

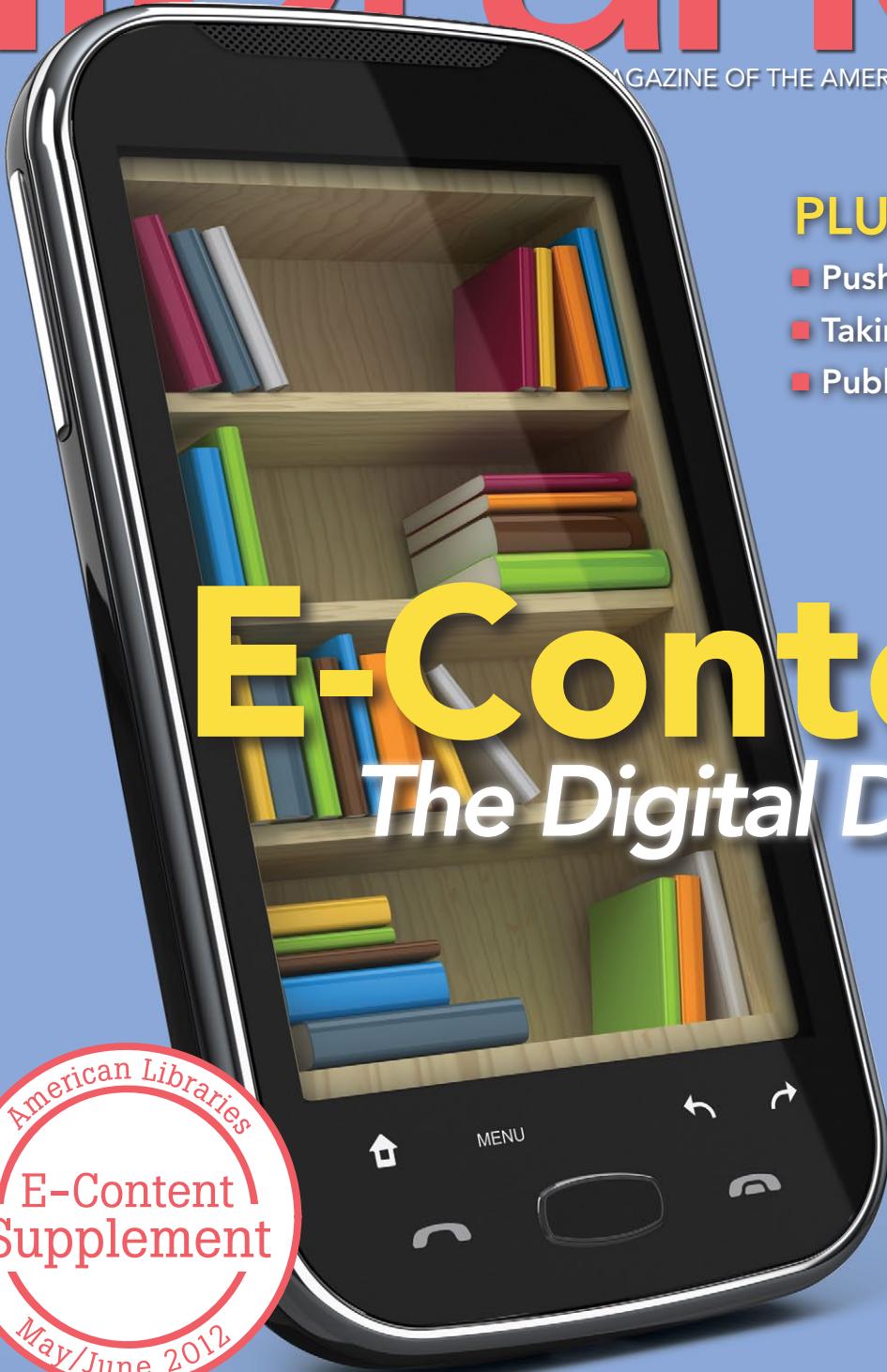
american libraries

E-CONTENT SUPPLEMENT
TO MAY/JUNE 2012

MAGAZINE OF THE AMERICAN LIBRARY ASSOCIATION

PLUS

- Push for expanded access
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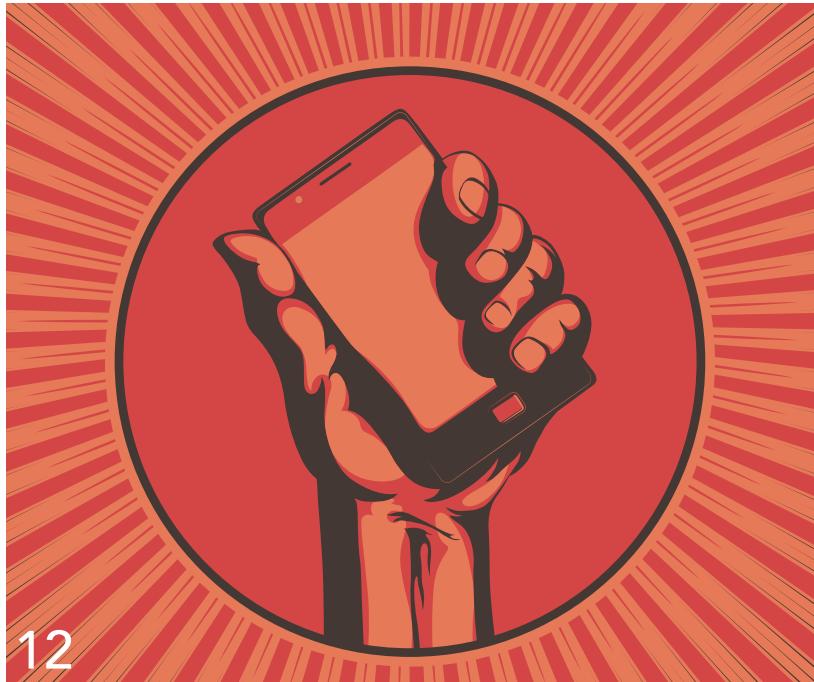
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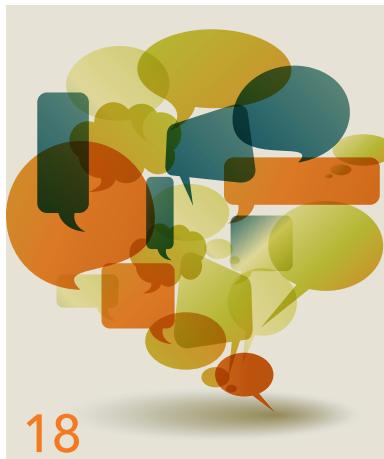


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A Look Down the Digital Road

By Alan S. Inouye

We've gone mad about ebooks—both in terms of great enthusiasm and considerable consternation. We see the rapid rise in ebook demand from our patrons and know the promise that this still-emerging technology brings. At the same time, our relationships with a number of ebook publishers and distributors—and especially the largest ones—are in flux.

The American Library Association has heard member concerns. (Boy, have we!) In response, the Association's Digital Content and Libraries Working Group has been busy the past several months. In the first article of this supplement, Working Group Cochairs Sari Feldman and Robert Wolven summarize recent activities and suggest directions for the future.

The next two articles delve into the constraints of ebook licensing regimes. Robert Maier and Carrie Russell recount a bit of the evolution (going back to the 2011 incident involving HarperCollins' 26-loan limit) and discuss various licensing models. Instead of a focus on contract terms per se, JamesLaRue uses the stakeholder lens—whether reader, writer, bookseller, publisher, or librarian—to explain the real-world implications of such ebook licensing terms.

If the publisher-library relationship is indeed challenged, then the first step for improvement is communication. In her article, Lisa Long Hickman urges both librarians and publishers to take initiative and engage each other, as there are considerable mutual gains to be had.

Deborah Caldwell-Stone explores the difficult challenges ebooks and other forms of digital content pose to privacy and intellectual freedom. She provides a cautionary note that access at any cost or under any terms may well not be desirable access. We are librarians; we promote and protect important information values for our communities that must not be jettisoned for contract expediency.

