

A Scissor-less, Paperless, Tome: Business, Law and Libraries – the eBook and Mobile-Reader Debate

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Abstract

Announcing the impending release of the 'Sony Reader' on the US market at the 2006 Consumer Electronics Convention, April 2007 is set to re-open the eBook and mobile-reader debate once more, when Sony unleashes the next generation of portable, dedicated, reading-devices. Eager to rectify the shortcomings of its Japanese predecessor - the 'Librié' – the 'Sony Reader' purports to revolutionise the act of reading with electronic paper and eInk, its on-demand 'CONNECT' eBook store of 12,000 titles, an indefinite shelf-life for your title purchases, weaker Digital Rights Management ('DRM') (DRM = Technological Protection Measures + Standard Form Contracting), and increased interoperability with DRM-free text, Microsoft Word, Adobe PDF and its own proprietary BroadBand eBook format. In light of what could be heralded by librarians, academics, publishers and our tech-savvy public akin, as a step closer to realising the fullest potential of mobile reading-devices to enhance our reading experience - both in and outside of the library - it is submitted that the Sony Reader could, in reality, prove a futile business pursuit; another intellectual property quandary in the DRM debate; and the device itself - like so many before it - a scissor-less, paperless tome.

In light of the release of yet another single-user business model for eBooks, this paper re-addresses the longstanding eBook debate pertaining to both the business of library lending and the end market for individual users. It is submitted that the requirements for adoption of eBook distribution by both aforementioned customers are one and the same. A lack of interoperability mars both the endeavours of libraries to effectively lend eBooks and reading-devices to its public, and the desires of individual readers to effectively access and 'cut-and-paste' as many titles as they may wish - fair dealings in copyright permitted - and make the most of the plethora of electronic titles available, both 'on' and 'off' the market. Stringent DRM employed by information-industry-intermediaries, keen to protect their intellectual property, and unique retail models, from the perceived threat of rapacious internet pirates do not serve the same end. An authoritative investigation of mobile-reading devices, eBook software, commercial eBook stores and not-for-profit eBook depositories, interoperability issues, DRM currently employed on eBook titles, and the current corpus of copyright law will set the parameters of the debate. A more-detailed analysis as to whether the first-sale doctrine can be effectively applied to digital deliveries; whether baking permitted exceptions to copyright into DRM architectures will achieve increased market acceptance; and a suggested best-practice model more attuned to the interoperability demands of its customers, **will** serve this end.

The intention of this paper is to draw attention to an emerging debate that has been somewhat overshadowed by a more emphatic one, namely, that pertaining to online digital music distribution. It is submitted that, **it** is the eBook debate in which we should be the most emphatic. Whilst it may not prove as lucrative an enterprise as the former, the sanctity of the written word still holds the highest sway in the promulgation of knowledge, and the future learning. Whilst the 'paperless word' presents one of the most apparent evolutionary courses for technological development, the 'scissor-less word' (one which cannot be cut, pasted and manipulated in pursuit of fair use) remains an untenable reality for users who welcome the advent of text manipulation tools to improve their working, academic and everyday lives. If the endeavours of the eBook industry to lock-up the titles they release remains unchecked, a realization of the fullest potential of eBooks will be lost, and mobile reading-devices will remain scissor-less, paperless, tomes at best.