

No library required: the free and easy backwaters of online content sharing

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Abstract

Twentieth-century libraries were funded to provide content to their communities legally, easily and free. In the twenty-first century, new online competitors supply home consumers, legally and illegally, with what libraries traditionally were best at providing to library users - free and easy content. This paper suggests that library staff arguing for the value of contemporary libraries should be aware of the quality, methods and material of "hidden competitors". Some "hidden competitors" discussed include "blackmarket" journal article sharing, BitTorrenting sites, online textbook-sharing sites, self-distributing artists, programs to strip Digital Rights Management from ebooks, Amazon's ebook distribution and fan fiction. Possible future models for both "hidden competitors" and libraries - and implications of these - are suggested.

Introduction

Libraries are funded to provide content for research, information and recreation for their communities. Libraries are required to do this without breaking the law.

Easy online access to free content for research, information and recreation by the home consumer challenges the value proposition of libraries as providers of free and easy content to their communities. There are now alternate pathways and sources of the type of content that was traditionally solely the preserve of libraries. Not all of these pathways and sources provide content legally, although they do provide convenient access at no cost to the individual consumer. Many home consumers are choosing not to observe copyright and intellectual property laws that were originally enacted to cope with content dependent on physical artefacts rather than digital transmission. By breaking laws, they obtain their content more easily and faster than if they used their library.

A future challenge for libraries is to prove their worth as content providers in a world where, due to a requirement to work within outdated laws and content models, libraries provide content less conveniently than illegal sources. Libraries' cost to their funding bodies may not now be as justifiable as in the twentieth century, when libraries were the only "free" source of convenient content for the population that they aim to serve.

The scope of this paper is to suggest that library staff should become more familiar with both the content and delivery methods of "hidden competitors" that provide free and easy content. With libraries no longer enjoying a monopoly on "free and easy", library staff need to be able to argue for the specific strengths of library services when compared to other sources of content. Examples of content used in this paper are those that involve the distribution of journal articles and long form content that was traditionally published as monographs. There are, of course, other forms of content, such as movies and recorded music, that are not discussed here. The tone of the paper is speculative in some parts and suggests possible models for both "hidden competitors" and libraries in a future where libraries no longer have a monopoly on free and easy content that they have enjoyed in the past.

Definitions: users, non-users, targeted users, home consumers, "free" and "easy"

Each library is funded to serve a population of target users. An academic library, for example, is usually funded to provide information for teaching, research, administration and (sometimes) leisure to the university's academic staff, administrative staff and students. Within this target population, there will be library users and non-users. This is not new. A Classics scholar of a century ago, for example, may have been part of the target population for her university library's services but been a library non-user who privately subscribed to academic journals and bought her own books. Likewise some contemporary Computer Science faculty, for example, may conduct all their research relying solely on resources provided by CiteseerX and never use physical or online materials provided directly by their home institution's library.

The discussion here is borrowing a term from the electronics retail industry when referring to potential library users who are bypassing libraries to use other sources for their online content. The term used is “home consumer”. It is clumsy, but describes well the consumption of content via personal means, effort or finance. “Content” is used here to mean the intellectual or creative work that fulfills an individual’s need for information for leisure, teaching, research or daily functioning, particularly of a type traditionally provided by libraries.

Of course, the same person may be both a library user and a home consumer of different content. It would be a rare library user who only sources content from the library and no other source. This has always been so. The difference now is that, using resources such as those described below, it is much cheaper and easier for a user from the target population of a library to bypass the library to obtain content from free and easy online sources. Today, there are many users who opportunistically use legal library content and then augment this with home consumption of more convenient and/or illegal alternatively sourced content.

When discussing “free” content here, we are using an extremely narrow definition. We are referring only to the content available “at no direct further financial cost to the individual library user or home consumer”. It is acknowledged that there are other, more complex meanings to “free” around the provision of information that take in moral and ethical considerations about rights to information. We also acknowledge that there is certainly an infrastructure cost for the home consumer (computing equipment and internet access) and financial cost for libraries that provide “free” content, under our definition, to library users.

The fact that there is a funding source providing “free” library content is not always foremost in the public eye in discussions of online content sharing. In an article on popular technology site, *TechCrunch* (Carr, 2011), when discussing why the author considers book piracy a “non-issue”, the view of “free” seems to forget the budget outlay by libraries to provide free content:

People who illegally copy books on a large scale, for personal profit, should be buried up to their necks in sand until ants eat their lungs from the inside. On that I’m sure we can all agree. When it comes to peer-to-peer file sharing, however, I’m calm to the point of apathy. The reason: books have *always* been free to those who don’t want to pay for them. Since as far back as the 17th century, people too poor, or too cheap, to buy a book could walk into a public library and borrow it.

Carr’s preconception about “free” books reflects the purpose for which most funding bodies fund libraries. Although there may be indirect financial costs to the individual library user via municipal rates, company expense or tuition feeds, libraries receive this funding so that the library user does not make individual financial outlay each time they use library content. Libraries are, in fact, funded indirectly on something like a “prepaid” model by all targeted library users - whether they individually use the library or not. Libraries that want to continue to provide their free service to library users need to be aware of other free content services that are now in direct competition. For most of the twentieth century, there were very few competitors to libraries and their free content on demand. Free-to-air television programs were only broadcast at a specific day and at a specific time, not on demand. Unless one read a

newspaper in the library, one had to pay each day to read it. Now the “hidden competitors” that are discussed below provide real competition at no cost to the consumer.

