

# Everything, Everywhere, All At Once

*A 360° tour of the resource sharing ecosystem*



# About Minitex

Minitex is a [state-funded library organization](#) located at the University of Minnesota Twin Cities. Our mission is to strengthen libraries, cultural institutions, and the communities they serve. We connect libraries and individuals with information, ideas, and experiences to enrich lives and strengthen communities.

We believe in the growing importance of libraries, and we are dedicated to supporting the library community in Minnesota. We also support libraries in South Dakota, North Dakota, Wisconsin, and beyond.

**Resource Sharing supports our Strategic Priority of Connecting People to Resources. We ensure libraries have the capacity to respond to local needs and serve their communities by leveraging economies of scale.**



# Minitex is brought to you by...

**Minitex** is funded by the Minnesota Legislature through the Minnesota Office of Higher Education to serve Minnesota academic and state government libraries. Minitex is a joint program of the Minnesota Office of Higher Education and the University of Minnesota Libraries. Minnesota State Library Services (the Minnesota state library agency), a unit of the Minnesota Department of Education, provides additional funding to support services for Minnesota libraries and library users.

# Why should we care about resource sharing?

I've used MNLink to read a lot of great but less well-known literature, by authors such as Thomas Ligotti, Wolfgang Kayser, and Joris-Karl Huysmans, rare fragments by Franz Kafka... oftentimes in the original German. Many were out of print, or too rare, or too expensive for me to have read otherwise. MNLink is a treasure that has greatly enriched my life.

I work at [local company] in R&D and I rely on MNLink to obtain research papers and reference materials that are essential for me to keep current on food science research.

I teach a different topic each spring and fall in the ... Elementary Learning Garden. We are in the midst of learning about plants and some of the animals that live in/on them. We've also had the subjects of pollinators and pollination as well as soil and its creatures. Each time, I can rely on MNLINK to search for current books for me to research the subjects. Teachers and staff are very enthused about the program.

I am about to start a PhD program in history at the University of Pittsburgh, and MNLink allowed me access some important books and journal articles that helped with some preliminary research I was working before moving out east... I really appreciate the vast array of print and visual foreign language material MNLink gave me access to. Where else would I get access to a book of medieval Provençal poetry!

# The shifting landscape

*From One to Many*



# From One to Many

## The Standard



- Still Market Leader
- No longer the default
- RS4G
- Also system of last resort

## Other Behemoths



ExLibris  
RapidILL

- Established companies pivoting
- RapidILL/Rapido explosive growth
- Auto-Graphics stability

