

Librarian Responses to Public Lending Rights in Australia, Canada, and the United Kingdom  
and Implications for the United States

Sarah Bartlett Schroeder, Librarian

University of Washington Bothell/Cascadia College Campus Library

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**Abstract**

In 2019, the Author's Guild of the United States announced their intent to pursue federal legislation for Public Lending Rights (PLR). PLR provide remuneration to authors, publishers, and/or illustrators for the circulation of their works in public, and sometimes school, libraries. A number of countries, including the United Kingdom, Canada, and Australia, instituted PLR in the 1970s and 1980s. This paper aims to investigate how public libraries in those three nations responded to the movement for PLR and how the philosophical concerns they raised may inform librarians in the United States.

## Introduction

“Public Lending Rights” (PLR) is an umbrella term applied to systems whereby authors (and sometimes publishers, translators, and/or illustrators) are financially compensated for the circulation of their works in public libraries. Rarely, despite the name, is PLR seen as a legal “right” in the same way that copyright is (Hyatt 1986). Rather, they are usually stand-alone programs operated by federal government agencies, offering authors modest annual payments based on the availability or circulation of their books in libraries. In most cases, PLR payments are only granted to authors who are citizens or residents of that country. Authors typically see this as retribution for “lost sales” resulting from library lending, while other parties may see it as a program to support a nation’s writers and generally promote the arts.

According to PLR International, an organization that advocates for PLR globally, the first PLR systems were established in Scandinavian countries in the 1940s. Since then, countries throughout Europe and, increasingly, in other parts of the world, have followed suit. In 1992, the European Union passed legislation that expressly gives countries the right to lend physical items so long as creators are compensated. However, despite the directive being reconstituted in 2006, several European countries have not yet complied (PLR International, n.d.). Canada, Australia, and the United Kingdom have all had PLR programs in place for several decades. The UK’s system was established in 1979 (British Library, n.d.), while Australia approved their own program in 1974 (Jordens 2005). Canada’s program dates back to 1986 (Canada Council for the Arts, n.d.). In all three countries, the campaign to establish PLR was led by authors and their professional organizations and the systems they eventually established are all administered by the federal government (PLR International, n.d.). In Canada and Australia they are run by the

Council for the Arts and the Department of Communication and the Arts respectively, while in the United Kingdom PLR is currently managed by the British Library. Every nation's PLR system is unique, with different requirements for eligibility, methods for calculating payments, etc., but in none of these countries are libraries expected to contribute funds toward the management of PLR or the payments made to creators. Other countries, including the Netherlands, do have systems in place whereby libraries pay authors for the circulation of their works (Parker 2018a).

During the authors' campaigns for PLR, librarians offered ideas, criticism, and support in varying degrees. Opinion on PLR is often divided and in some countries the fight to gain acceptance for it has proven contentious among librarians and authors (Brophy 1983). The first section of this paper examines some of the conversations and reactions among librarians and authors during the campaigns to establish PLR in the UK, Canada, and Australia. These countries were selected for analysis because they have a well-established history of public library lending and because the language of most of their publications is English. The evidence selected comes from a literature search of journals, newsletters, reports, conference proceedings, and newspapers, primarily representing the views of authors, librarians, and their professional organizations, and is used to construct an overview of how librarians as a whole responded to the author's proposals. The second part of this paper explores how some of the issues librarians discussed in these countries might impact a similar debate in the United States. Because the purpose of this paper is to explore the general principle of PLR, rather than the minutiae of how best to operate PLR systems, the many particular differences of each program will not be covered in detail.

The United States does not, as of 2020, have a PLR system. However, research into the issue has previously been proposed in the federal legislature (Hyatt 1986), and the Author's Guild of the United States (AG) announced early in 2019 that they intend to pursue a PLR program (The Author's Guild). They did not specify a timeline or details about how a U.S. system would operate, but stated that PLR will be a long-term focus. It follows that American librarians and library associations may be called upon to take a stance on the issue. The following discussion of statements and publications from librarians in other nations may help inform librarians in the United States as they develop their own opinions about PLR.