In the excerpt above, Carr conflates the cost of a free book from a library and the cost of a free illegally-torrented book into the same experience *from the point of view of the content consumer*. This is both correct and troubling. For the library user, walking into a library and borrowing a book or downloading an article from a scholarly database involves the same immediate financial cost as downloading a pirated copy of a book: none. Although library staff are aware of their, often multi-million dollar, budgets, it is very likely that many library users do not think of themselves as using a service for which they have prepaid. To them, free is free.

Further, there is a risk that library funding bodies, especially those with an eye on the bottom line rather than any ideas of social capital or freedom of access to information, will begin to demand justification why they should be funding libraries when individuals are getting similar content elsewhere. If a larger proportion of the target population are now outsourcing service provision to private sources, as happens with schooling or hospitals, then it is very possible that library funding bodies will see a less compelling need to fund libraries to provide what they perceive to be the same service. Unlike the twentieth century, where merely providing a “free” service was justification enough due to the lack of competition, in the twenty-first century, libraries need to ensure that library funders and library users are convinced that the “free” service is providing some value for the funding dollar.

Libraries need to convince funders that this value is not being provided by what the home consumer can do from their own computer without using the library. Library workers need to understand how the content provided for free to the home computer differs from library content. Although some authors claim that “not all information is online” (Replinger, 2009) and that the information sources they provide are more accurate and authoritative (Crummett & Perrault, 2008), without thorough understanding of alternative free and easy resources in their users’ information ecology, they are not qualified to discuss this claim, let alone argue for library superiority.

“Easy” is used here to mean content that the user can access with minimal effort when compared to other methods of getting similar content. Ease may be because the content source is located on similar websites to those that the user visits regularly, because the interface is simple or familiar to the user or because the same content may be accessed via many different devices or platforms regularly used by the user. Content access may be easy from the point of view of the user because it is obtained from a single source that is used for many different content types, for example a single Google search box that is used to find variously telephone numbers of local businesses, news about new product releases and information to help with pruning the roses.

In a research paper with the revealing title of “*If it is too inconvenient, I’m not going after it*”: *Convenience as a critical factor in information-seeking behaviors*, Connaway, Dickey and Radford position “ease of access and use” as one of the “central contextual limiters in information seeking” (2011, p.9). They argue further that “ease of access of use” combined with other “aspects of convenience” (choice of

source and time factors) influence users when they choose to use non-library sources for their information. Warwick, Rimmer, Blandford, Gow and Buchanan (2009) suggest that undergraduates with a query that could be answered using library resources will use search strategies that are familiar and easy, “not necessarily complet[ing] their information tasks but deploy[ing] considerable ingenuity in finding ways to avoid or limit complexity” (2009, p. 2414). The authors use the term “strategic satisficing” to describe this process where, rather than search for the “best” information, information seekers will use instead strategies allow them to find information “as quickly as possible using their extant skills” (2009, p.2409).

As with “free” content, for most of the twentieth century there were few sources that were “easier” to access than library content, especially before digital content became commonplace. Most bookstores stocked far fewer items than were on library shelves or available for loan. Bibliographic tools required to locate materials, particularly material not held in a library’s collection, were often so complex that consulting professionally-trained staff in libraries was the best way to find desired content. On request, publishers would mail to private citizens catalogues of all titles stocked - or sometimes even sell these, but there was no way that one could use resources available in the home to search across the stock of a number of publishers, or order for personal consumption from a wide range of producers. An intermediary agent was necessary, and often asking library staff was the easiest way to get information about what was available, even if the library did not ultimately provide the material for the home consumer.

Many of the sources discussed below are “easier” to use than libraries. This is true especially when compared to traditional library print-based collections. After describing some of the “hidden competitors” to libraries below, we will return to ways that these sources are easier than library content.

Hidden competitors to libraries, providing free and easy content

Free and easy online content sources accessed by the home consumer can be characterised as “hidden competitors” to libraries. “Hidden” because there is still far less professional interest about these alternative sources than about tools and sources actually licensed and managed by libraries. Library literature includes discussions of information ecologies: how people make sense of many sources of information and how these sources interrelate (Steinerová, 2010). These discussions often focus on how information models of other sources, such as user tagging or a single search box, can be used to improve content sources purchased and managed by libraries (Breeding, 2010; Newton & Silberger, 2007; Swartz, 2005). Information literacy instruction in academic libraries often focuses on tools and sources “owned” and funded by libraries, with a nod to maybe the fact that users begin their search for content with Google or Wikipedia (Jennings, 2008; Slobodnik & Zeidman-Karpinski, 2008). Classes in public libraries may cover topics such as online sources of health information (State Library of Victoria, 2011) or how to use eBay (The Grove Library, 2010), but there is, understandably, not a focus on illegal content provision.

With a focus on content sources either “owned” by libraries, or that provide authoritative information legally, few library staff can prioritise time at work to familiarise themselves with many of the sites where library users actually get their content as home consumers. There is very little professional literature or training aimed at helping library staff understand how BitTorrenting works, how to strip the Digital Rights Management (DRM) layer from an ebook or how to evaluate, search and contribute effectively to large social news sites such as Metafilter or Reddit. There has not been much serious consideration of BitTorrent from the Library and Information Sciences point of view, with most of the academic research in the area to date focusing on the technical aspects of the technology, with some investigation into the implications for copyright and intellectual property.

