

**MANAGING INTELLECTUAL PROPERTY RIGHTS (IPR) IN
LIBRARIES:
A PRACTICAL APPROACHES AND SOLUTIONS**

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ABSTRACT

This paper explains the role of libraries in managing the resources and gets the maximum usage of the resources within the limitation of Intellectual Property Rights (IPR). It guides the professionals on how they should respect the IPR laws and how they are flexible for the genuine users. The LIS professionals should be fully aware of the IP laws to protect the interest of the user community. Equally the LIS professionals should motivate and inspire the users to act as right information consumers, processors, evaluator, disseminator and also the contributor of information for the progressive healthy society.

Keywords: IPR, Academic libraries, Copyright, LIS professionals.

Introduction:

We are living in the age of sophisticated and abundant of information. Knowledge is dominating in this age. The one who best practices the knowledge application leads the race. Now, the countries strength is assessed by its Intellectual Property rather than its economical power. Protection of Intellectual Property is gaining more importance as equal to protecting natural resources. Till now, academic institutes as a whole and faculty in specific are engaged in training activities. Now the attention diverted to protect its intellectual properties. Many higher learning institutions and universities started generating revenue through managing the Intellectual properties and also they brought in

strict governance to monitor the IPR. In India, the academic libraries not fully understand the value and importance of protecting and managing its intellectual assets for the country's future prosperity. Very few research institutes involved in developing and management of their institutions' knowledge assets.

Libraries especially academic libraries in the developing world are on cross roads. They are confused on whether to support the IP protection so as to generate the income of the authors or support the open access drive where the knowledge is made available to everyone without any commercial implications. There is an immediate requirement for Indian universities to take any one route so as to protect the interest of knowledge custodians. If they take first approach though the receiver has to pay for the usage, the contributor also will get benefit out of it. If they take second route both receiver and contributor need not have any commercials in their transactions.

Application of Copyright Protection for Printed Materials:

Copyright is concerned with protecting the work of human intellect. It is an exclusive right given to author or his/her heir to gain the economic benefit of their creation. This may be for:

1. Literary, dramatic, musical and artistic works
2. Cinematograph film
3. Sound recordings.

In this context some of the common problems which librarians are facing are enlisted below with suitable solutions

Sample 1:

Situation: When users ask for the photocopying of few pages or the entire documents.

Though the fair dealing allows till certain extent to copy the material, librarians sometime cannot clearly demarcate what is fair dealing especially when they are offering the membership or when the library itself is attached to any commercial establishments. The questions would be how much portion of the documents can be photocopied? Whether photocopy of the journal articles

allowed? Whether scanned copy of the journal articles can be uploaded in webpage?

Solutions:

The copyright act 1957, section 52 describes that the following actions does not constitute infringement

1. If it is used for research or private study
2. If the portion of document used for criticism or review
3. If the purpose is for reporting in a news paper or writing article in periodicals

But, still librarians should take precautions by following some common guidelines like only 10% of the document or 20 pages whichever lesser can be allowed for photocopy. Photocopying groups which cover entire document or any systematic reproduction should be restricted. Photocopying of entire journal should be restricted. Here again, 10% rule should be followed. The librarian should encourage people to refer the articles inside the premises. There should be considerable gap between the photocopy requests for the same document.

Sample 2:

Many libraries provide news paper clipping service by scanning the content page of newspapers or magazine/Journal article and uploading it in their server and provide access to its users.

Solution:

Libraries can archive the hardcopy of entire news papers or the portions in the order they want. They can create Index and Abstracts of the clippings or journals articles and can upload the same in their OPAC or any other search platform. When anybody is interested to refer the full text of the article, they should be guided to library and provide hyperlink to the original news paper.

Application of Copyright Protection for Digital Materials:

Over the last few years, there is considerable increase in the digital resource production and distributions. Many database providers also release the

reference materials in digital format like CDs or DVDs. In the recent year's national and international conference and seminar proceedings are brought out in digital form and online access through their organizational and or associations website. Librarians are facing severe problem in disseminating this information to their clients. Digital copyright protection laws are stringent compare to print materials. Like print materials, librarians cannot have close monitoring of usage of digital resources. Many libraries are not equipped with proper tools to control the distribution of digital resources within the organization or sometime outside the organization.

Sample 1:

When the libraries procure the books sometime the contain supplement and additional information through CDs. On the other hand the CDs may contain the full text versions of the book or may contain the supportive documents like source code, charts, graphs or maps. The question would be whether these can issued as any other printed material in the library? How does the library control the user by downloading the content to his/her personal desktop?