### **The PLR Campaigns**

#### *Australia*

The Australian Society of Authors (ASA) led their nation's campaign for PLR and now counts its adoption in 1974 as one of their "chief victories" (Australian Society of Authors, n.d.). Initial response from the library community was mixed. One commentator stated that the authors' proposal "was vehemently opposed by the Library Association of Australia (LAA), in the name of free and untrammelled service to the public," though they noted that "not all librarians...agreed" (Biskup 1994, 171). Even as PLR enjoyed considerable political support, the LAA continued its efforts to "torpedo the introduction of PLR" (Biskup 1994, 172). In a 1972 issue of *Australian Library Journal*, the LAA's Committee on Relationships With Authors and Publishers issued a statement of opposition, writing "that whilst the LAA does not oppose Australian authors receiving encouragement from the government, it doubts that a public lending right would achieve these objectives" (439). They went on to question the assertion that library lending has a strong impact on book sales (439).

Despite the objections of the LAA, PLR enjoyed support from the Australian government. Lawmakers carefully ensured that “the Act does not provide for any obligations on libraries” (Sharpe 1986, 347). In the Australian system, authors are not compensated for each circulation of their work; payments are instead calculated based on the number of books a library holds in its collection, thus significantly reducing data collection requirements (Brookes 1991, 91). Australia is the only one of the three systems discussed in this paper that compensates publishers as well as authors. In 2000 they approved an Educational Lending Right (ELR), a similar system which offers compensation to the authors and publishers of books circulated in public schools and universities (Jordens 2005).

### *Canada*

The Writer’s Union of Canada (TWUC) was founded in 1973 and immediately made establishing a national system of PLR a flagship issue (The Writer’s Union of Canada, n.d.). A 1974 *Saturday Night* magazine article brought the issue to broader attention, describing the practice of library lending without compensation as “hardly fair, because one hundred people may well read a copy of a book in a public library, as against the two or three people who may normally read a book bought by an individual” (Stuart-Stubbs and Woodcock, 25). Authors also argued that they need to protect Canadian culture amidst an onslaught of books from the U.S., the U.K., and France (Mason 1975), noting that their “small home market and the overwhelming proximity of the United States” makes it difficult for Canadian authors to compete in the marketplace (Jones 1974, 446). Thirteen years after the TWUC was founded Canadian authors received their first PLR payments (Archer 1995). Like Australia, Canada calculates author payments based on the presence of books in library collections, rather than on circulation.

Opinion among Canadian librarians was initially divided, rankling some authors. Chair of TWUC Marian Engel told librarians they were “ripping off Canada’s writers” (MacSkimming 2011, 13), upsetting librarians who believed they were supporting authors by “making their books accessible to readers and assuring them of a wider public” (MacSkimming 2011, 14). Librarians in Canada were concerned about the possibility of PLR impacting their budgets, and they were also resentful of the suggestion that they had been infringing on authors’ “rights” in providing library services. They argued “that there is no factual evidence to support the P.L.R. principle- that authors lose income from public lending” (American Libraries 1976, 430). However, by 1976, the Canadian Library Association (CLA) chose to support the author’s advocacy for PLR anyway (MacSkimming 2011).

Shortly after the CLA’s vote in 1976 to support PLR, opponents George Piternick and Samuel Rothstein wrote that “the idea may, to be sure, be only grudging and tactical in nature” and that “CLA considers any resistance against the idea and practice of public lending ‘right’ a lost cause, and will be concentrating its efforts on getting public lending legislation that libraries can live with” (15). These same librarians questioned whether the expense and labour involved in running a PLR scheme would actually yield any serious benefit to authors given the expected low payments, and they criticized the whole concept of payment for continued use after a copy has already been sold. They also pointed out that “there are hundreds of books published yearly in Canada which would never be published at all if the library market did not exist” (16). In 1982 author Andreas Schroeder, a prominent advocate for PLR in Canada, noted that it took “almost four years...to establish a complicated truce between this country’s librarians and writers on the issue” (55).

### *The United Kingdom*

Judging by the commentary published on the topic at the time of its campaign, PLR was a contentious issue when it was introduced in the United Kingdom. Both authors and librarians sometimes used harsh language to defend their positions. Legislator Lord Vaizey said that librarians “appear totally to be unable to understand the literature which is issued in connection with the furtherance of the cause” (Sproate 1977, 122). PLR supporter and librarian Raymond Moss (1978) criticized librarians for “vigorously, even viciously” opposing “what most would regard as an obvious and elementary act of justice for authors” (185). Moss wrote that librarians “indulge” in free lending, and criticized the profession of librarianship itself (186).

