

To Whom it May Concern,

I am writing to you in support of the [First Sale Doctrine](#) in regards to eBooks.

Did you know that when a library purchases and lends a print book, CD or DVD, the library does not pay a fee to the author nor do they have to pay the publisher for another copy after only a few people check the material out. But this is what happens when the library purchases eBooks. The "First Sale Doctrine" makes it possible for libraries to purchase a copy of physical materials and they can choose when to repurchase more copies. But the First Sale Doctrine does not apply to digital materials (eBooks).

The lack of First Sale protection for digital titles is one of the primary reasons that publishers now make digital content available only through "licensing arrangements". This means the library or anyone purchasing digital titles does not really own the title they paid for and certain licensing arrangements permit retailers such as Amazon to [delete ebooks](#) from consumers' Kindle devices even though they have paid for the titles. This affects not only libraries but all citizens who may purchase digital titles. Certain licensing arrangements also restrict libraries to a lending cap on purchased eBook titles, whereby the library is forced to purchase another copy of the title after a set number of times that it is loaned or checked out or else they lose access to the title they already purchased. I could see a cap of something reasonable, like maybe one hundred check out since physical materials do not last forever and publishers would be hurt by libraries purchasing eBook titles and then never having to purchase the same title again. But most publishers set the cap at 26 check outs or one year's time, whichever comes first! Libraries are also often charged substantially more than individual consumers for eBook titles.

This is grossly unfair to libraries and the citizens they serve. It only hampers libraries in providing reading materials to citizens and expands the "digital divide" between those who can afford to purchase eBooks (and a computer or eReader/device to read them on) and those who cannot afford this but must rely instead on the library for reading materials. One might argue that if someone can't afford to buy eBooks (and a machine to read them on) then they should just go to the library and get a print book. Well, that is not always an option for everyone. Further, as the Baby Boomers are retiring and aging, the number of seniors who are not physically able to go to the library to check out materials will increase exponentially over the coming years. The end result is a denial of access to reading materials for those who can't get to the library and/or can't afford to purchase eBooks.

Citizens should be able to get eBooks from libraries and libraries should have the right to pay the same price as anyone else for digital titles and not be subject to current "licensing arrangements" such as caps on lending imposed by publishers. In order to address this unfairness towards libraries and the citizens who use and need them, the copyright law needs to be updated for the Digital Age. Extending the First Sale Doctrine to cover digital content will help libraries provide ongoing access to digital reading materials for our citizens and will help reduce the digital divide.

Respectfully Submitted,

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