

# Building up a European advocacy for e-lending

EBLIDA 2023 – Maarten Zeinstra

Knowledge

Rights

21

21<sup>st</sup> Century Access to  
Culture, Learning & Research

This presentation:  
[tinyurl.com/5xsnz3u3](https://tinyurl.com/5xsnz3u3)

# Introduction

# Intro

Maarten Zeinstra – KR21 Coordinator the Netherlands

This presentation

- Knowledge Rights 21
- Position on eLending

# This presentation

- Introduction into Knowledge Rights 21
- Introduction to our position on eLending
- Call to action

# Knowledge Rights 21

The programme Knowledge Rights 21 (KR21) is focused on bringing about changes in legislation and practice across Europe that will strengthen the right of all to knowledge.

It is built on a conviction that knowledge is essential for education, innovation and cultural participation, and that everyone should have the possibility – in particular through libraries, archives and digitally – to access and use it.

# About KR21

A Stichting IFLA Foundation Programme, supported by the Arcadia Foundation,

in partnership with IFLA, LIBER and SPARC Europe.

Find us at  
[www.knowledgerights21.org](http://www.knowledgerights21.org)

## Key Missions:

- Facilitating **fair access to e-books** for users of public, national, educational, and research libraries;
- **Protecting** users' rights under copyright legislation **from contract override and technological protection measures** that undermine statutory exceptions to copyright;
- Promoting the case for the introduction of open and flexible copyright norms in Europe to **aid research, teaching, and learning**;
- Advocating for a legislated scholarly publication / **secondary publishing right** in laws;
- Accelerating the uptake of **author rights retention** activities in Europe.



# Three pillars

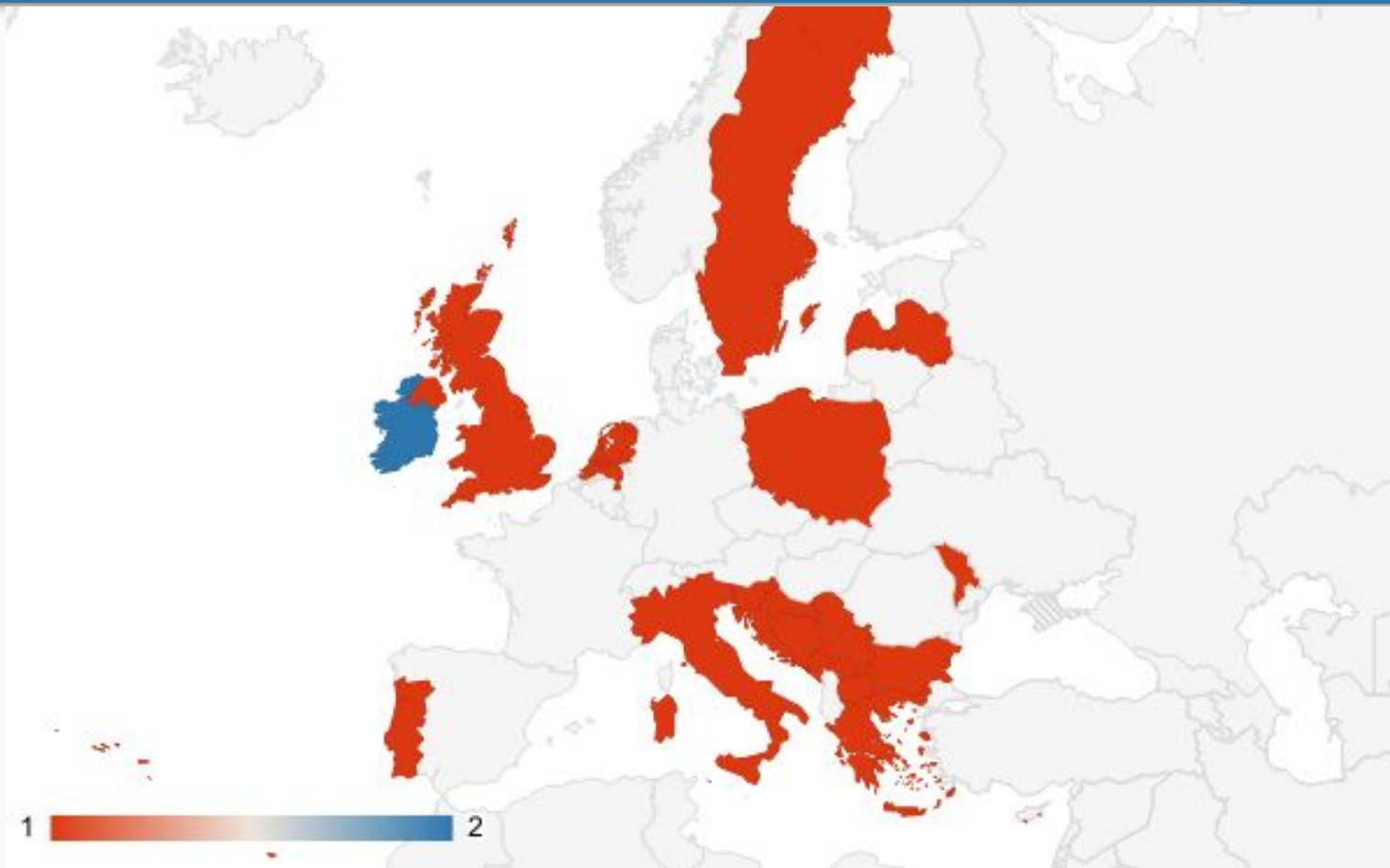
- Building the evidence base
- Building capacity for sustainable national advocacy
- Engaging directly in Brussels