The discussion below looks in detail at a number of these “hidden competitors”, presented as suggested resources that library staff should investigate and understand if they truly want to comprehend the information ecology of their users and where library-owned resources fit in. It then continues on to suggest that, with a more complete picture of the “hidden competitors” and how they work, libraries will be in a stronger position to argue for continued funding based on the added value that cannot be provided by these hidden competitors.

To obtain free and easy content, the home consumer has a number of options, including file-sharing sites (like PirateBay), social media sites (such as Twitter), and other sites specifically set up for the purposes of sharing information. An overview of the range of different ways a home consumer can obtain information by using the Web presents a complex picture.

For example, on Twitter, the hashtag #icanhazpdf is used by individuals looking for copies of journal articles and other materials that would normally have to be purchased or perhaps obtained through a library. Some users of the social media aggregator site, Friendfeed, post requests for journal articles on the site (“References Wanted,” 2011). A quick scan of some of these users would indicate that some of them are professional or working individuals, possibly without access to an academic library for such materials, while others are students, and academics.

The following screenshot of Twitter, taken on 1 October 2011, shows tweets from individuals which include comments that help is needed because “screwy library today”, and for material “stuck behind paywall”.

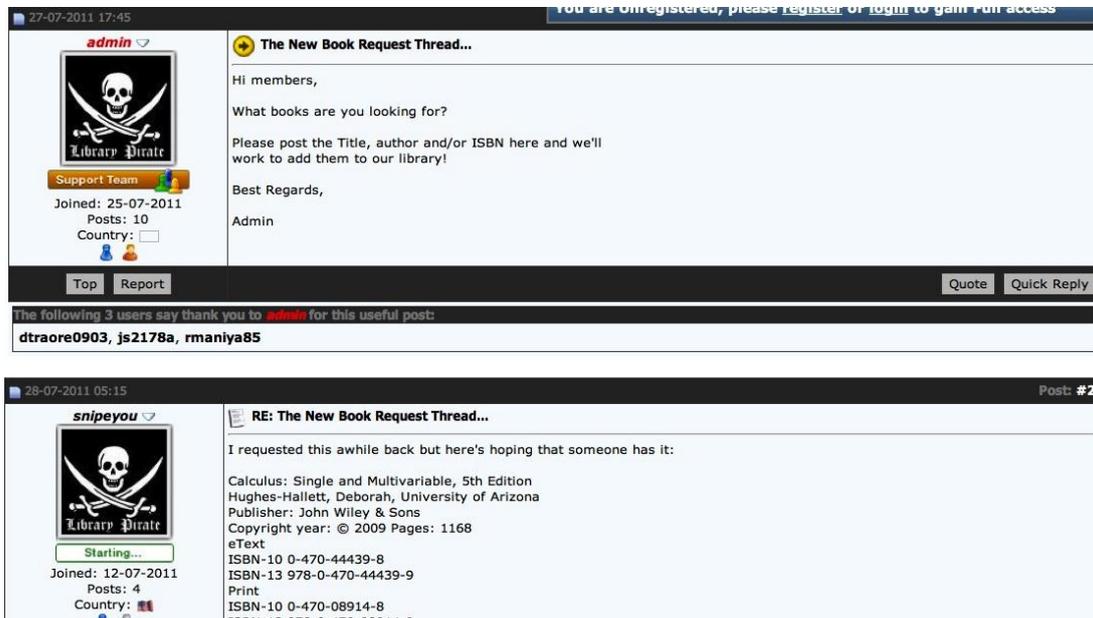


Such resource sharing is just one example of the millions of conversations that Twitter enables. Of course, many of these article requests are being fulfilled by individuals who have access to particular libraries and their subscriptions, and providing them to others who do not.

In July 2011, an American “online activist” named Aaron Swartz was arrested for downloading four million articles from the database JSTOR. Following this, “18,529 academic papers from the scientific journal *Philosophical Transactions of the Royal Society* [were posted] to the illegal [sic] file-sharing website, The Pirate Bay” (Creagh, 2011), reportedly in protest at Swartz’s arrest. The poster stated on the site that their actions had been taken to “... remove even one dollar of ill-gained income from a poisonous industry which acts to suppress scientific and historic understanding, then whatever personal cost I suffer will be justified, it will be one less

dollar spent in the war against knowledge. One less dollar spent lobbying for laws that make downloading too many scientific papers a crime.”

One filesharing site, interestingly named “Library Pirate”, specialises in sharing access to electronic textbooks, claiming that they are “the internet’s largest collection of free textbook torrents” (LibraryPirate, n.d.). Users of the site are invited to post requests for books they are “looking for”.



