

Consumer Rights Directive: Improving Consumer Information For Online Digital Products

20th January 2014

To: DG Justice – just-communication-af@ec.europa.eu

Thank you for giving us the opportunity to respond to the above initiative proposed by DG Justice. I am sorry we were not able to attend the Workshop on the Consumer Rights Directive in Brussels on 11th November 2013, but we subsequently studied Sven Rohr's [DG JUST A3] excellent presentation with considerable interest.

We think the main aim of DG Justice to provide consumers with more transparent and comparable information on digital products to be laudable.

Importance of Interoperability for e-books

The fairly recent arrival of e-books in the consumer book market has presented European authors, publishers and booksellers with a whole range of new opportunities and challenges.

With e-books and e-book reading devices, we believe Interoperability for consumers to be very important – namely it should be possible for consumers to be able to download any e-book onto any device that is marketed as having the ability, *inter alia*, to store or access e-book content to be read and, moreover, that consumers should have the ability to be able to buy e-books for that device from any supplier.

At present, this is usually not possible, because most European consumers are totally unaware as to the lack of interoperability between e-readers and files when buying e-books and, as a consequence, lock themselves into proprietary systems without being aware of doing so.

Icon

Consequently, we very much support the idea of there being a free downloadable icon along the lines of that suggested below which can advise the consumer of Interoperability aspects concerning the Hardware & Software.



However, we wonder whether there could be a modification, so that we have two icons:

- One promoting **Full Interoperability**
- Another headed **Not Full Interoperability**, which would then be followed by text explaining what the limitations are on the hardware and software.

Optional model

We note you are inviting traders to use the icon, but that there will be no legal obligation to do so.

In 2012, according to Nielsen Book – www.nielsen.com – 57,999 new e-book titles were published in the UK [*N.B. this figure excludes self-published titles*]. The Booksellers Association has built its own e-book platform, from which our members can download e-book files for their customers. At present, we have around 350,000 separate e-book titles available for downloading.

Asking those selling e-books to ensure that they provide their customers with all the details set out in the example below for every e-book offered to consumers for sale will be extremely onerous, and if participation is optional, very few suppliers will probably sign up.

Example: Weather app for smartphone



1. Provider:	 Dreams'app
2. Main characteristics:	 Weather application for smartphones
2a. Functionality	 Language: EN, instructions: EN
	 File type: .EXE
	 Size: 3MB
	 Access type: can be downloaded on up to 5 devices registered by this user within 6 months
	 Updates: for two years regular updates improving stability and functionality
	 Tracking: you must accept that we process information about your use of the product for market research (see phone privacy settings)
	 Internet connection: needed for downloading current weather information
	 Geographical restrictions: none
 Digital rights management: no reproductions allowed	
2b. Interoperability:	 Hardware and software: Smartphone, Windows Phone 8
3. Total price:	 1,89 €

Provision of the new data fields

In the example of the weather app above, it would seem that the consumer would have to be provided with around thirteen new data fields of information. We believe that in the publishing and bookselling sector it would be up to the e-book producer (publisher) to provide the retailer with all these data fields, as publishers already provide the metadata and have to support the costs.

Usage

In the UK, the e-book market (estimated by The Publishers Association in 2012 to be 12% of all total book sales in the UK - 2013 figures are not yet available] - is completely dominated by one supplier, Amazon. A recent Ofcom survey found that 79% of people polled have used Amazon's Kindle platform to access e-books. Because of market structures and market domination in the UK, the

introduction of such an icon will only bring benefits to consumers if the large e-book retailers supplying to UK consumers adopt the new arrangement. Leaving it just to the SMEs to promote this new information will have no impact on consumers whatsoever.

Report on Interoperability commissioned by the European Booksellers Federation

I thought I ought to bring to your attention an excellent Report commissioned by the European Booksellers Federation from Johannes Gutenberg University in Mainz, Germany, on the *Interoperability of E-book Formats*. A copy is enclosed in a PDF file. This deserves careful reading: it clearly demonstrates that interoperable solutions do exist in the e-book world.

EPUB

We very much support the development of EPUB, an open standard format for e-books with a wide range of interoperability and accessibility features. EPUB also is attractive for wider projects aimed at opening up the market through interoperable standards and creating a level playing field for all.

UK Consumers' Association

I am sending a copy of this submission to the UK Consumers Association in London, because I think *Which?*¹ should be aware of our thinking on this matter and could, perhaps, be encouraged to contribute to the debate.

I would be pleased to follow up this response to your Consultation by doing whatever I can to provide any further information which you might require.

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¹ *Which?* is a product-testing and consumer campaigning charity with a magazine, website and various other services run by Which? Ltd (also known as the Consumers' Association)