This supplement concludes with Peter Brantley's explanation of how today's proprietary platforms and systems impede universal information access. Brantley argues that we are approaching a widespread disconnect in which we will not be able to read, experience, and share the same stories. By contrast, open-source tools are increasingly available so that we can all tell our own stories—and he recommends that libraries should aggressively enable this personal storytelling.

While the recent ALA emphasis on ebooks from the "Big Six"—the largest trade publishers—is necessary, it is not sufficient. Ebooks represent only one component of the larger digital revolution facing libraries, and today's licensing regimes may not work well for future ebooks with highly dynamic features. In the months ahead, you will be hearing more from ALA on ebooks and much more on the wider world of digital content. Some of the work in this supplement reflects this broader thinking about both the here and now, and what is to come down the digital road. ■

—Alan S. Inouye, director

ALA Office for Information Technology Policy, Washington, D.C.

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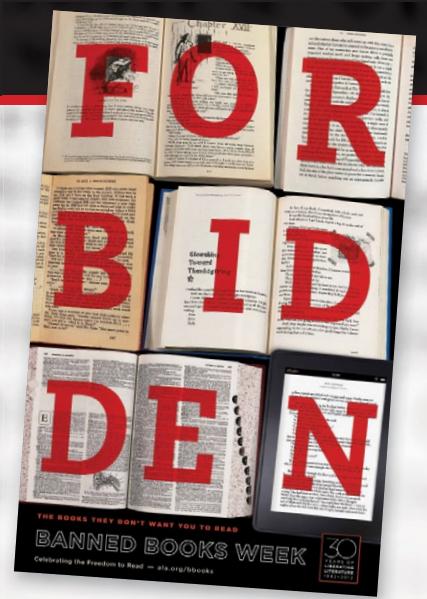
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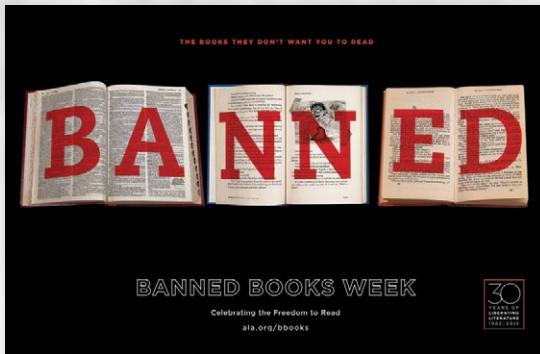
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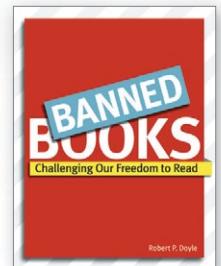
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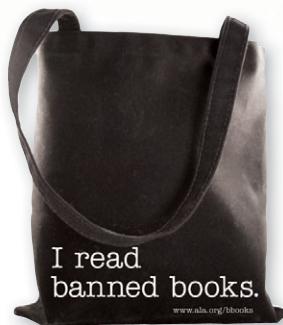
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Digital Working Group Pushes for Expanded Ebook Access

A new member initiative is addressing the crucial issues surrounding libraries and digital content

By Sari Feldman and Robert Wolven



If out of frustration comes new ideas, creativity, and entrepreneurship, then ALA's Digital Content and Libraries Working Group (DCWG) is due its lightning-bolt moment. Following the 2012 ALA Midwinter Meeting in January, there were optimistic signs for future dialogue with publishers over the crucial issue of library access to ebooks, and the newly formed DCWG was ready and willing to deliver meaningful direction to the Association and its members.

But as we returned from meetings in our roles as DCWG cochairs—Wolven meeting with publishers in New York City to synthesize results from his participation in the ALA delegation meetings, and Feldman at the Library Partnership Conference 2012 in Chancen, Germany—a leading publisher closed the door on library access. In February Penguin, which had been offering only backlist ebook titles for library lending since November 2011, terminated its contract with OverDrive, the library digital-content distributor. This was not good news. Not long after, Random House—a consistent supporter of public library access to ebooks—increased its prices radically, making the cost disproportionately high and affecting the ability of libraries to purchase content. But backed by the excellent work of the DCWG, ALA President Molly Raphael's response to the media and Random House was swift and consistent with our message to the membership.

In this climate of uncertainty and volatility, libraries must actively engage with publishers and distributors to advocate for our constituents and to clearly convey our values, interests, and concerns. As Feldman discovered in Germany, the eyes of the world are on the US ebook controversy and the role of ALA. The most talked-about issue was access, particularly the desire to meet customer needs within an e-content platform. But copyright, privacy, archiving, permanence, digitization, and library-produced content were also prominent in discussions.

The DCWG and its subgroups must communicate in a meaningful fashion and keep the interests of library users in mind. The goal is to ensure that publishers are aware of the needs and concerns of libraries and their communities, and the group must persuade them to engage with libraries and strengthen those relationships in order to work toward viable solutions.

Several DCWG subgroups are preparing the following materials to assist in these efforts:

- Communications to our libraries and staff;
- Communications to our constituents (including those outside of libraries);

ALA'S DIGITAL CONTENT AND LIBRARIES WORKING GROUP

Supporting the "transformation" of libraries is one of the priorities of ALA's *2015 Strategic Plan*, and the rapid shift from print to digital content is one of the more dramatic developments now transforming libraries of all types.

New digital forms of information offer rich and extraordinary opportunities for libraries to expand community access to information and to revolutionize in positive ways the relationship between libraries and users. At the same time, these new forms of digital content also pose new challenges for libraries.

As libraries struggle to meet these challenges of providing digital content in an environment characterized by significant uncertainty and change on a daily basis, there is a need for an Association-wide group of experts, broadly representative of the many constituencies within the library community, that can proactively address these digital content opportunities and issues at the highest level and from both a policy and practical perspective.

In fall 2011, ALA President Molly Raphael appointed the cochairs and members of the Digital Content and Libraries Working Group. Further information about the group is available on ALA Connect (connect.ala.org/node/159669).

- Ideas that support new business models for publishers and distributors; and
- Advocacy efforts that support sound public policy decisions.

Even as these subgroups go about their work, DCWG members also work with ALA leaders to advance this agenda. During the 2012 Public Library Association (PLA) conference in March, Feldman addressed attendees at the Opening General Session. At that same conference PLA President Marcia Warner published an article about ebooks in *PLA Daily News* (the conference newspaper). ALA and DCWG leadership also met with library distributors, including 3M, Baker & Taylor, Ingram, and OverDrive.

Among other aims, the DCWG will assist and advise ALA in its efforts to promote access to digital content by (1) meeting with individual publishers, ebook distributors, and other important stakeholders; (2) championing public advocacy at conferences and in online posts; and (3) writing position papers that advance practical business models without compromising library values.

Even though full ebook lending is our goal, we must also address other implications and concerns regarding digital content. DCWG subgroups are examining such critical issues as digitization, privacy and ethics, access for people with

disabilities, and business models affecting all types of libraries. But as we all know, the collective power of the library community is greater than that of any single group or organization. We encourage you to educate yourself on ebook usage in communities, schools, and academic institutions, and to discuss strategies that move the conversation forward. Be prepared to talk with decision makers—everyone from government officials to publishers to special interest groups.

We continue to be impressed by the intensity and commitment of ALA members to serve their communities in the best way possible without compromising core professional values. We must continue to vet ideas and solutions and take action. We hope you find this *American Libraries* supplement informative and provocative, and look forward to seeing you during the 2012 ALA Annual Conference in Anaheim, California. ■



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Warning: You Are About to Enter the Ebook Zone



Libraries and publishers are moving into a shadowy land where everything they've long known is up for grabs

By Robert C. Maier and Carrie Russell

Welcome to the world of constant change. Every week sees a new twist in the world of public libraries and ebooks, and if you are feeling bewildered, you're not alone.

What happened to the physical-book world that we knew so well? It's still here, but in the last two years a newcomer has started to shake things up. Hello, ebooks.

Ebooks have been running along in the background for some time now, but with the development of good-quality readers (Kindle, Nook, iPad, and many more) and the ability of consumers to acquire ebooks instantly, the game has changed. Just as libraries have always responded to the consumer market and the demands of our users, we now need to meet the demand for ebooks.