## The NewComers

RESHARE



- Open Source
- Interoperability
- Designed for flexibility

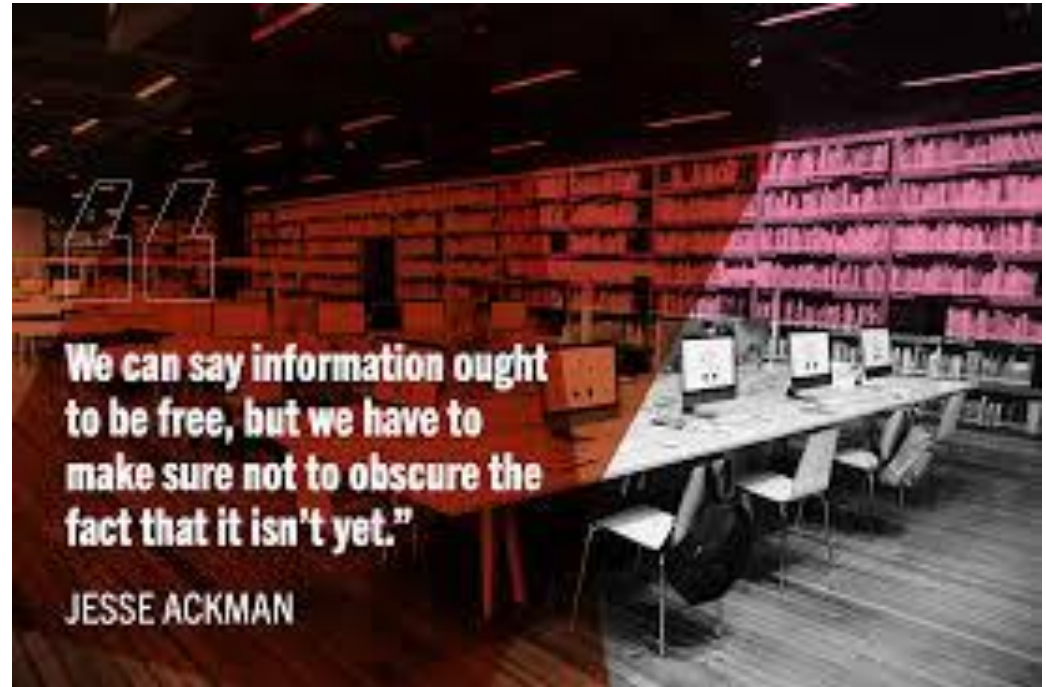
# The Friction of Formats



# Progress in (Academic) Ebook Lending

- [BLC Digital Lending Toolkit](#)  
Support libraries and consortia in navigating the evolving landscape of digital resource sharing
- [Project Lend](#) - MELLON Foundation Grant to UC Davis  
Investigate potential for expanded lawful use of digitized books held by academic and research libraries: [Project LEND User Research Findings](#)
- HathiTrust Resource Sharing Service  
Pilot project testing interlibrary loan of digitized HathiTrust materials when library owns a matching copy

# Why we don't talk about CDL anymore



# September Headlines

## The Internet Archive Loses Its Appeal of a Major Copyright Case

*Hachette v. Internet Archive* was brought by publishers objecting to the archive's digital library.

WIRED

COPYRIGHT CLAIMS

## Internet Archive Loses Appeal of Book Publishers' Copyright Infringement Suit

Appeals Court says the Archive's program of scanning print books and lending them digitally does not qualify for fair use protections

BY JON BLISTEIN

SEPTEMBER 4, 2024

# Internet Archive Loses Appeal in Copyright Case

RollingStone

LJ LIBRARY JOURNAL

# What is Controlled Digital Lending

Controlled Digital Lending has three important core principles:

- A library must own a legal copy of the physical book, by purchase or via donation or gift;
- A library must maintain an “owned to loaned” ratio, simultaneously lending no more copies than it legally owns; and,
- A library must use technical measures to ensure that the digital file cannot be copied or redistributed.

# History of the lawsuit

- March 24, 2020: Internet Archive establishes National Emergency Library
- June 1, 2020: Publishers lawsuit against Internet Archive
- June 14, 2020 Internet Archive ends the National Emergency Library

# Court Findings

## Southern District of New York Court - August 11, 2023

- Internet Archive lending library not fair-use. Emergency library *REALLY* not fair use.
- Internet Archive acting as a commercial entity
- Owned-to-loaned ratio not helpful
- Seems to confirm whole-work copying for print-disabled users as fair use
- HathiTrust and GoogleBooks identified as good fair use cases

# Court Findings on appeal

2nd Circuit Court of Appeals - September 4, 2024

**Effective in New York, Connecticut and Vermont.**

- Confirms the initial court ruling that IA library is not fair use.
  - Technology to create works is not transformative.
  - Rejects District Court finding that the Internet Archive is a commercial user.
- Also confirms Google Books and HathiTrust cases as good examples of fair use.

# NISO - Interoperable Systems for Controlled Digital Lending

Working group established October 2021  
Establishing Best Practices for Controlled Digital Lending  
Report opened up for comment period April 21, 2024  
Members coordinated responses at the very end of the comment period  
Efforts to reconcile comments failed and reach consensus failed.  
Report likely to be released.  
Debra Halperin, the co-chair of the working group, stepped down from the role  
and has written about her decision on [libraryfutures.net](https://libraryfutures.net):  
[Stepping Down as Co-Chair of the National Information Standards Controlled Digital Lending Working Group](#)

That's why we  
don't talk  
about CDL  
anymore

- Very few mentioned of the term CDL after 2024.
- If libraries are doing this, they aren't talking about it.
- Legal concerns vary in different countries

# Ebook Lending

## A possible legislative solution

# How Libraries Acquire Ebooks

- Public libraries usually **lease** eBooks and digital audiobooks through an **aggregator** (like OverDrive or Hoopla). Libraries cannot lease directly from publishers.
- eBooks are **licensed, not bought**. This means libraries get fewer rights and more restrictions.