# Opportunities

- National coordinators and grants
- Upcoming training course
- Brussels-national connections

We are keen to work with you to gather evidence and form networks!

Contact: [info@knowledge4rights21.org](mailto:info@knowledge4rights21.org)



# eLending

# eBooks operate outside of copyright

- eBooks operate outside of copyright law
  - Refusal to sell
  - Embargoes
  - High prices
  - Restrictive licensing terms
  - Access instead of ownership
- We need a backstop European right for eLending as basis for further conversations with publishers

# Centuries-old public policy

- Libraries run the risk of losing the very core of their missions to provide access to information, education and culture without the condition of the ability to pay
- Digital platform moves access requirements back into the hands of private parties and publishers.

# Lending and Copyright

Lending has been largely harmonised in the EU directive since the adoption of the Lending directive of 2006.

“a right to authorise or prohibit the rental and lending of originals and copies of copyright works, and other subject matter”

- Exhaustion
- Lending exception

# VOB v. Leenrecht (C-174/15)

- Lending of an eBook is equivalent to lending of a 'physical' book

"[...] the concept of 'lending', within the meaning of those provisions, covers the lending of a digital copy of a book [...]" (§ 54)

"[...] (can be) subject to the condition that the digital copy of a book made available by the public library must have been put into circulation by a first sale or other transfer of ownership of that copy in the European Union by the holder of the right of distribution to the public or with his consent [...]" (§ 65)



# Netherlands reaction

Instead of adopting 'one copy - one user' the Netherlands public libraries, the collective management organisations and the rightsholders have signed an agreement for a 'one copy - multiple users' use of eBooks.

Going farther than the conclusion of the CJEU-case.

However this comes with drawbacks as well.

- Based on compensation funded by the ministry.
- Based on an agreement that is not set in stone.

# Recommendations

# Amend the rental and Lending Directive

The Rental and Lending Directive (2006/115/EC) needs to be amended to reflect the VOB v. Stichting Leenrecht ruling.

- In order to make it clear to member states that eBooks are equivalent to 'physical books'
- No contractual overrides similar to the CDMS directive.

# Update national laws

Evaluate national law and if current law is unclear or contradicts VOB. v. Leenrecht, update the law.

# Call to action

# Call to action

- Follow KR21 on social media
- Contact your national coordinator,  
or contact [info@knowledgerights21.org](mailto:info@knowledgerights21.org)
- Become one of our national coordinators
- Participate in our events

# Thank you!

[knowledgegerights21.org](http://knowledgegerights21.org)

Contact me at:

[MaartenZeinstra@knowledgegerights21.org](mailto:MaartenZeinstra@knowledgegerights21.org)

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# Presentation Title

Presentation Subtitle

Knowledge

Rights

21

21<sup>st</sup> Century Access to  
Culture, Learning & Research



# Section Title

# Intro

What's this presentation about? Use this slide to introduce yourself and give a high level overview of the topic you're about to explain.

# First point

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Slide with a lot of text

# Second point

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Use this slide to show a major stat. It can help enforce the presentation's main message or argument.

# Final point

A one-line description of it

“This is a super-important quote”



- From an expert



This is the most  
important takeaway  
that everyone has  
to remember.



# Thanks!

# The Knowledge Rights 21 Programme

Too often, the voice and experience of libraries and librarians is not heard

COVID-19 has demonstrated that there is unfinished business from previous reforms

Grateful for the support of the Arcadia Fund

The logo is a dark circular emblem with a white diagonal line. It contains the text 'Knowledge Rights 21' in a light blue, sans-serif font. The background of the slide features a complex network of glowing blue and green nodes connected by thin lines, resembling a digital or data network.

Knowledge  
Rights  
21

21<sup>st</sup> Century Access  
to Culture, Learning  
& Research

# Three pillars, five policy areas

Building the evidence base

Building capacity for sustainable national advocacy

Engaging directly in Brussels

Aim for change on: eLending, contract override, open norms, secondary publishing rights, rights retention

# Opportunities

National coordinators and grants

Upcoming training course

Brussels-national connections

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Contact: [info@knowledgerights21.org](mailto:info@knowledgerights21.org)

# About KR21

- Fair access to eBooks
- Protect exceptions against contract or technology bypasses
- Support research & education
- Better access to research publications
- Protect author's rights

## About us:

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