Solution:

The CDs or DVDs which comes along with the books should be separated from the book and should be treated as separate entity. However, the libraries can have relative reference number. Instead of allowing these materials for lending, it can be loaded in a system which should be kept inside the library premises. Any user who would like to refer these resources should be allowed to browse through this system. The **section (52)** allows library to keep one back up of the digital resources which they procure. By doing this libraries can avoid the damage or loss which may happen while issuing of these resources. Also, control the user by illegal copying or downloading.

Sample 2:

Libraries are managing the digital resources by mounting CDs or DVDs in CD servers. This they are doing by mirroring the contents or mounting the physical CDs on the servers. The question would be whether this practice is the violation of any copyright law?

Solution:

The librarians should check the license agreement with the publisher. Taking one back up of the procured resource and releasing access to one person should not be a problem. But, when they are releasing the access to the large population, the license policy should be followed. The latest servers have option to restrict the access as per our requirements. We can also restrict users download. The shelf life of most of the digital resources is very short. Hence, the latest CDs should be kept in CD server for some fixed period and should be given wide publicity. If the contents found to be highly used, multiple licenses should be obtained for short period. The license should be obtained from the authorized copyright owner. Many times it is found that the supplier or distributor unlawfully produce the license.

Copyright Protection in Network/Online Applications:

Online contents are more vulnerable when compared with printed and digital resources. Copyright protection of these resources is really herculean task for the librarians. The issues involved in the protection are dynamic and cannot fit in one thumb rule. Managing online content is multidisciplinary in nature and require thorough technical knowledge. In case of commercial online database, the publishers do not take appropriate security measures to safe guard their contents and always insist librarians to take action to protect the copyright. Since librarians are directly involved in negotiating the price and license mode, the management also expect the librarians to handle the crisis. Lack of technical knowledge and non-cooperation of management put the librarians in to trouble. In this scenario librarians are forced to bring non user friendly measure to safe guard the contents.

Sample 1:

The libraries are subscribing to commercial database. Whether copy, download or distribution of portion of the document is allowed? What are necessary actions to prevent the users from unlawful activities?

Solution:

The libraries should have clear license agreement between the database providers. The agreement should be made available to the end user. The highlight of the agreement should be highlighted and should display prominently while user browse the contents. The publisher should have all the measures to safeguard their contents. They should inform the librarian when any unlawful activities happening in their site. The librarian will give all the power to the publisher to take necessary action on the end user to restrict any unlawful activities. Librarian will just facilitate the access to the end users and provide the details to the publisher that how the access has been released. It is purely publisher responsibilities to safeguard their contents.

Sample 2:

In the open access environment the librarians are tempted to download the contents to their local server and distributing to their clients as specialized service. Since the contents are not modified and attributed to original creators, can this be treated as lawful practice?

Solutions:

Though this practice delights the end users, there may be question on how the end users are going to use this material. The librarian may be held responsible for the future consequences. Also, sometime the open access contents may be converted to paid subscription. It would be difficult for the librarian to monitor and manage. The librarian can prepare the abstracts and add this to the library collection with proper indexing. The end user should be guided to the original source by providing the links. If the material is repeatedly used, it is better to obtain the permission from the creator to host this on internal servers. Again, a copyright declaration should be signed (accepted) by the end users each time when they try to access the contents.

Sample 3:

The libraries use the abstracts, reviews, keywords and classification numbers available in the leading publisher's site to update their OPAC?

Solution:

Strictly say 'No' for this practice. The librarian should use the gist available in the book itself. If the book is provided with classification number and keyword, it can be used. The other option is librarian can use the abstracts available in the publisher or author websites. Otherwise the librarian should create the abstracts as per the needs of their clients.

Sample 4:

The librarian service requests like download the online articles, lecture video, training videos (DVDs), case studies requested by the user community. The question would be who will own the rights? Do we need to maintain the record of how the materials are being used? If the library is not subscribing these materials, how much he is responsible for the future consequences?

Solution:

While procuring the online resources, librarian should clearly understand the requirement of the clients. If the resource is going to be used for training purpose, appropriate license should be obtained from the publisher. While delivering the resource, librarian should take the declaration from the user that how the material is going to be used. The document should be archived for future reference.

Conclusion:

In the changed scenario of digital and online environment the librarian has to play mediator role. The librarian job transferred from custodian of knowledge to facilitator of knowledge. Librarians are in the cross roads whether chose to take the user side or the author side. They are now put under pressure and compulsion to work with the limitation of technology, IP laws and high expectation of users. The open access movements are bringing new hope and relief to the librarians to return back to the service motto rather than the middle man of commercial knowledge brokers. In these crucial hours librarians has to take control of the situation by educating and equipping themselves to handle the IP and technological crisis.

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