

Chapter 6

Digital Libraries and Copyright Issues

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ABSTRACT

This chapter examined digital libraries and copyright issues. It considered several issues such as the meaning of digital libraries, the characteristics, functions, digital scholarship services, copyright and the materials that can be and cannot be copyrighted, fair use of library materials, reservation for general use, access to electronic copies, guidelines for fair use in the digital libraries, library reproduction and re-distribution and inter-library loan. The chapter concludes that, reading through this chapter, undergraduates, academics and other library users will have a good understanding of what the digital libraries are and copyright issue all of which are considered very important and germane as we approach paperless society.

INTRODUCTION

Networks of libraries and information services are important channels of communication in the society. They are gateways to the universe of knowledge accumulated over centuries and recorded until recently and majorly on print media. Libraries have been instrumental in all aspects of development in society by providing continual information back-up services to sustain economic growth of nations, emancipation of the masses and their education. Without the provision of library services and materials to support education, research and the supply of information for the improvement of trade, social and economic progress would not have been on such scale.

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Digital Libraries and Copyright Issues

As a transmission agency for communication of knowledge, ideas and information from creators to end users, libraries are definitely concerned with copyright legislations. They have been for years collecting and processing works of authors and making these available to the library patrons. Even in our electronic era, libraries are continuing to provide access to the mass of electronic materials published world-wide. However, rigid copyright legislations aiming exclusively to bring commercial benefits to copyright holders without considerations to other social issues are counter-productive. This requires some explanation. It is an undisputed fact that authors have to be rewarded for their works which are their intellectual properties. Others should not be permitted to derive commercial benefits illegally from their works. However, the same works need to be brought to the notice of users and made accessible to everyone - students, researchers and the public - without infringing on the rights of the creators of the works. The copyright legislations protect the rights of the creators while access to the materials is provided by libraries under certain conditions. The two imperative needs of safeguarding the rights of the creators and providing access to the work by the public are satisfied when copyright legislations ensure sufficiently the protection of owners' rights and at the same time provide exception clauses for users and more particularly to libraries and archives. The doctrine of "fair use" in the USA which allows copying of copyrighted materials for educational and non-profit purposes is aligned on this progressive approach to copyright. It is important for society to allow users access to the ideas, knowledge and information contained in copyrighted materials. Just like the creators have access to other materials in creating their work, new researchers should equally have access to ensure progress and continuity in the pursuit of new knowledge and for the advancement of science. Scholarly research and communication are impaired if all copyrighted materials are inaccessible or are exclusively available through purchase of the rights for use. For developing countries, the case may be even more catastrophic as lack of funds dramatically limits their acquisition programmes.

Many libraries (digital, electronic, hybrid and virtual) have developed guidelines for the use of copyrighted materials. These guidelines address library and educational fair use as well as fair use exceptions for research and scholarly work. The purpose of this chapter is to help undergraduates, other categories of students and academics understand copyright and fair use in the classroom.

Nowadays, we see libraries especially the academic libraries addressing copyright and intellectual property issues because of their role in teaching and promoting information literacy. In the previous chapter, Information literacy is defined as a set of abilities requiring individuals to "recognize when information is needed and have the ability to locate, evaluate, and *use effectively* the needed information" (Association of College and Research Libraries, 2010, p. 1). According to this association, one of the information literacy competency standards concerning the *effective use of information* states that "an information literate individual is able to ... understand the economic, legal, and social surrounding the use of information, and *access and use information ethically and legally*" (ACRL, 2010, p. 2). Using information ethically and legally is what copyright issues is all about and these must be understood by the undergraduate students at this age. To continue the discussion in this chapter, issues such as what digital libraries is, its characteristics and function, what copyright entails, materials that can be and cannot be copyrighted, the fair use issues and others will be considered.

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