As for librarians who opposed PLR, one described it as “injustice piled upon absurdity” (Smith 1977, 220), while another referred to it as a “silly and worthless act” (Huse 1980, 367). Like in Australia and Canada, British librarians were particularly critical of the assertion that library lending results in lost sales for authors. Visiting the U.S. in 1983, members of England’s Library Association expressed concern that library budgets would be impacted by the newly created PLR fund, suggesting “the government will quickly forget that they said the money that was going to be available for PLR was going to be extra to what was already allocated” (McCormick, 107). The visitors added that “the PLR plan introduced a concept that is dangerous to the idea that libraries should be completely free and open” and pointed out that despite the expense of the program, “the majority of authors are going to get pence” (107).

However, there is disagreement on just how fierce the arguments from UK librarians really were. In 1979 one commentator wrote “the muted reaction of professional librarians to the passage of the PLR Act seems surprising. Although there have been understandable complaints

about the administrative costs which libraries will incur in operating the register, very little professional opposition has been expressed to the principle of PLR” (Thompson 1979, 174). In 1986, when the program was still relatively new, a PLR official noted they hadn't “received any complaints from libraries or librarians about any extra burdens caused by the PLR” (American Libraries, 362).

### **Attitudes Toward PLR Today**

Librarians shared their opinions about PLR often during the author's campaigns, but since the programs were established they have largely fallen off the radar in library literature. PLR is rarely mentioned in major library publications from Canada, the UK, or Australia. Catalogues in all three of these nations are now overwhelmingly digital and the collections or circulation data required by the agencies administering PLR is much simpler to retrieve than it was in the 1980s. PLR International describes the systems as “highly automated,” noting that “required details of books held by public libraries or the number of loans is easily acquired electronically from library computer systems” (Parker 2018b, 7). Since none of these three countries require libraries to contribute funds from their own budgets or to manually collect data on a large scale, PLR systems can operate without any impact on the day-to-day work of most librarians and library staff. In 1987 one British commentator wrote that “Public Lending Right is now an accepted fact of life with British authors, librarians, and publishers” (Stave 1987). Both the UK and Canada have expanded PLR to ebook lending, and Australian librarians have expressed support for the idea as well (Gbogbo and Agius 2018).

Those entities responsible for operating the PLR systems have spoken positively of their library relationships. In 2004 the UK government noted of the PLR program “that ‘much of the

success' derives from a good working relationship with public libraries" (Library + Information Update 2004, 12). In a 2019 issue of InCite, a publication of the Australian Library and Information Association (formerly known as LAA), representatives from the Arts Council used the space to "convey their sincere thank you to all the public and educational library staff who have assisted them in the annual surveys for the past 45 years" (Lanchester 2019, 30). They added that "librarians across the country are champions of Australian authors" (Lanchester 2019, 31). Between 2011 and 2013 the Canada Council for the Arts published three detailed reports of their PLR system. The third discussed the results of a survey of library directors from 19 library systems in Canada that asked librarians to report their experiences, regarding purchasing, circulating, promoting, and tracking books, especially those by Canadian authors. Librarians reported a willingness (if not always the ability) to share collection and circulation data with the PLR administrators (MacSkimming 2013).

Twenty years after PLR became law in the UK a volume of essays was published to commemorate the program. A reviewer for the book expressed an opinion that librarian opposition to PLR was, in hindsight, unwarranted:

"It's something of a surprise to be reminded of PLR again now that the scheme is as familiar a component of public libraries' daily routines as date stamping. Perhaps it's a twinge of guilt that is prompted by this slim volume of essays marking the 20th anniversary of the Public Lending Right Act of 1979 which for the first time rewarded authors for the free lending of their works by public libraries. Guilt because the library profession through its official voice, the Library Association, was hostile to the scheme - on what seemed reasonable grounds at the time, but which in fact concealed a prejudice" (Gerard 2000, 200).

Despite initial pushback from librarians when the ideas were introduced, PLR systems remain in place in the UK, Canada, and Australia today, and rarely receive attention from librarians in journals, newsletters, blogs, or at conferences. No large-scale surveys were found in the course of this research regarding librarian opinions of the PLR systems in these countries today.