# High Cost and Restrictive Terms of Ebooks

- Library eBooks and digital audiobooks are **significantly more expensive** than consumer versions. Libraries often pay **four to five times** what a consumer pays for the same ebook.
- Licenses typically have an **expiration** date, commonly **two years or 26 check-outs**. After one of these conditions is met, the title disappears, and the library must re-lease it.
- eBooks generally **cannot be loaned** between libraries, unlike physical materials.
- Aggregators often require libraries to sign **non-disclosure agreements (NDAs)**, which limit discussions and advocacy about eBooks.

# Legislative Solution - The Connecticut Bill

- Connecticut recently passed statutory provisions to curb **restrictive eBook licensing practices** imposed on public libraries by major publishers.
- The bill, which is based on **contract law** rather than federal copyright, prohibits publicly funded libraries from entering into license agreements that contain certain onerous terms.

The Connecticut bill  
**prohibits** libraries  
from entering  
agreements that

- Stop the library from lending out e-books or other digital reading materials, including through interlibrary loan.
- Limit how many times a library can lend a digital item if they also shorten how long each loan can last.
- Prevent the library from buying multiple copies of a digital item on the day it becomes available to the public.
- Ban the library from sharing the terms of a licensing agreement with other libraries.
- Force the library to break privacy laws that protect the confidentiality of library users.

The Connecticut bill also **prohibits** libraries from entering agreements that:

- Set a time limit on a licensing agreement unless the library also has the option to:
  - Pay per use, or
  - Get a license that allows the library to keep and lend the item forever (perpetual access),
  - And the terms must be fair and reasonable, considering the library's mission.

# Legislative Solution - The Minnesota Bill

Minnesota Library Association is pursuing similar legislation in an effort to:

- Protect taxpayer dollars and promote fiscal responsibility
- Restore local control and preservation of Minnesota resources
- Ensure access to Minnesota's library collections

*Update: This bill did not make it out of committee this legislative session.*

# Legislative Solution - Other States

## Illinois

The Digital Library Protection Act, as known as House Bill 5236, aims to prevent publishers from imposing unfair restrictions on libraries when licensing eBooks, digital audiobooks, and other electronic literary materials. It recently passed on the House Floor with a 99 to 0 vote, and is awaiting committee assignment in the Senate.

## Rhode Island and New Jersey

Have introduced similar bills.

## Massachusetts

Also looking into the digital licensing market

## District of Columbia

May 28, 2026, Library E-book Pricing Fairness Amendment Act of 2025 signed. Submitted to Congress for the standard review period.

# Americans with Disabilities Act Title II Regulations

# ADA Title II Implementation Date

These new regulations were originally intended to go into effect on April 26, 2026 for public entities with over 50,000 residents, and April 26, 2027 for public entities under 50,000 residents. On Monday, April 21, 2026, the implementation date was pushed back one year.

## *New implementation dates*

- **April 26, 2027 for public entities with over 50,000 residents**
- **April 26, 2028 for public entities under 50,000 residents**

# ADA Title II - What Institutions?

## What institutions does this apply to?

In legalese, “Who has **responsibilities** under the ADA?”

- Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other **instrumentalities** of State or local government (“**public entities**”).
  - **Libraries**
- Title II entities that contract with other entities to provide public services (such as non-profit organizations that operate drug treatment programs or convenience stores that sell state lottery tickets) also have an obligation to ensure that their contractors do not discriminate against people with disabilities.
  - **Library database and software vendors**

# ADA Title II Requirements

## What are the requirements?

### Old Rule:

- Requirement: provide “effective communication” to disabled individuals
- Requirement: provide auxiliary aids and services when needed
- No defined technical standards, but courts and DOJ often referenced WCAG