While librarians may decry this type of misuse of their subscribed or purchased resources, we suggest that the challenge this brings is somewhat similar to what journalists are facing. The content that journalists are paid to produce, using their set of professional skills and ethics, is reused by bloggers, forum contributors, and even commenters on journalistic blogs, in a way at odds with the ethics and quality control in traditional journalism. Rather than ignoring or criticising the behaviours, library staff need to realise that, as has been argued in the case of journalism,

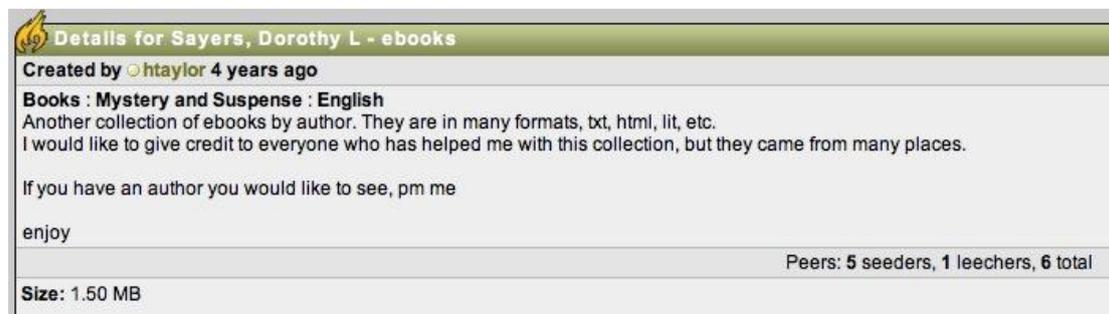
“Tomorrow’s potential readers are using the Web in ways we can hardly imagine, and if we want to remain significant for them, we need to understand how”, by ensuring that we “join in conversation with those who aren’t trained as we are and find ways to help them understand and acquire the values and skills that make what we do socially useful.” (Pisani, 2006)

One area where online content consumption by the home consumer is very different to that provided by libraries with their set of ethics and professional practices is in illegal supply and conversion of ebooks. Ebook files provided by publishers and libraries are protected by a layer of encoding that protects the property rights of the publisher. This Digital Rights Management layer may limit the types of devices onto which titles can be downloaded, only allow consumption across a limited number of devices or require authentication before use. Instructions on how to remove DRM, or even small scripts written and shared freely online that allow users to do this very simply and painlessly, can be easily found and used by anyone interested (for example, Sorrel, 2011). In this way, the home consumer who chooses not to observe

the law has a much wider source of ebook content via illegal free and easy techniques than their library can legally provide.

There is some angst among publishers about “lost sales” due to ebook piracy (Boutin, 2010). A 2011 study, by legal firm Wiggin, of 1959 people in the United Kingdom (UK), with demographics chosen to match the age/gender/locale demographics of the UK, found that of people who owned tablet computers, 36% admitted to regularly or occasionally downloading pirated ebooks, while 29% of those who owned an ebook reader admitted to the same (Wiggin, 2011). As discussed below, free downloads of ebooks do not necessarily lead to lost sales in all cases.

Even where authors refuse to release their works in electronic formats due to piracy fears, it is possible to find fan-created versions of loved works in a range of formats on various filesharing sites. This is not “fanfic”, fan-written fiction that uses characters and the world created by a favourite author. These are electronic versions of works that have only been published as printed texts: the result of fans manually scanning and encoding the resulting files. The proliferation of these can be demonstrated by choosing any web search engine and searching for a book title, adding the word “ebook” to the end of the query. Chances are that within the search results there will be links to BitTorrent or other filesharing sites providing unauthorised access to the book title searched.



The screenshot shows a BitTorrent file sharing interface. At the top, there is a green header with a flame icon and the text "Details for Sayers, Dorothy L - ebooks". Below this, it says "Created by ohtaylor 4 years ago". The main content area is titled "Books : Mystery and Suspense : English" and contains the text: "Another collection of ebooks by author. They are in many formats, txt, html, lit, etc. I would like to give credit to everyone who has helped me with this collection, but they came from many places." Below this, there is a comment: "If you have an author you would like to see, pm me" followed by "enjoy". At the bottom right, it says "Peers: 5 seeders, 1 leechers, 6 total". At the bottom left, it says "Size: 1.50 MB".

Some users post copies of works they have spent hours digitising - for example by converting a book to a digital format using a scanner, then converting the material to an ebook format and painstakingly correcting any OCR mistakes and fixing the formatting. Other users download the book, read it, and continue to improve on its readability by finding and fixing any remaining errors. Thus ebooks are sometimes released annotated as a particular version (having gone through several corrective iterations). Many titles are even helpfully released in multiple ebook formats (.mobi, .epub, .pdf, .lrf, .lit and so on). Downloading a title is a simple matter of clicking on the link.

