

Copyright Problems in Library Services

Information is the key to development both for individuals and nation. Technology has now opened up infinite possibilities for accessing a whole range and wide variety of information in a scale unprecedented then ever before. The Information highway and the digital technology have pushed into insignificance the conventional library systems and revolutionised the scope for accessing information with speed, accuracy and comprehensiveness. The world is indeed on the threshold of information revolution which can transform the lives of people in the North and the South bridging the information gap for the good of everyone in the Global Village of the future. But will it happen? What are the barriers? Can law and politics overcome the invidious obstacles put up by trade and commerce while protecting the legitimate interests of inventors and stake-holders? With the decreasing relevance of the conventional library, will the developing world be pushed down by several decades because of technology-lag and inability to pay for information on prohibitive rates? The answer to all these questions lies in the choice of right policies today by those in charge of information sciences and communication technology.

The issues are many and too complex for a simplistic analysis. India today has one of the modern fair and purposive copyright law very much in tune with the world opinion and international standards on the subject. There may be justifiable criticisms on the level of enforcement, which cannot be helped, given the overall level of efficiency of the administration in what is called a 'soft state'. There is scope for improvement in administrative efficiency which the state will have to necessarily address given the

commitment for globalisation and technological upgradation.

The problem that is worrying scholars, researchers, educators and consumers of modern information is the possible impact that new technologies may have in the copyright law and consequent burdens on the information users in developing countries. As is argued by young scholar Shri Ashish Ahuja in his article the basic philosophy which inspired library science so far may have to be abandoned if commercialisation were to overtake information dissemination.

What are the boundaries of private profit and public good in the domain of copyright given the inequality of social and political organisation? Does equality and fairness play a role in delimiting the boundaries afresh and if so, is it a matter of trade negotiations only?

The question that several others ask is "what is the alternative?" If you step aside and do not conform to the multilateral treaties howsoever inquisitorial they be, you are inviting disaster for yourself. If you go by the standards set in these treaties which often reflect more the interest of developed countries, you will still have problems of balance of payments upsetting your own internal priorities and undermining sovereignty in decision making. The dilemma is real and immediate. Legal responses are to be watched closely and disseminated widely lest we should land in uncharted territory without realising the implications. In this direction the initiative of the Defence Scientific Information and Documentation Centre to bring out a special number of their Bulletin on copyright problems in library services in the context of the emerging technology is timely.

There are many issues which come up for consideration regarding copyright in relation to library services. They are beginning to be experienced today and the law can evolve only with challenges and responses. This is so because the technology is changing fast making the pre-existing law inadequate to negotiate disputes fairly keeping public interests in focus. I understand that World Intellectual Property Organisation has already initiated steps to have fresh treaties on international copyright norms in the light in the impact of new technologies. Naturally the Indian law on the subject will have to be looked afresh once the treaties are negotiated and ratified. As such the issues discussed in this special number of *DESIDOC Bulletin of Information Technology* are purely tentative to be read with some caution. Very soon it may be necessary for DESIDOC to bring out another issue of the Bulletin to update the readers on this changing subject.

Given the constraints of time and of availability of expertise, it was not possible to assemble a set of more authoritative and scholarly articles on the subject. By and large the papers included in this Issue are those written by senior students of the National Law School who did the necessary research under the guidance of my colleague and Professor of Intellectual Property Law, Dr NS Gopalakrishnan. Though we have taken care to examine the correctness of the law stated, the

views expressed in the articles are those of the authors themselves.

In working on this issue of the Bulletin, we became convinced of the urgent need for teaching Intellectual Property Law as a compulsory component of the legal curriculum. Unfortunately, it is taught only in very few law schools and that too as an optional subject with the result there is a great deal of ignorance about the emerging issues within the legal profession itself. National Law School offers the course as a required subject in its LLB curriculum and has evolved a syllabus which it will be happy to share with any other institution interested in teaching the subject. The National Law School of India University proposes to develop an Advanced Centre on Copyright Laws if financial support is made available by the Government or the Industry. Meanwhile a series of refresher courses need to be organised to prepare the teaching faculty and to assemble the teaching materials for a worthwhile initiative in comparative scholarship on this critical area of economic and social development.

I thank DESIDOC for asking me to be a guest editor of the Bulletin which has been an educational experience for me.

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