

# **New York State eContent Consensus Brief**

## **August 2025 Draft Document**

### **Summary**

This document summarizes key issues and shared challenges for public libraries managing circulating digital content (namely, eBooks and eAudiobooks) across New York. It was drafted by the New York State eBook Working Group for a primary audience of library administrators, practitioners, and related stakeholders across New York.

The brief lists suggested non-legislative consensus areas for action. Some consensus actions are recommendations for individual libraries. Other tasks are meant to be undertaken by the New York State eBook Working Group, or further amplified across other active digital content working groups, such as the ALA-Core Ebooks Interest Group, the Urban Libraries Council eAction Team, Library Futures, and Readers First. The document is structured as follows:

#### **I. Definitions**

#### **II. Digital Books Pricing: Key Messages** - *Libraries must continuously repurchase digital content. Digital book licenses are significantly more expensive for libraries than physical books, and even more expensive than the consumer price.*

#### **III. Consensus Action Categories for Public Libraries in New York**

- A. DATA AND METRICS** - *Coordinated data collection and analysis across New York State is crucial for public libraries to determine usage trends, spending, licensing management practices, and talking points/advocacy in support of mutually agreeable digital terms for licensing.*
- B. COLLECTION DEVELOPMENT PRACTICES FOR DIGITAL LENDING** - *Digital license management practices should adhere to the ethical and professional values of public libraries.*
- C. STAFFING RESOURCES FOR DIGITAL COLLECTION DEVELOPMENT** - *The management of current licensing models impacts staff time in disproportionately higher ways than print.*
- D. AGGREGATORS/PLATFORM VENDORS** - *Third-party platform providers must demonstrate a commitment to libraries' functionality requirements, which support best practices for digital collection development.*
- E. CONTRACT TERMS AND NEGOTIATION WITH AGGREGATORS/PLATFORM VENDORS** - *Libraries should understand how to negotiate contract terms in order to provide the best products and access.*

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F. **RESOURCE SHARING** - *Libraries should continue to explore and leverage the potential for shared digital collections in order to maximize budgets and access.*

G. **LONG TERM SOLUTIONS** - *Libraries need sustainably priced licensing terms and pathways to ownership of digital content.*

### I. Definitions

- **Digital access** is the ability for patrons to use digital collections and resources.
- **Digital content (or eContent)** refers to circulating materials in digital format, accessible electronically, that are licensed from publishers to libraries via library vendors (examples: OverDrive, Baker & Taylor, Bibliotheca, Palace, Hoopla). Typically, digital content encompasses eBooks, eAudiobooks, digital magazines, and streaming video and music. These materials can use a cost-per-circulation model (ex. Hoopla), or metered access (license expires after set number of checkouts or set number of months), or a one-copy-one-user model.
- **Digital books** refers to eBooks (electronic books) and digital audiobooks, defined as a published work available as a digital text file or audio file.
- **Databases (not in scope for this brief)** are electronic resources with organized collections of information - often used for research and learning. Some databases also provide digital content (examples: Hyread, ComicsPlus, EBSCO eBooks, and Flipster). These resources are usually subscription-based, with simultaneous use access, and set annual prices.
- **Lending models**, established by content owners and third-party providers, dictate the licensing and ownership terms for public libraries to circulate digital content.

### II. Digital Books Pricing: Key Messages

#### The Fundamental Issue

- Physical books may be **owned by the library until they fall apart**, while most digital content is licensed for a limited time, much like a subscription.<sup>1</sup> Libraries must continuously **repurchase digital content** so that it doesn't disappear from their collections.
- Except in some instances, such as the ownership model established by the agreement between the Digital Public Library of America and the Independent Publishers group, digital content is **not available for libraries to own in perpetuity**. Licenses, or "subscriptions", are the only option for libraries to provide access to digital content.

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<sup>1</sup> Most publishers are bypassing the First Sale Doctrine by only leasing, not selling

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- Digital book licenses are **significantly more expensive for libraries than physical books**, and even more expensive than the consumer price.
- **Demand for digital books** continues to grow across New York State.<sup>2</sup>
- Providing access to high-priced, frequently expiring, and popular digital books means libraries must **make hard choices** about how to spend limited public funds.

### Background and Supporting Points

Libraries respond to local needs and are committed to offering digital books to patrons while also continuing to provide physical lending collections, community-based programming, and essential resources for job seekers, veterans, entrepreneurs, families, seniors, and students.

