

## October 2019 Tuesday Topic Macmillan eBook Embargo

Welcome to Tuesday Topics, a monthly series covering topics with intellectual freedom implications for libraries of all types. Each message is prepared by a member of OLA's Intellectual Freedom Committee or a guest writer. Questions can be directed to the author of the topic or to the IFC Committee.



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After an [experiment](#) with its [Tor](#) imprint, in which a four-month embargo was placed on new releases for sale to libraries, Macmillan publishers have decided to alter its [digital terms of sale](#) for libraries. Starting November 1st, library systems will be able to purchase only a single perpetual-access copy of a book for \$30. If a library system wants to buy more copies of a recently released title, it can only do so after eight weeks from the publication date and for twice the price of the original sale. This eight-week window also severely limits the time-frame library systems have to decide to buy. The offer to purchase a perpetual-access new-release expires after two months. Backlist titles are included in these terms for new releases, and by virtue of their status will no longer be available as perpetual-access purchases. However, not all electronic media is affected - the embargo only applies to e-books, not e-audiobooks.

In addition to Macmillan, Tor, [Simon & Schuster](#), and [Penguin](#), [Blackstone Publishing and Hachette Book Group](#) altered their library lending agreements. Hachette and Penguin chopped their perpetual-access model to replace it with a two-year license for both ebooks and digital audiobooks. And Blackstone established a ninety-day moratorium on sales of “library content.” Blackstone’s partnership with Audible/Amazon informs this moratorium. They are in a unique position to ensure [exclusivity](#) for millions of account-holders, easily denying access to those unwilling or unable to get an account.

With these new terms, Macmillan’s consolation to libraries claims to support their “archival mandates” and mitigate “cost and administrative burden associated with ebook lending.” Nowhere do they mention the potential impact on patrons, especially those who utilize the library because of prohibitive costs. It’s remarkable that given the alleged direct link between increased library lending and deflated sales, Macmillan’s solution is to actively lower their number of readers. They gamble that more profits for them, and profit-sharing for authors, will outweigh the potential to reach more readers. To the publisher, it seems, a retail customer’s experience with their product is worth more than cultivating advocates. This illustrates the

schism between the mission of the publisher and that of libraries. The ability to receive information is a cornerstone of intellectual freedom, and the company is infringing on intellectual freedom in an attempt to make more money.

In response to these developments, some libraries have forged coalitions in opposition to restrictive licensing. The Whatcom library system in Washington state boycotted Blackstone and [rallied other libraries](#) to do the same. Most recently, King County Library System (Seattle, WA) has declared that they will [stop purchasing Macmillan eBooks](#) until they drop these new restrictions. If your library wants to join in the effort, they shared a [toolkit](#) to facilitate such an undertaking. Publishers claim that their decisions to change licensing models are driven by sales data, but they have yet to share the statistics proving that libraries are cutting into their profits. If you're interested in digging into the research on how library users find and interact with eBooks, the [Panorama Project](#) is one node in analyzing this information. Their [Community Reading Event Impact Report](#) is an example of the comparative metrics from print and ebook sales for retail and library milieus. Libraries are nothing if not adaptable, and this ebook paradigm might push us to create something better.

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