Extra information	
Tracker:	http://inferno.demonoid.com:3408/announce
Torrent file downloads:	1473
Target file downloads:	977
Last seeder activity:	14 minutes ago
Files described inside the torrent:	19 [Click here to hide the full list]
	Dorothy L. Sayers - [Lord Peter Wimsey 01] - Whose Body_v1.rtf 467.03 KB
	Dorothy Sayers - Catholic Tales and Christian Songs.txt 54.09 KB
	Savers, Dorothy - The Man with Copper Fingers (SS).rtf 44.92 KB
	Sayers, Dorothy - An Arrow o'er the House (rtf).rtf 28.34 KB
	Sayers, Dorothy - Blood Sacrifice.rtf 66.47 KB
	Sayers, Dorothy - Dilema (rtf).rtf 20.04 KB
	Sayers, Dorothy - Nebuchadnezzar.rtf 24.36 KB
	Sayers, Dorothy - Scrawns (rtf).rtf 34.69 KB
	Sayers, Dorothy - The Man with Copper Fingers (SS) (v1.1).rtf 44.12 KB
	Sayers, Dorothy - The Milk-Bottles (rtf).rtf 24.79 KB
	Sayers, Dorothy L - Lord Peter Wimsey - Absolutely Elsewhere (rtf).rtf 39.87 KB
	Sayers, Dorothy L - Lord Peter Wimsey - In The Teeth Of The Evidence.rtf 37.17 KB
	Sayers, Dorothy L - Lord Peter Wimsey ss - Absolutely Elsewhere.txt 31.51 KB
	Sayers, Dorothy L - Montague Egg - A Shot At Goal (rtf).rtf 83.87 KB
	Sayers, Dorothy L - Montague Egg - Bitter Almonds (rtf).rtf 32.08 KB
	Sayers, Dorothy L - Montague Egg - False Weight (rtf).rtf 27.79 KB
	Sayers, Dorothy L - Montague Egg - The Professor's Manuscript (rtf).rtf 29.06 KB
	Sayers, Dorothy L. Strong Poison.txt 449.03 KB
	Torrent_downloaded_from_Demonoid.com.txt 47 bytes

Ebook versions of the *Harry Potter* series are an example of the fan-created ebook from a printed copy. J.K. Rowling did not include rights to electronic versions of the books in any of her publishing contracts. She retained the ebook rights and chose not to issue any in this format (Solon, 2011). Within days of the 2005 release of *Harry Potter and the Half-Blood Prince*, mainstream media in Australia had discovered what many home consumers had happily known since before the official release: illegal copies of the ebook version were available for download (Tadros, 2005). The *Harry Potter* series has also been the starting point of an enormous amount of fanfic, including the sites harrypotterfanfic.com (over 71 000 works), http://www.fanfiction.net/book/Harry_Potter/ (over 440 000 works) and <http://fanfiction.mugglenet.com/> (around 10 000 works). Variations on the original story include scenarios where Harry is evil, where Harry is a single father, crossovers where Harry is romantically involved with characters from other fantasy series (such as Clark Kent from *Smallville* or sailing the Caribbean with Jack Sparrow) or even a set of “lioness and serpent” stories - pairing Hermione Grainger and Severus Snape (http://www.fanfiction.net/communities/book/Harry_Potter/, <http://megami101.tripod.com/id1.html>).

J.K. Rowling’s response to fan-created ebooks, both versions of the original and their own fanfic, has been to create a “free and easy” content site, Pottermore.com. Launched in beta on 31 July 2011, it will provide, for the first time ever, legal downloads of *Harry Potter* ebooks - not free, but very easy. J.K. Rowling is capitalising on her “brand” as the originator, the entity that delivers *Harry Potter* content. One could argue a much stronger association with this role for her reading public than an association with publishers, bookshops or libraries as deliverers of *Harry Potter* content, although these have been the main source of actual physical books since 1997. The *Pottermore* site will also allow fan co-creation of the *Harry Potter* story, promising that fans can “share and participate in the stories, showcase [their] own Potter-related creativity, and discover additional information about the world of *Harry Potter* from the author” (“About Pottermore,” 2011). Although the site was created with “support” of J.K. Rowling’s Publishers worldwide and has some kind of partnership with Sony Corporation (“About Pottermore,” 2011) there is no real way that libraries either supported or will be relevant to content provision from the site. Libraries are, in effect, irrelevant as content providers in any developing *Harry Potter* story as it continues from 2012 onward.

Alternative models of online content delivery that bypass libraries’ ethical and professional models are not only being devised by home consumers and authors like J. K. Rowling with cooperation of publishers, but also by authors who reduce the

involvement of publishers and self-distribute. Some authors, such as Seth Godin and Neil Gaiman, have agreements with their publishers that have allowed them to make copies of their print books available for free download as a way of promoting the work. Not everyone who downloaded one of these ebooks for free went on to buy physical copies, however in the case of Seth Godin's work *Unleashing the Ideavirus*, the million or so downloads did not prevent it from rising to number 5 on the Amazon bestseller list in 2001 (Godin, 2007). The music industry is more advanced in this model, with artists such as Amanda Palmer, Nine Inch Nails and Radiohead all self-distributing (Hart, 2011) by providing downloads where the home consumer voluntarily makes payments.

Unfortunately for libraries that are obliged to provide content via legal means, the experience of self-distributing music artists has shown that providing easy downloads with no obligation to pay anything does not necessarily ensure that the home consumer will prefer this method of delivery, or even that they will stick to legal artist-endorsed methods. Sometimes illegal is simply easier. In 2007, when Radiohead released their album, *In Rainbows*, for a two-month period it could be downloaded directly from the band's site. The person downloading paid whatever price they wanted, including no price at all. During this period, however, another method of obtaining the album proved more popular than the band-endorsed, legal site: 2.3 million downloads of the album were made via illegal BitTorrenting sites (Page & Garland, 2008).