Books and digital access are core to public library services. However, libraries have historically been able to purchase, and own, physical books at wholesale prices. In contrast, the higher-than-retail pricing and restrictive licensing terms for digital books is affecting the ability of libraries to execute their core mission.

- A typical license for a digital book costs libraries \$55 for a 2-year time-limited, limited to checkout by a single user at one time. This purchase price significantly exceeds the average consumer price of \$13 for an eBook and \$27 on average for the physical book, according to Readers First.<sup>3</sup>
- In 2023, according to the Urban Libraries Council, member libraries recorded a 40% increase in eResources accessed when compared to 2019, and an 11% increase when compared to 2022.<sup>4</sup>
- Many libraries looking to meet the increase in customer adoption have not seen an increase in their operating budgets. This means that taxpayer funds are not sufficient to purchase adequate copies to meet demand or to allow libraries to maintain a robust collection of titles, topics, and authors across both physical and digital formats.<sup>5</sup>

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<sup>2</sup> Source?

<sup>3</sup> <https://www.infotoday.com/cilmag/jul25/Blackwell-Halperin-Mason-Parker--Ebook-Availability-Licensing-and-Pricing-in-Canada-and-the-US-A-Follow-Up-Study.shtml>

<sup>4</sup> Not sure if there's a publicly available source.

<sup>5</sup> This is tied to a more complex issue of chronic underfunding of many libraries as well as directors that need education and empowerment to make the case to boards and communities about increasing this budget line to respond to community demand. That does not mean we do not also need to address unfair licensing practices with publishers but we need to address the other end of the equation as well.

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- Public libraries are faced with rising demand to shift a greater share of their funding to licensing digital content, spending more on resources that are disproportionately enjoyed by patrons with both access to reliable internet access and the personal devices required to access such books, widening the existing digital divide.
- Libraries are essential to the publishing industry, from increasing literacy rates to creating life-long readers to purchasing millions in books, and for local and national author promotion and discovery. Public libraries host author readings, fund paid writer in residence opportunities, and develop programs that celebrate and encourage the appreciation of the written word and their creators.

### **What Public Libraries Need:**

- With five big publishers controlling the pricing of the most in-demand titles, we advocate for ongoing conversations between libraries and publishers to discuss and develop sustainable approaches to licensing and ownership. Libraries need a range of affordable access options, and have been able to secure mutually agreeable digital licensing and ownership terms with mid-size, small press and indie publishers.
- We encourage content platform partners to work with their library customers to have more ownership/control over the curation and management of digital collections and the branding/marketing of library services.
- We ask content platform partners to provide libraries with access to the same data that platform partners collect, following best practices in standardized data protocol, so that library purchasing can be data-driven.
- We ask that content platform partners provide transparency on how patron data is stored and shared with non-library external entities.
- We ask ILS and discoverability partners to create catalog platforms that allow for integrated discoverability and borrowing of library collections across all formats, digital and physical.
- We want to involve local government leaders in the conversation and discussion on responsible approaches, as taxpayer dollars fund the significant price difference in eBooks and audiobooks.

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### **III. Consensus Action Categories for Public Libraries in New York**

#### **Data and Metrics**

*Data collection and analysis are crucial for public libraries to determine usage trends, spending, collection management practices, and talking points/advocacy in support of mutually agreeable digital terms for licensing.*

#### **Commitments:**

- We will develop a digital collection data survey for NYS member libraries.
- We will contribute digital collection data on an annual basis to a PULISDO Annual Survey to inform statewide talking points and recommendations.
- We will create a framework for digital collection analysis to be adopted by NYS libraries.

#### **Recommendations for Action:**

- Report annual total \$ amount spent by NYS libraries on Overdrive collections.
- Analysis of usage across the service area:
  - Users in only digital format
  - Users in only print format
  - Users across both formats
  - Users by area, if applicable (e.g. zip code)
  - Users by audience
  - Users by language
- Analysis of average digital license cost per circ
  - Total licenses owned across formats and license types
  - Cost of each license
  - Number of total checkouts
- Analysis of digital lending policies, usage, and impact
  - Patron segmentation by number of holds and checkouts
  - Average wait time
  - Number of unique titles/authors
- Perform regular patron data cleanup in our ILS
  - Flag duplicate accounts to be merged
  - Block accounts with bad address data
  - Set inactive accounts to expire after a designated timeframe
- Analysis of physical cost per circ<sup>6</sup>
  - Cost of physical books
  - Number of total checkouts
  - Length of time before removal
  - Whether they are replaced

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<sup>6</sup> To inform “fair” digital book pricing. Readers First draft framework pending Fall 2025.