### New Rule:

- Requirement: “The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for state and local governments’ web content and mobile apps.”
- Exceptions: In limited situations, some kinds of web content and content in mobile apps do not have to meet WCAG 2.1 Level AA

# Accessible Documents

## What is an accessible document?

- Complies with the WCAG 2.1, Level AA technical standard
- Properly tagged with a logical reading order
  - Headings, paragraphs, footnotes
- Images have descriptive alt text values (unless they are purely decorative)
- Tables have properly tagged headers, columns and rows

## **Please note: OCR without manual adjustments is not sufficient**

It's an important first step to convert the document from image to text elements, but OCR in and of itself will not produce an accessible document

# Accessible Interlibrary Loan Documents

## What ILL documents does ADA Title II apply to?

- Scanned copies
- Born digital electronic documents



## What does it not apply to?

- Physical books, journals, etc
- Physical scans

# Responsibility for providing accessible documents

## American Library Association: Applying the Rules to Library Content

Q. As interlibrary loan is a shared-library activity – who has the liability for making the scanned items accessible? The borrowing library, the library who lent the scanned item, or both?

A: The library that is providing the service to the patron. So, if library A's patron wants a document, it's library A's responsibility to provide access to an accessible version of the file.

That could be accomplished by requiring that the lending institution make it accessible, or library A might have an internal process to verify and remediate accessibility of an incoming document. This is similar to the third party exception in that the third party isn't taking on the risk, the library that is using the service is.

# Creating accessible documents - Scan & OCR

Starting with a scanned physical document or image-based electronic document

## 1. Prep the document

- ❑ Scan as cleanly as possible. Minimize shadows from the book spine, or crop them out.
- ❑ Scan at a minimum of 300 DPI in grayscale or color.

## 2. OCR the document

- ❑ Software primarily designed to OCR: Adobe Acrobat Pro, [Abbyy Finereader](#), [Tesseract](#)
- ❑ Software primarily designed to make accessible documents: [PREP](#), [Equidox](#)

## 3. Check the OCR

- ❑ Areas of special interest include the gutters, special characters, special text and tables.

# Creating Accessible Documents - Remediate

1. Tag the document
  - Different parts of the document tagged appropriate to provide context
  - Common tags are Headers, Paragraphs, Lists and Links
  - Alt text for images
  - Table tags
  - Artifact tags for non-essential and decorative content
2. Ensure that the document flows in a logical order
3. Use the Accessibility Checker

# The Minitex plan

## Implemented:

- **Optical Character Recognition (OCR) for scans:** Minitex will provide OCR data for all scanned documents processed through our office, beginning Wednesday, April 15, 2026. This data will be automatically embedded in your requested documents, making them searchable and readable by assistive technology.

## Under investigation:

- **Full OCR:** Providing OCR for documents from electronic databases (unless prohibited by contract).
- **Updated Cover Sheets:** Minitex plans to add information to our document cover sheets to help recipients understand how they can request a fully accessible copy if the standard version doesn't meet their needs.
- **Remediation on-demand:** Minitex is investigating providing remediation upon library request.
- **Universal remediation:** A bit further down the road, Minitex would like to provide fully remediated documents for all electronic requests processed through our office.

# What to keep an eye on?

## ■ Interlibrary Loan

- ISO 18626 allowing exchange of requests between systems/consortia without human intervention. Think WISCAT to MNLINK or PALS to MNLINK. Maybe MNLINK to the [IDS Network?](#)
- ADA Title II - the delay is a reprieve, and a short one. For interlibrary loan, libraries need to find ways to provide remediated documents at patrons without overwhelming staff.
- Ebook lending - librarians identify this as a top issue. Can we find a way to make it happen at scale?
- Ebook legislation - can state legislatures help libraries with ebook licensing terms and costs?
  - [The Publishing eBook Panic Machine: Fact-Checking the eBook Bills](#) response to Illinois ebook bill
  - Keeping an eye on the Illinois legislation: <https://www.ila.org/advocacy/ready-set-advocate-ebook-legislation>
- [The CDL discussion](#) - How do we proceed without CDL?

# Thank you!

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INTERLIBRARY LOAN SHARKS

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# Minitex

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HIGHER EDUCATION

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