

[Does digital lending by libraries and the Internet Archive violate copyright?](#)

Discussion published by Margaret DeLacy on Sunday, October 2, 2022

Friends:

On September 16, 2022, Publisher's Weekly posted a comment entitled "In Defense of Library Lending" by Kyle K. Courtney, copyright advisor for Harvard University and cofounder/chair of Library Futures, a project of NYU Law's Engelberg Center.

The article discusses the ongoing litigation between the Internet Archive and Hachette Book Group, HarperCollins, John Wiley & Sons, and Penguin Random House. Hachette et. al claimed that by lending single digital copies of books it owned, the Internet Archive was violating the publishers' copyright.

Courtney writes that "some publishers want to force libraries into a world [in which digital books can't be owned and can only be licensed](#) (through services like OverDrive, for example), usually at significantly higher prices and under restrictive terms. Central to their lawsuit, the publishers argue that a library loan via CDL represents a lost license fee. And while I understand why these large corporate publishers would like to force libraries into an expensive, limited, non-negotiated, and highly profitable licensed access market for e-books, libraries should not have to buy (and rebuy) expensive, time-limited licenses to provide digital access to the physical books they have already purchased."

You can find the full article at

<https://www.publishersweekly.com/pw/by-topic/columns-and-blogs/soapbox/article/90358-in-de...>

posted by Margaret DeLacy, H-Scholar editor