

Copyright in the Information Age: Librarian's Viewpoint

Ananda TB*
Raveendra Reddy B**

Abstract

The intellectual work must be produced and it must be accessible. The copyright act attempted to balance the rights of authors to benefit from their writing and stimulate creativity and needs of the readers to have ready access to information. This article explains International Copyright Law and Indian law of copyright briefly. It also describes copyrightable items and reasons for infringement of copyright.

1. INTRODUCTION

It is an era of knowledge explosion. With the developments in the fields of information technology and communications, knowledge is being shared without any restrictions. It is also an era of globalization. With the emergence of new concept of 'Intellectual Capitalism', capital is no longer in banks but in minds. The return on intellectual capital is considerable and not measurable by any standard. It manifests itself as tangible asset in the form of inventions, technologies, designs, books, etc. The intellectual capital requires protection from piracy and imitation. The Copyright Act attempted to balance the rights of authors to benefit from their writing and stimulate creativity and the needs of the readers to have ready access to information.

This is a difficult balance to achieve and it is important that scale does not tip far in either

direction. The work must be produced; it must be accessible; and neither can be sacrificed.

2. COPYRIGHT

Copyright is a right given to, or derived from works (1)

2.1 International Copyright Law

The International Copyright Law provides protection to all creative works or productions of the human mind in the fields of literature, art, and science regardless of their manner or form of expression. There is no copyright of Ideas. It subsists only in the material form in which the ideas are translated (2).

Anon (3) has provided a chart for 64 countries showing whether such copyright protection is available under the national law of each country, and also each country's membership of Berne, Universal Copyright, and Paris Conventions. There is mutual protection if national law protection is available in any pair of countries and they have mutual convention memberships.

For example, India is a member of both Berne and Universal Copyright Conventions and

* Lib. Asst, National Law School of India University, Nagarabhavi, Bangalore - 560 072.

** Tech Asst, National Law School of India University, Nagarabhavi, Bangalore - 560 072

copyright protected in any country of these two conventions has automatic protection in India.

2.2 Indian Law of Copyright

The government of India has passed the International Copyright Order 1958, according to which any work first published in any country which is a member of Berne or Universal Copyright Convention (India participated in both the conventions) will be accorded the same treatment as if it was published in India. As regards the work published in a country not mentioned in the schedule to the order, if the author of the work was a national of a universal copyright convention country, the author will be treated as a citizen of India and he will be entitled to the benefits of the copyright in the work.

2.3 Copyrightable Items

Fletcher (4) in 1990, provided a general summary of items subject to copyright:

Text : Exclusive rights.

Graphics : Copyright when fixed in a medium.

Software : Source and object wide usually covered by programs copyright.

Music : Composer, publisher, recording company and musician have rights over a recorded programme.

Film : Every frame copyright.

2.4 Abuse of Copyright

Pagell (5) in 1990 provided a list of what he considers to be the areas of abuse for a number of products.

Books : Photocopying, translating, reporting.

Journals : Photocopying.

Machine-readable data : Copying of citation records, abstracts, full text articles, CD-ROM and software copying.

Computer Programmes : Copying, Translating, Cloning.

3. REASONS FOR INFRINGEMENT OF COPYRIGHT

Some of the important reasons for Violation of Copyright—particularly in Library and Information centres are:

- Shrinking (or limited) budgets.
- Non-availability of books (out of print, ban on books, etc.).
- Delay in supply/procurement of books/journals.
- Higher cost of books/journals (particularly Foreign publications).
- Urgent need.
- Ignorance of Intellectual Property Rights.
- Language - need for translation

4. COMMENTS

The essence of copyright law is 'protection' of works/resources from duplication where as the objective of library is to 'use' the resources effectively. Here the term 'use' not only includes reading but also photocopying, downloading, etc. This is a difficult balance to achieve and it is important that scale does not tip far in either direction. The work must be produced; it must be accessible; neither can be sacrificed (6).

The librarians are taking risk in signing the licensing agreements inspite of whether they are protected by their respective management or not if litigation arises from the information provider or the product supplier or both.

Acquisition agreements of non-book materials such as CD-ROM databases have put burden on the librarian to educate copyright restrictions to the users and enforce quantity of copying and also the method of copies to be made, which is a difficult task for any librarian to monitor each operation of the search (particularly in the networking environments such as LAN, WAN, etc.)

5. CONCLUSION

Attempts could be made to create awareness about intellectual property rights and to alter the situations in developing countries with international conventions and treaties, trade sanctions, contractual agreements, better education, etc.

We should also decide whether to include topics on Intellectual Property Rights and Copyright Laws in the Library and information science curriculum. Information world is moving towards media independent and copyright controlled distribution technologies.

Also with changing technology and globalizing communication environment, the concept of copyright is moving to be a myth (e.g., INTERNET).

REFERENCES

1. Mittal, DP. Law relating to copyright, Patent and Trademark. Taxman Allied Services (P) Ltd., New Delhi, 1994. p.469.
2. Jeffrey v Boosey [1854] 4 HLC 815
3. Anon. Reform of the law relating to copyright, designs and performer's protection. HMSO, London, 1981, Cmnd, 8302.
4. Fletcher, Paul. Advise and compute. *Computer Weekly*, July 19, 1990.
5. Pagell, Ruth A. International Copyright issues: A personal view. *Database*, June 1990. 5-9.
6. James, EP Skone. Copinger and Skone James on Copyright. Ed. 13. Sweet and Maxwell, London, 1991.
7. Warner, Julian. Writing, literary work and document in United Kingdom copyright. *Journal of Information Science*, 1990, 5(5), 279-89.
8. The Copyright Act. Ed.7. Eastern Book Company, Lucknow, 1994.