We have made ourselves experts in the world of physical books. We have review media. We have jobbers to purchase from. We have automated systems to manage our collections and our relationship with borrowers. We have systems that support interlibrary borrowing. And we can retire books and turn them into revenue through book sales. If we want to retain books for the long run, we know how to preserve them for future generations.

Nearly every aspect of this comfortable business proposition is turned on its head with ebooks. We've got work to do.

And to do that work we need to focus on a relationship we haven't had to pay much attention to in a long time—our dealings with publishers. If anything, this new ebook market is even more challenging to publishers than it is to libraries, and that's why we face such turbulence. Like libraries, publishers had it all figured out in the traditional book world. They knew how to work with authors and agents to secure the rights to publish books, and they had all the pieces in place with editors, reviewers, designers, printers, and distributors (our jobbers). They also understood how to structure the economics of book publishing to make a profit.

In the ebook world nearly all of these factors have changed and continue to change, generating an obvious and serious concern for publishers' ability to remain financially viable. The lessons learned by the music industry regarding illegal copying play very heavily in this new equation, both for publishers and libraries, and it presents significant threats for libraries, such as maintaining reader privacy and ensuring continued access to readers with print impairments and other disabilities.

Get your ebooks here—for a price

We've been saying for 20 years that the internet would make everyone a publisher, and now that prediction is a reality. Not only is self-publishing providing competition for traditional publishing companies, but giant distributors such as Amazon and Apple have become ebook publishers and are looking to take big-name authors away from the traditional publishing houses. Amazon is drawing the largest crowd to the Kindle format through low ebook prices, which customers have begun to expect. Libraries are facing competition as well, as these same distributors also offer ebook lending.

So how are we to sort this out? Let's consider the major trade publishers and how they are dealing with libraries

so far. There are six major publishers that are referred to as the Big Six: Hachette, HarperCollins, Macmillan, Penguin, Random House, and Simon & Schuster. Together they publish the work of such familiar authors as Laura Lippman, Jonathan Kellerman, James Patterson, Anita Shreve, and Ruth Ozeki. As of this writing, just *two* of the Big Six offer their ebooks to libraries—HarperCollins and Random House. Libraries can't buy newer ebook titles from the others, foreclosing the opportunity to lend such authors as Jonathan Franzen, Sue Grafton, Walter Mosley, Jodi Picoult, and Tina Fey. This is bread and butter for public libraries, but most publishers refuse to sell ebooks to libraries or to distributors like OverDrive, 3M, Ingram, and Baker & Taylor, our traditional sources.

In February 2011, HarperCollins changed its terms of service for library lending of ebooks, slapping a *26-loan limit* on all its titles. After 26 loans, the library could rebuy the ebook at a discounted price. As librarians cried foul over any limit on the number of loans, they began to understand that libraries may not even own these books.

More recently, Random House changed its pricing policy for selling ebooks to libraries, *increasing the price* by factors of two to three times the list price of a hardcover copy of the same book, though libraries still retain perpetual access to their ebook purchases. Also, the ebooks will be available to libraries simultaneously with the print book release. This may be good for the publisher's bottom line, but how are libraries to afford these ebooks? We're caught between tight budgets and huge public demand.

Another model for your consideration: *the metering model*, or pay-per-use. Unlike the other models, libraries pay only for what is used. Freeding, the ebook platform of the music-download service Freegal, offers this model, allowing publishers to establish a point system to vary loan fees for bestsellers vs. backlist titles. For publishers, making the most of the backlist brings in new revenue from books that were only previously available in print. The used-bookstore model of reselling books was vexing for publishers, because they were unable to monetize repeated sales of the same book. Pay-by-the-download solves that problem. For libraries, this is a risky budget arrangement, requiring them to forecast use, and the cost of that use can change at any time. Say a backlist title has a second resurgence after being adapted into a film. No problem for publishers: Just start charging more per use for that title.

For larger public libraries that typically buy numerous copies of a bestseller only to weed the majority of the copies at a later date, the *simultaneous-access model* may be preferred. To meet user demand, these libraries may buy access to numerous copies of an ebook, recognizing that after its popularity wanes, they can reduce the number of copies dramatically, freeing up money that can be spent

on new ebooks. Smaller libraries might opt for paying a higher fee for an ebook at the front end, if they pay only once and can keep the book in perpetuity. Pure metering might be an option for a library that has some flexibility in managing the budget throughout the year.

Some lesser-known business models are also on the table. The *rent-to-own model* would require that libraries continue to pay for a book over a certain amount of time or number of loans. On the bright side, libraries that want to own their ebooks eventually could, but how long would the rental period last? Would the time or use limit be the same for all titles? Could publishers modify the rental terms as they wished without notice? How much money must one pay for the same book before the ownership goal kicks in?

Consider subscription plans. One already in use by some publishers and vendors is the *bookshelf model*. The library would subscribe and pay an annual fee for a set of ebooks, their selection likely in the hands of publishers or distributors. The following year, the bookshelf disappears. Libraries that continue to pay their annual fee receive another, different set of ebooks. In this model, ownership of the content is off the table. The library can't build a collection but would pay for access to a temporary collec-

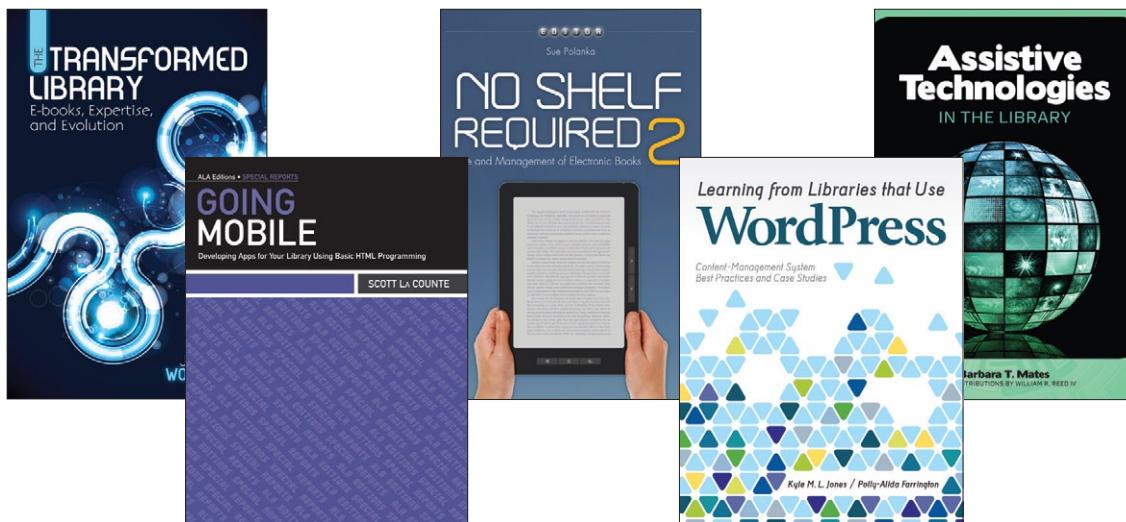
tion of ebooks that might include some that they do not want. Moreover, publishers could use this system to hold back the bestsellers until sales for these books begin to wane.

Media librarians may be familiar with the *embargo model*, in which DVDs cannot be purchased for the collection until after a particular period of time following general consumer release. In this model, rights holders believe the loan and rental markets will cut into retail sales of DVDs of first-run films. A positive aspect of this approach is that libraries, if they are patient, can build collections. A negative aspect is that library users will be unhappy and the library is relegated to lending yesterday's goods and becoming holder of the hand-me-downs.

How bad can it get?

Worse scenarios have been proposed. Examples include library users paying for access to ebooks; users having to come to the library to download; and users paying an annual fee for their library cards. For publishers, making no-fee lending less desirable to potential ebook buyers is often articulated as a priority. This line of thinking is that "friction"—for example, either making it next to impossible to successfully download a book, or imposing dif-

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faculty by requiring a user to physically go to the library, stand in line to check out books, place a hold on a book that is checked out, and return a book to the library—will turn book borrowers into book buyers. People would eventually get fed up and buy the book online.

