



# REQUEST FOR PROPOSALS: UNDERSTANDING THE LEGAL BASIS FOR CONTROLLED DIGITAL LENDING

## Explanation KR21 Programme

The Knowledge Rights 21 Programme (KR21) is focused on bringing about changes in legislation and practice across Europe that will strengthen the right of all to knowledge. It is built on a conviction that knowledge is essential for education, innovation and cultural participation, and that everyone should have the possibility - in particular through libraries and archives, and digitally - to access and use it.

KR21 is looking for a contractor who can undertake a work package focused on understanding the basis for Controlled Digital Lending in Europe, and so build a stronger basis both for advocacy around Controlled Digital Lending in Europe, and a reference for libraries in their own decision-making on the topic.

## Description of the assignment

Prepare a research report into the legality of controlled digital lending under national and European law, covering all EU Member States and as many Council of Europe member states as possible in a comparative manner. The report should cover both the possibility of controlled digital lending based on digitised versions of a library's analogue collection that the library has digitised itself, as well as the possibility for libraries to obtain digital copies of e-books for the purpose of controlled digital lending, taking into consideration the issue of exhaustion of rights.

This work should help understand better the legal standing of controlled digital lending under European law to identify Member States in which controlled digital lending may already be legal without any legislative changes, where it could be legalized through national legislative changes and where, if applicable, EU-level legislative changes would be required.

In the context of the wider Programme, this Work Package contributes to the outcome, over three years, that at least one country updates or interprets its national laws to allow libraries to digitise their analogue collections and lend them using a form of controlled digital lending, with changes elsewhere in the pipeline. Fifty additional libraries – with or without official government agreement – make content available to users worldwide under controlled digital lending.

An overview of the Programme is available in Annex 2.

Bids are welcome up to €40 000 (inclusive of VAT where appropriate), with value for money considered as part of the review process.

## Duration of assignment

The assignment will be given for a period of 6 months, with earlier delivery preferred.

Start date: 1<sup>st</sup> April 2022



## Requirements

You are required to provide the following information. As a guide, your response does not need to be more than three pages long. You may wish to use the template in the annex to respond. :

- How the bidder is particularly well suited to deliver the work package
- A plan for how the bidder will deliver on the goals and results of the work package
- Project Management Team Structure (including broad breakdown between people hours, management time, other costs, such as travel, purchasing, event attendance, marketing)
- An assessment of risks, and how these will be managed

## Communication

For questions and explanation please contact Tanja Roussou on the following e-mail address: [info@knowledgerights21.org](mailto:info@knowledgerights21.org) and [tanya.roussou@knowledgerights21.org](mailto:tanya.roussou@knowledgerights21.org). **Please address your offer to this contact person.**

## Applicable conditions

The agreement will be concluded with Stichting IFLA Foundation.

General conditions of sale, sector conditions or other conditions of the Tenderer are expressly excluded and do not apply to this Engagement.

Any remarks about the conditions that apply to this Engagement must be made known with your offer.

## Other conditions attached to this request for quotation

- You cannot derive any rights to reimbursement of quotation costs or to obtaining the order from this request for quotation.
- Stichting IFLA Foundation may (temporarily) suspend and/or revoke this request for quotation. In such a situation, you are not entitled to reimbursement of the costs incurred for this request for quotation.
- By submitting a request for quotation, you declare that you meet all the requirements set out in this request for quotation and that you agree to the terms and conditions set.

Activity	Date:
Publishing the Request for Proposal	15 <sup>th</sup> February
Deadline for asking questions	10 <sup>th</sup> March
Deadline for submission of Proposals	17 <sup>th</sup> March (12:00 pm)
Internal review (including potential further questions)	22 <sup>nd</sup> March
Communication of the decision	28 <sup>th</sup> March
Commencement date of agreement	1 <sup>st</sup> April

Stichting IFLA Foundation reserves the right to change the intended time schedule. In the event that Stichting IFLA Foundation proceeds to change the intended schedule, this will be communicated to all parties concerned. Tenderers cannot derive any rights from this intended schedule. The dates mentioned in this (or the amended) time schedule for the submission of questions and the submission of Tenders are regarded as deadlines.



Stichting IFLA Foundation expects your written offer by 17<sup>th</sup> March at the latest by 12:00pm CET (Amsterdam Time). Please send your offer to: [info@knowledgerights21.org](mailto:info@knowledgerights21.org) and [tanya.roussou@knowledgerights21.org](mailto:tanya.roussou@knowledgerights21.org).

### Evaluation of the offer

- Review of the bids by the Programme’s Committees
- In the context of this review, questions may be asked, and recommendations made for changes in order to accept a bid.
- Candidates will be selected on the basis of the quality of their bid (including value for money), their ability to deliver, as set out in their bid

We wish you every success in drawing up your offer.

### ANNEX 1: Optional Template for Responses

Name and Legal Status of Bidder
Address and Contact Details
Statement of Suitability of Bidder to Undertake this Work Package
Proposed Plans for Delivering on the Goals and Results of the Work Package
Project Management Team Structure (including broad breakdown between people hours, management time, other costs, such as travel, purchasing, event attendance, marketing)
Assessment of Risks, and How These will be Managed



## **ANNEX 2: Overview of the Programme**

Libraries have a unique role to play in any copyright discussion. As knowledge institutions bridging the worlds of heritage, education, research and culture, they depend on copyright exceptions to carry out missions to enable and stimulate the generation of and access to knowledge to society.

They have the unique selling point of being regarded as reasonable interlocutors, as well as networks that take them into every city, town and village.

This project aims to mobilise this potential, engaging with others working for copyright reform and access to knowledge, in order to build momentum towards copyright reform into the long term.

Through this, it aims to drive change in a range of areas where progress is both possible and necessary in the short term, in particular in the light of the COVID-19 pandemic. These areas are all well-suited to collaboration with other sectors, have the potential to bring benefits to a wide range of libraries and their users, set important precedents and allow for sustained engagement and outcomes:

- Facilitating access to e-books for users of public and academic libraries;
- Protecting users' rights from contract override and technological protection measures;
- Socialising open norms in Europe;
- Advocating for legislated secondary publishing rights; • Accelerating the uptake of rights retention.

By focusing on Europe, we not only tap into pre-existing networks of libraries, but also draw on the potential to run a coordinated, cross-border campaign, to create precedents that will be influential globally, and to shape the position of the EU at discussions at WIPO.

The project will allow work to happen that would not be possible otherwise, notably around the training and mobilisation of the library field, the formation of solid and sustainable networks of advocates (bringing together libraries with students, researchers, copyright experts and other access to knowledge advocates) at the national level, the creation of research that fills key gaps in understanding and can act as a basis for advocacy, and engagement with policy-makers and stakeholders at all levels.

In doing so, the project aims to provide both an evidence base, and concrete examples of changes in legislation and practice that can serve as a model and advocacy tool for libraries and other access to knowledge advocates elsewhere, in Europe and beyond. It is designed, similarly, to leave a legacy of a stronger library networks both as independent voices and as partners for wider efforts to promote positive legislative change.