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### Resources:

- ULC Member Survey: eResources spending
- Other statewide digital collection surveys and analysis for replication
- [BPL Cardholder Access Policy Framework](#): Patron Data Collection and Maintenance
- “Commercially Reasonable Licenses” (pending Readers First whitepaper)

### **Collection Development Practices for Digital Lending**

*Digital collection development practices that adhere to the ethical and professional values of public libraries.*

Integrating digital collections into the permanent offerings of libraries requires new approaches, but we must continue to uphold the long-standing core values of librarianship.<sup>7</sup> In order to ensure that digital collection development practices are shaped first by our professional values, and not only by technical and fiscal limitations, we will act as follows:

#### The Public Good:

- In keeping with our commitment to good fiscal stewardship, we will prioritize “reasonable” license types and costs across collection development activities, including assessment and selection of new titles, holds management, patron request assessment, and management of expiring content.
- We will also place reasonable spending limits on the number of digital licenses available at “unreasonable” prices or terms, such as using holds ratios strategically when assessing content only available at inflated prices, or only via terms of metered access.
- We will prioritize the purchase of “permanent” or perpetual licenses as well as those that can be clearly owned, and entirely managed, by the institution.

#### Sustainability:

- We will prioritize working with vendors that are committed to the triple bottom line and balance their business practices to respect economic feasibility, social equity, and environmental stewardship.

#### Access & Equity:

- We will prioritize building proactive collections over reactive ones to ensure that our resources are accessible to all, especially those who rely on digital services.

#### Intellectual Freedom & Privacy:

- TKTKTK. A broad collection supports the freedom to read and intellectual freedom. Patron data must continue to be protected.

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<sup>7</sup> <https://www.ala.org/advocacy/advocacy/intfreedom/corevalues>

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#### Recommendations for Action:

*Due to the diverse sizes, service populations, organization types, and financial situations of libraries across New York, libraries may consider implementing these recommendations in various ways.*

- Capping the total number of licenses the library will purchase for a single title. Caps can be incorporated into holds managers or related workflows, and can be based on:
  - Cost (e.g.: a cap of X copies for any license over \$Y)
  - License type (e.g.: a cap of X copies for any license only available via Y license type)
  - A combination of the two (e.g.: a cap of X copies for any license over \$Y and only available via Y license type)
- Creating tiered holds ratios based on the following factors, or a combination thereof:
  - License type
  - License cost
  - Average cost per circ to the library
- Setting reasonable patron hold and checkout limits on digital titles, comparable to that of physical lending (e.g.: 10 digital holds, 20 digit checkouts)
- Set reasonable terms for out-of-service area access (e.g. collaborative collection sharing, or fee-based access)

#### Resources:

- Framework for digital collections analysis TKTK (see data section above)
- Digital Patron Segmentation Study (Carmi Parker, Washington Digital Library Consortium 2022)

## **Staffing Resources for Digital Collection Development**

*The management of current licensing models impacts staff time in disproportionately higher ways than print.*

#### Commitments:

- We will more accurately describe the work as licensing management rather than collection development.
- We will provide education and training opportunities for purchasing staff across New York to make them aware of lending model options and how to create proactive digital collections rooted in our ethical and professional values.
- We will share information across NYS library systems regarding purchasing practices and staffing levels.
- We will develop unified talking points for vendor representatives regarding staffing resources and workflows for digital collections management.

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#### Recommendations for Action:

- Determine average time (and monetary time) spent on purchasing and consider how changes to the lending models (what's available and what isn't) would impact those numbers.
- Create a shared vocabulary for the process of purchasing digital items (e.g. licensing management vs. collection development).
- Educate Board Trustees about the impacts of digital lending models on library budgets and staffing.
- Create training sessions and other support materials for purchasing staff.
  - Develop recommendations to aid in managing time, content, and maximizing expenditures.
  - Ensure that aggregator trainings are balanced with library-sponsored trainings for purchasing staff and other stakeholders.
  - Offer trainings in an accessible format, periodically throughout the year, at a state or system level.

