



When the Peer-to-Peer Economy Meets Copyright

I was talking with a community college librarian recently and she commented that her 20-something patrons often come into the library asking to borrow textbooks for the entire semester, not realizing that they need to go to a bookstore and buy the textbook if they want it for more than a few weeks. Particularly for first-generation college students, no one warned them that textbooks would not be provided by the school—a departure from what they experienced in high school—and that they would be expected to spend \$1,000 or more for their books.

Adding to their confusion about what material they can get from their college library is the fact that many public libraries are doing away with fines for overdue books altogether—as the Denver Public Library says, “No Shame, No Blame, No Fines.” (Of course, you can’t borrow any more books until you return your overdue material, but the message that borrowers can keep books as long as they want contributes to the expectation that one needn’t ever buy a book outright.) If this weren’t enough to blur the distinction between owned and borrowed content, we have Creative Commons licensing of digital content—often allowing unrestricted use and modification of the creative work—and open access (OA) content, including peer-reviewed articles that may appear alongside articles behind a paywall.

This got my friend and me thinking about a distinction that is clear to info pros but that eludes many library users. Librarians understand the difference between content that they own—a DVD or a physical book, for example—and the digital content they license but do not own, with ebooks being the current high-profile example (I’m looking at you, Macmillan) but also including licensed databases, audiobooks, and streaming content.

Many library users, conversely, live their lives in the sharing economy. They value and are accustomed to being able to *use* rather than *own* a product. Why sink all that money in a car when they can hop on an e-scooter to go a mile or two, hail a Lyft or Uber to get across town, or get a Zipcar if they want to make a longer-term commitment to a vehicle? They stream videos, paying for the one-time experience of watching a show rather than wanting to own a DVD. When they travel, they share someone else’s home through Airbnb or Vrbo. They drop into co-working office spaces instead of an anonymous cubicle. In other words, they expect to have transactional access to what they need, when they need it. From that point of view, when it is as easy to get access to a

shared resource as it is to the one that you have purchased yourself, the idea of “owning” a resource is irrelevant.

When these patrons walk in—or, more likely, log in—to their library, they expect all the library’s content to be instantly available for use, regardless of the format. They wonder why a library ebook can only be read on a specific platform with digital rights management software that limits what can be done with the material; forget copying a passage for later reference, or being able to use text-to-speech assistive technology. University librarians struggle to explain to earnest scholars that, yes, it would be great if they could download and text-mine hundreds of thousands of records from a licensed database but, no, scraping and saving that corpus of information would be a violation of the university’s contractual arrangement and could result in the entire campus losing access to that resource. (For examples of how some libraries have addressed this issue, just search `inurl:libguides "data mining"`.)

While the distinction between owned content and that which is merely rented or licensed is vitally important to information professionals whatever our position, we must remember that most of our clients are much less focused on who “owns” an item or digital content they access through the library. Info pros must find more effective ways to communicate these distinctions to our users so that the message is more nuanced than, “Those blankety-blank publishers won’t let you do anything with their content.”

Just as we help build information literacy and the ability to evaluate sources, so we need to lead a conversation about the competing needs to both protect intellectual property and enhance the flow of information. We must continue to work with publishers and database providers to negotiate the least-restrictive access to information while respecting the value of the content. And all info pros need to be able to explain to their users the difference between OA and licensed content, and that just because something can be downloaded from the web doesn’t mean you’re permitted to do so. While we’re no longer shushing patrons, sometimes we still have to give them the librarian stink eye.

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