Although there were several possible complicating factors, such as the band's server being unable to handle the volume of requests plus the requirement that all users provide credit card details or an email address, Page and Garland (2008) in their analysis suggest at least part of this bypass of a legal site for an illegal, easier site can be attributed to the "venue hypothesis" which they describe in this way:

The venue hypothesis suggests that even when the price approaches zero, all other things being equal, people are more likely to act habitually (say, using The Pirate Bay) than to break their habit (say, visiting www.lnrainbows.com) (Page & Garland, 2008, p.4).

Possible future developments

We suggest that although libraries previously had a monopoly as venues for providing the best free and easy physical content, this appears not to translate to target users habitually turning to libraries for free and easy content that is online. Somehow library supremacy as a familiar physical venue for free and easy content has not evolved into the same supremacy for online content. This is a missed opportunity, caused partly by libraries not cooperating early on to provide funding and staff skills to create a superior and unified online experience; instead allocating resources as individual institutions to purchasing third-party products that did not integrate well with each other or have the simplicity or familiarity of other interfaces that potential library users were beginning to experience online. In the future it is possible that authors themselves, such as J.K. Rowling or Clay Shirky, become the "familiar venue", with potential readers seeing the authors' own sites as the easiest and most familiar place to get online content. BitTorrent sites, Google, and Amazon.com are currently much more easily recognised than libraries as "venues" for much online content.

This limitation was observed in 2008 in the report *Information behaviour of the researcher of the future*, which was commissioned by the British Library and the Joint Information Systems Committee in the United Kingdom which suggests that one of the major challenges for libraries in the (then) next 5 -10 years is:

Becoming much more **e-consumer-friendly** and less stodgy and intellectual. Few digital library offerings make any real attempt to connect with the larger digital consumer world: they simply do not chime with people's experience of Facebook, YouTube [or] Amazon ...
(CIBER, 2008, p.33)

The report further suggests that:

With the arrival of the e-book libraries will become even more remote from their users and publishers will become even closer as a result of consumer footfalls occurring in their domain.
(CIBER, 2008, p.33)

Libraries collectively have not lobbied for, or formulated for themselves, any type of ebook delivery platform to rival the ease of delivery of Amazon's delivery of ebook content via "Whispernet" to Kindle devices and other devices running Kindle reader software. It took almost three years after the initial launch of the Kindle device for Amazon to make ebook content available for loan to libraries (Amazon, 2011). While Amazon was creating a download habit in Kindle owners that was based on only a home consumer model, some libraries aimed to make Kindle ebooks available to their public by lending out the devices pre-loaded with ebooks. Whether this was actually legal under the licensing agreement of the Kindle device and content was - at best - unclear (Laughlin, 2010).

As of October 2011, the way that some Kindle content is being made available legally to library users is via the dominant library ebook lending platform, Overdrive - but only to users in the United States of America. Delivery of Kindle content via Overdrive is different from the delivery of other ebook content via Overdrive. Non-Kindle content involves downloading at least one other type of software to a PC and remembering not only one's library card number but also sometimes other numbers like a special identifier, such as a personal Adobe Digital Editions number, before plugging in an ereading device, if this is the reading method of choice. (See, for example, Pima County Public Library, 2011). Kindle content via Overdrive, by contrast, involves remembering a library card number and then one's Amazon account number. The electronic item is delivered immediately to one's Amazon account, for temporary access in the way one habitually downloads and reads Amazon's content.

Amazon's delay in providing Kindle content to library users via Overdrive has meant that Kindle users are now likely to be used to Amazon's "one click" download. This may be the standard for "ease" against which many library users will measure access to ebooks. As long as libraries accept rather convoluted delivery methods of services like Overdrive, then they are lagging behind services like Amazon. One could argue that part of the problem with delivering ebooks via Overdrive is due to Digital Rights Management; however, the .azw format is also proprietary and does not involve such difficulty.

It is worth considering whether there is really any gain for Amazon in partnering with Overdrive to lend books through libraries. One can speculate that any payment from Overdrive to Amazon for providing short-term loans would not rival revenue that could be raised by Amazon providing for a very small fee - on a personal subscription model - access by the home consumer to ebooks in a model similar to the way that Netflix streams movie content. Although the United States has “doctrine of first sale” that allows libraries to lend physical content, this does not apply to ebooks (DRM Watch Staff, 2004). It is very possible that Amazon is only supplying content through Overdrive because publishers will not provide Amazon with rights to distribute Kindle books as temporary loans via direct distribution to the home consumer.

The lack of clarity around Amazon’s motives in providing ebooks through Overdrive, and whether it has the contractual ability to lend books directly to the home consumer, is caused partly because legal regulation and contractual licensing that is argued to apply to ebooks was originally created to cope with distribution and lending of physical books. In some ways, an ebook is more similar to a movie, an “experience” consumed temporarily on a physical device, which is rarely re-read. Ebooks are actually not like anything else; however, they are often discussed and regulated as though they were identical to physical books.

This treatment of ebooks as though they are physical books is mirrored in the distribution models that libraries have implemented, involving “loans” of digital items. Although library staff may think that they had no other choice than take what was offered, the fact remains that what libraries offer their users is severely restricted by this model. There is no technical reason why one library user cannot download and read an ebook from a library or Overdrive’s servers while another library user, in fact possibly hundreds of library users, is doing the same thing. The model used, however, pretends that access to the contents of a book in electronic form is still as limited as when physical copies were scarce. Overdrive, NetLibrary and ebrary all have “loan” periods where only a single user may access an ebook for a set period, excluding others unless the library pays for another “copy”. In accepting these models, libraries are perpetuating an unviable model that is a much more difficult and inconvenient way to get content than via BitTorrenting sites.