#### Resources:

- BookOps FTE estimate for digital book buying?
- <https://www.livebrary.com/econtentFAQs> (Suffolk County)

#### Aggregators/Platform Vendors

*Third-party platform providers must demonstrate a shared commitment to libraries' functionality requirements, which in turn support best practices and professional values for digital collection development.*

#### Definitions:

- **Aggregators/Content Distributors** work with content owners to set the terms and host the library's digital collections. We pay them, they pay the content owners. *Examples: OverDrive, Hoopla, B&T, CloudLibrary, Palace, Amazon, ComicsPlus, EBSCO, etc.*
- **Discovery Providers** sync with the ILS and other content distributors to host the library's OPAC and help patrons discover, manage, and (in some cases) read digital content. *Examples: Vega/Encore (Innovative), BiblioCommons, Libby, Palace, etc.*

#### Commitments:

- We will prioritize relationships with vendors who provide/maintain the following platform functionalities:
  - Collection management features
  - Ready access to usage data and reports
  - Responsive tech support
  - Clearly established policies regarding the security and protection of patron data

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- Clearly established policies regarding the use of A.I. (ranging from production to curation/exclusion to discovery)
- Clear and collaborative platform development priorities and timelines; with member libraries able to formally submit enhancement requests, vote on developmental priorities, and view a transparent product roadmap.
- We will connect with other national eAction groups to develop a list of functionality requirements and priorities.

### **Recommendations for Action (re: Aggregators/Content Distributors):**

- Share the following collection management feature requirements with vendors:
  - Flexible, multi-tiered, self-service holds management tools
  - Automated carts
  - A.I. generated content tagged/flagged, as well as the ability for libraries to determine which content to exclude from their collections
  - Others?
- Share the following platform requirements with vendors:
  - Consortium-lending tools
  - Flexible lending rules based on patron segmentation
  - Others?
- Share the following data and reporting requirements with vendors:
  - Number of Unique Users per digital resource
  - Number of Downloads or Usages per Unique User in a given time period
  - Others?

### **Recommendations for Action (re: Discovery Providers):**

- Share the following platform requirements with vendors:
  - Ability to curate own library branding
  - Ability to display cross-promotional programming, resources and services.
  - Ability to display all formats in the library's collection
  - Others?

### **Resources:**

- Report A.I.-generated content in library collections (Library Futures / vendor accountability): [https://nyu.qualtrics.com/jfe/form/SV\\_80WBbcwpjIEFEkm](https://nyu.qualtrics.com/jfe/form/SV_80WBbcwpjIEFEkm)

## **Contract Terms and Negotiation with Aggregators/Platform Vendors**

*Libraries should understand which terms in their contracts are negotiable and how to position themselves optimally for negotiation, to provide better products and access.*

### **Commitments:**

- We will review the recommended resources for Contract Negotiation\*
- We will educate ourselves on the New York Procurement Law

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- We will aim to understand what is a platform vendor's decision vs. a publisher's decision within our contract to move toward better licensing agreements that fit our needs (e.g. multiple licensing models per title)
- We will retain reciprocal lending agreements across systems
- We will defend our prerogative to designate the determinations for eligible patrons as we define them
- We will strike the Nondisclosure Terms (NDA) from our eResource agreements
- We will create a shared repository of agreements, when legally allowable (password-protected)
- We will advocate for ensuring that A.I.-generated content is well identified
- We will ensure that the vendor platforms provide data analysis reports
- We will contract with vendors committed to decreasing the carbon footprint

#### **Recommendations for Action:**

- Decline to renew a product if the term of the agreement contains language that will mandate the library to increase its yearly purchasing.
- Encourage discovery providers to develop a tool to serve digital content through its existing discovery platforms.
- Evaluate the differences between digital content platform vendors.
- Develop talking points to engage and educate the public

#### **\*Resources for Contract Negotiation**

- ALA - [Licensing and Digital Content](#), 2018
- [Procurement terms](#) in NYS Office of General Services
- [Library Futures resources](#) supporting libraries with negotiating eContent tactics, templates, and terms
- Sample RFP from Rhode Island
- How to strike NDAs or confidentiality clauses from contracts:  
<https://sparcopen.org/our-work/big-deal-knowledge-base/confidentiality-clauses-and-ndas/>

## **Resource Sharing**

*Libraries should continue to explore and leverage the potential for shared digital collections in order to maximize budgets and access.*

#### **Commitments:**

- We will advocate with vendors to make licensing changes allowing for more resource sharing of digital content through interlibrary loan.
- We will advocate with vendors to clearly identify which digital holdings are available for interlibrary loan.
- We will advocate for interlibrary loan language for digital content in future legislation focused on affordability and accessibility.

