682

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The internet is global
 – but copyright exceptions stop at the border

Why we need an international treaty for cross-border access to knowledge

THANK YOU!

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EVIDENCE AND EXAMPLES FROM LIBRARIES AND ARCHIVES AT WIPO

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