While there is no evidence that library lending negatively affects sales, we do know that book borrowers are also book buyers. An April study by the Pew Research Center (“The Rise of E-Reading”) found that ebook users tend to read more books per year than average print-book readers and prefer to purchase what they read, although some start their search for material at the library.

People discover books at the library. With the demise of the local bookstore, the library becomes a welcome spot where book borrowers and buyers can browse. They can also be a point of sale for borrowers who are also buyers. Libraries are starting to offer a purchase option right in their catalogs in return for a share of the revenue. And why not? It’s time for libraries to claim more credit for the work we do promoting books and authors.

Douglas County (Colo.) Libraries did just that, establishing a do-it-yourself ebook lending service by purchasing its own Adobe Content Server software to self-host some of its copy-protected ebook content, bypassing the vendor intermediary (and the costs involved). One of DCL’s innovations is an agreement with the Colorado Independent Publishers Association to both loan its ebooks and offer them for sale. Most recently, the Califa Library Group, which brokers services for 220 California libraries, jumped on board, buying its own server to house ebooks that it buys outright and contacting Los Angeles authors associations to join.

Problem solved? It’s a beginning. The reality is that most libraries are accustomed to working through a distributor to obtain ebooks. OverDrive, one of the first distributors to offer ebooks and content services to libraries, is the big player on the block, with more than 1,500 library customers. Since 2002, OverDrive has been negotiating with publishers to obtain the rights to sell ebooks to libraries. New entrants in the field include 3M, Baker & Taylor, and Follett. Each offers multiple kinds of service features for libraries—one ebook file/one loan, library-catalog links that direct users to stores where ebooks can be purchased (such as OverDrive’s “buy it now” option), patron-driven acquisitions where an additional copy of an ebook is automatically acquired by the library once a certain number of patron holds are placed on the title, and so on. Especially for public libraries just dipping their toes in the ebook waters, it is difficult to know what distributor to choose, what business models to select, and what percentage of your meager collections budget to devote to ebooks.

One thing is sure: Library ownership of content is

completely different than licensing access to it. Some argue that it is possible to own ebooks, but the legal language confuses us. Libraries can obtain a license for perpetual access to the ebook content purchased, allowing them to retain or move content to another provider or server continuously—that is, if the license agreement says so. Some business models are clearly rentals, such as the bookshelf model in which the library acquires a new but different set of ebook titles on an annual subscription basis. Rental or pay-per-use models may be preferable to some; but bear in mind that even with perpetual access you still have to negotiate for other rights, such as lending and preservation.

Why can’t we work it out?

One might assume that by bringing all of the publishers together to share our concerns and work out an agreement, we could develop a mutually acceptable business model; but because of antitrust laws, publishers will not meet as an industry for fear of even the appearance of collusion and price fixing. For now, librarians can bounce business model ideas to individual publishers. Indeed, ALA leaders have met with senior executives from the Big Six, who indicated that they are receptive to Association proposals. Of course, while the willingness to communicate is an essential first step, it is only just that.

Public (and other) libraries, publishers, distributors, authors, agents, and other stakeholders have common goals, but we also have obvious points of conflict. If libraries want to continue ebook lending, something’s got to give; all stakeholders need to be willing to make a deal and then act accordingly. Publishers, distributors, and libraries must accept that new models of lending will not look like the old print model. We may well be in for at least another year or two of turmoil in this industry, and it doesn’t help that technological change, innovation, and the entrance of new players keep us bound to this roller-coaster ride. There will be missteps. There will be controversy. Librarians will have to hang in there.

We are not just trying to solve a library lending problem, although that is the current emergency. What we do today may very well shape the future of public libraries. Where do libraries want to be in the coming decades? As *Twilight Zone* narrator Rod Serling said, “You’re moving into a land of both shadow and substance, of things and ideas.” That’s the signpost up ahead: Your next stop—the Ebook Zone. ■



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Navigating the Ebook Revolution

Players in the publishing realm
voice their thoughts and concerns

By James LaRue

It's here. Long heralded, the e-revolution has finally arrived in the form of rapid adoption of e-reader devices.

It seems safe to assume that by the end of 2012, public libraries may be directing as much as 20% of their collection budgets to digital content. By the end of three years, it may be closer to 50%. That shift of resources, at a time when the budget pie itself is shrinking, will have one unsurprising result: The circulation of print will decline if we offer fewer print materials. That, in turn, will accelerate the shifting of resources.

There are many players in the rapidly changing publishing environment, and many issues for them to sort through. We can expect things will be chaotic and awkward for a while.

Meanwhile, it may be helpful to consider the thoughts and concerns of some of those players. Below, I talk to a reader, a writer, an independent bookseller, and an independent publisher. All of them are real people grappling with real concerns.

The reader

Frank Morris is 72 years old. A retired psychotherapist, he came into my office one day excited and worried. He was excited because he had just bought a Kindle. He couldn't get over how easy it was to obtain a book. He was reading the *New York Times* book review section online, saw something he wanted, and just moments afterward, there it was on his device.

A well-educated and well-off patron, he was thrilled at the instant gratification. He need only snap his fingers and the content appeared from thin air. It was so easy and, compared with the cost of hardcovers, so cheap. He could get his books anytime, anywhere.

But he came to see me, he said, because he was worried. He had been a lifelong library user, yet he could now suddenly imagine not coming to the library anymore. He didn't need it anymore.

He understood that his income and education put him at the front of the early-adopter curve. But surely, he said, others would follow, reaching the same conclusion as e-readers got cheaper and more ubiquitous.

Did the ebook, the common e-reader, mark the end of the public library? Then he asked me with grave seriousness, did I have a backup career?

I assured him that I have great confidence in the adaptability of the public library. Our imminent demise has been tolled at the introduction of LP records, radio, cheap paperbacks, television, the PC and electronic bulletin boards, and the internet. All those things simply moved

into our collections and service offerings. All of them resulted in increased use, not extinction.

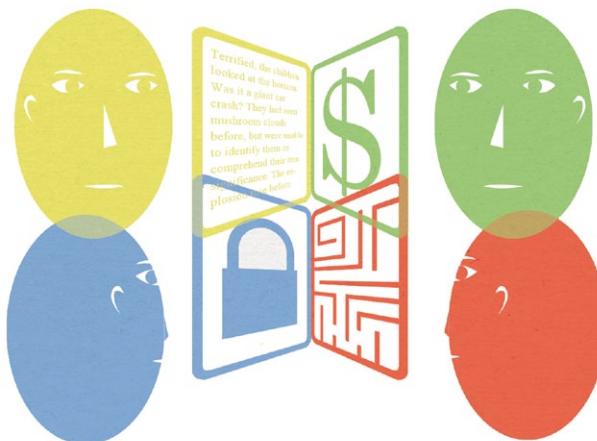
Besides, I asked him, do you imagine you will never leave your house again, never want to browse what's new in the world of writing, movies, music, or programs in the company of others in a beautiful public setting?

I could tell he was unconvinced. And truly, for a time I did not see him at the library. I met him once for lunch, and he told me he'd bought an iPad, which he liked even better than the Kindle. He canceled his paper and magazine subscriptions and was reading everything on his iPad.

And that's the initial e-reader experience. It works, it's fun, and for a time, it's an enclosed system.

Later, he came back to us, spending about as much time in the library as he ever had. Why? For one thing, he found that, like many new converts, he just read more, period. He found it easier to scan a newspaper than a screen, and he still preferred the feel of paper from time to time. While he had money, he still couldn't afford to buy everything he wanted to read.

It also troubled him that he had bought books he really didn't want to read again. When he decided to donate





Douglas County Libraries joins the growing number of libraries nationwide that tutor patrons who may be uncomfortable with emerging technologies like e-readers, smartphones, and tablets.

the files to the library, he discovered his agreement with Amazon didn't give him that right. In fact, he didn't own any of his books, so he couldn't give them away. Reading had been privatized, he said, shaking his head. It was no longer a social asset, available to all.

The writer

A friend of mine, Connie Willis, is a successful science fiction author. I interviewed her recently about ebooks, figuring that if anyone would have an incisive take on the issues of e-publishing, it would be a science fiction writer. Connie once told me, "Once you know there are automobiles, anybody can come up with the idea of a national highway system. But it takes a science fiction writer to imagine the traffic jam." And she sees a lot of traffic jams ahead.