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### **Recommendations for Action:**

- Begin conversations about establishing a shared statewide digital collection.
- Begin conversations about extending digital collections access to the incarcerated in New York State.
- Investigate additional options for shared lending:
  - Could “out-of-system” requestors be given a one-time only digital barcode that only provided access to one specific holding for a set amount of time?
  - Similar to archival situations, if a library has a physical and a digital copy of a holding, could the digital item be automatically available for interlibrary loan?

### **Resources:**

- Compile listing of digital content resource sharing options currently available. Examples include OverDrive’s Sora program between public libraries and school libraries and the ability of a Libby patron to have their multiple library cards active and able to search and download an item across different system collections.

## **Long Term Solutions**

*In order to effectively serve the public good, libraries need sustainably priced licensing models and pathways to ownership of all digital content.*

*Current licensing models are unsustainable and must change to ensure the long term viability of publicly accessible digital collections. In order for libraries to truly build digital collections, some agreements need to be made regarding library ownership of digital content.*

### **Commitments:**

- We will insist on including pathways to ownership of digital content in both contract negotiations and legislation.
- We will join with any efforts to shape federal copyright law to create space for libraries to own and lend digital content.
- We will work directly with copyright holders to develop new acquisition and lending models.
- We will work with stakeholders at the national level who have done work within the copyright space (Internet Archive, Boston Library Consortium).
- We will explore reciprocal lending agreements between systems and across states.

### **Recommendations for Action:**

- Advocate for the legal right of libraries to own digital content (Digital Right of First Sale)
- Advocate with publishers for ownership of digital content.

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- Conduct surveys regarding statewide digital collections to determine practicability in New York
- Establish an Digital Licensing Commission through the NY Regents Advisory Council

### Resources:

- <https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2498&context=facpub>
- [https://www.ebookstudygroup.org/why\\_machusetts\\_needs\\_a\\_commission\\_on\\_ebook\\_licensing](https://www.ebookstudygroup.org/why_machusetts_needs_a_commission_on_ebook_licensing)

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### **APPENDIX: The New York State eBook Working Group**

The New York State eBook Working group was formed in summer 2025 around the following shared goals:

- Reach consensus and create shared language around common issues and concerns.
- Help system directors in the state of New York and their member libraries become more aware of the issues and their potential for power and impact.
- Provide guidelines and recommendations around best practices for digital collection development.
- Create shared talking points for libraries across New York to use when speaking with vendors, patrons, elected officials, and other stakeholders.

### **eBook Working Group Members**

- Grace Riario, Executive Director, RCLS
- Ben Gocker, Library Director, Newburgh Free Library
- Amy Mikel, Director of Customer Experience, Brooklyn Public Library
- AnnaLee Dragon, Executive Director, New York Library Association
- Max Prime, Director of Government Relations & Advocacy, New York Library Association
- Jen Park, Government Relations Specialist, Ramapo Catskill Library System
- Michael Santangelo, Deputy Director for Collection Management, BookOps
- Stephanie Anderson, Assistant Director, Selection, BookOps
- Hong Yao, Director of Technical Services, Queens Public Library
- Grace Palmisano, Resources & Discovery Manager, Nassau Library System
- Caroline Ashby, Director, Nassau Library System
- Rebekkah Smith Aldrich, Executive Director, Mid-Hudson Library System; member-at-large, NYLA Legislative Committee
- Terry Kirchner, Executive Director, Westchester Library System
- Allison Midgley, Manager of Strategic Data Analysis and Member Library Support, Westchester Library System
- Kelly Donovan, Collection Development Librarian, Buffalo & Erie County Public Library
- Katie Hayduke, Acquisition Manager at Onondaga County Public Libraries
- Katie Smith, Member Services Coordinator, Mid-York Library System
- Samantha Alberts, Librarian at Suffolk Cooperative Library System
- Judith Wines, Manager, Adult and Outreach Services, Upper Hudson Library System
- Heidi Eckerson, Member Services Librarian, Finger Lakes Library System