### **Issues for a PLR Debate in the U.S.**

Several of the concerns librarians proposed in the U.K., Canada, and Australia during the PLR campaigns have not caused difficulties. For example, there was concern that PLR would impact library budgets, would impose an undue burden on library staff to collect data, and may impede access for patrons. No evidence was found to suggest that any of these concerns remain prevalent today. In 1986, Robert Wedgeworth of the ALA suggested that U.S. “librarians would support almost any legislation intended to promote authorship so long as library funding is not diminished” (Hyatt 1986, 128). However, the issue of PLR is about more than budgets and data. Thorny philosophical issues at the heart of PLR remain somewhat unaddressed, despite the relative administrative success and popularity of programs in Australia, the U.K., Canada, and other countries. It is worth exploring how some of these issues may inform librarian reactions in the United States.

#### *“Lost Sales” or “Supporting the Arts”?*

Public Lending Rights have been described by supporters as a “legitimate charge” (Parker 2018a), “simple justice” (Hyatt 1986, 127), a “moral right” (MacSkimming 2013, 10), and an attempt “to redress the inequity caused to some authors through the free use of their creative work” (Brookes 1991, 91). Over and over again in the PLR literature, words like “fairness” and “justice” arise. Other motives for PLR are also common- such as protecting

national literature and providing government support to writers- but the premise that unremunerated library lending is a matter of “injustice” to authors is the cornerstone on which PLR is built.

However, despite decades worth of PLR payments, many librarians do not accept the premise that a book loan equals a lost sale. In a paper on PLR, the International Federation of Library Associations (IFLA) claimed

“the oft held assumption that primary sales of authors’ works may be lost through library use is mistaken. Not only are such libraries themselves major purchasers of authors’ works and the main purchasers of important and expensive reference works in analogue and digital formats, but library users often encounter an author’s works for the first time in a publicly accessible library which can lead to further primary sales” (Committee on Copyright and other Legal Matters 2005).

A 2011 study from Library Journal reported that “50% of all library users report purchasing books by an author they were introduced to in the library,” suggesting that libraries are “an active partner with the publishing industry in building the book market” (Albanese 2011). A British economist, R.S. Thompson, took up the case of PLR in 1979, and by-and-large supported the librarian perspective. Thompson wrote

“there is no necessary reason why the number of copies of any particular book purchased should be more than, or less than, the number of copies which would find a buyer under a purely private ownership system. Projections of lost sales based on library borrowing at a price zero are, without an extensive study of the readers’ preference patterns, no use in determining what private demand, at 4 or 5 a copy, would be in the absence of libraries” (175).

Ultimately, evidence on the relationship between library borrowing and book sales is not conclusive. In Australia, Canada, and the U.K., librarians actively sought to ensure that PLR

systems were established as a form of government assistance to authors rather than a matter of accounting for lost sales. Authors, for the most part, continue to rely on the argument that PLR is a matter of justice. While the systems have so far operated copacetically under these conflicting perspectives, the issue was hotly debated during the respective campaigns to establish PLR in all three nations.

#### *Negligible Financial Impact on Authors*

Public Lending Rights payments are generally small. In Canada the maximum payment is capped at CAN\$4,000, and the vast majority of authors receive far less than that (Canada Council for the Arts, n.d.). In England, the cap was £6,600 in 2014 (Flood 2016). In 1982 a commentator from the London *Times* noted that PLR “is a system of distribution which offers most authors less than they had hoped and many nothing at all. The principle has been won that writers should be recompensed for the tendency of readers to borrow their books from libraries instead of buying them. But the practice is disappointing” (Publisher’s Weekly 1982). In Australia, where publishers are also compensated from PLR funds, payments are not capped but are still typically not usually generous. Approximately 77% of Australian authors who received payment in 2019 received less than AUS\$1,000 (Department of Communications and the Arts 2019, 24). One Australian commentator argued in 1992 that “PLR is not really about money...it is essentially a symbolic gesture in the direction of Australian cultural identity, and no less important because of it” (Biskup 1994, 176). This attitude is common. A 1987 article suggested the PLR payments are primarily a boost for “author morale” in Britain (Stave 1987), because they do not provide much in the way of financial gain. Advocates for PLR note the “emotional”

benefits of PLR, saying that it is “building authors’ confidence in their own creativity” (Sanderson 2004, 22).