I started by asking her about the explosive rise of self-publishing. At the end of 2010, there were about 300,000 commercially published titles, but more than 2.7 million self-published ones. What did she make of that trend?

"It's a complex issue," she said. "On the one hand, it provides lots of writers an opportunity to find an audience who might not otherwise have that chance. On the other hand, it provides a shortcut to the long, difficult process

that's always been part of becoming an author—honing one's craft, studying the writings of others, putting in the '10,000 hours of work,' as Malcolm Gladwell puts it, that are necessary to becoming really good at one's craft. Self-publishing writers no longer have to face rejection slips, editing, rewriting—all of which vastly improve the writer's work. Which means there's a flood of badly written, unedited, unprofessional books out there, which the readers (and librarians) will have to sort through to find the good stuff. That's a job publishers and editors were formerly paid to do, but in the brave new ebook world, everyone—not just assistant editors—will be forced to read the slush pile."

What about the economic proposition? I asked her. Connie, like most writers, makes 10% on the sale of her books. That holds true whether it is in print or electronic. I asked if it bothered her that although the costs for disseminating an ebook are far less than printing, binding, and shipping physical objects, she still gets the same percentage of the sale. Many emerging models, whether it is Amazon's CreateSpace or such e-publishing ventures as Smashwords and Book Brewer, are flipping the standard compensation model by offering 70–90% of the sale proceeds to the author and keeping just 10–30% for themselves.

As an award-winning writer with a host of dedicated readers eager to snap up her next book, does she even need a publisher? Why not go directly to the web and scoop up a bigger percentage of cash for the content she creates?

She told me that Amazon has already contacted many authors with just that proposition: Leave your publisher, and make more money with us. But the issues are manifold. For one thing, it worries her that in the near future there might be only three actual copies of her book: one owned by Amazon, one by Google, and one by Apple. The replacement of ownership with leased access is a cause for concern. Authors want lots of copies to be in lots of hands. Why? Connie said, "If the government wanted to destroy a given book, say, *Fahrenheit 451* (a book about doing just that), they'd never be able to get their hands on all the millions of copies scattered all over the world, but they (or an e-publisher or a single hacker) could destroy all e-copies with a single keystroke."

And of course, works could be changed without anyone—even the author—knowing about it.

Loyalty is another issue. A publisher makes a significant contribution to beginning writers. That process of editing is powerfully instructive for first-time authors. Marketing is also an important service. Connie knows many self-published authors who spend all their time pushing their books. She wants to write, she said, not market. She also doesn't want to spend her time on book and cover design.

She said the major problem remains distribution. "It's

one thing to put a book up on the web, another to have people find out about it, let alone buy it," she said. "Without a structure that duplicates what print books have—publishers' publicity departments, which do ads, promote the books to booksellers, and plan book tours; physical bookstores, libraries, and other venues for browsing, plus the opportunities these venues provide for authors to come and speak—online publishing will not be able to build and expand a writer's reader base nearly as well as print publishing."

I asked her about another link in the publishing supply chain: agents. Why does an established writer need an agent? Her answer surprised me. Connie makes a substantial part of her income on international sales. Her agent negotiates all that—another task she has neither the time nor the expertise to take on.

There are even international rights negotiated for the distribution of English versions of her works in non-English-speaking countries. That's another area that will see challenges in an age of electronic distribution. She said, "When a single ebook file can be downloaded by anyone in the world, it will mean a substantial decrease in authors' incomes unless a new model for author reimbursement is created. And agents advocate for writers, making sure they get the best deal possible. Without an agent, the writer is at the publisher's mercy, whether it's a New York publisher or an online one."

I asked her about libraries. Connie frequently donates her time to library staff days, book clubs, and library conferences. What's in it for her? Her answer was twofold: Like a lot of writers, she grew up in libraries and still spends a lot of time there. It's a matter of paying back a deep debt. Secondly, libraries and librarians make up an important part of the way her books find and reach new readers. Many of her sales come after someone discovers her through the library and then seeks out her other books. Ebooks at the library can become part of that system too, but they may also create problems.

On the other hand, she wonders if new e-publishing companies might find ways to game the system of selection and acquisition. There are stories of self-published writers banding together to write glowing blurbs and reviews for one another, and a number of authors have complained about the effect self-published ebooks are having on Amazon's user reviews. With only a few reviews, self-published writers will be ranked higher than traditionally published authors who have a much broader reading public and many more reviews. (Three five-starred reviews will give an author a five, whereas the average of 200 reviews

will nearly always result in a bell-curve rating of three.) She wondered how librarians would manage those and other potential problems.

What's the bottom line? Connie's diligence, dedication, and talent would make her rise to the top of any publishing environment. Most people won't. Most writers, in fact, can't make a living at it. But she recognizes that this is a time of extraordinary change, with both challenges and opportunities for writers and publishers. Connie said, "At the present time it's unclear to everyone involved with books—from publishers to distributors to writers—whether ebooks represent a boon or a disaster."

The bookseller

Joyce Meskis has been an independent bookseller at Denver's Tattered Cover for more than 30 years. She's been successful at it, too. But three market realities have proven challenging: First, the rise of the big chains (Borders, Barnes & Noble) grabbed a lot of sales. Second, the recession cut back on buying behavior. Now, it's the growth of the ebook.

Like many stores associated with the American Booksellers Association, Joyce's website offers various e-commerce options. But until recently, many independents just passed the customer along to Google Books for an agency percentage. However, on April 5, Google announced it will end the sale of ebooks to independents entirely as of January 31, 2013.

Like libraries, booksellers buy their print wares at a hefty discount, ranging from roughly 25% to 45%. They make money on the margin between wholesale and retail (and return many books that don't

sell—a significant cost in labor and capital for booksellers and publishers alike).

My library offers a referral from our catalog to Joyce's store for all items. We make an affiliate percentage of a successful sale. But when it comes to an ebook, what the slice of the slice might be is uncertain.

Many booksellers have turned to the used-book market to help make ends meet. But Amazon makes its presence known there too. It has driven down the cost for many used books to a penny—the customer pays far more to ship a book than to buy it. And as I've written elsewhere, there are no used ebooks. The disappearance of the second, third, and fourth life of a book may seem comforting to some authors and publishers (who never got a share of those sales). But it will also greatly reduce the likelihood of *finding* an author, of developing a passion for collecting their works. I believe the biggest issue for authors in the 21st century will be finding a reader in the first place.

The traditional mainstays of bookstores—bestsellers,

In the near future, there might be only three actual copies of a particular book: one owned by Amazon, one by Google, and one by Apple. Works could be changed without anyone knowing.

displays, author appearances—continue to draw crowds. Many bookstores have even ventured into storytimes and partnered with coffee shops and restaurants. But when it comes to digital content, my read is that booksellers are even less prepared than librarians to manage their own inventories.

The publisher

Most of the talk in the publishing trade is about the Big Six (Random House, HarperCollins, Penguin, Hachette, Simon & Schuster, and Macmillan). Their arguments about the need to inject “friction” into the ebook lending process to provide some measure of security get entirely too much attention. What we learned from the music industry is that trying to make it hard to do wrong (illegal downloading) doesn’t work. What works is making it easy to do right (buy it cheaply on iTunes). Or as I like to say, “Forget the fiction of friction. Make it *easy to please me.*”

Brian Schwartz is an independent, or mid-list, publisher and the incoming president of the Colorado Independent Publishers Association. He is at one of the nation’s many, many competent publishing houses, turning out well-written, beautifully designed books. Too few of them have found their way into libraries, in part because smaller houses found the process of national distribution of print expensive and difficult. Given the competition from the Big Six, it’s been a scramble for mid-list publishers to get their titles reviewed or picked up by distributors.

For Brian, the good news is that electronic distribution opens up new markets. He is more than willing to sell digital files to libraries, provided only that we take steps to prevent their casual theft. The Douglas County (Colo.) Libraries, where I work, uses the industry-standard Adobe Content Server to manage the circulation of such titles and limits their use to one user at a time. We buy additional “copies” at traditional discounts. In essence it’s the same deal we’ve offered publishers for more than a century, and the smaller publishers are glad to get in on it. We also offer a link for the purchase of these items, a customer convenience that these publishers see as yet another new market channel, as many of them haven’t been present in bookstores, either.

