



**International
Federation of
Library
Associations and Institutions**



Executive summary

- 83% of responding library professionals - 114 from 29 countries - said they had copyright-related challenges providing materials during pandemic-related facility closures.
- Not all was fine pre-pandemic. COVID-19-related closures and copyright issues came on top of other ongoing challenges, including budget pressures, external financial crises, difficult negotiations with publishers, and demand for eBooks that outpaces publisher offerings.
- In particular, costs for access to academic databases remain high. Single-user eBook licenses (where available) often cost significantly more than hardcover copies of the same publications. Contract terms and Digital Rights Management (DRM) tools prevent libraries and their patrons from conveniently using legitimately-accessed material in ways permitted under copyright law.
- Many publishers offered expanded access to services and content during the early months of the pandemic. These offers usually did not last for sufficient time for libraries to meaningfully integrate them into teaching and research activities, amid other pandemic-associated difficulties and the schedule of the academic calendar. 35% of respondents said that the offers publishers made covered the entirety of closure of their facilities, 48% said they did not, and 17% could not confirm the details. Longer access periods may have allowed better use.
- Textbooks posed particularly notable challenges. 69% of respondents who had challenges said these included issues providing access to textbooks, amid demand from students and reluctance of publishers to provide libraries with affordable, licensed access.
- The vulnerability of access to digital content was also clear. At least one digital platform - DawsonEra - ceased service during the pandemic (July 2020). Its content might have been effectively lost and service agreements not fulfilled had other platforms not agreed to host the material.



- Libraries supporting online classrooms faced legal issues around communicating content at a distance. These included whether it was allowed to play music or films in online class settings, as would have been done during in-person classes, or to record lectures that involved copyrighted material. Technical restrictions on conferencing and streaming platforms designed to limit unauthorized sharing of audio & video content restricted uses allowed under copyright. Licenses that allowed material to be accessed on-site only were not useful during closures and were not necessarily re-negotiated to allow off-site access.
- In particular, 52% of libraries that had copyright challenges indicated challenges with providing access internationally, as students and faculty returned to their home countries where differences in licenses and technological infrastructure created difficulties. In other cases, libraries had difficulty providing articles and books to patrons who were not institutionally affiliated, but who would have otherwise been served as ‘walk-ins’ on-site.
- To provide content during lockdowns, some libraries made use of the HathiTrust’s Emergency Temporary Access programme, which offered digital copies from the Trust’s collection for libraries to loan if they owned physical copies of the same material on a controlled 1:1 ratio. Some libraries also utilized the ‘Resource-Sharing during COVID’ (RSCVD) programme, which sought requested materials through Interlibrary Loan and Open Access provisions. While these programmes proved highly useful during the pandemic, they were not available everywhere (due to differing copyright laws and programme requirements), and only could cover a share of content.
- Libraries looked to legal guidance where they could find it, as they sought to continue offering online access to established services such as children’s storytimes and physical content in their collections.
- Laws, nonetheless, often leave gray zones which create uncertainty about how content can be shared. This points to the need for clarified legal protections for libraries and the services they offer, in particular when working across borders.

Methods

In February and March 2022, the International Federation of Library Associations (IFLA) and Electronic Information for Libraries (EIFL) distributed a survey to their members and affiliates about challenges they faced during the pandemic related to copyright. 114 relevant responses were received to the question “Have you had copyright-related challenges providing access to library materials during COVID-19 closures and social distancing measures?”. All subsequent questions received at least 88 responses. 28 interviews with library professionals were conducted: 27 in English, and one in a written format utilizing translation software between Spanish and English.

Respondents were from 29 countries: the UK, Armenia, Palestine, Zimbabwe, South Africa, Canada, New Zealand, the Maldives, Lithuania, Switzerland, Botswana, Croatia, India, Kenya, the Netherlands, Brazil, Denmark, Argentina, Mexico, Iraq, Lesotho, Bahrain, Malawi, Bangladesh, Jamaica, Kuwait, Australia, Georgia, and the USA. 78% of respondents were from research libraries, 9% from public libraries, 3% from national libraries, 6% from special libraries, and 5% from other libraries. Percentages have been rounded to the nearest point.