We are not condoning illegal distribution that happens via BitTorrenting, nor are we suggesting that simply being regulated by a legal system that has not adapted for technological change, and cannot ever effectively police BitTorrenting, makes it morally acceptable. We are pointing out that the legal fiction that someone can “own” the content of a file once it has been distributed via BitTorrent is as absurd as pretending that for some reason only one person can use an ebook at a time. The difference is that home consumers who use BitTorrent do not accept the “ownership” fiction while libraries are obliged to accept the “loan period” fiction.

Author and commentator on Digital Rights Management, Cory Doctorow, has pointed out that some arguments put forward by content “owners” about why users should purchase “legal” copies do not necessarily stand up to reason, “often muddled and confused, and at odds with the strategies deployed by the companies and individuals who employ [the arguments]” (Doctorow, 2011). Given that libraries are required to provide content legally, it is important that library staff are aware that if libraries put forward the same types of arguments to justify libraries’ “legal free” content against

distributors of “illegal free” content, the position libraries take may look outdated and absurd to those who choose to use BitTorrent without legal penalty. While libraries are arguing for the legal necessity for systems that deliver content to library users, complicated by Digital Rights Management and supporting fictions about single “lending” instances of ebooks, home consumers are choosing to download ebooks via BitTorrenting, use programs to strip DRM, buying digital content directly from artists rather than borrowing through libraries or bypassing institutional libraries to share PDFs of journal articles directly with each other.

Doctorow identifies his arguments as a preliminary

“taxonomy of “value propositions for the purchase of digital goods” – that is, reasons you should spend money on digital files that you can get for free – and of the market strategies that enhance or undermine each strategy.”

Libraries have traditionally argued that pooling resources to spend money on legal content is the most cost-effective and moral way to provide free and easy content to a target library audience. This was so in the twentieth century. Doctorow’s “preliminary taxonomy” of the main arguments about legal provision of content in the twenty first century are summarised below. The summaries are partly Doctorow’s and partly our application of Doctorow’s summaries to a library context.

- *Buy this or you'll get in trouble.* (When cost of getting caught is low and likelihood of getting caught is negligible this is no deterrent)
- *Buy this because it's the right thing to do* (Anyone arguing this must be morally beyond reproach.)
- Buy this because you're supporting something worthwhile (When identifying who is being “supported”, the cost of online journal databases and the payment model for authors compared to the publisher’s profits, are, as pointed out in the discussion of journal publishing above, problematic)
- Buy this because paying money will deliver high quality (When one can download a BitTorrented ebook that stays on a hard disk as long as one wants, is a version that last only for a 14-day “loan” really better quality?)
- Buy this because it is convenient (as seen above, library platforms for delivering content are rarely more convenient than competitors)
- Buy this because your devices won't play the unauthorised version
- Buy this and you'll get more features than you would with the unauthorised version.

Possible Responses by Libraries

If library staff are to argue for continued funding, as providers of legal free and easy content or otherwise,- then we suggest that there are a number of actions that they can take other than passively accepting legal and content provision models as they are, and ignoring the hidden competitors that also provide free and easy online content. We suggest possible actions such as:

- instigating consortia for generic content

- lobbying for changes to legal regulation of intellectual property
- supporting more open and fair publishing models
- focusing on providing local online content
- focusing on the value of the library as a physical venue for activities that are not about providing content.

We argue that libraries need to be more selective about the type of content that they offer to their target library users. This selectiveness, caused by alternative online sources for information, is already evident in the reference services offered by many libraries. Large areas of floor space near the entrance of libraries that once contained large shelves of print reference materials, such as almanacs, statistical bulletins, telephone directories, atlases and printed journal indexes have now been repurposed. While libraries still have a function in helping library users who have access problems due to poverty or lack of skills or education, many of the reference questions previously answered for a much wider range of clients can now be answered by target library users acting as “home consumers” exhibiting “strategic satisficing” of their information needs. Questions that may previously been answered using library reference staff or collections are answered using free and easy sources such as Wolfram Alpha, the Australian Bureau of Statistics online, Wikipedia or specialised social networking sites like Ravelry for fibre arts or Whirlpool for technology questions.

We suggest that libraries need to be equally pragmatic about ensuring that the online content that they provide is filling a niche that cannot be filled better for our target users by other suppliers of online content. While generic, globally-focused content is often available via “hidden competitors”, there are fewer sources of good quality local content. We suggest that libraries still work to provide access to generic, globally-focused content - material such as ebooks of bestselling fiction in public libraries or essential online academic texts in academic libraries - but that the model used is a much more collaborative and cooperative one among libraries. State, public and academic libraries in Australia that are funded using public monies will provide online content more responsibly if they pool resources to fund and support bodies like consortia and national institutions to buy and negotiate licenses on their behalf. Libraries need to work with these bodies to create authentication systems that will allow libraries to act as an “identification agent” to allow local users to access information provided by these third parties. If libraries continue to individually try to negotiate licences for publisher-created electronic content, then they are duplicating the same activity in each library and this is not a financially responsible use of resources. Examples of successful negotiations for this kind of access include the Canadian Research Knowledge Network (2011) and the EIFL licensing agreement, which provides journal content to library users in over 40 developing countries (EIFL, n.d.). Often the same person is the “target library user” for a number of libraries - for example a university academic who lives in the catchment area for a public library. A single, simple to use authentication point, branded as “LIBRARY”, where this user could easily access both her scholarly items and download her ebook fiction would be a persuasive competitor to the free and easy content provided by “hidden competitors”.