What are the challenges of e-publishing? Once again, Amazon dominates the market. Like a lot of publishers, Brian is struggling to learn how to convert Word documents to various electronic formats, a sometimes tricky business when it involves images and design decisions that need to work on a variety of e-reading screens.

But which file formats? The National Information Standards Organization (NISO) proposes the media-savvy ePub, which in version 3 offers not only support for all the usual features (bookmarks, search, dictionary lookups, etc.), but enhancements like audio support, video, and even links to external resources. It is accessible to people with print disabilities.

But 60–70% of the e-readers are linked to Amazon, and Kindles don’t read ePubs natively. Amazon uses the proprietary MOBI format (and the far less capable PDF). While some publishers, such as O’Reilly Media, can and do distribute the MOBI file without digital rights management, right now only Amazon can deliver an encrypted version. That means there’s no way for a library to loan such titles without running the transaction through Amazon, as OverDrive does—an arrangement that is increasingly unacceptable to many publishers.

So gearing up to support a new file format, or multiple formats, adds a new level of complexity and cost to the workflow and production of a product. Few publishers already had that expertise in-house.

There’s another issue, Brian told me. Amazon asks for, and gets, the lowest price. If you agree to a retail price on Amazon, don’t try to offer it for less somewhere else. If you do, and Amazon finds out about it, the company lowers its price to match, and the change is retroactive. Some writers (and publishers) seem unclear about this.

Have they agreed to a retail price, a wholesale price, or both? But it scares them away from working with others by raising the specter of financial loss (Amazon collects the price difference from the author).

Many publishers—and not just the small ones—struggle with the distribution of the file. They don’t have secure FTP servers. They don’t have ready-to-hand electronic ordering and fulfillment systems. They don’t have MARC records or, perhaps, any metadata at all. Ramping up to offer all these things adds yet another layer of cost and complexity.

So for Brian, it’s a heady time. New markets are opening up, and he’s got the chance to make a difference, to grow. But there’s a lot to learn and a whole bunch of new costs.

The librarian

Change is opportunity. But it will require us to rethink and adapt.

It’s clear we’re missing some tools. Many of the services handled by our traditional distributors—a comprehensive and straightforward acquisitions system, and the seamless delivery of both metadata and items—either don’t

We don’t exist in isolation. We aren’t the only player. But we librarians are the only player—except for readers—whose main concern is to make as much content available as possible, to all.

exist in the digital world or impose a host of onerous new restrictions. For instance, with OverDrive, libraries sacrifice ownership (and our ability to preserve content), discounts (because rental fees often exceed retail costs), and integration (requiring our patrons to work with entirely separate and markedly different interfaces). With Baker & Taylor, the file format is again proprietary and ignores NISO standards.

Librarians could sit it out and just wait for the wise vendors to figure it all out for us. But that's not the only option. Instead, we can engage in this new world—experimenting, testing, and building new partnerships.

We don't exist in isolation. We aren't the only player. But we are the only player—except for the reader, as above—whose main concern is to make as much content available as possible, to all.

To that end, there are a few directions we need to pursue:

- We need an updated legal framework. For some ideas about that, see the “common understanding” document, prepared for the Douglas County Libraries by Mary Minow. We do *not* want to have to negotiate complex and contradictory contracts with each publisher.

- We need Association support. The American Library Association, under the leadership of President Molly Raphael and Executive Director Keith Michael Fields, has reached out to some of the Big Six publishers and leading distributors to at least begin a dialogue about our concerns. That work continues in ALA's Digital Content and Libraries Working Group.

- We need to identify new resources for the evaluation of new content. I can recommend the innovative Blueink Review, which is tackling the world of self-publishing and is eager to work with libraries.

- We need to develop and disseminate new models for the management of our own content. See the articles on the Douglas County Libraries experiment that Monique Sendze and I wrote about in the January/February 2012 *Public Libraries*, a publication of ALA's Public Library Association. As part of this, we need to recruit and provide a strong vision for a new generation of library IT staff.

- We need to locate, develop, and disseminate revised acquisition models bringing together content from a rapidly expanding universe of publishers and writers.

- We need to work more directly with local authors to help them write quality works, then provide a channel for reaching their audience. That might mean the library as publisher. It might mean partnerships with new e-publishing approaches.

- We need to work with existing publishers, who still add value to writers and the marketplace, and may need some help to understand the important role libraries



Public libraries can make e-content real and inviting for patrons through visual displays and tactile interfaces like the one at Douglas County (Colo.) Libraries. Through a touch-screen display, patrons browse e-content in much the same way that they explore traditionally published titles.

play in the discovery of authors and the development of publishing markets. There are many issues to resolve, ranging from discounts to file formats to metadata and more.

- We need to have some open outreach to our independent booksellers. Some cooperative ventures may not only help us keep literacy alive and thriving in our communities, but also replace the likely loss of fines and used-book sales with new revenue-sharing models.

- We need to have some frank discussions with our distributors. There's plenty of room to add value in the supply chain. But the fundamental premises of that relationship need to serve both our missions, rather than locking down the market.

And finally, we need to remember the library's owners—the public. They are our most essential partner. They remain at the heart of our business model. They still look to us not only to provide the inestimable value of the cooperative purchasing agreement. They also expect us to advocate intelligently and forcefully for their continued broad access to and participation in the intellectual content of our culture. ■



JAMES LARUE is director of the Douglas County (Colo.) Libraries.



A Publisher's View

To strengthen the library-publisher relationship, we must begin with dialogue

By Lisa Long Hickman

Librarians and publishers are not effectively communicating with each other. There, I said it. Many of us already know this to be true, but as someone who comes from the publishing side, I came to this realization during my yearlong process of selling ebooks across the country and through my many conversations with library directors, state librarians, and heads of consortia.

This disconnect didn't really crystallize in my mind until I went to a session at ALA's 2012 Public Library Association national conference. While there, panelist Alan S. Inouye, director of ALA's Office for Information Technology Policy, stressed the need for librarians to improve their communications skills, increase their investment in relationships, and—most importantly—upgrade their negotiating skills. And that's when the light bulb went off: It's not that we don't *want* to talk with one another. It's just that we don't know *how*.

Working together

Also at the PLA conference was Rolf Hapel, director of Aarhus (Denmark) Public Libraries, who spoke about the community-based decisions made while the new Aarhus library was being built. What stood out most during his talk was his challenging message to “think relational rather than transactional.” In other words, libraries must create partnerships within their community.

As publishers, we can offer a bevy of features to a library once we develop a relationship with its staff. For instance, we can identify a specific author or genre that is special to your library. What's more, we may even know an author who lives down the street from your building and help organize an author signing/reading or a writer's workshop, with little or no effort on your part.

The company where I work, Dzanc Books, has donated books to libraries in Wisconsin and New Jersey based on area bookstore promotions. We can also offer significant bulk discounts of up to 30%.

Many of our authors enjoy connecting with their readers. David Galef, for example, gave a reading at the Montclair (N.J.) Public Library May 9. Jonathan Baumbach did the same at several Massachusetts libraries in late 2011. Eugene Cross read his recently published collection of short stories May 4 at Knox College in Galesburg, Illinois.

Fair play

A new element—ebooks—has been a recent disruption to the relationship between publishers and librarians. But the ability for us to rebound lies in the new paradigm that ebooks present and the resiliency of our original mission: Dzanc Books and other publishers bring authors to readers

to encourage people to read, and libraries serve communities by advancing literacy.

What this all means is libraries help publishers sell books by bringing authors and readers together. We have research that suggests this is true. In *Library Journal's* “Library Patrons and Ebook Usage” survey from October 2011, 50% of all respondents said they go on to purchase books by an author whose works were previously borrowed from the library. In 2011, Douglas County (Colo.) Libraries (DCL) instituted a “buy now” link in case a patron wants to purchase an ebook he or she was reading or interested in reading. Monique Sendze, associate director of information technology at DCL, said the fact that 10,000 people clicked the “buy now” link indicates libraries are helping complement the business of publishers.