The Author’s Guild specifically linked their decision to pursue PLR with a report on the decreasing earnings of authors, but evidence from Canada, the UK, and Australia shows that PLR payments will do little to improve their livelihoods (the President of the Author’s Guild did note a preference for a “more generous” system in the U.S.) (Gleick 2019). In 2013 a popular English children’s writer, Terry Deary, caused a stir among authors when he reiterated the claim that libraries are depriving authors of earnings, despite receiving maximum annual PLR payments of £6,600. “If I sold the book I’d get 30p per book. I get six grand, and I should be getting £180,000,” he said, adding “What other entertainment do we expect to get for free?” (Flood 2013). This author’s animosity towards libraries proved unpopular among his peers, but his point remains that writers have found success in passing PLR under the guise of a natural right, but not success in making significant financial gains from that argument.

#### *PLR and Copyright Law*

A few commentators have argued that PLR cannot or should not be reconciled with copyright law, especially in the U.S. One American commentator wrote that PLR “flies in the face of the first-sale doctrine” (Nasri 1986, 91). The first sale doctrine ensures that “once you purchase a lawfully made copy the rights of the owner of the copyright are exhausted with regard to the lawfully made copy” (Mayer 1986, 485). In other words, this law states that the original creator need only be compensated once, which is antithetical to the notion of PLR. Germany is the only country that has explicitly linked PLR to their copyright law (Mayer 1986).

Some authors and librarians pointed out similar issues during campaigns for PLR in other countries. As one Canadian author put it:

“I’m very concerned that discussion surrounding the PLR has revolved mainly around books. I can see no logical basis for not granting a public lending right in respect of all materials handled by libraries, e.g. motion picture films, videotapes, filmstrips, sound recordings, sheet music and whatever other goodies may be handled in the future, such as computer programs. Perhaps a PLR should be extended to paintings and pieces of sculpture loaned by galleries. Where does one stop? We are talking about something of a very broad scope when we talk of the public lending right. These are some of my concerns, and I have no answers.” (Keyes 1976)

Some have compared PLR to the Public Performing Right, which in the United States is a part of copyright law governing public performances or showings of copyrighted works, including showing films in libraries (Irons 2015). Others have described this as a “creaky analogy” that doesn’t apply because “anyone is at liberty to borrow a musical score, play it or sing it in his home, and even invite (or dragoon) his neighbors in to hear it. Infringement occurs only when the performance is public. Who reads books for a paying audience?” (Piternick and Rothstein 1976, 15). Though beyond the scope of this article, a thorough analysis of how copyright law may impact PLR in the United States would be valuable for librarians.

Countries with PLR in place continue to debate the issue of how selectively PLR is applied, raising questions regarding compensation for audiobooks, films, and other performance-based media lent by libraries. Even among eligible writers there is disagreement about who should benefit from PLR programs. Several stakeholders have argued that scholarly writers should be excluded because they are, in theory, paid to do the work of research and writing by a university (MacSkimming 2013). Australia has a separate but related system- Educational Lending Rights- to compensate authors for books in school and academic libraries, but other countries exclude these types of libraries altogether (Parker 2018a). From the

perspective that is popular among librarians- that PLR is a system of supporting literary artists- these caveats may seem logical. But based on the authors' own argument to a "right" of remuneration the logic is less clear. Still, despite the contradictions between the authors' arguments, copyright law, and the rules of the programs, PLR remains popular.

## **Conclusion**

Librarian cooperation is essential to the management of PLR systems, and their involvement in the establishment of PLR, though sometimes rocky, helped set the stage for systems that had the least negative impact on libraries. IFLA released a background paper on PLR in 2005 in which they noted "where librarians have been positive about PLR and have taken the opportunity to forge successful partnerships with authors and the PLR administration to set up and then run the system smoothly, both they and authors reap the benefit." Indeed, in Canada and Australia librarian advocacy helped ensure that the system was based on library holdings, rather than on the more data-intensive method of basing payments on circulation (MacSkimming 2011).

The Author's Guild recognized the importance of librarians to their cause in 2019, carefully wording their statement announcing an intent to pursue PLR with language supporting libraries. Immediately following this announcement they expressed a commitment to advocate for increased public library funding (The Author's Guild). Their strategy suggests a strong effort to avoid alienating librarians. However, while librarians in Canada, Australia, and the UK have accepted the presence of PLR in their countries, philosophical questions that arose during the debates over PLR have not been adequately answered and history suggests they may play a role in any future debates on the issue in the U.S. More recent, direct input from librarians in

countries with PLR on how they approach these issues may be helpful for librarians in the United States.

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