

PRESS RELEASE

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Judgement District Court of The Hague: questions to European Court of Justice about the lending out of e-books by public libraries

THE HAGUE - On 1 April 2015, the District Court of The Hague passed judgement in the case between Vereniging van Openbare Bibliotheken (Netherlands Public Library Association (VOB)) and Stichting Leenrecht (Public Lending Right Office (SL)). In 2013, the VOB brought a test case that focused on the question if e-books fall under public lending right. In September 2014, the District Court of The Hague decided to request the European Court of Justice for a preliminary hearing. Today, the District Court of The Hague published the request for a preliminary hearing in the judgement. The Netherlands Public Library Association is pleased that the European Court will study this case and that the proceedings will lead to a judgement on the merits that also concerns public libraries in other European countries.

The case is about whether public libraries can lend out e-books online against payment of the statutory public lending right fee and that publishers therefore have no exclusive rights with regard to lending out e-books online.

Used Soft Ruling

The reason for these proceedings is a ruling by the European Court of Justice in which the European Court ruled the continued trading of purchased software to be illegal, the so-called Used Soft ruling.

Copyright Act

The Copyright Act makes an exception for libraries. For each item they lend out, libraries pay a public lending right fee to titleholders via the Public Lending Right Office, enabling them to make copyright-protected works available without prior consent. This does in any case apply to paper books and these proceedings deal with the question whether this also applies to e-books.

E-books and libraries

It is unclear if, within current legislation, public lending right applies to e-books. That is why libraries now have to make arrangements with every publisher / titleholder about the conditions of the library making items available. This results in a confusing and incomplete supply to library users on account of different conditions and it means that the library is prevented from including some e-books in its collection, because the titleholders are against it or stipulate unreasonable conditions.

NOTE FOR THE EDITOR

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ABOUT THE VOB

The VOB is the association of public libraries and affiliated organisations. The VOB looks after the common interests on behalf of, for and with its members, in the course of which reinforcement of the businesses with a social conscience, modern employment practices, market development and positioning are key aspects.

www.debibibliotheken.nl