At the Tools of Change for Publishing Conference in New York this past February, keynote speaker Brian O'Leary, founder of management consulting firm Magellan Media, said, “New technologies don't just lower transaction costs; they eliminate transactions entirely.” Information passed back and forth between us is invaluable to our business practices today.

Sure, if you buy from Dzanc Books, we're happy. If you don't, or can't, having met you and getting to know your libraries' needs is as valuable to us as if you purchased our entire catalog. The knowledge you and I gain from efficient communication further sustains the library-publisher ecosystem and narrows the gap between us.

Let's face it, we need each other. I have direct access on a daily basis to authors. You are a direct channel to readers. Let's go back to the nuts and bolts of negotiation by opening lines of communication to give us information that enables fair play.

If we talk, there is no limit to what we, as partners, can do as we continue to bring authors and readers together. ■



LISA LONG HICKMAN is sales and marketing manager at Dzanc Books.

A Digital Dilemma: Ebooks and Users' Rights



New technology may
prove inhospitable to
privacy and conducive to
censorship

By Deborah Caldwell-Stone

Last September, libraries and librarians around the country welcomed the announcement that OverDrive and Amazon had reached an agreement that would allow Kindle owners to borrow books through their public libraries. The new arrangement allowed libraries to meet a pent-up patron demand for Kindle ebook loans. But librarians and users alike learned that the deal came with some strings attached: Kindle users whose loan periods were coming to an end began to receive marketing messages from Amazon.

The messages reminded users that their loaned ebooks would soon disappear from their Kindle and asked if the Kindle owner wouldn't want to buy the ebooks outright from Amazon. The retailer also reminded Kindle users that if they decided to purchase the borrowed ebook after it had disappeared from their Kindle, Amazon would restore it to that Kindle with all of the user's highlights and notes intact.

Amazon's communications with borrowers made it plain that the firm was acquiring and keeping lots of information about library users and their reading habits and using that data to market goods to them. Inquiries revealed that while OverDrive did not acquire or pass along user information, Amazon required Kindle users to log in with their Kindle accounts to access the borrowed ebook. That information—along with the data about the Kindle customer's use of the ebook—was, per Amazon's terms of service, subject to Amazon's standard commercial privacy policies.

Librarians, mindful of state confidentiality laws, library privacy policies, and the profession's longstanding commitment to preserving library users' privacy, moved quickly to address the privacy issue at stake. Many librarians posted new notices on their ebook platforms informing Kindle users that use of the Kindle device meant being sent away from the library's ebook platform to Amazon's commercial website, which did not share or use the same policies on data use or privacy as the library does. This strategy—bolted on after the fact—did not address the issue of Amazon's collection and use of library users' data, but it at least provided users with an opportunity to choose whether or not to share their information. The fact remains that libraries, anxious to provide users with a popular, in-demand service, did so without carefully evaluating the service's impact on user privacy.

Ethics, library values, and digital content

The consequences of Amazon's entry into public and school library ebook lending highlights the ethical dilem-

mas librarians encounter as libraries add digital content to their collections. As the content and services provided by libraries become more technologically sophisticated, they facilitate and create opportunities for governments, corporations, and individuals to control access to published content and track users' reading and research habits.

In addition, the devices, platforms, and technologies used to provide digital content to library users are often operated and maintained by commercial vendors who frequently do not share librarians' commitment to the profession's core values of intellectual freedom, privacy, and access (indeed, vendors' revenues are often tied to exploiting user-behavior data and placing limits on access). Vendors then negotiate agreements with digital content publishers, distributors, and service providers that include binding terms of service. These terms of service govern users' rights and define the rules that control what can and cannot be done with the ebook or other digital content.

Thus, if the license that governs the library's loan of the ebook requires the library to track and retain user data associated with a particular ebook and disclose that information to the vendor, the library is obligated to track, retain, and disclose that information, even though such terms conflict with professional ethics and intellectual freedom principles that call on librarians to refrain from collecting, retaining, or disclosing library users' information to third parties.

Sacrificing privacy and access for convenience?

Librarians defend and protect reader privacy in recognition of the strong connection between the freedom to read and the right to privacy. The right to read freely depends upon the knowledge that what one is reading is not monitored or tracked. Protecting reader privacy ensures that library users can pursue any inquiry or read any book without fear of judgment or punishment. Both the Library



Bill of Rights and the ALA Code of Ethics affirm librarians' responsibility to assure library users' privacy by keeping users' information confidential.

The current model of digital content delivery for libraries places library users' privacy at risk. Authorizing the loan of an ebook or the use of a database can communicate unique identifiers or personally identifiable information that reveals a user's identity. Databases and e-readers create records of a user's intellectual activities that can include search terms, highlighted phrases, and what pages an individual actually read. Easily aggregated—and then associated with a particular user—such records can be used against the reader as evidence of intent or belief, especially if the records are stored on vendors' servers, where they are subject to discovery by law enforcement.

Digital content delivery not only places user privacy at risk; it can facilitate censorship and jeopardize access.

Vendors and publishers can and do reserve the right to modify or erase ebooks and other digital content. Readers can turn on their devices to find that a particular ebook has vanished without a trace, as Kindle users did after Amazon decided to erase an edition of George Orwell's *1984* from Kindle devices after a licensing dispute. But copyright and contract are not the only reasons content can disappear; under the terms of service provisions contained in most ebook licenses, vendors and publishers can remove or alter texts for any reason, including a desire to avoid controversial content. One need only look to PayPal's recent refusal to handle sales for some types of erotica to understand the potential threat to the right to read and receive information.

Finally, the current models for ebook lending do not support libraries' fundamental mission to provide access to books and other materials without regard for a user's economic or social status. Use of digital content requires ownership of expensive devices, reliable broadband internet access, and often a credit card. When library ma-

terials are available only as digital downloads to a proprietary platform, or require users to provide credit cards or establish commercial vendor accounts to prove their eligibility to access an ebook, libraries risk shutting out users who are on the wrong side of the digital divide.

Proactive steps to protect users' rights

As libraries move to include ebooks and other digital content in their collections, the profession must take proactive steps to assure that the addition of digital content does not compromise professional values, which call on libraries to protect user privacy, oppose censorship, and ensure access, no matter the status, age, or income of the user.

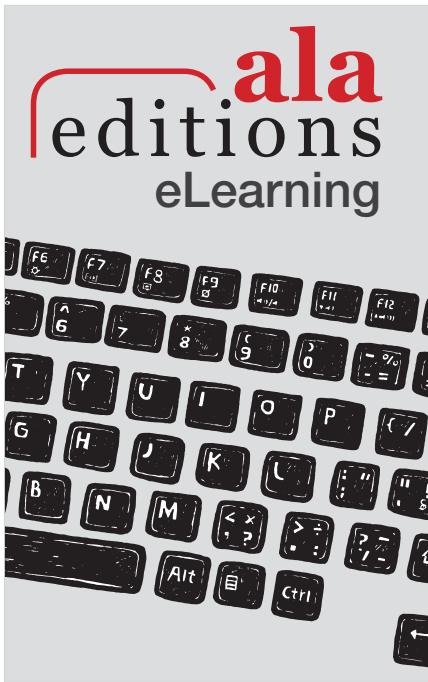
Accomplishing these goals within the existing ecology of ebooks, databases, and online journals will mean challenging the status quo and standing up for users' rights while negotiating and working with vendors, legislators, and government agencies. It will also mean slowing down the move to digital content until we can take time to identify the methods and processes that will assure that the profession's core values are respected and protected when libraries provide access to digital content.

Some actions to take include:

- Undertaking a thorough examination of the technologies, platforms, and agreements that control the delivery of digital content to identify problematic features and inform changes in library policy and practice;
- Updating existing professional standards and policy statements to ensure that they address new technologies and digital content;
- Developing professional guidelines, tool kits, and FAQs that will help librarians in the field assess vendor agreements and develop and propose alternative agreements to protect user rights;
- Committing to protect user rights when entering into agreements with vendors;
- Working with vendors and content providers to assure that professional values are "baked in" to the technologies and platforms that deliver digital content to library users; and
- Working with legislators, regulators, and library users to ensure that the laws that protect against censorship and preserve reader privacy fully apply to digital content. ■



DEBORAH CALDWELL-STONE is deputy director of ALA's Office for Intellectual Freedom.