While negotiating to provide a single-access “Brand Library” point to otherwise very expensive generic content would be useful, library staff also have the option to seek alternative legal models of provision of content. The directors of the non-profit organisation in the United States, Library Renewal, claim to be working toward a solution for libraries to easily and cheaply provide media to library users such as streamed multimedia, music and ebooks (<http://libraryrenewal.org/about/>). Currently the information on the site and in public presentations (Weaver, 2011) has been too vague to understand how they aim to do this, but the work of the organisation is worth tracking.

Libraries have the option to support and promote material published in Open Access journals and monographs. To provide easy access to Open Access works, it is essential that any library that has implemented a Discovery Layer product makes an effort to ensure that Open Access journals are as well indexed and linked as for-profit paywalled material. If freely-downloadable journal articles only appear in search engines such as Google Scholar or Microsoft Academic Search, then library search products will not be seen by library users to provide comprehensive results.

Any library that works in a community of researchers that both produces journal and book content and requires the same for their research can implement education campaigns about Open Access publication and about varying publication contracts when articles are accepted by Closed Access journals. Due to commercial-in-confidence agreements signed when libraries buy journal subscriptions, journal article authors are not always aware that the article for which they received no payment from the publisher can only be read by colleagues in some instances if their institution’s library pays a very large fee (Fister, 2011). The authentication layer that is added to articles under the paywall-access model makes them harder for researchers to download, thus less likely to be cited (Davis & Walters, 2011). The University of California at Los Angeles has an information page that is a good example of this type of campaign at <http://www.library.ucla.edu/libraries/2996.cfm> .

Libraries can also support, and even institute, organisation-wide knowledge-production initiatives that require easier and cheaper access than traditional models. An example of this is mandated submission of work to Open Access publishing or available in open access databases, such as the requirements from the Swedish Research Council (Lund University, 2010) or the mandates from Massachusetts Institute of Technology, Harvard University and Princeton University (Howard, 2011). Libraries may work with their organisations to ensure that knowledge-creators understand rights management and be part of initiatives to ensure material is published under a Creative Commons license, such as material produced by the Australian Bureau of Statistics (2010) or the Australian Parliament (2011). Open Access publishing can also be supported via the maintenance of institutional repositories - databases of published electronic works authored by employees. Many journals that are paywalled also allow authors to provide free direct download from an organisation’s repository.

In the light of competitors supplying free and easy content, this last role - providing a platform for local content produced by (or of interest to) the library’s target users - is one that we suggest libraries should develop much more vigorously. In many areas access to creation, consumption and preservation of local content and local stories is not provided well by anyone. Libraries can take a lead in digitising local history

collections. They can encourage skills in using new media and technologies, as has been done by the Knowledge Centres in the Northern Territory or the Edge at the State Library of Queensland. Libraries could provide community publishing platforms for local authors and artists, in the way that Kete Horowhenua in New Zealand works with the local quilting community to store images of their quilts (Kete Horowhenua, 2010).

The final suggestion that we submit is that libraries arguing for their worth in the twenty first century focus on activities other than content provision, print or online. Unlike online free and easy content providers, libraries have physical venues that provide real worth to library users. The home consumer cannot obtain via BitTorrent the educational connection established during children's storytime or the social experience of sitting quietly reading or studying with others. Libraries as venues have shown themselves to be vital for internet and access to electricity during floods in Queensland (Australian Library and Information Association & Queensland Public Libraries Association, 2011) and after Hurricane Irene in the United States (Darien Library, 2011). There is a compelling need for further research into how library buildings are actually being used and on measuring and reporting on this worth. It is possible that the content usage picture would be similar to the recent "Project Information Literacy" report that found that of 560 undergraduates working in United States universities during exam weeks, the primary activity was using computers and printers (39%) rather than scholarly research databases (11%), library books (9%), face-to-face reference (5%) and/or online reference (2%) (Head & Eisenberg, 2011).

Conclusion

Libraries still have value in the twenty first century. Libraries do not, however, have the same competitive strength as suppliers of easy, free online content, as they did as suppliers of free and easy physical content. In arguing for the value of libraries, library staff cannot presume that providing free content easily to a target audience - even the most authoritative and thorough sources - will be as compelling a reason for funding libraries as in the twentieth century.

It is imperative that library staff acknowledge methods of content delivery used by home consumers in a library's target audience, understand the limitations on library content delivery when compared to illegal delivery models and actively participate in all levels of conversations about the development and evolution of new and emerging information needs and practices, taking a leadership role both within their organisation and across professional boundaries. By doing this, library staff will be better equipped to explain authoritatively that the value of libraries lies not only as online content providers but also as consortial members, data curators, publishers, implementers of innovative knowledge models, suppliers of physical content and venues providing vital community services.

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