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For information on current workshops and ecourses, visit alastore.ala.org.

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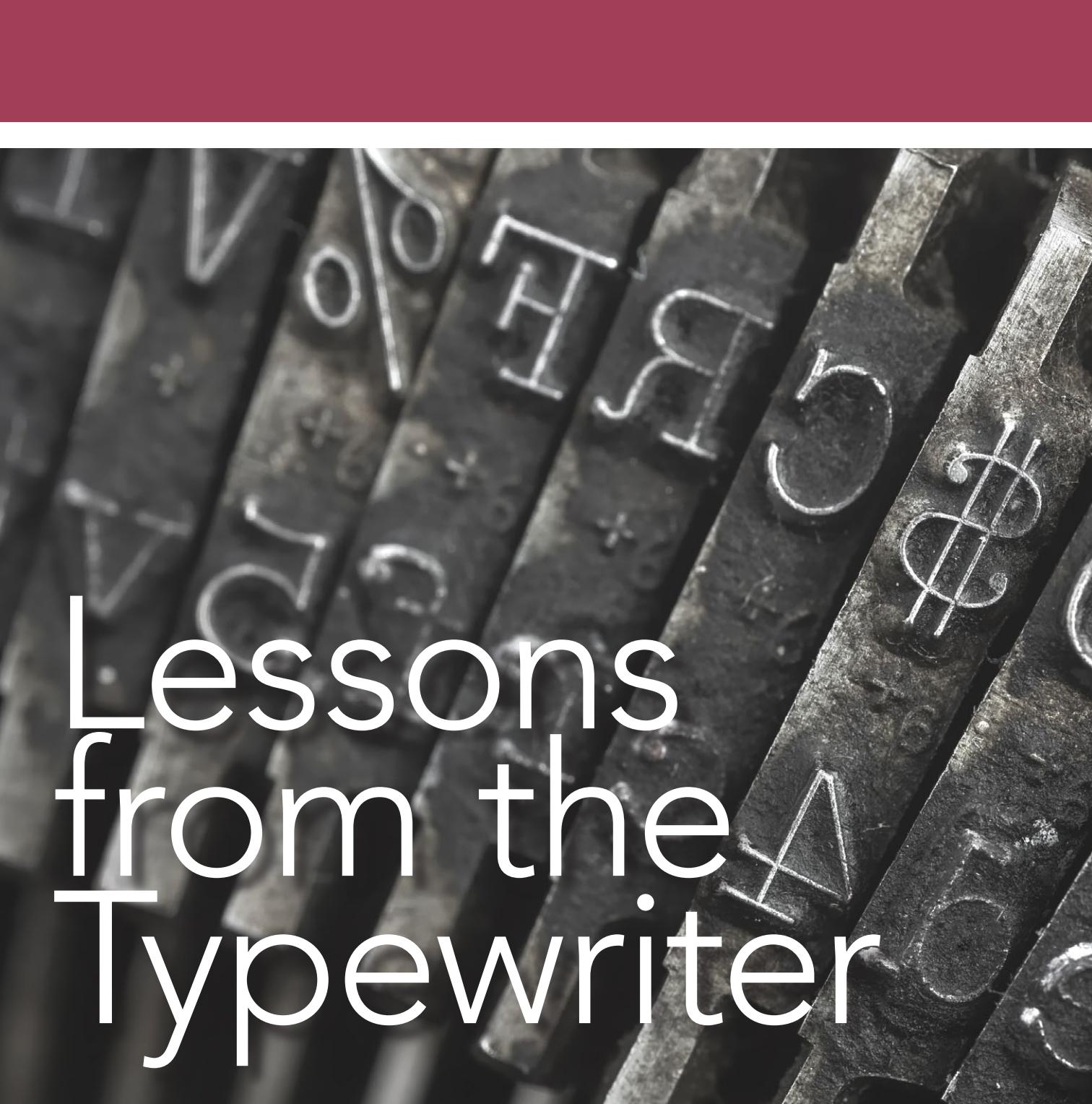
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Lessons from the Typewriter

As technology fragments
books, we must avoid
fragmenting culture

By Peter Brantley

For the first time in decades, we are living through a moment in which the book is being re-envisioned and re-enlivened, creating richer cultural expressions that paradoxically may be less universally accessible than before.

The 21st-century author can choose from an array of writing tools. Computers allow us to create stories much like those of our past, comprised primarily of text that unifies a narrative arc. But unlike in the past, we will write these complex and intricate stories in a world far more complex than the one we left a few short decades ago, in which typewriters struck uniform black letters on white sheets of paper.

The changing book

When you examine old books, particularly those from the late 19th century, you notice that fonts varied widely; typography and illustrative graphics were playfully used; chapters and paragraphs were set off with enlarged markers that excited the eye. Images too captured the art of expression. In other words, book designers crafted unique products on behalf of small publishing houses that believed artful presentation must reinforce each author's achievement.

During the rapid growth in publishing after World War II, the average trade book became significantly standardized: A handful of preset dimensions determined page size, typeface variation dwindled, and the practice of laying out a book became more constrained.

The past 25 years of internet expansion has gradually taught us how to build easy-to-use tools for authoring documents. Design is reemerging as a central element. Screens invite us to touch, poke, and move what we are reading, watching, and hearing, and provide us a world far more captivating than the most glorious manuscripts of the European Middle Ages.

Newly revised standards for the web—HTML5 and CSS3—though immature and not yet fully defined, are encouraging young designers to think about ways to construct books, magazines, and stories for tablets and mobile screens. Mixed-media publishing platforms such as *Scalar*, from the University of Southern California's Alliance for Networking Visual Culture, enable scholars and other writers to create web-based productions that combine sound, video, and text that stretch our definition of "book." New companies like *Aerbook* and *Vook* are creating authoring platforms that assume rich media is part of the narrative, and can output apps as easily as ebooks.

Today's story might be a game that is "read" with others through network consoles connected across the world. It might be an assembled set of links to websites that otherwise would have no fraternity with one another. Or it might be an app that runs only on a specific tablet or phone. It could also be a mobile phone-based, sound-driven, high-stakes drama set in a twilight graveyard filled with zombies, monsters, and demons.

Platform access

Many writers will invest in learning to use one set of platform tools—Apple, Amazon, or Android authoring soft-

ware, for example—then build the most compelling stories they can for iPad, Kindle, or Android. Alternative versions may perhaps appear in other environments, but they will be lesser products, debased from the original by automated conversion tools.

Publishers and libraries have no compelling reason to provide gateways to Amazon, Apple, and other content delivery platforms, especially when new tools are emerging all around us to challenge proprietary culture. Software developers are extending open-source blogging platforms to support new types of collaborative authoring.

As our stories now expand across more senses—with touch, sound, and moving image—they conversely reach a narrower marketplace that is increasingly proprietary and lacking in universality, something the simple typewriter automatically gave us once it became standardized at the beginning of the 20th century.

The evolution continues

We're approaching a widespread disconnect in which we will not be able to read, experience, and share the same stories. When an ebook authored for one platform is not available on others, our society will no longer be able to share a cultural narrative.

Libraries have been part of the social compact for more than 100 years, enabling the sharing of scarce goods such as books on behalf of the larger community, providing refuge from the unequal burden that wealth and poverty bear upon us. If access to books becomes more and more compartmentalized into proprietary stores, libraries will discover that the works they can procure for their communities will be reduced to remnants of a previously ubiquitous culture, now abandoned to boutique collectors, much like the LP.

This transition may be inevitable, and it suggests libraries will do well to help their users become empowered creators of storytelling in their own right—using common and accessible tools that promote openness. Libraries will have to transform into places that help citizens become full-fledged creative members of their communities, both producing and archiving personal stories. They can help communities digitize their history, shape their culture, and publish this wealth of information on the web for all to see.

With the power of story, libraries can enable communities to preserve their heritage. Let's build the new generation of typewriters that will help these stories get written. ■



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